



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT CDP STANDARD**

**CDP_2017 0011
AUGUST 24, 2017**

SUMMARY

OWNER/APPLICANT: CARROLL & ALBERT AMATOR
10130 LOTT ROAD
DURHAM, CA 95938

REQUEST: A Coastal Development Standard Permit request to remove an existing 1,440 sq. ft. single family residence and replace with a 2,339 sq. ft. single family residence on the same footprint. Existing development to remain unchanged includes a garage, storage room, well, septic, landscaping and driveway.

DATE DEEMED COMPLETE: May 10, 2017

LOCATION: Within the Ocean Meadows Subdivision, on the south side of Ocean Meadow Circle, 550± ft. west of its intersection with Highway 1 at 32680 Ocean Meadows Circle, Fort Bragg (APN: 015 350 30 00).

TOTAL ACREAGE: 1.11 acres

GENERAL PLAN: Coastal Element, Mendocino County General Plan
Rural Residential (RR5[RR1])

ZONING: Division III, Title 20, Mendocino County Code
Rural Residential (RR5[RR1])

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Pursuant to Section 15303, Class 3(a) of the California Environmental Quality Act, the proposed single family residence is categorically exempt from environmental review.

APPEABLE: Yes, mapped Appeal Jurisdiction

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Juliana Cherry

BACKGROUND

PROJECT DESCRIPTION: A Coastal Development Permit request to remove an existing 1,440 sq. ft. single family residence and replace with a new 2,339 sq. ft. single family residence in the same footprint. Existing development to remain unchanged includes a garage, storage room, well, septic, landscaping and driveway.

APPLICANTS' STATEMENT: "Removing and replacing a manufactured home."

RELATED APPLICATIONS: Coastal Commission Waiver of Coastal Development Permit Requirement for improvements proposed in 1992 (1 92 163W), because the first single family residence was constructed before the Coastal Act, and Septic Permit ST 8217 B for a septic system for a 3 bedroom residence.

SITE CHARACTERISTICS: The 1.11 acre site is located on the southerly side of Ocean Meadow Circle, 550± ft. (0.10 miles) west of the intersection of Ocean Meadow Circle and Highway 1, within the community of Fort Bragg. The property is located in the Ocean Meadows Subdivision, at 32680 Ocean Meadows Circle (APN 015 350 30 00), and is a bluff top parcel. The parcel is currently developed with an existing 1,440 sq. ft. single family residence, located 180 ft. from bluff edge, and is proposed to be replaced with a new 2,339 sq. ft. single family residence. The proposed single family residence would be constructed in the same building footprint as the existing residence, which was constructed prior to passage of the California Coastal Act in 1972, and would be located approximately 250 ft. from the beach. Existing development on the parcel to remain unchanged under the project includes a 440 square foot garage, storage room, well, septic tank and leach field, landscaping (10,890 sq. ft.), and driveway. The existing well is located near the property's northwestern corner, and the existing septic tank and leach field are located near the center of the parcel. The existing septic tank was permitted under Permit St 8217 B, which was sized for a 3 bedroom residence, such as what is proposed under the project.

The existing building location is on a southwesterly sloping ridge, immediately above the confluence of Ten Mile River and the Pacific Ocean. Elevations range from 70± ft. at the northwesterly boundary of the parcel, to 68± ft. at the building site location, after which slopes descend to 55± ft. at the southwesterly boundary of the parcel. The site is located within a mapped Highly Scenic Area and is located adjacent to MacKerricher State Park.¹

The site consists of urban and built up land and contains coastal prairie grassland in the northeastern portion of the site, with dunes in the southwestern portion of the site.² Additionally, non-prime agricultural land is located in the northeastern portion of the site.³ Approximately one half of the site is underlain by beach deposits and stream alluvium and terraces (Zone 3), and is subject to intermediate shaking.⁴ The site is located within a "Critical Water Area" and a high fire hazard area.^{5, 6} The site is subject to coastal erosion, though is classified as "present development non critical."⁷

Mapping does not associate the following with the subject site: faults, landslides, flood, or tsunami hazard.⁸

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the site and surrounding lands to the north, south and east are designated Rural Residential (RR5 or RR10). The existing and proposed land use is a principally permitted land use in the RR District.

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR 5	RR 5	1.1 acres	Residential
EAST	RR 5	RR 5	1.1 acres	Residential
SOUTH	RR10 PD	RR10 PD	6.6 acres	Vacant
WEST	Ocean	Ocean	Ocean	Ocean

The parcels immediately to the north, south and east are currently developed with single family residences and appurtenant structures. The proposed project is compatible with surrounding land uses and development.

¹ Mendocino County Department of Planning & Building Services. No Date. *Highly Scenic & Tree Removal Areas* [map].

² Mendocino County Department of Planning & Building Services. No Date. *LCP Land Use Map 10: Newport* [map].

³ Mendocino County Department of Planning & Building Services. No Date. *LCP Land Capabilities & Natural Hazards* [map].

⁴ *ibid.*

⁵ *ibid.*

⁶ Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas* [map].

⁷ *ibid.*

⁸ *ibid.*

KEY ISSUE:

1. General Plan Consistency and Zoning Requirements:

Land Use: The parcel is classified as Rural Residential with a 5 acre minimum parcel size that may be reduced to 1 acre (RR5[RR1]) by the Mendocino County General Plan. The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability. The proposed replacement single family residence is consistent with the Rural Residential Land Use classification.

Zoning: The project site is located within a Rural Residential District, which is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability. The proposed single family residence is a principally permitted use within the Rural Residential District, pursuant to Mendocino County Coastal Zoning Code Chapter 20.376 *RR Rural Residential District*.

The proposed development is subject to the requirements of MCC Chapter 20.376, Chapter 20.472 *Off Street Parking Requirements*, Chapter 20.504 *Visual Resources and Special Treatment Areas*, and MCC Section 20.480.015 *Remodeling, Rehabilitation, and Reconstruction*, wherein “Existing legal nonconforming structures may be remodeled, rehabilitated or reconstructed as long as the exterior dimensions of the building remain the same.” The proposed development is reconstruction of an existing structure where dimensions of the building remain nominally changed.

The project complies with the intent of the Rural Residential District, its development requirements, and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code (including the development criteria for Highly Scenic Areas which is discussed below in Key Issue Section 3).

- *Section 20.376.030 Minimum Front and Rear Yards for RR Districts.* The project would comply with the minimum front and rear yard requirements, which are 20 feet each.
- *Section 20.376.035 Minimum Side Yards for RR Districts.* The project would comply with the minimum side yard requirement of 6 feet.
- *Section 20.376.045 Building Height Limit for RR Districts.* The maximum building height allowed in the RR Zone is 18 feet above the natural grade for Highly Scenic Areas. Though the project, as proposed, would be 18 feet in height, it would not affect public views to the ocean nor be out of character with the size of surrounding structures in the vicinity.
- *Section 20.376.065 Maximum Lot Coverage for RR Districts.* The project, as proposed, would result in a total lot coverage of 7.1 percent, which would not exceed the maximum allowed lot coverage of 20 percent for sites located with a RR District.
- *Section 20.472.015 Minimum Vehicle Parking.* A minimum of two parking spaces are required for the project. A total of five spaces would be provided, including two covered spaces and three uncovered spaces.

