



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT – CDP STANDARD**

**CDP_2017-0013
OCTOBER 26, 2017**

SUMMARY

OWNER/APPLICANT: TOM & JULEE ESTES
22560 N. HWY 1
FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit to demolish an existing single family residence and barn; construct a 1,176 sq. ft. single family residence in the demolished barn footprint; and construct a 1,232 sq. ft. detached garage/shop in demolished residence footprint.

DATE DEEMED COMPLETE: May 10, 2017

LOCATION: The site is located in the Coastal Zone north of the City of Fort Bragg on the northwest side of Highway 1, approximately 0.5 miles north of its intersection with Airport Road (CR 424), located at 22650 North Highway 1, Fort Bragg (APN: 069-231-41-00).

TOTAL ACREAGE: 2.5 acres

GENERAL PLAN: Coastal Element, Mendocino County General Plan
Rural Residential, 5 acre minimum parcel size with a variable density of 2 acres (RR5[RR2])

ZONING: Division II, Title 20, Mendocino County Code
Rural Residential, 5 acre minimum parcel size with a variable density of 2 acres (RR5[RR2])

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically Exempt under Classes 1, 2, and 3 of the California Environmental Quality Act.

APPEABLE: Yes, west of the first public road

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Julia Acker

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit to demolish an existing single-family residence and barn; construct a 1,176 square foot single family residence in the demolished barn footprint; and construct a 1,232 square foot detached garage/shop in the demolished residence footprint. The proposed detached garage/shop will be located a few feet southwest of the existing single family residence (to be demolished) in order to meet the required setback requirement per California Department of Forestry and Fire Protection. Existing development on the site includes a hay storage structure, existing septic, well and a pond, all of which is to remain unchanged.

APPLICANTS' STATEMENT: "Remove existing (falling down) 2 bedroom house and replacing with a 2 car garage, workshop/tack room on existing footprint adding a detached single family residence."

RELATED APPLICATIONS:

On-Site: ST 8217-B Existing Septic System Permit.
Adjacent Parcels: None

SITE CHARACTERISTICS: The 2.5 acre site is located in the Coastal Zone north of the City of Fort Bragg on the west side of Highway 1, approximately 0.5 mile north of Highway 1 and Airport Road (CR 424), as shown on the Location Map. The parcel has a less than five percent slope throughout. Elevations at the site range from approximately 41 feet above mean sea level (amsl) at the southerly portion of the site, to the lowest point of 32 feet amsl along the northerly boundary of the parcel. The existing/proposed building locations are located in the middle of the eastern half of the parcel at the parcel's highest point of 41 feet amsl. The site is not located within a mapped Highly Scenic Area, but is located between the first public road and the sea. There is no existing or proposed shoreline public access within the vicinity of the site as shown on LCP Land Use Map 13 *Fort Bragg*.

The project site is located within a "Marginal Water Resources Area" and is mapped as a moderate fire hazard area. The site does not contain important farmland, and is primarily classified as rural residential and rural commercial land, with a small portion of grazing land designated in the northern portion of the site. The site contains non-prime agricultural land and is underlain by beach deposits and stream alluvium and terraces (Zone 3), which is subject to intermediate shaking.

An existing pond, approximately 30 feet by 20 feet in size, is located along the western property boundary along the southern portion of the site and a riverine wetland runs south to north along the western property boundary and through the pond. The existing water well is located at the westerly end of the parcel and the existing water line crosses the riverine wetland and associated buffer located near the center of the parcel before adjoining the existing house near the easterly end of the parcel.

Coastal prairie grassland occurs throughout the parcel with wooded riparian vegetation following a drainage course (a classified riverine wetland) which transects the approximate center of the property. Several shrubs and trees are located along the western and southern property boundaries and near the existing structures. No trees or vegetation will be removed from areas other than the building sites.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the site and surrounding lands to the north and west are designated Rural Residential (RR), while immediately east of the site is designated as Industrial (I) and immediately south of the site is the City of Fort Bragg. 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	RR5[RR2]	RR5[RR2]	7.8± acres	Vacant
EAST	I	I1	14.0± acres	Industrial
SOUTH	City of Fort Bragg	City of Fort Bragg	2.1± acres	Industrial
WEST	RR5[RR2]	RR5[RR2]	32,717± sqft	Residential

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

Land Use: The parcel is classified as Rural Residential with a 5-acre minimum parcel size that may be reduced to 2-acres (RR5[RR2]) 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, micro-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.¹ The proposed replacement single family residence and garage is consistent with the Rural Residential Land Use classification.

¹ Mendocino County General Plan. Chapter 2.2 of the Coastal Element. 1991.

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.² The proposed single family residence and garage to replace existing structures are principally permitted uses within the Rural Residential District, pursuant to Mendocino County Code Chapter 20.376 RR -- Rural Residential District.

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. The project would comply with the minimum front and rear yard requirements, which are 20 feet each. The project would comply with the minimum side yard requirement of 6 feet. The maximum building height allowed in the RR District is 28 feet above the natural grade for non-Highly Scenic Areas, such as the project site. As currently proposed, the single-family residence would be a maximum of 17 feet in height and the garage is proposed to be 17 feet 4 inches in height, which would comply with the maximum building height requirement. The project, as proposed, would result in a total lot coverage of 2.4 percent, which would not exceed the maximum allowed lot coverage of 15 percent for sites located with a RR District. A minimum of two parking spaces are required for residential development. The proposed project site can provide more than the required two spaces.

Habitats and Natural Resources: Proposed improvements would primarily occur within already disturbed areas. As previously discussed, the proposed single-family residence would generally be constructed on the footprint of the demolished barn and the proposed garage/shop would generally be constructed on the footprint of the existing single-family residence (to be demolished), thereby minimizing impacts to potential sensitive habitats and species within the vicinity. While the new structures would generally be constructed on the footprint of existing structures to be removed, approximately 75 percent of the footprint of the proposed 1,176 square foot single family residence would extend east and south of the footprint of the demolished barn, and though the proposed 1,232 square foot garage/shop would be constructed generally within the footprint of the existing house, it would be moved three feet to the north to accommodate front yard setback requirements. Additionally, while utilities currently exist on the property, trenching would be required to extend utilities to the location of the proposed residence; however, no disturbance within the 100 foot riparian setback would occur. Since all proposed development and improvements would occur on the eastern portion of the property and would be setback more than 100 feet from the drainage and pond located in the western portion of the site, as conditioned, Staff finds the project would not significantly impact sensitive habitats or resources.

Public Access: The project site is located west of Highway 1 and is not designated as an existing or as a potential public access trail location. As shown on LCP Map 13 *Fort Bragg*, existing public access to the shore is located west of the site, with additional public access proposed north of the site.³

Hazards Management: The parcel is located in an area classified with a "Moderate Fire Hazard" severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Fort Bragg Rural Fire Protection District (FPD). The project application was referred to CalFire and the FPD for input; however, no responses were received. A standard condition requiring the Applicants to secure 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. No other hazards (i.e., faults, bluff edge, tsunami, landslides, or flood hazards) have been identified within the project area.

Grading, Erosion, and Run-Off: Minimal grading and site preparation would be required under the project, since the proposed structures would generally be constructed on the footprint of existing structures to be removed. Approximately 75 percent of the footprint of the proposed 1,176 square foot single family residence would extend east and south of the footprint of the demolished barn, and though the proposed 1,232 square foot garage/shop would be constructed generally within the footprint of the existing house, it would be moved three feet to the north to accommodate front yard setback requirements. A condition is

² Mendocino County Coastal Zoning Code, § II-20.376.005 (1991). Print.

³ Mendocino County Department of Planning & Building Services. No Date. *Ground Water Resources* [map].

recommended to ensure the project would implement standard Best Management Practices (BMPs) to prevent erosion and run-off during project construction and any bare soil would be revegetated as soon as feasible after the construction phase is complete. As conditioned, Staff finds the project would not result in significant erosion or run-off impacts.

Archaeological/Cultural Resources: The project was referred to the Mendocino County Archaeological Commission and Sonoma State University Northwest Information Center (NWIC) for review and comment. On May 22, 2017, NWIC responded that they have no record of any previous cultural resource studies at the proposed project site. NWIC indicated that the project area has the possibility of containing unrecorded archaeological site(s) and recommended that the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. Regarding the built environment, NWIC noted that the 1960 USGS Fort Bragg 15' quad depicts a building in the proposed project area, and recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Mendocino County conduct a formal CEQA evaluation. The project was then referred to the Mendocino County Archaeological Commission to determine if the recommendations of NWIC would be required of the applicant.

During the Archaeological Commission hearing held on June 14, 2017, the Archaeological Commission determined that an Archaeological Survey would be required for this project, noting that there is the potential for shell middens in close proximity to the creek and that no historical review of structures is required, since photos indicated no structural integrity. An Archaeological Survey was prepared by Thad Van Bueren on July 3, 2017, and found no resources on the Applicants' property. The submitted Archaeological Survey was reviewed by the Archaeological Commission on August 9, 2017, and was accepted by the Commission at that time. The Commission required that the recommendations within the Archaeological Survey apply to the proposed project.