2. Local Coastal Program Consistency: The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

Habitats and Natural Resources: The site is adjacent to Ten Mile beach dunes and Ten Mile River marsh wetlands, in addition to an anadromous stream special habitat area located southwest of the site.⁹ Based on review of the California Natural Diversity Database (version 3/2017), occurrences of several special

⁹ Mendocino County Department of Planning & Building Services. No Date. *LCP Land Capabilities & Natural Hazards* [map]

status plant and wildlife species within the vicinity of the project site have been observed, including: maple leaved checkerbloom (*Sidalcea malachroides*), Mendocino Coast paintbrush (*Castilleja mendocinensis*), Wolf's evening primrose (*Oenothera wolffii*), Baker's goldfields (*Lasthenia californica* ssp. *bakeri*), Whitney's farewell to spring (*Clarkia amoena* ssp. *whitneyi*), round headed Chinese houses (*Collinsia corymbosa*), Menzies' wallflower (*Erysimum menziesii*), coho salmon – Central California Coast evolutionary significant unit (ESU) (*Oncorhynchus kisutch*), steelhead – Northern California distinct population segment (DPS) (*Oncorhynchus mykiss irideus*), Globose dune beetle (*Coelus globosus*), and tidewater goby (*Eucyclogobius newberryi*).¹⁰ However, the proposed project would be developed on an already disturbed area, since the proposed single family residence would be constructed on the footprint of the existing residence and thereby minimizing impacts to potential sensitive habitats and species within the vicinity.

Public Access: The project site is located west of Highway 1 and is not designated as a potential public access trail location. As shown on LCP Map 10 *Newport*, existing public access to the shore is located northwest of the site, with additional public access proposed northwest, west, and southwest of the site.¹¹ Existing development at the site is not currently visible from Highway 1 and the proposed replacement structure would also not be visible. The site includes existing vegetation along its northwestern boundary that partially obscures views of the existing development.

Hazards Management: The parcel is located in an area classified with a “High Fire Hazard” severity rating.¹² Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Fort Bragg Rural Fire Protection Department (FPD). The project application was referred to CalFire and the FPD for input; however, no responses were received. A standard condition requiring the applicant to secure of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan would be addressed. With the inclusion of the standard condition, Staff finds the project to be consistent with Mendocino County policies for fire protection.

There are no known faults in close proximity to the proposed development.

Grading, Erosion, and Run Off: No grading is proposed under the project, as the proposed single family residence would be constructed on the footprint of the existing single family residence to be removed.

Archaeological/Cultural Resources: For small projects such as the proposed replacement of an existing structure having minimal earthwork, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either California Historic Resource Information Center (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and it was determined to be an appropriate guidance document for what projects would require archaeological review. Staff notes that a Standard Condition advises the applicant of the “Discovery Clause,” which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the standard condition of approval advising the Applicant about discovery of archaeological resources, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resource.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated May 23, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians.

Groundwater Resources: The project site is located within a mapped Critical Water Area in which the site's density may be increased only upon proof of public water or a positive hydrological report.¹³ The

¹⁰ Mendocino County Department of Planning & Building Services. No Date. *Sensitive Habitats* [map].

¹¹ Mendocino County Department of Planning & Building Services. No Date. *Ground Water Resources* [map].

¹² Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas* [map]

¹³ Mendocino County Department of Planning & Building Services. No Date. *Ground Water Resources* [map].

subject parcel currently utilizes an on-site well, which will continue to be utilized under the project. Since no new parcels or building sites are proposed, additional water studies are not required per MCC Section 20.516.015(B).¹⁴ Staff finds the development in conformance with the Critical Water Area policies and the proposed project would not adversely affect groundwater resources.

Transportation/Circulation: The project would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned.

3. Visual Resource and Special Treatment Areas

The subject parcel is within a mapped Highly Scenic Area, as depicted on the LCP Land Use Map 10 *Newport* and is subject to the development criteria of MCC Section 20.504.015(C). Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of the General Plan Coastal Element and implemented by MCC Chapter 20.504. Mendocino Local Coastal Program Chapter 3.5 3 states, "...new development west of Highway 1 in designated "highly scenic areas" is limited to one story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding parcels."¹⁵ The proposed project includes removal and replacement of an existing manufactured home. The replacement structure would be sited in the existing building footprint. The project is subject to and satisfies the development criteria established for lands designated as Highly Scenic Areas, as follows:

- *Section 20.504.015(C)(1) Development within Highly Scenic Areas shall provide for the protection of coastal views.* The proposed project would be consistent with surrounding development and not be visible from Highway 1.
- *Section 20.504.015(C)(3) New development in Highly Scenic Areas shall be subordinate to the natural setting, minimize reflective surfaces, and building materials shall be selected to blend in hue and brightness with their surroundings.* By recommended condition, the proposed project would be subordinate to the natural setting and minimize reflective surfaces.
- *Section 20.504.015(C)(5) regulates the location of building sites.* The replacement manufactured home would be sited on the footprint of the existing residence that would be removed. This location is sited away from the edge of a bluff and behind existing vegetation that would partially obscures views of the proposed development.
- *Section 20.504.015(C)(12) Power distribution lines shall be placed underground.* Existing power distribution lines to the property are currently underground. No alteration of existing power distribution lines is required or proposed.
- *Section 20.504.015(C)(13) Access roads and driveways shall be sited to minimize visual disturbance.* No alteration of existing access roads/driveways is required or proposed.

In order to reduce impacts to visual resources, the project has been sited to be subordinate to the natural setting. The proposed project would be required to minimize reflective surfaces and use building materials that would blend in hue and brightness with their surroundings, per the development criteria for Highly Scenic Areas (MCC Section 20.504.015(C)).

PROJECT FINDINGS AND CONDITIONS:

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

¹⁴ Mendocino County Coastal Zoning Code, §20.516.015(B) (2011).

¹⁵ Chapter 3.5. Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan – Coastal Element. 1991. Ukiah, CA.

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program. A single family residence is a principally permitted use within the Rural Residential land use classification and is consistent with the intent of the RR Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site has been served for many years, and would continue to be served, by an on-site well and septic disposal system; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of District II Zoning Ordinance, Title 20 of the Mendocino County Code, including development criteria for Highly Scenic Areas, and preserves the integrity of the Rural Residential Zoning District. With compliance with Condition 9, the proposed single family residence would satisfy all development requirements set forth in the Zoning Ordinance; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed single family residence, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. A single family residence is categorically exempt pursuant to Section 15303(a); and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site and Standard Condition 8 is in place when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The site is currently developed with an existing single family residence and replacing the existing single family residence with another is not anticipated to affect demands on public services; and
7. Pursuant with MCC Section 20.532.095(B), the proposed development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea; and is not designated as a potential public access point.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County 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.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. The project shall utilize the proposed building materials and color palette, in accordance with MCC Section 20.504.015(C)(3) of the Mendocino County Code, which requires new development be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings. Prior to the issuance of a Building Permit, the property owner shall furnish exterior building materials and color palette details to the satisfaction of the Director.
10. To comply with MCC Section 20.504.015(C)(5), development shall be sited on the existing building footprint.
11. To comply with MCC Section 20.376.045, the building height limit is eighteen (18) feet above natural grade.
12. Landscaping shall not conflict with the intent of MCC Chapters 20.504. To comply with MCC Sections 20.504.015(C)(7) and 20.504.015(C)(10), the property owner shall maintain all landscaping in good condition at all times.
13. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director.

Staff Report Prepared By:

August 4, 2017

Date

Juliana Cherry

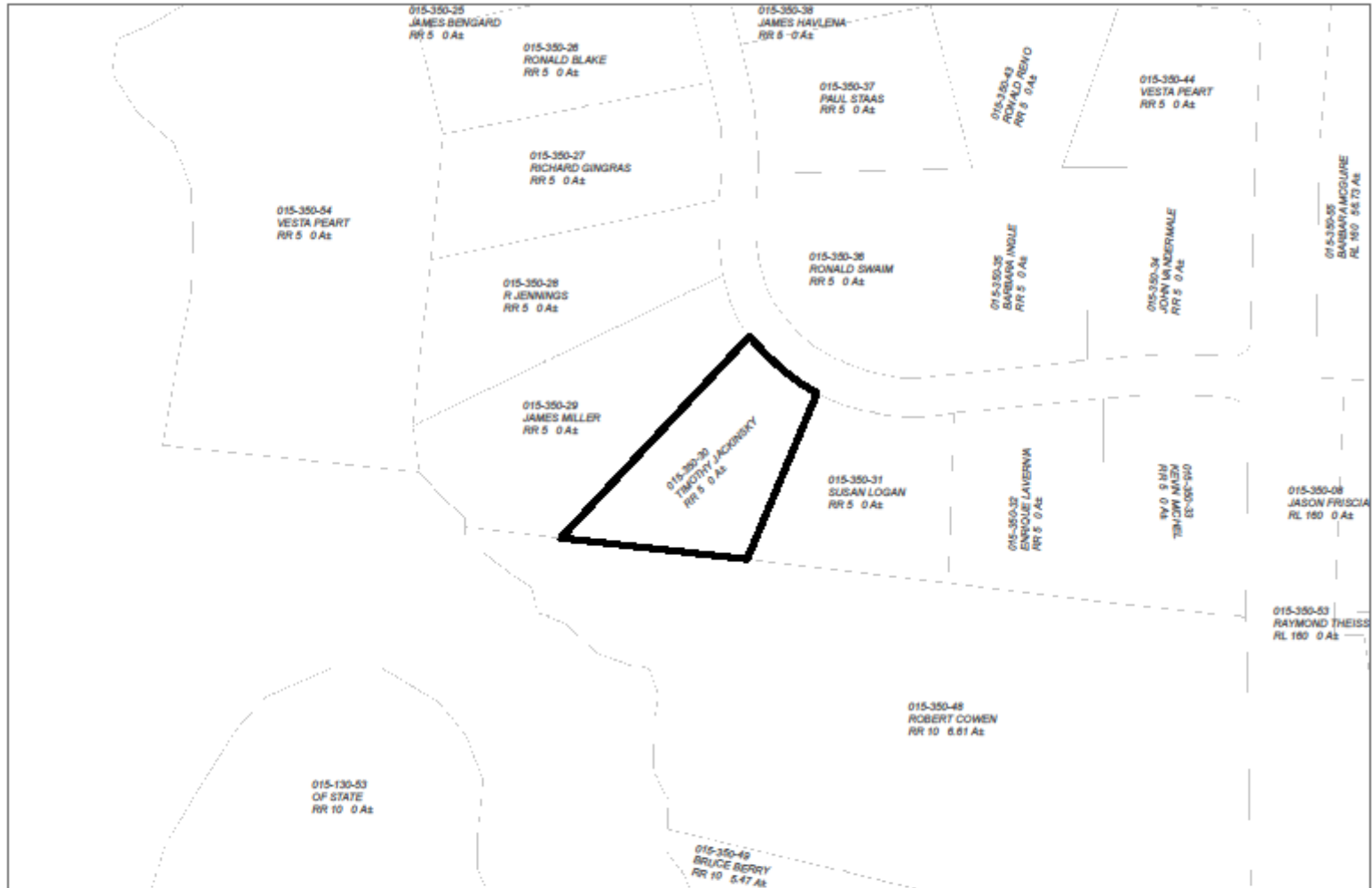
Juliana Cherry
Planner III

Appeal Period: 10 Days
Appeal Fee: \$1,610.00

ATTACHMENTS:

- A. Adjacent Parcels Map
- B. Aerial Imagery
- C. Appealable Areas Map
- D. Fire Hazard Zones & Responsibility Areas
- E. Floor Plan
- F. General Plan Classifications Map
- G. Ground Water Resources Map
- H. Highly Scenic/Tree Removal Areas Map
- I. LCP Land Capabilities & Natural Hazards Map
- J. LCP Land Use Map 10: Newport
- K. Location Map
- L. Site Plan
- M. Zoning Display Map

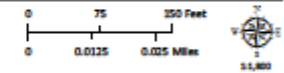
ATTACHMENT A



CASE: CDP 2017-0011
 OWNER: AMATOR, Albert & Carol
 APN: 015-350-30
 APLCT: Albert Amator
 AGENT:

ADDRESS: 32680 Ocean Meadows Circle, Fort Bragg

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.



ADJACENT PARCELS

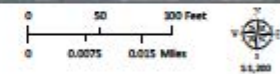
ATTACHMENT B



CASE: CDP 2017-0071
OWNER: AMATOR, Albert & Carol
APN: 015-350-30
APLCT: Albert Amator
AGENT:

ADDRESS: 32680 Ocean Meadows Circle, Fort Bragg

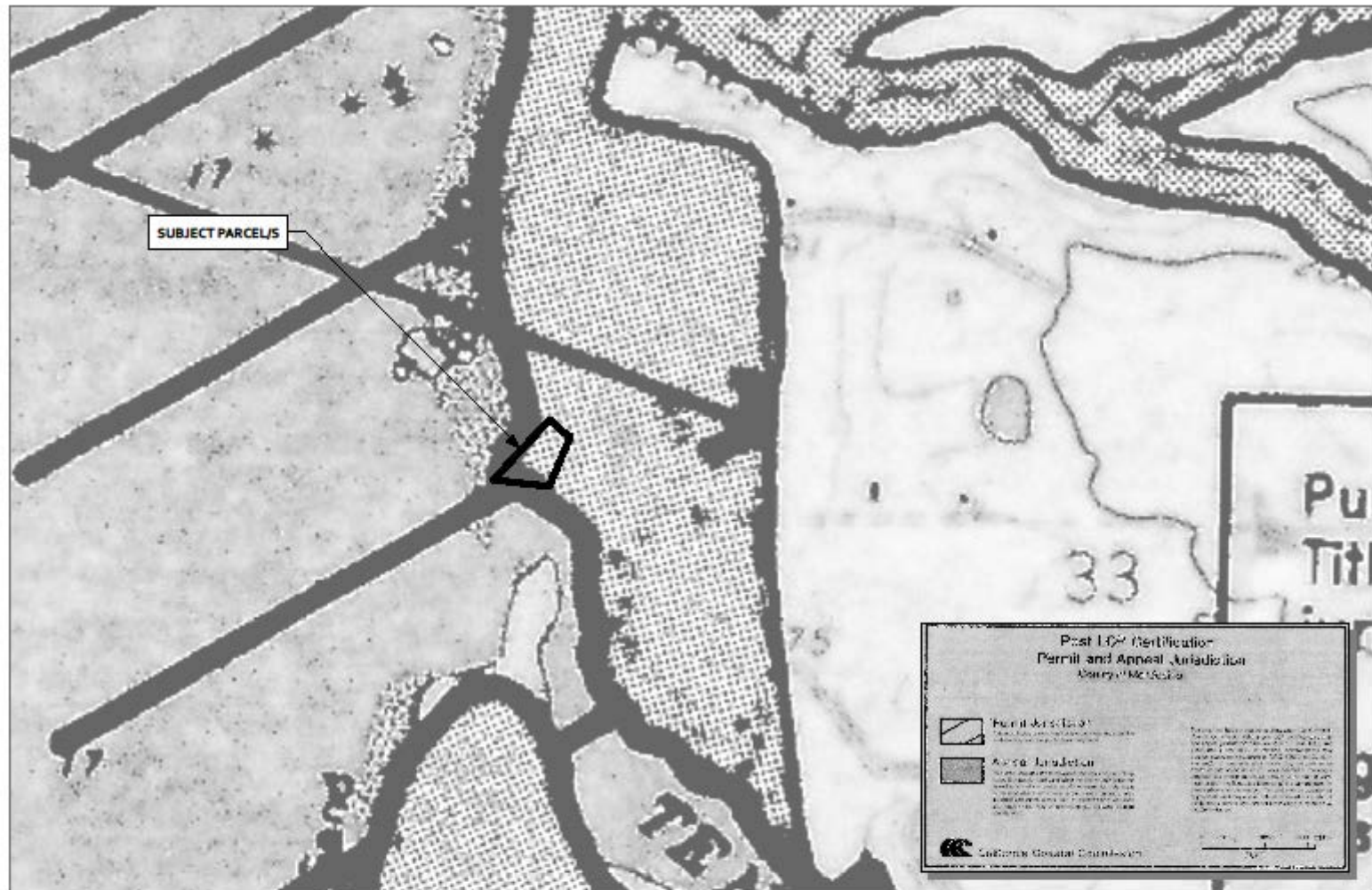
Public Roads
Driveways/Unnamed Roads



AERIAL IMAGERY

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ATTACHMENT C

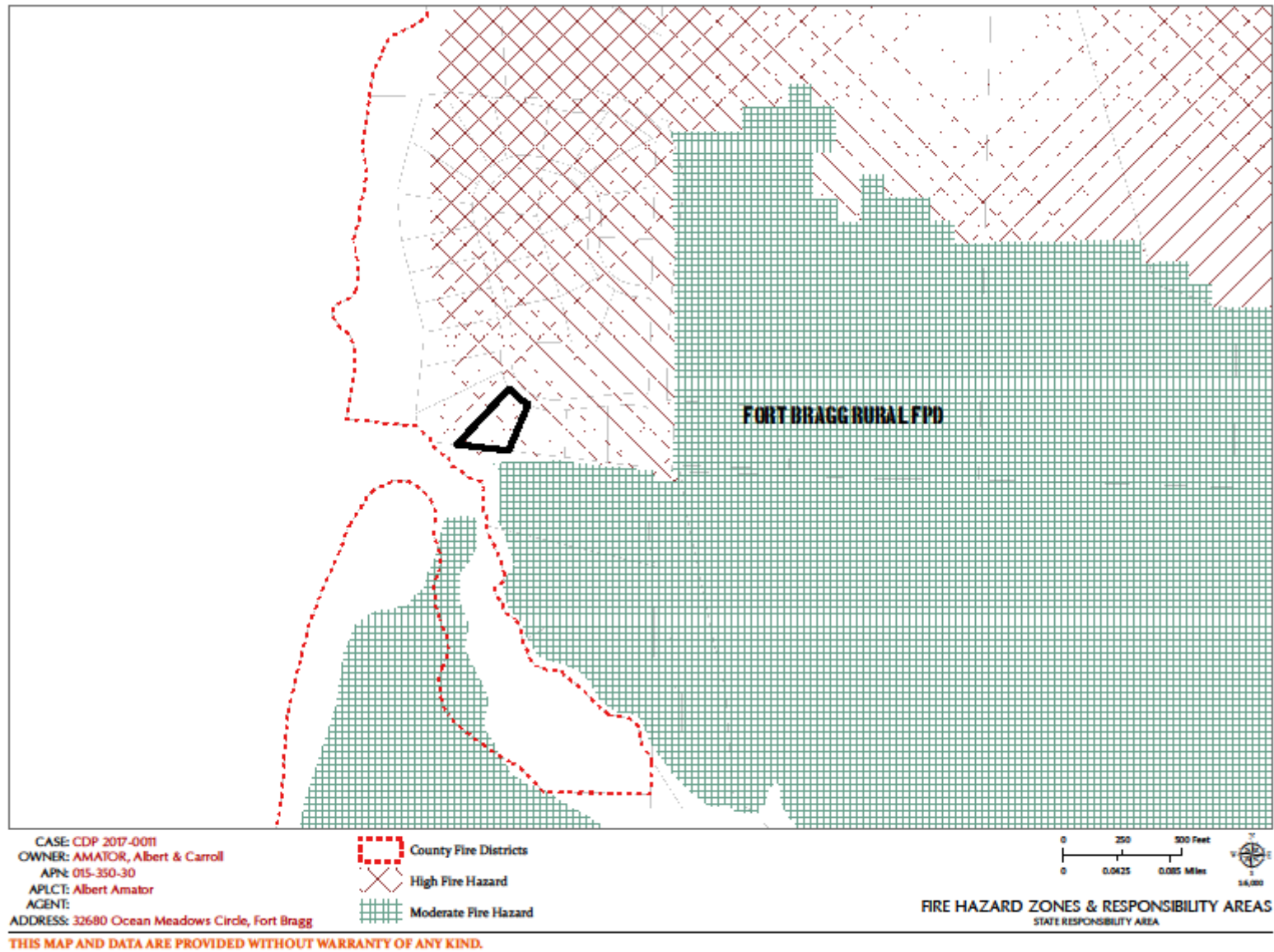


CASE: CDP 2017-0071
 OWNER: AMATOR, Albert & Carol
 APN: 015-350-30
 APLCT: Albert Amator
 AGENT:
 ADDRESS: 32680 Ocean Meadows Circle, Fort Bragg