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. However, the area does include Tan Oak and other traditional food sources that must be protected.

A response letter was also received from the Sherwood Valley Band of Pomo Indians, dated June 14, 2017, in which the environmental director noted that the project site is within the aboriginal boundaries of the Tribe and there is a high possibility of encountering cultural features, deposits, or other items of cultural patrimony. However, the tribe is unaware if there are any in-tact cultural sites that may exist at the proposed project site and are concerned with any habitat disturbances that may affect coastal resources the Indigenous Pomo Tribe still utilizes. The response letter was referred to the Mendocino County Archaeological Commission with the prepared survey but no additional conditions were recommended.

Staff notes that a standard condition advises the applicants 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 applicants about discovery of archaeological resources, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resources.

Groundwater Resources: The project site is located within a mapped Marginal Water Resources in which the site's density may be increased only upon proof of public water or a positive hydrological report.⁴ The subject parcel currently utilizes an on-site well, which would 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).⁵ Staff finds the development 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. The project was referred to the Mendocino County Department of Transportation (MCDOT) and the California Department of Transportation

⁴ Mendocino County Department of Planning & Building Services. No Date. *Ground Water Resources* [map].

⁵ Mendocino County Coastal Zoning Code, §20.516.015(B) (2011).

(Caltrans). MCDOT had no comment on the project; however, Caltrans provided a referral response on June 8, 2017, which noted the existing gravel driveway approach is substandard, does not meet the current requirements for intersection with a state facility, and potentially does not meet the current requirements for sight distance. Additionally, Caltrans notes that any work within the Caltrans right-of-way would require an encroachment permit. Several conditions are recommended by Caltrans to address the issues pertaining to the existing approach and sight distance. As conditioned, Staff finds the project would not impact transportation or circulation and would be provided with adequate access.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 1, 2, and 3.

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.

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 and accessory structures are a principally permitted uses within the Rural Residential land use classification and are 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 Environmentally Sensitive Habitat Areas, and preserves the integrity of the Rural Residential Zoning District.; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed single family residence and garage/shop, 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. Constructing a new single family residence and garage/shop to replace an existing residence and barn is categorically exempt pursuant to Class 2, Section 15302; 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 barn and replacing the existing single family residence and accessory structure with another is not anticipated to affect demands on public services.
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. 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 provide exterior lighting details to the satisfaction of the Coastal Permit Administrator.
10. The existing gravel driveway shall be improved to meet Caltrans' current requirements for intersection with a state facility and requirements for sight distance. Sight distance for vehicles exiting the driveway shall be improved, or the Applicants shall provide evidence that it cannot be improved. The non-conforming existing access shall be brought up to Caltrans' standards for a

single-family residence and standard driveway geometry shall apply. For any work performed within the Caltrans right-of-way, an Encroachment Permit shall be obtained from Caltrans.

11. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization.

Staff Report Prepared By:

10/12/2017
Date

Julia Acker
Julia Acker
Senior Planner

Appeal Period: 10 Days

Appeal Fee: \$1616.00

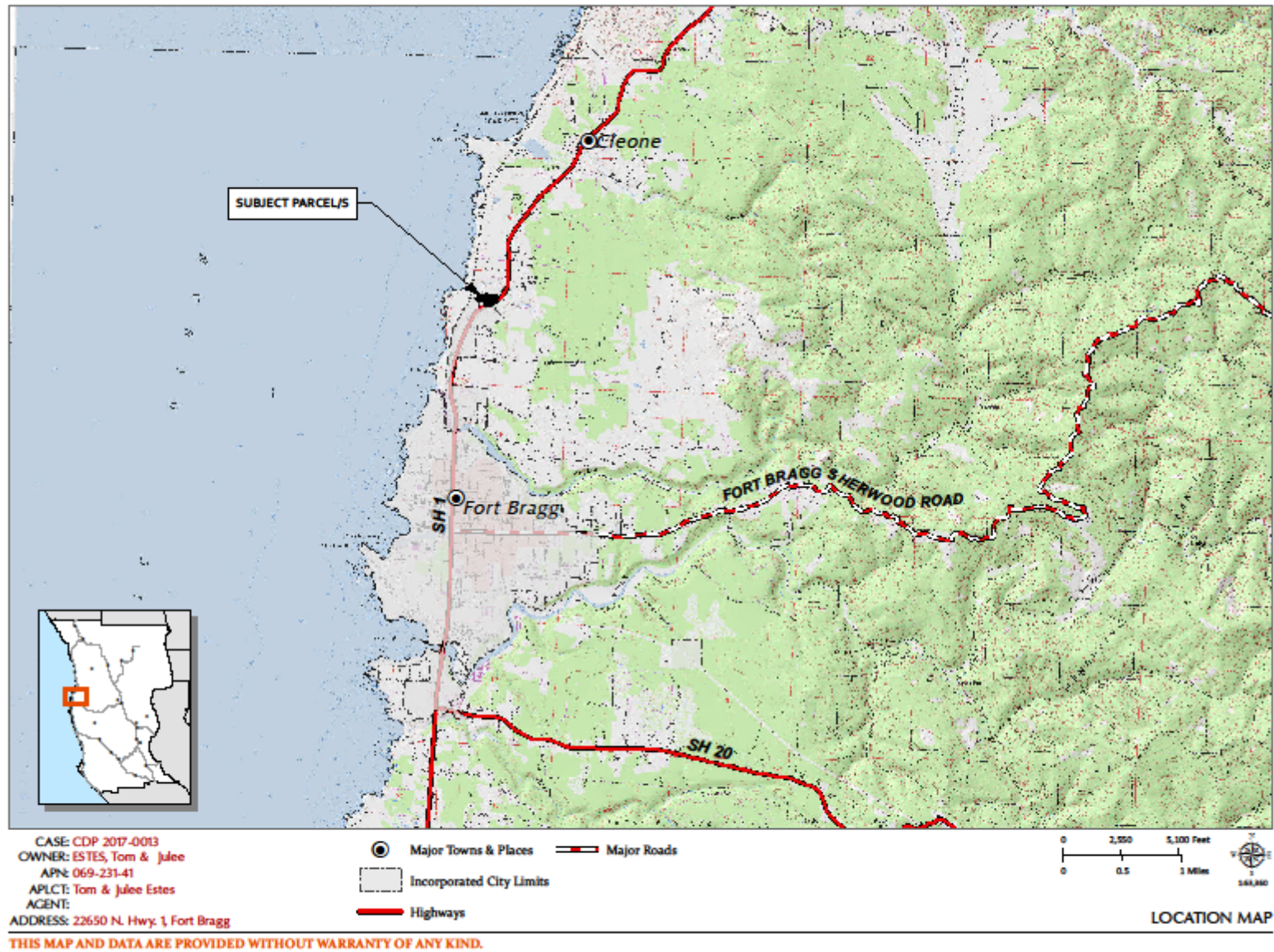
ATTACHMENTS:

- A. Location Map
- B. Aerial (Vicinity) Imagery
- C. Aerial Imagery
- D. Revised Site Plan
- E. Residence Elevations
- F. Floor Plan
- G. Garage Elevation
- H. Zoning Display Map
- I. General Plan Classifications Map
- J. LCP Land Use Map 10: Newport
- K. LCP Land Capabilities & Natural Hazards Map
- L. LCP Habitat & Resources Map
- M. Appealable Areas Map
- N. Adjacent Parcels Map
- O. Fire Hazard Zones & Responsibility Areas
- P. Ground Water Resources Map
- Q. Local Soils Map
- R. Important Farmland Map
- S. Classified Wetlands Map

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning (Ukiah)	Comment
Department of Transportation	No Comment
Environmental Health (FB)	No Comment
Building Inspection (FB)	No Comment
Archaeological Commission	Comment
Sonoma State University	Comment
Cloverdale Rancheria	No Response
Caltrans	No Response
CalFire	No Comment
Department of Fish & Wildlife	No Response
Coastal Commission	No Response
Sherwood Valley Band of Pomo Indians	Comments
Redwood Valley Rancheria	No Response
Fort Bragg Rural Fire Protection District	No Response

ATTACHMENT A



ATTACHMENT B

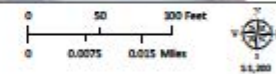


ATTACHMENT C



CASE: CDP 2017-0013
OWNER: ESTES, Tom & Julie
APN: 069-231-41
APLCT: Tom & Julie Estes
AGENT:
ADDRESS: 22650 N. Hwy. 1, Fort Bragg