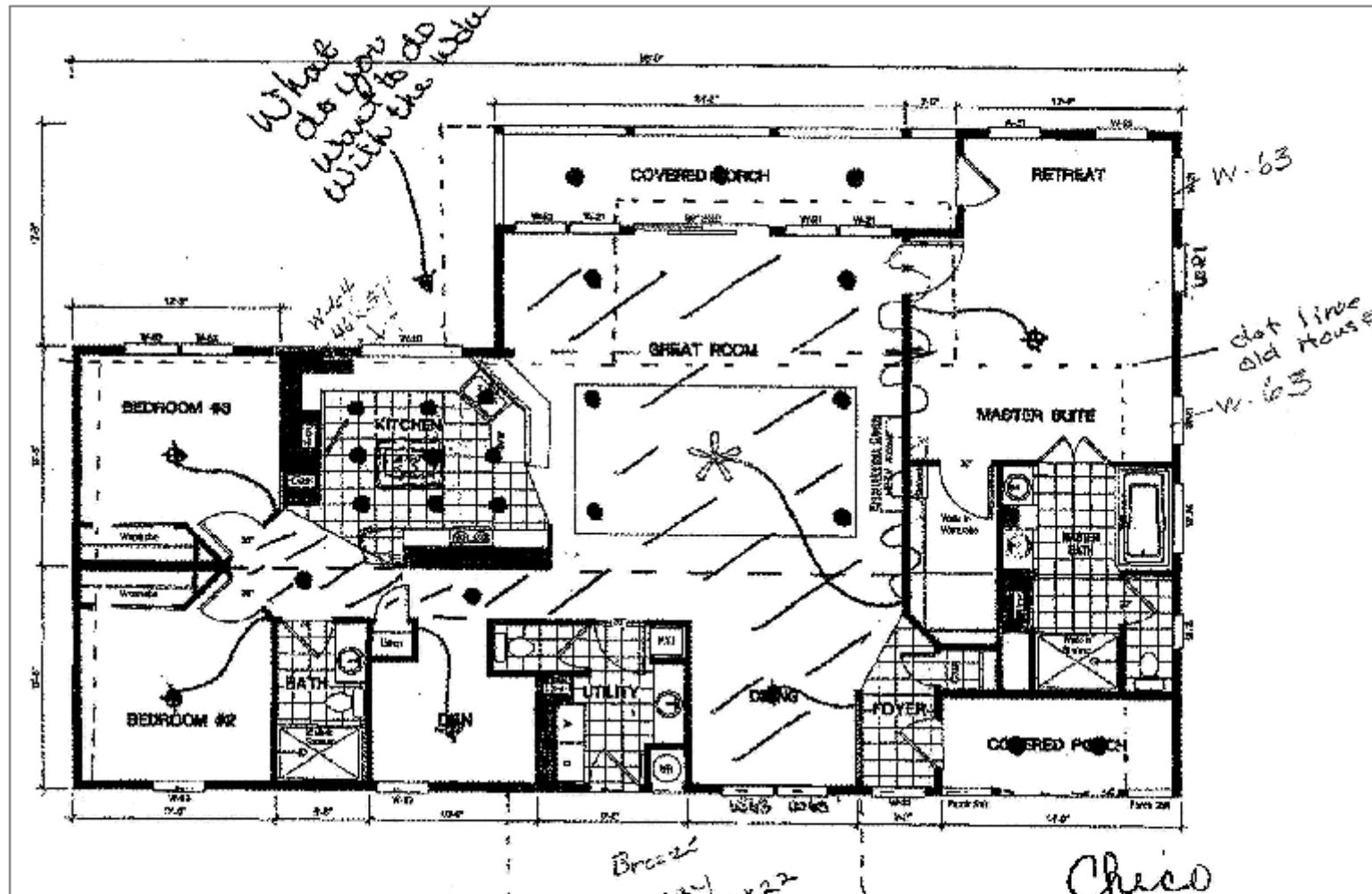
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APPEALABLE AREAS

ATTACHMENT D



ATTACHMENT E



CASE: CDP 2017-0011
OWNER: AMATOR, Albert & Carroll
APN: 015-350-30
APLCT: Albert Amator
AGENT:

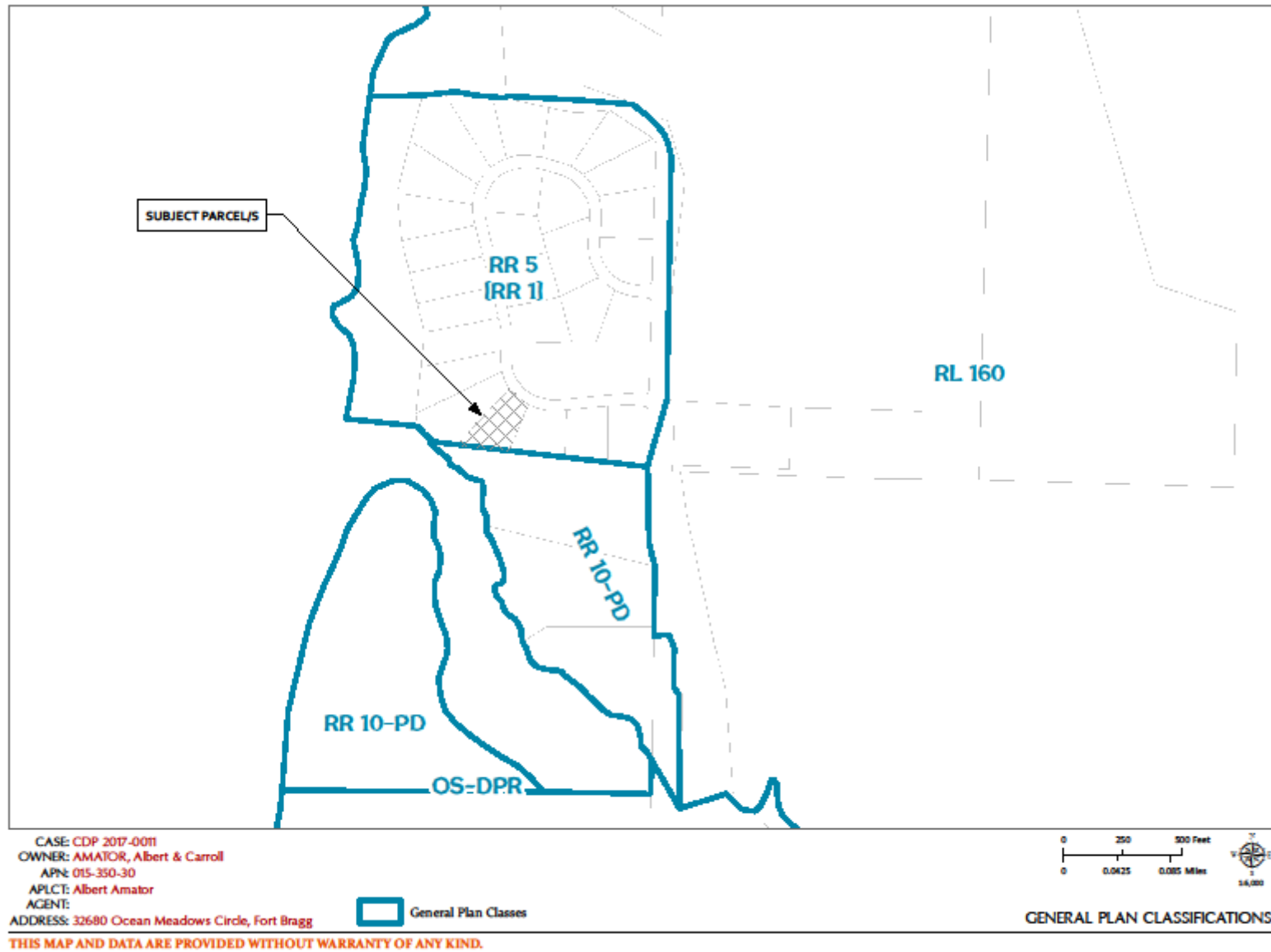
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THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

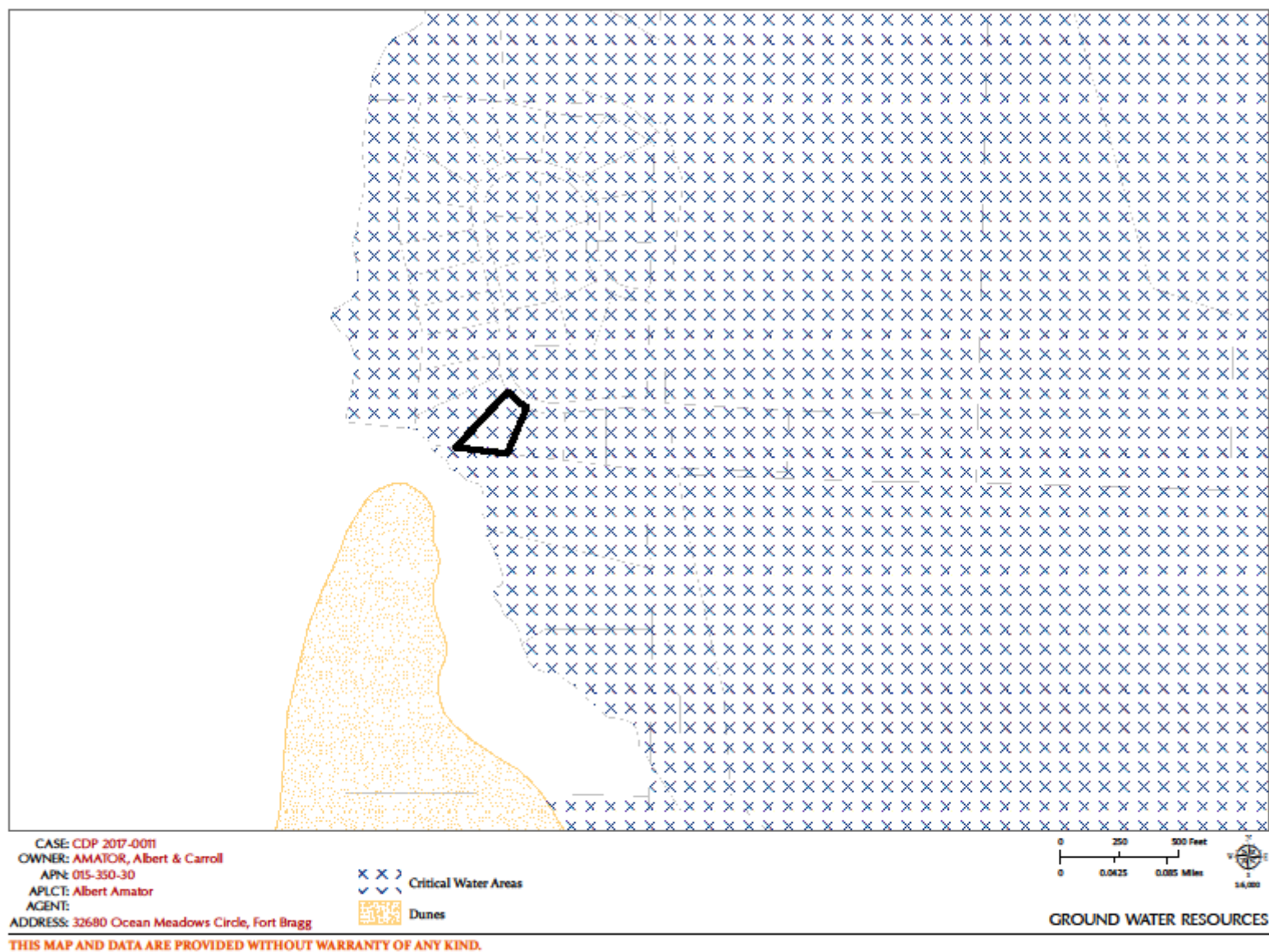
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FLOOR PLAN