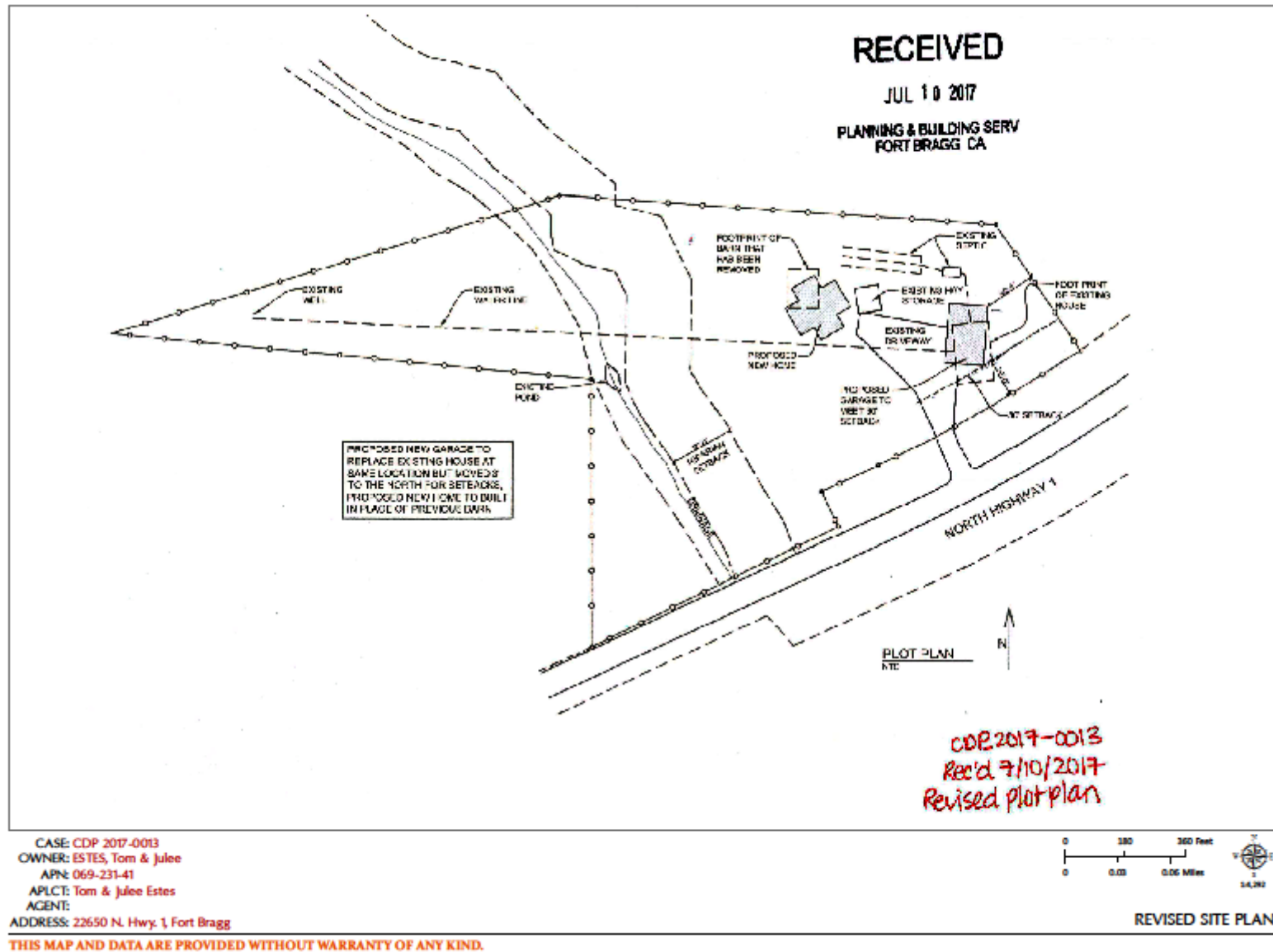
Public Roads
Driveways/Unnamed Roads

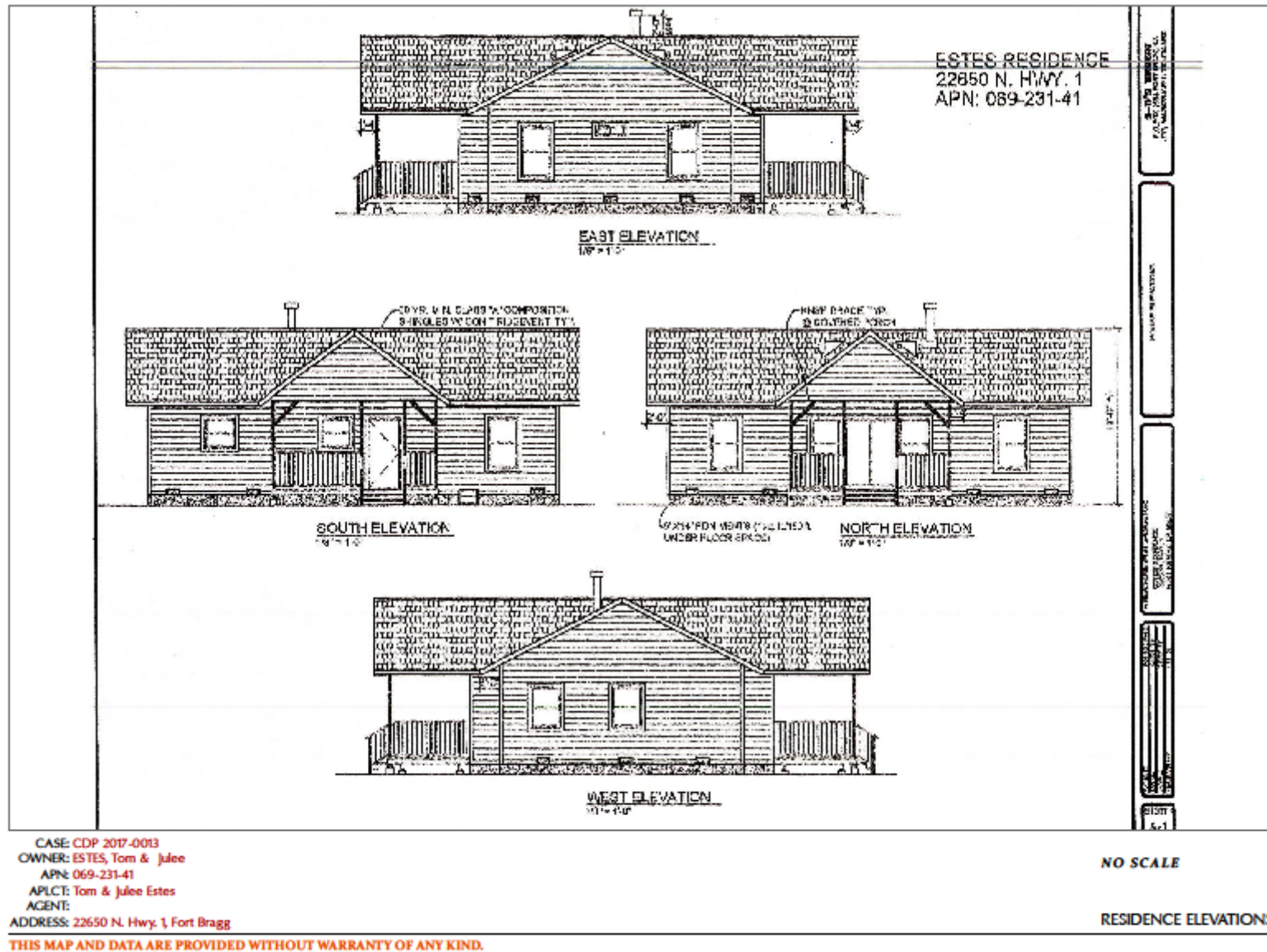


AERIAL IMAGERY

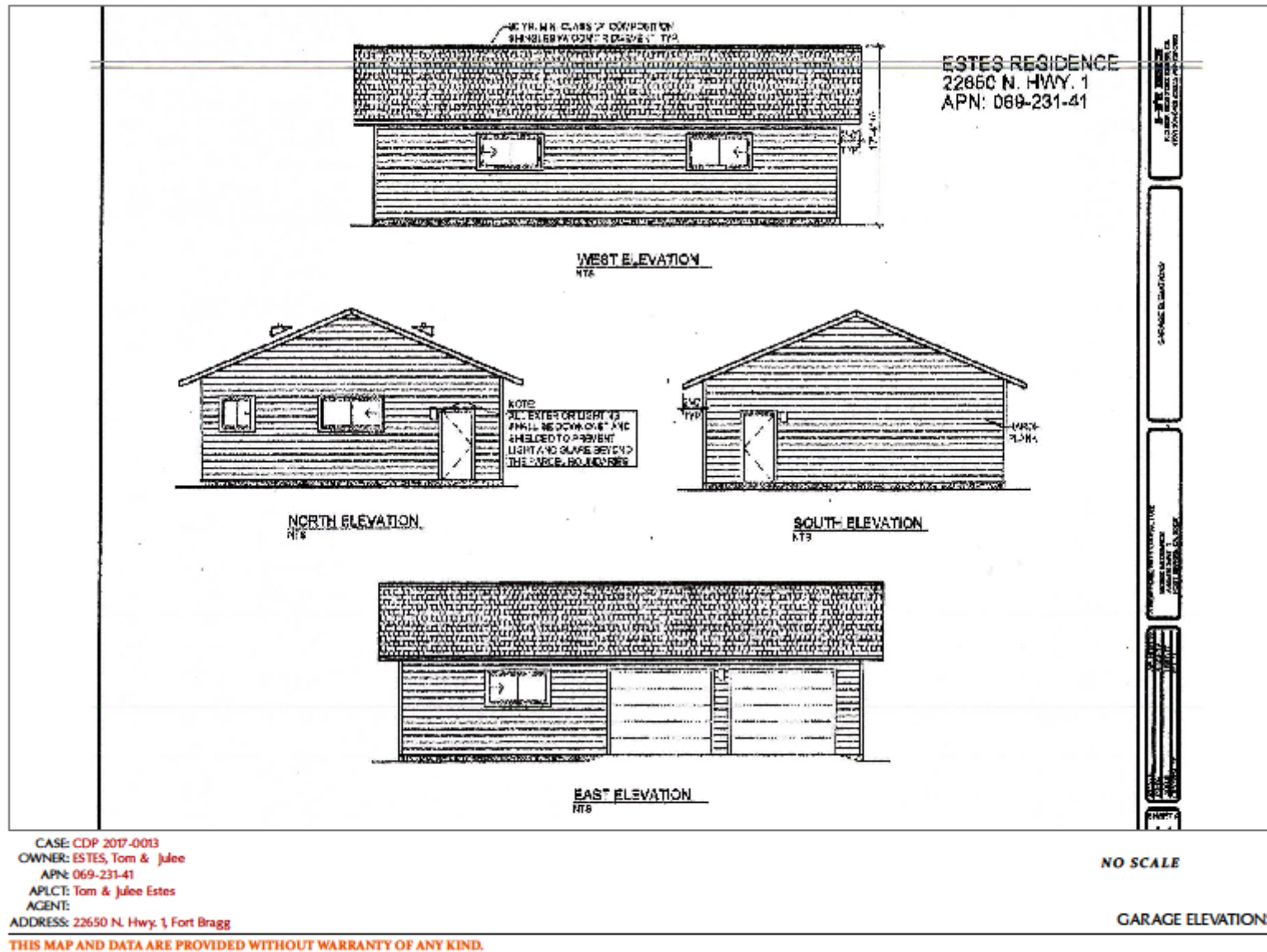
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ATTACHMENT D