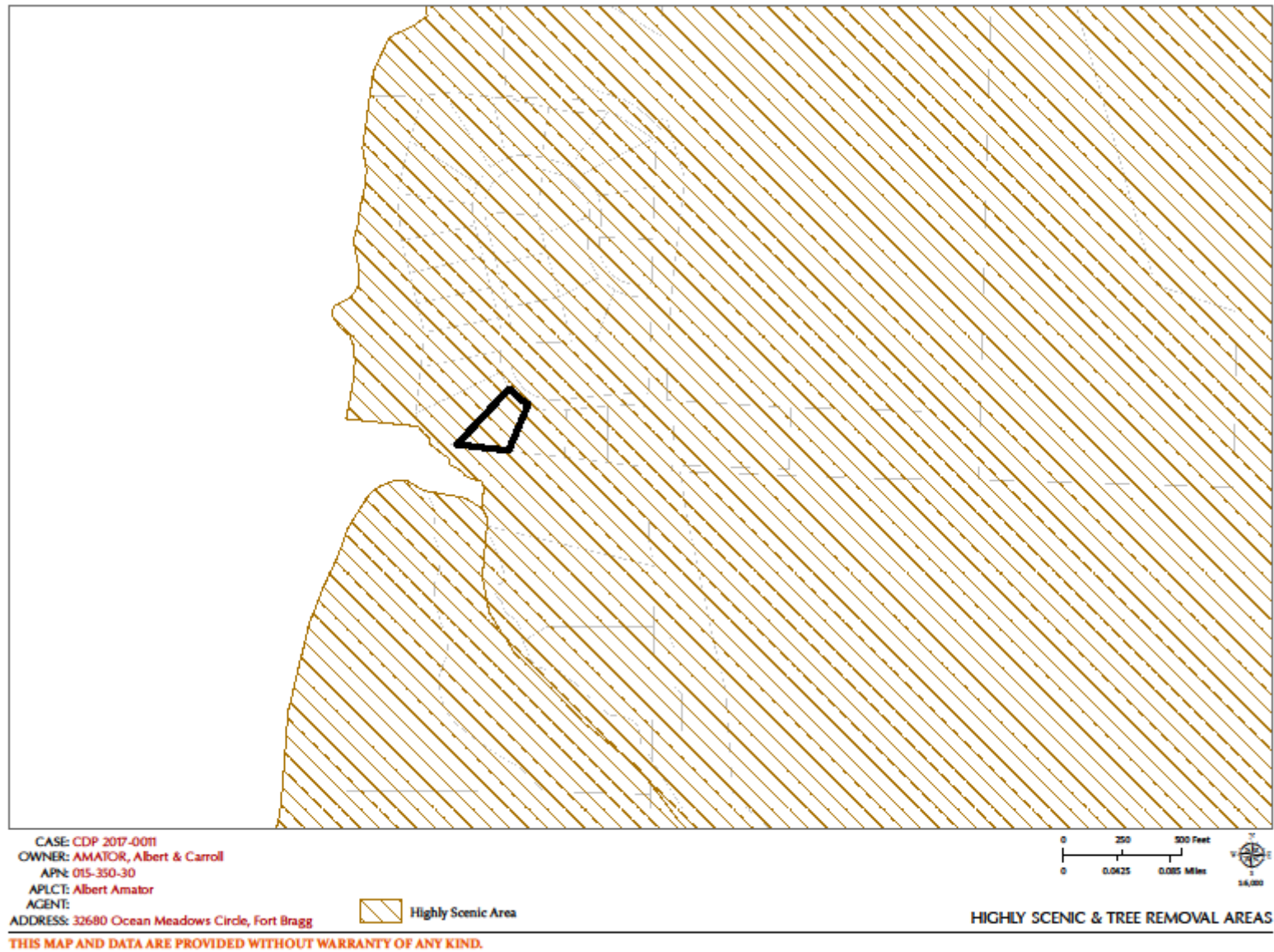
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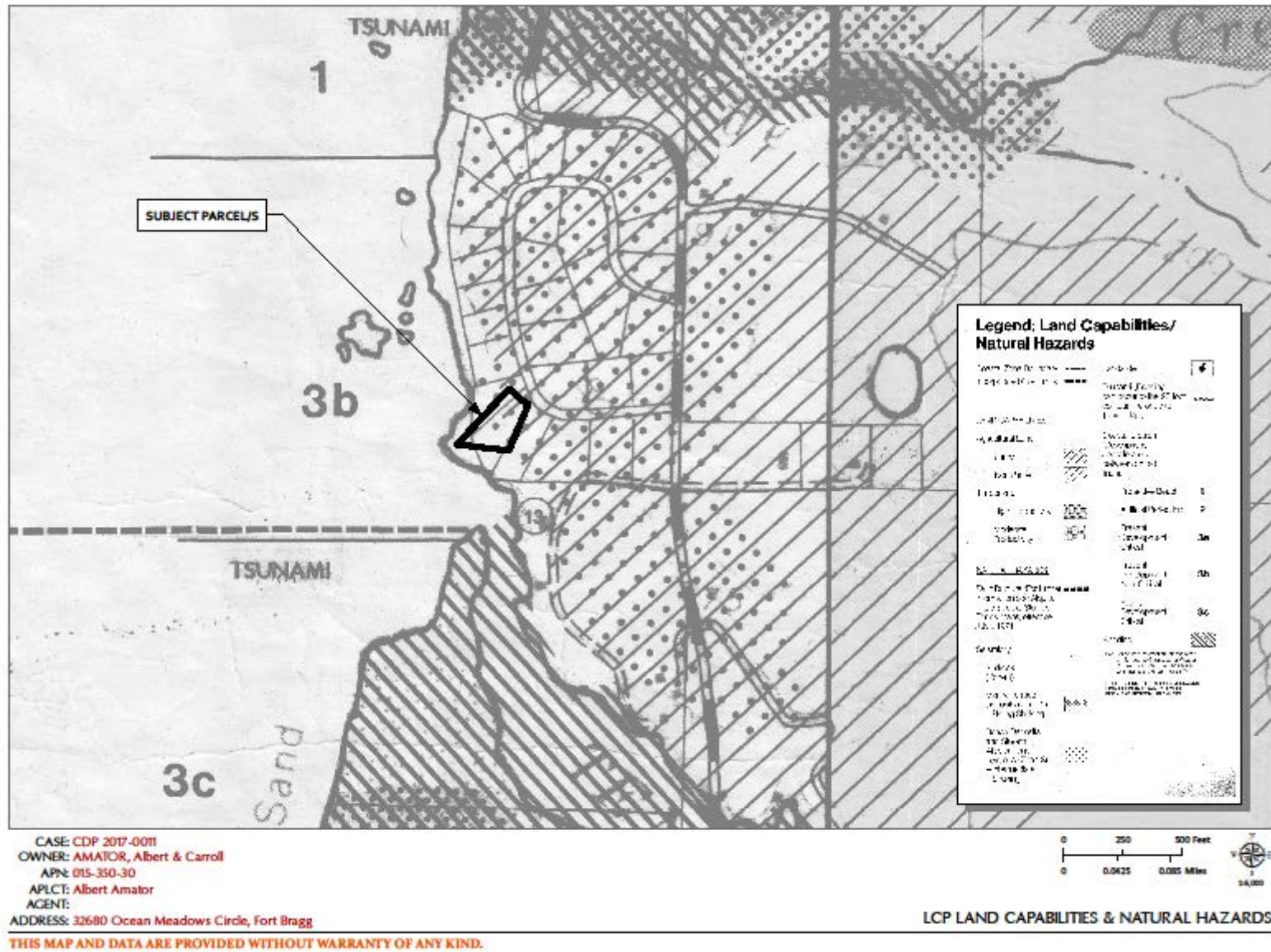
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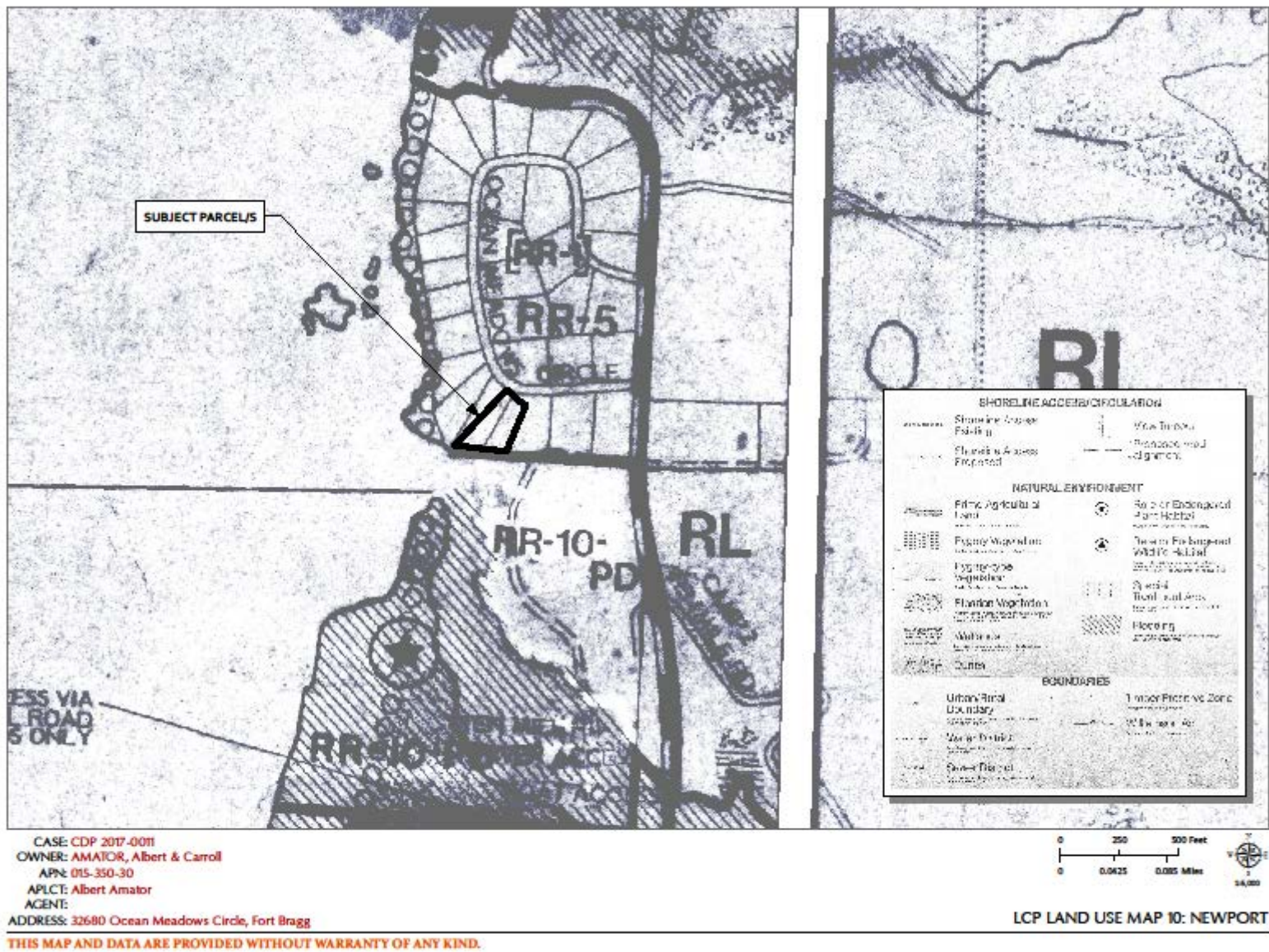
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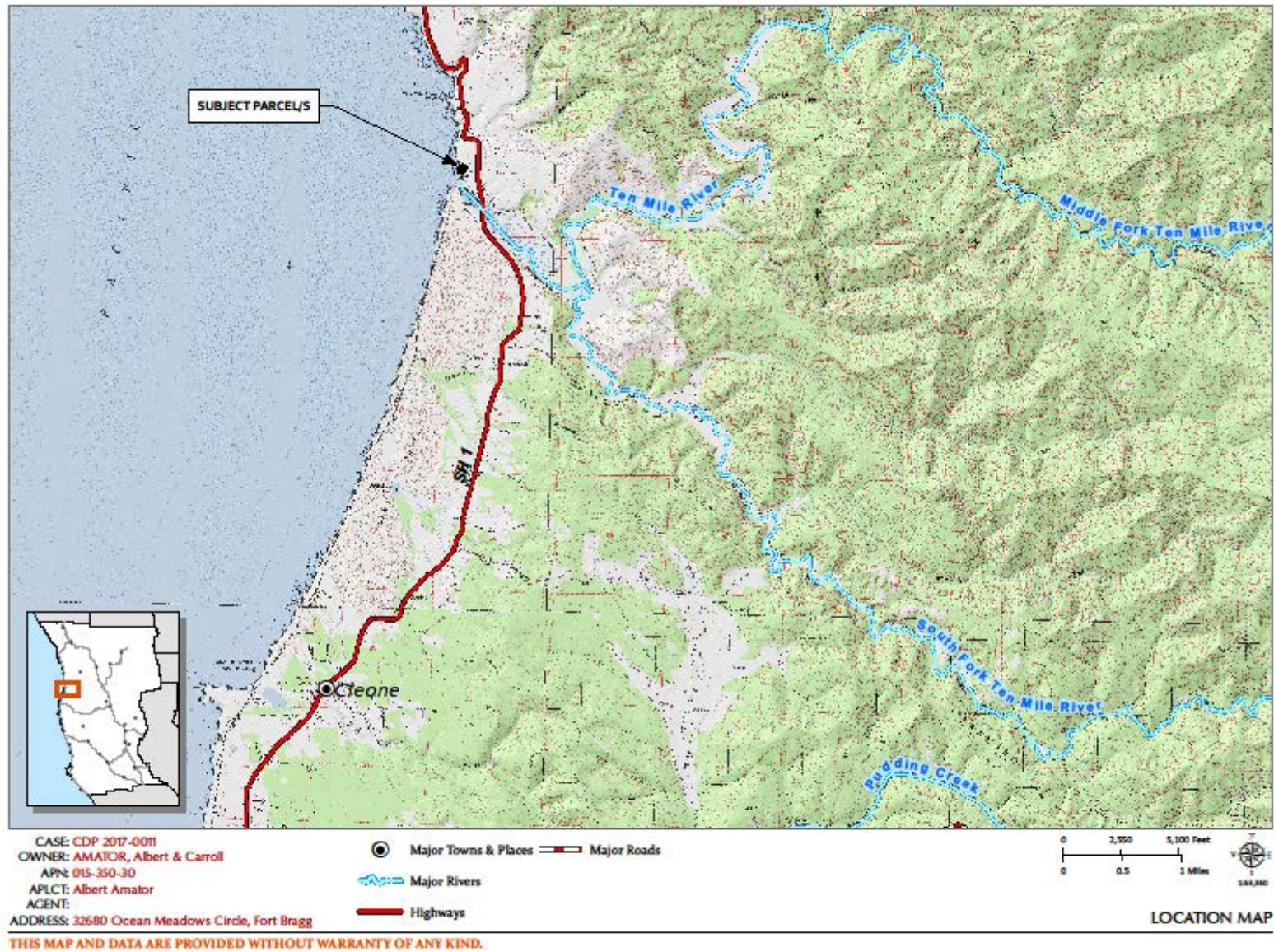