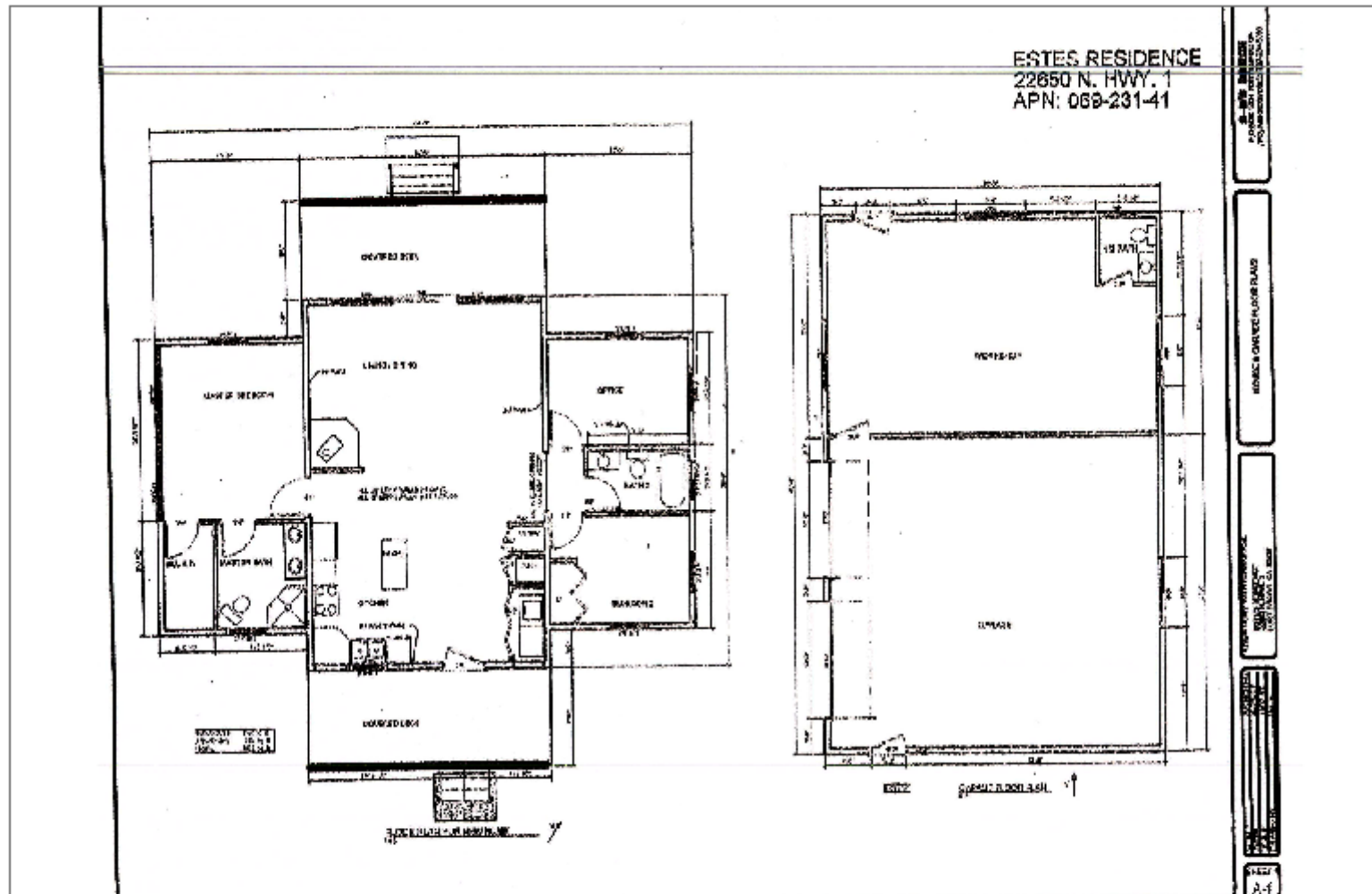




ATTACHMENT F



ATTACHMENT G

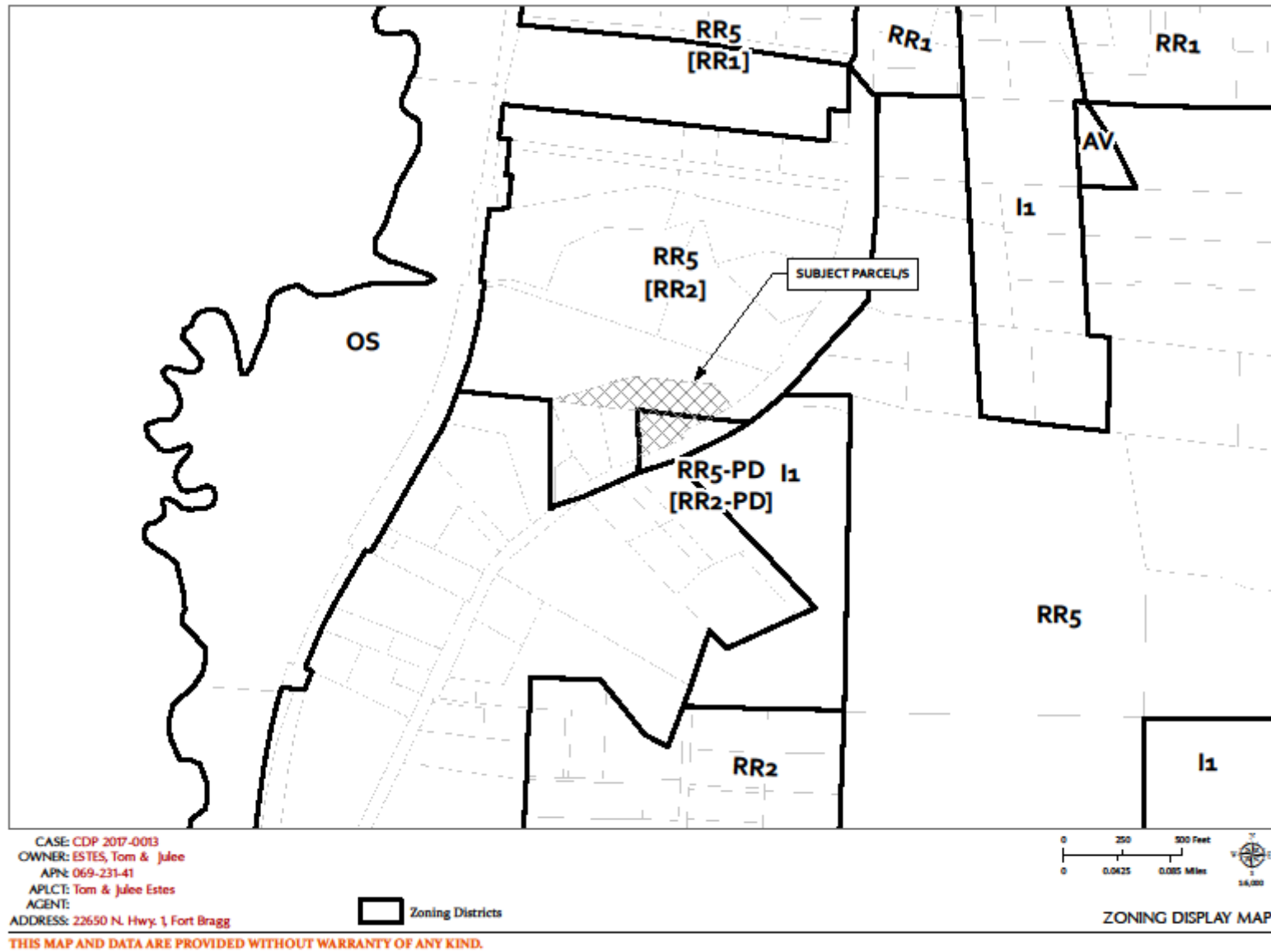


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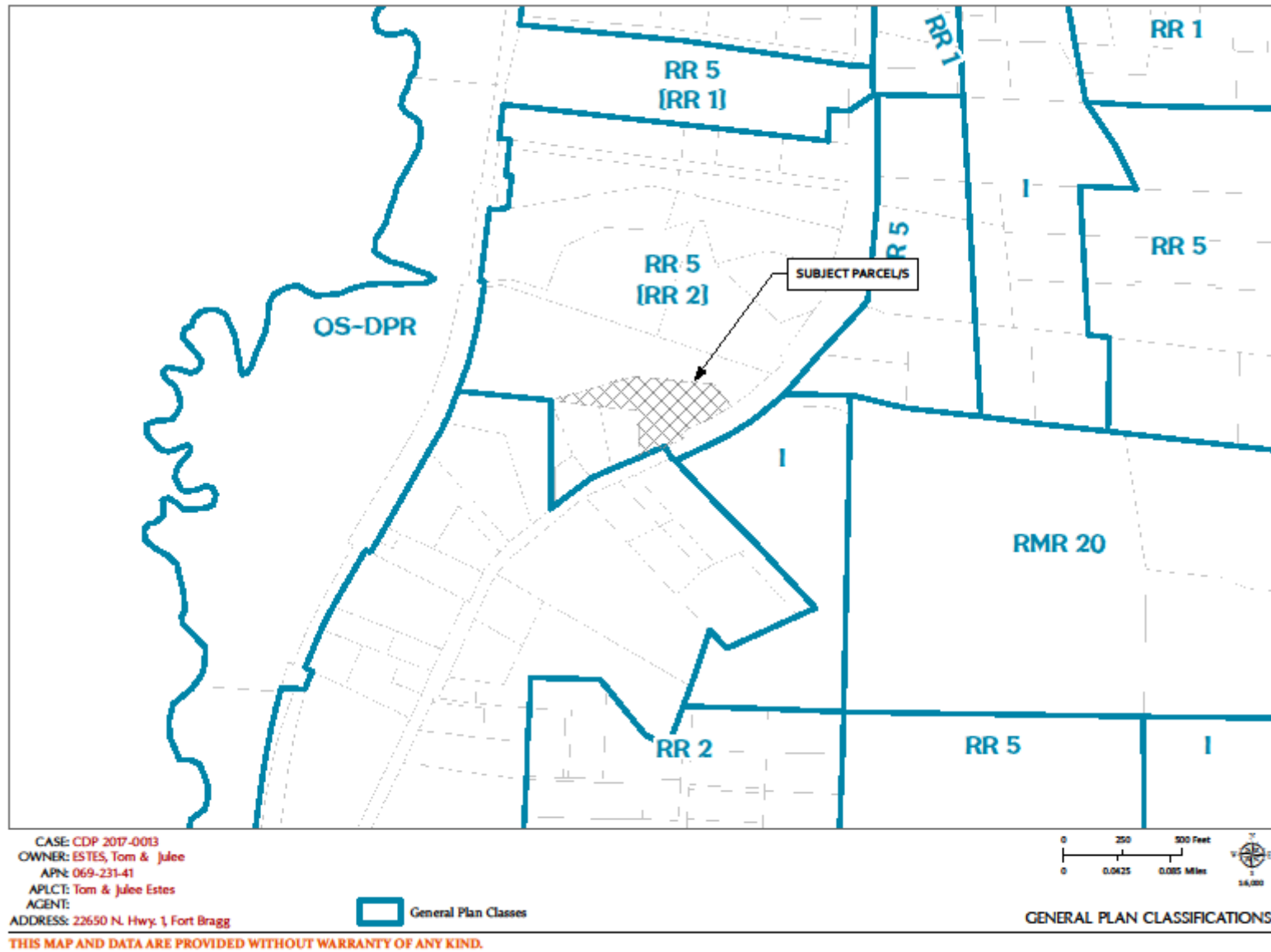
FLOOR PLANS