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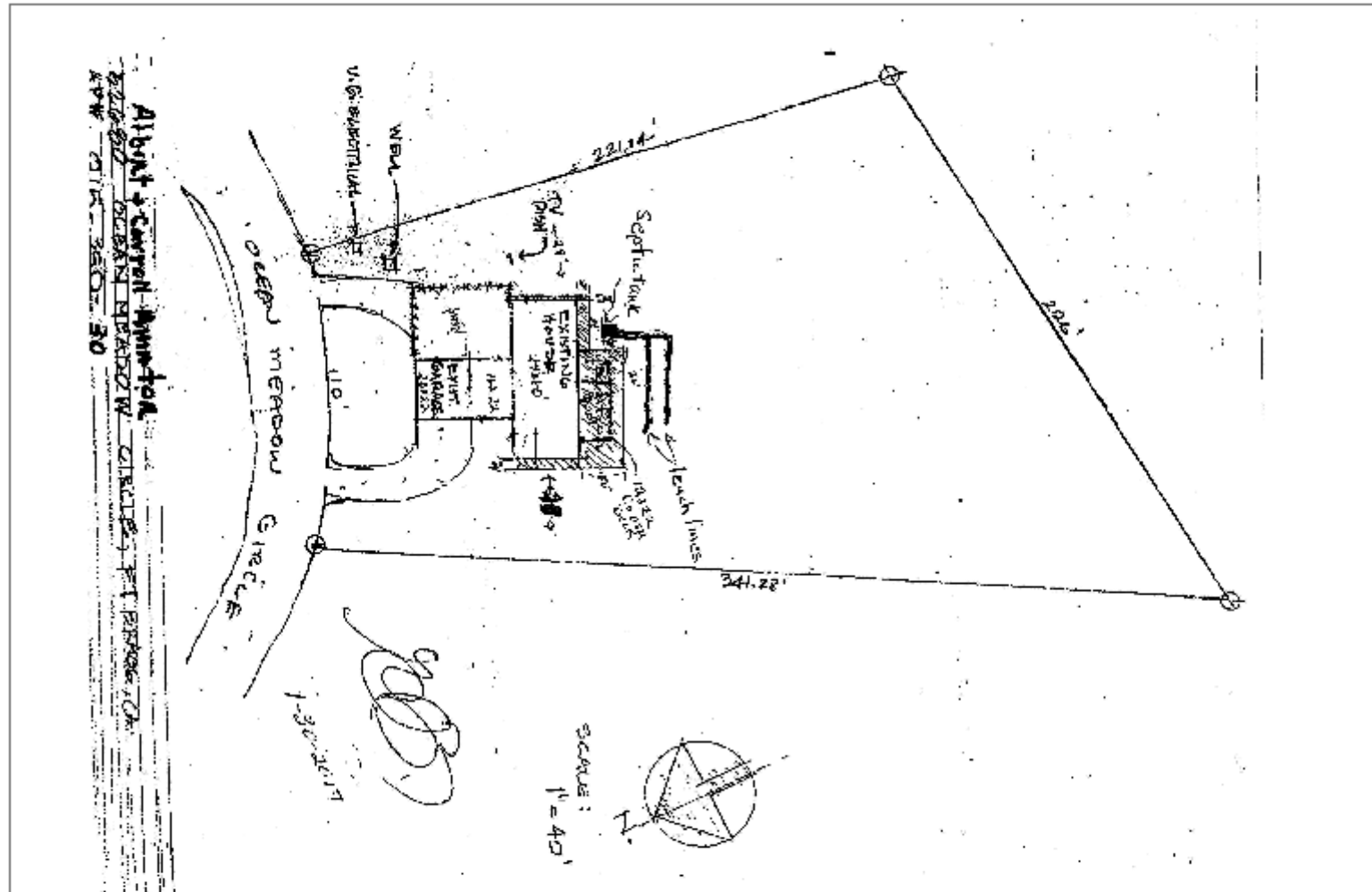


ATTACHMENT J



ATTACHMENT K





CASE: CDP 2017-0011
OWNER: AMATOR, Albert & Carroll
APN: 015-350-30
APLCT: Albert Amator
AGENT:

ADDRESS: 32680 Ocean Meadows Circle, Fort Bragg

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

NO SCALE

SITE PLAN

ATTACHMENT M