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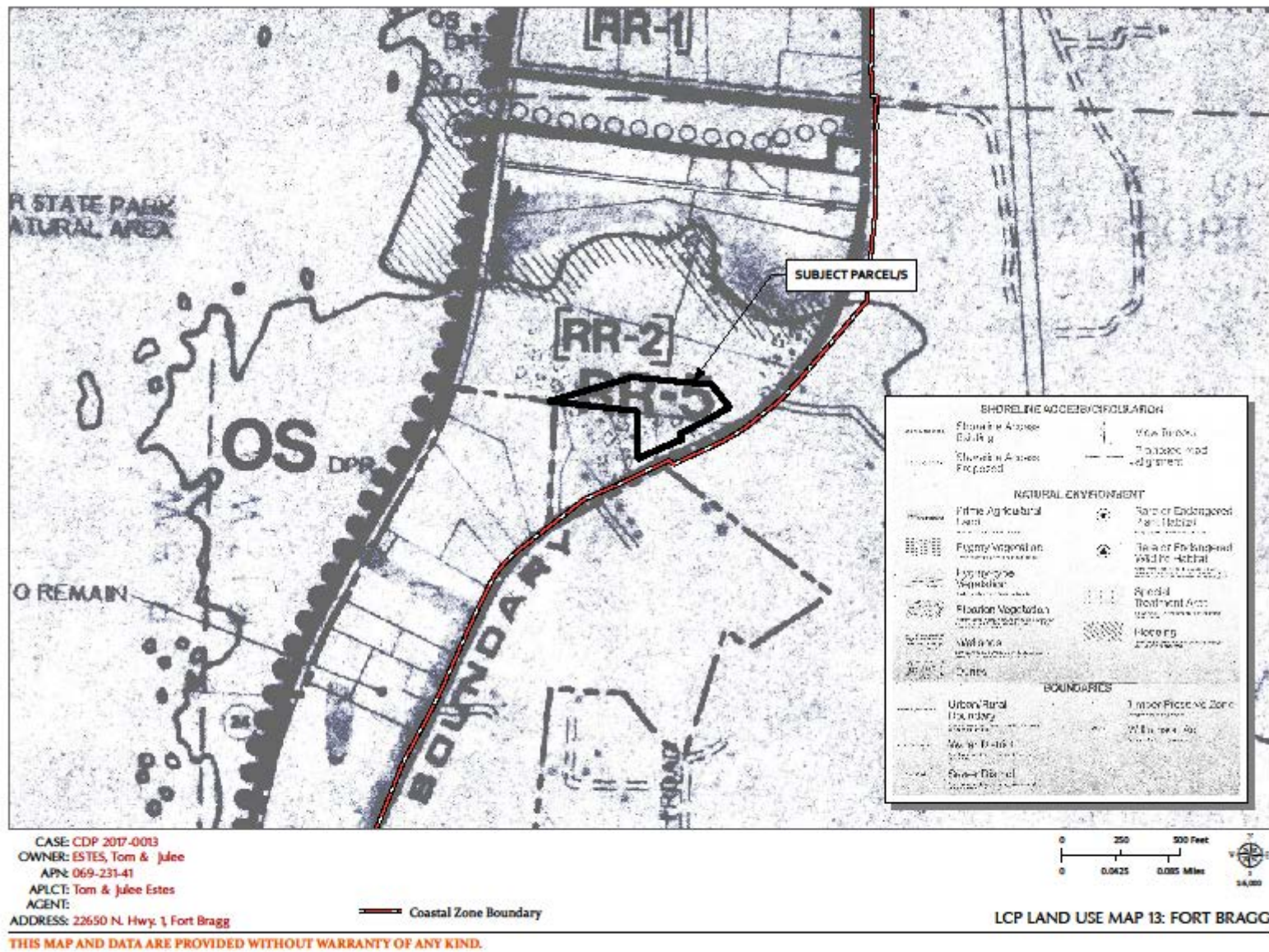
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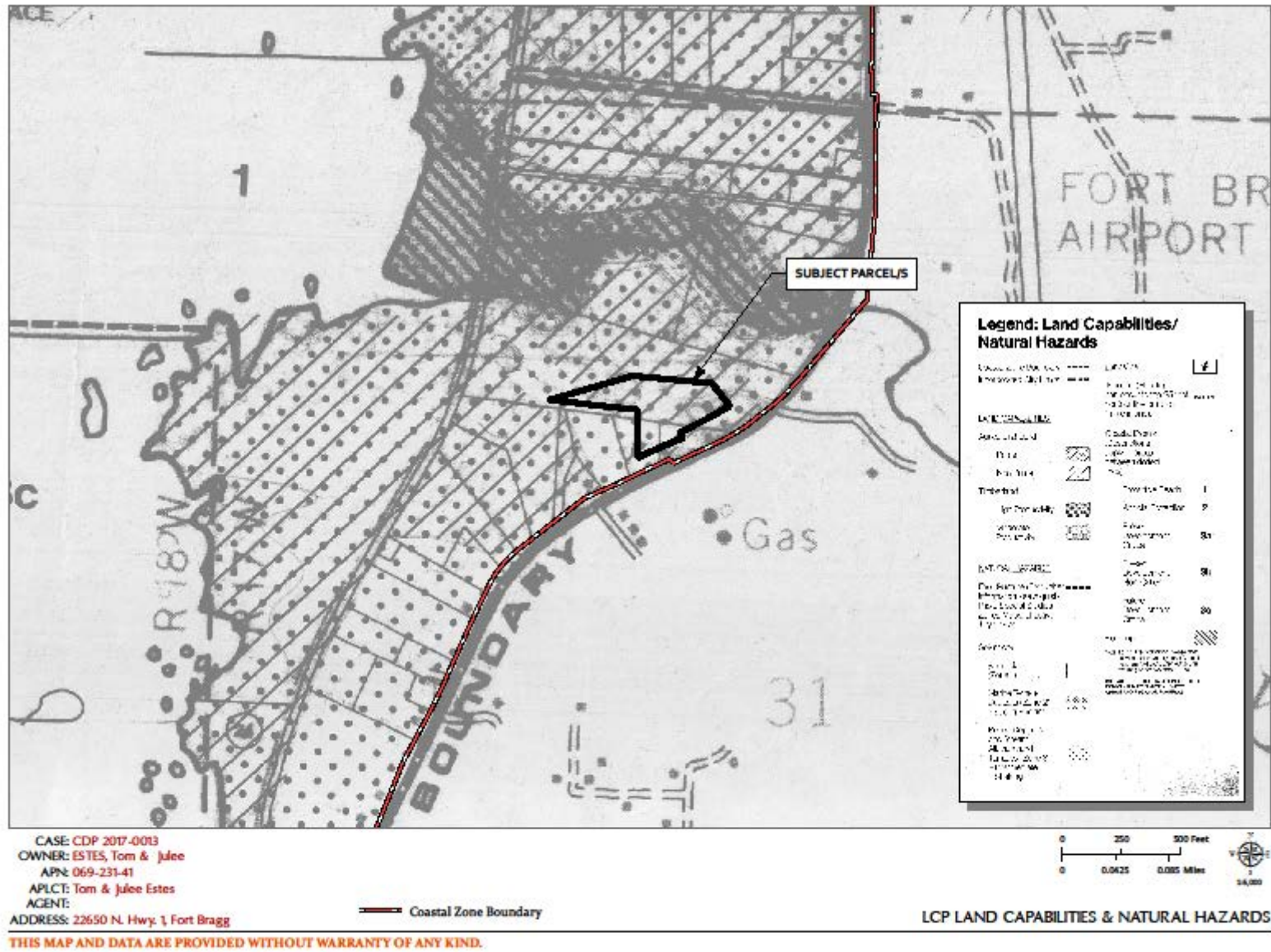
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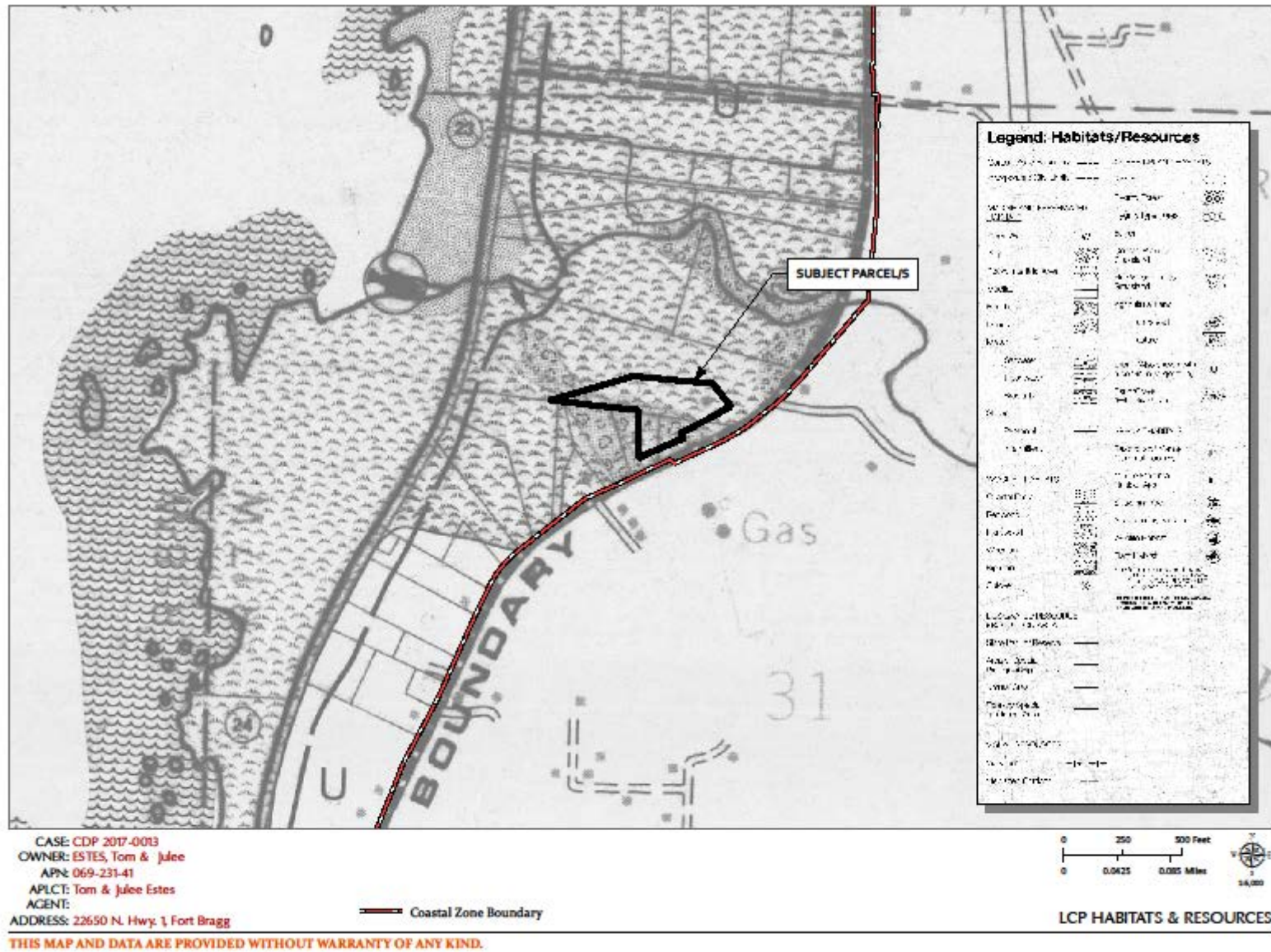
ATTACHMENT J



ATTACHMENT K



ATTACHMENT L



Fort Bragg Airport

Gas 31

SUBJECT PARCELS

Port LCP Certification Permit and Appeal Jurisdiction

Port Jurisdiction

Appeal Jurisdiction

Coastal Zone Boundary

Scale: 0 250 500 Feet
0 0.0625 0.085 Miles

North Arrow

Fort Bragg

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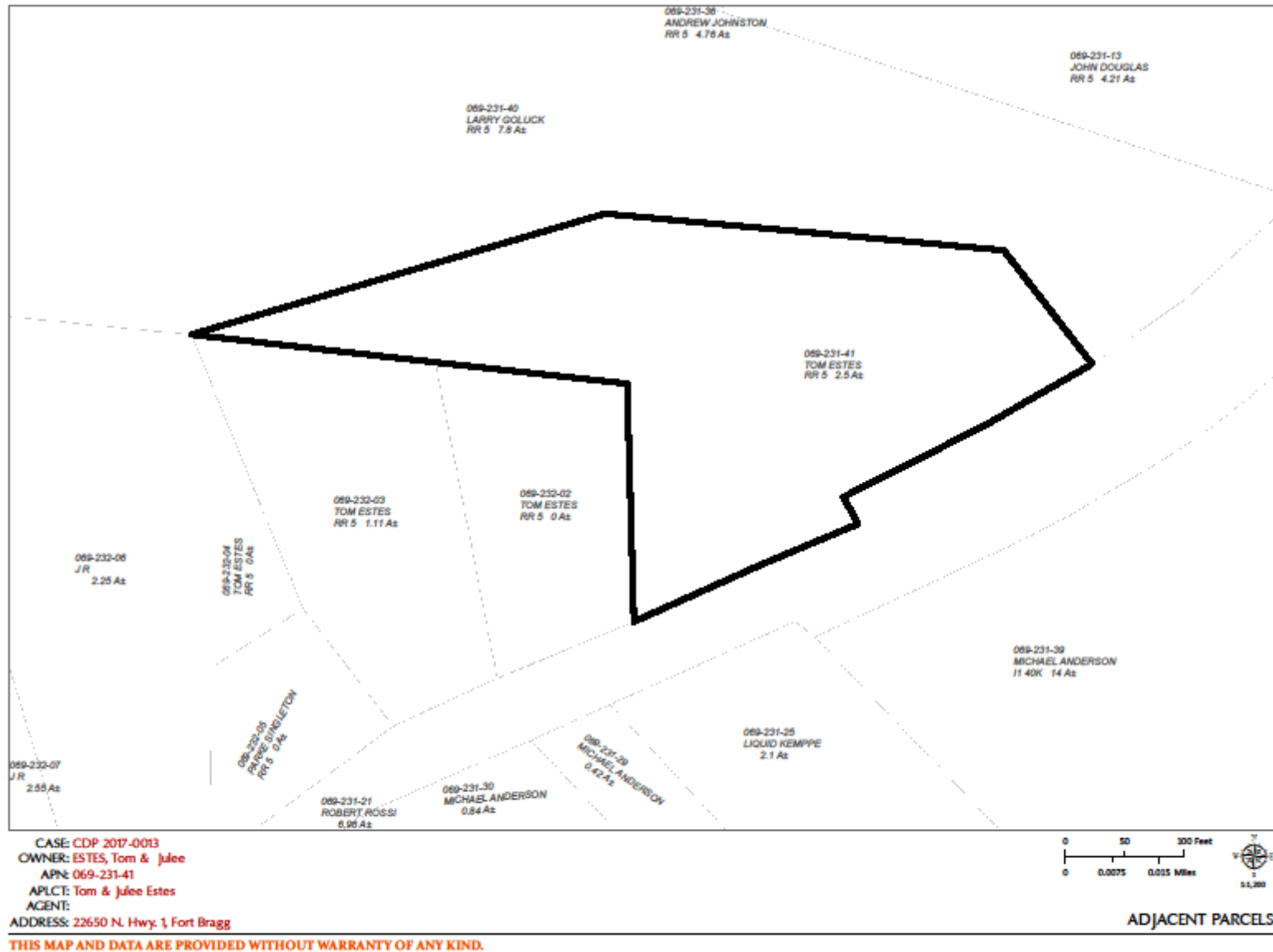
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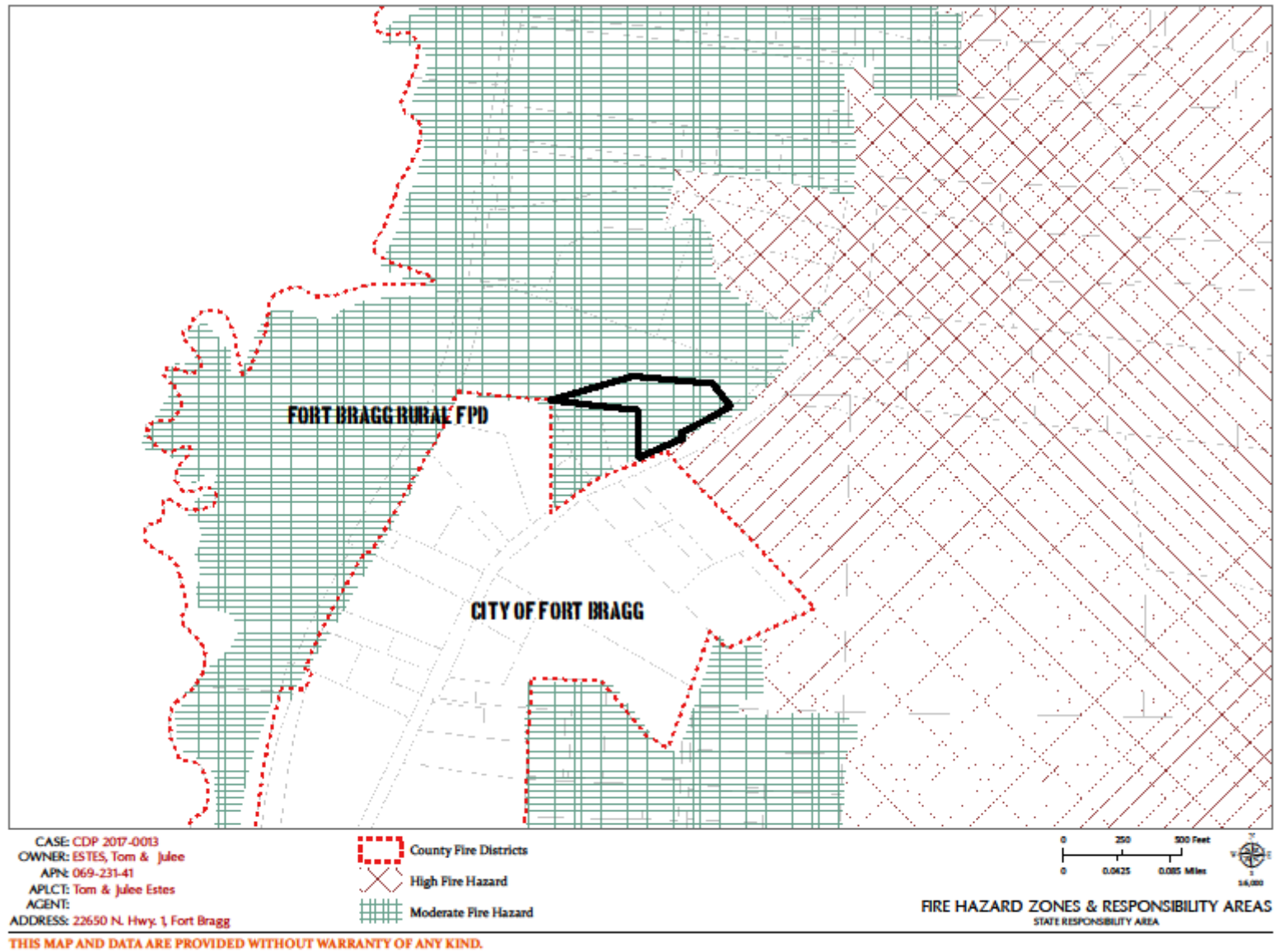
 Coastal Zone Boundary

APPEALABLE AREAS

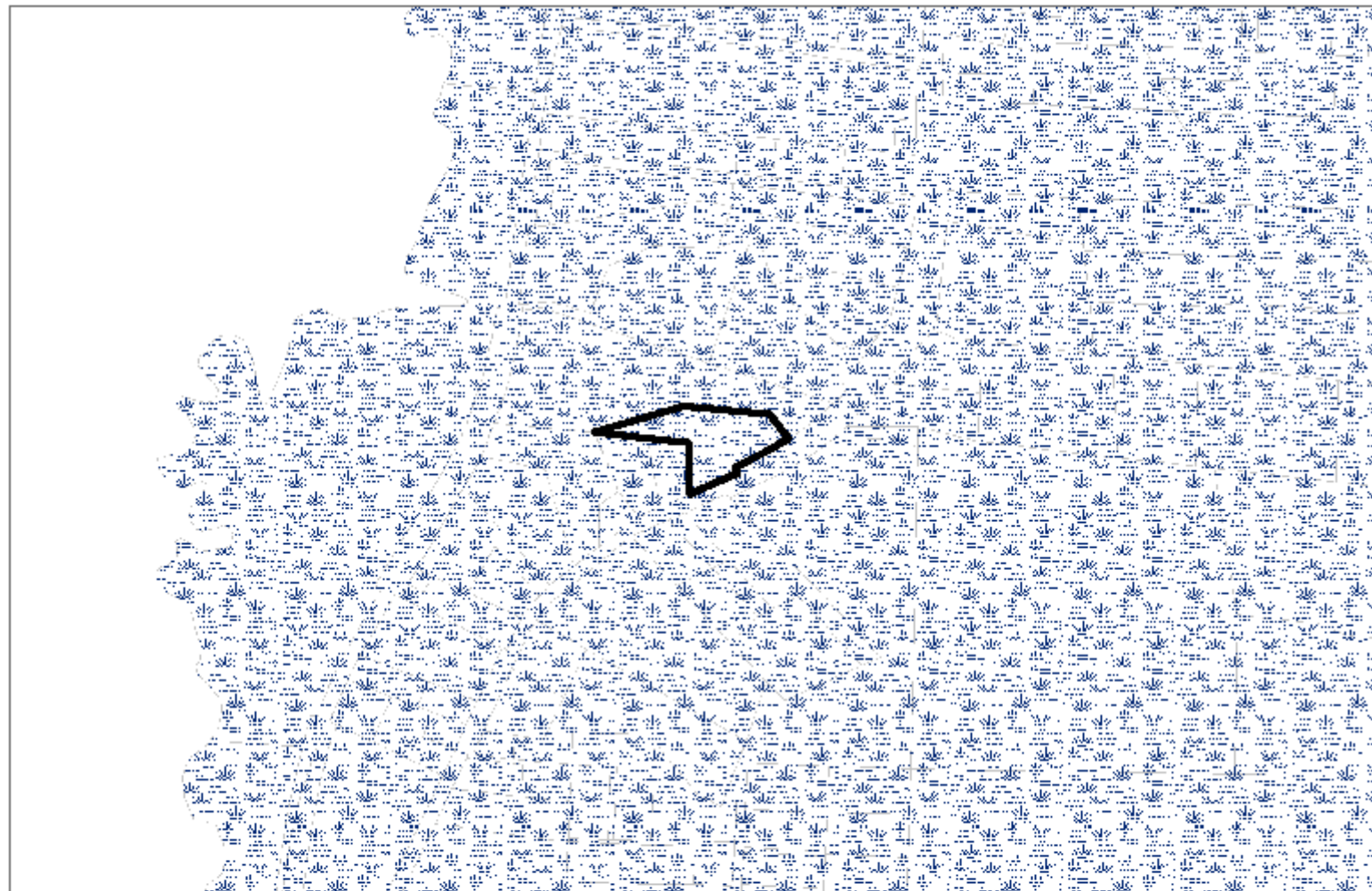
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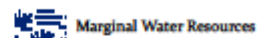
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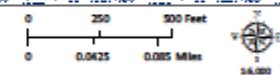
ATTACHMENT P



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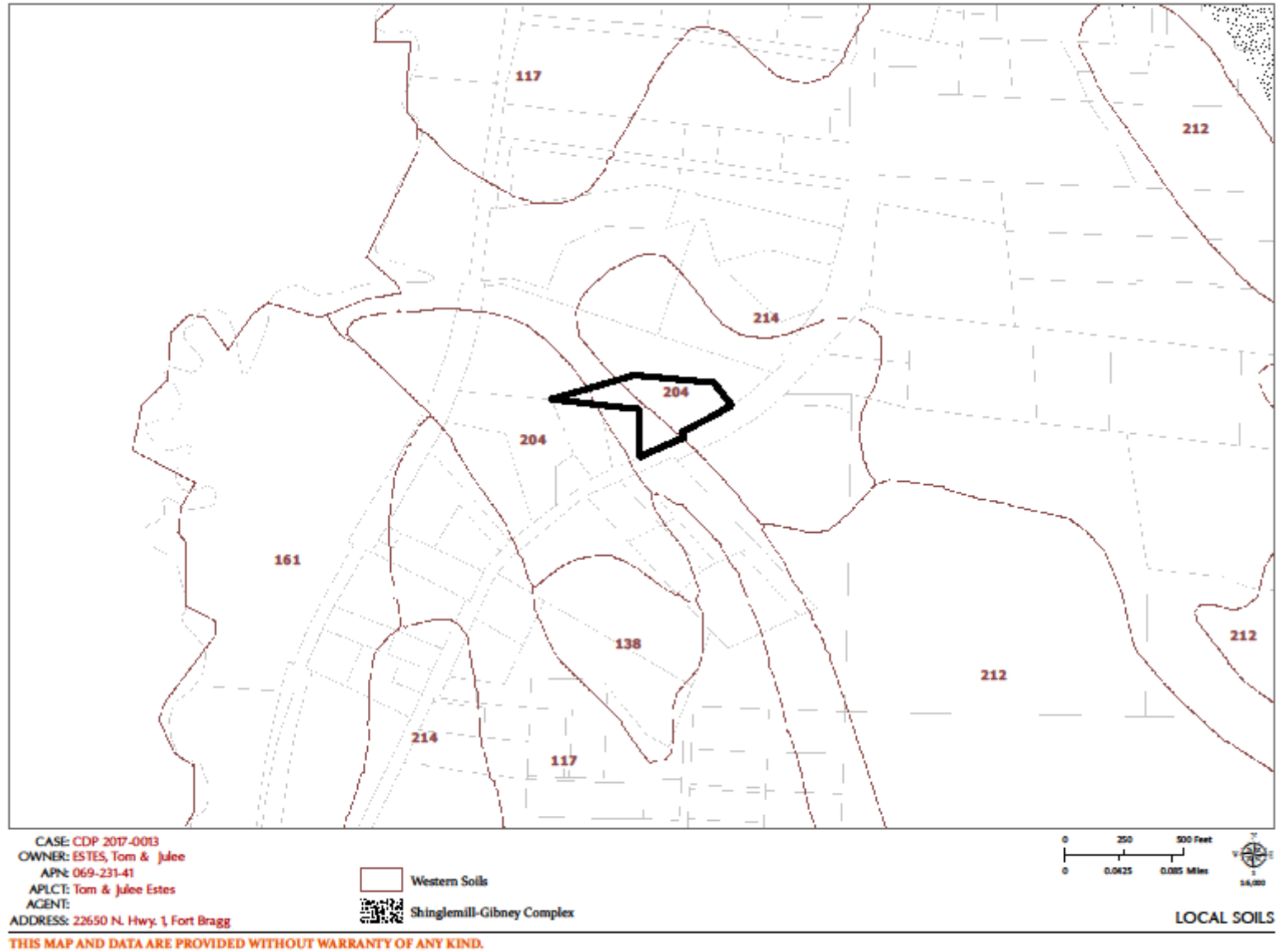
Marginal Water Resources



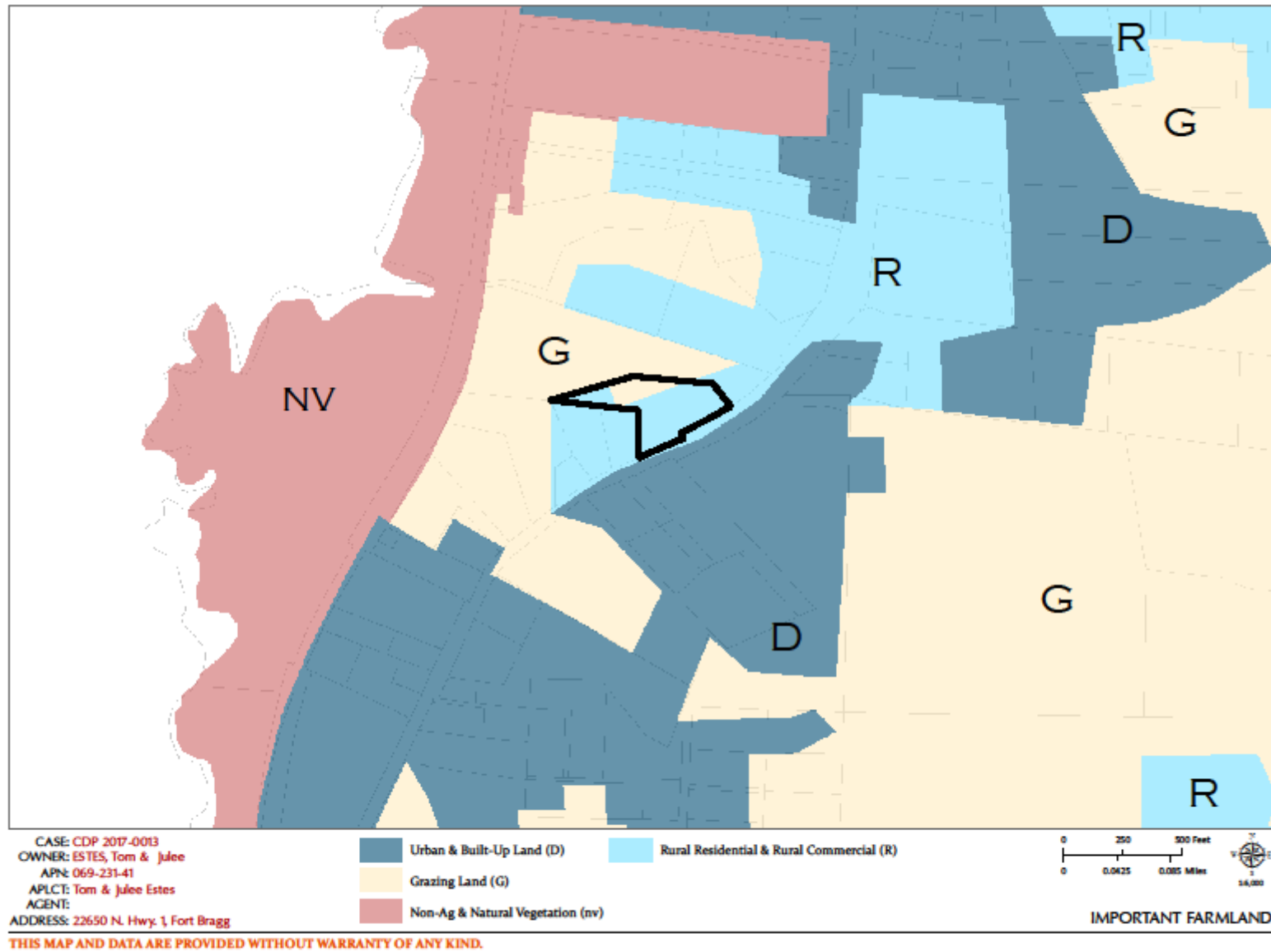
GROUND WATER RESOURCES

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ATTACHMENT Q



ATTACHMENT R



ATTACHMENT S

