



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT**

**CDP_2017-0029
DECEMBER 20, 2017**

SUMMARY

OWNER/APPLICANT: ROBERT F & MELISSA A BURKE
19100 PACIFIC DRIVE
FORT BRAGG, CA 95437

REQUEST: A Standard Coastal Development Permit request to construct a 676 sq. ft. attached garage.

DATE DEEMED COMPLETE: May 10, 2017

LOCATION: The site is located west of Hwy 1, on the west side of Pacific Dr., south of its intersection with Ocean View Dr., located at 19100 Pacific Drive, Fort Bragg (APN: 018-450-02).

TOTAL ACREAGE: 0.92 acres

GENERAL PLAN: Coastal Element, Mendocino County General Plan
Rural Residential, 5 acre minimum parcel size (alternative density: 1 acre minimum) (RR5[RR1])

ZONING: Division II, Title 20, Mendocino County Code
Rural Residential, 5 acre minimum parcel size (alternative density: 1 acre minimum) (RR5[RR1])

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically Exempt. Pursuant to Section 15303, Class 3(e) of the California Environmental Quality Act, the proposed accessory structure (garage) is categorically exempt from environmental review.

APPEALABLE: Yes, mapped Appeal Jurisdiction (#31) West of the First Public Road

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Debra Bieber

BACKGROUND

PROJECT DESCRIPTION: A Standard Coastal Development Permit request to construct a 676 sq. ft. attached garage, using existing paved area between house and existing garage/shed.

APPLICANTS' STATEMENT: "Garage Addition."

RELATED APPLICATIONS: On-Site: CE 54-08 septic replacement

Adjacent Parcels: CE 5-99 SFR; 1858-F septic; BF 00-330 SFR/Garage (adjacent parcel to north); BL 308-91 vacation home; CE 16-01 SFR; septic; ST 22519 (adjacent parcel to east)

SITE CHARACTERISTICS: The 0.92 acre site is located west of Highway 1, on the west side of Pacific Drive, approximately 2,112 feet (0.4 miles) west of the intersection of Ocean View Drive and Highway 1, at 19100 Pacific Drive (APN: 018-450-02). The parcel is currently developed with an existing 2,105

square foot single family residence and a detached 400 square foot garage. The project proposes to develop an attached garage addition of 676 square feet onto the south side of the existing residence. The site includes a well, septic tank, and leach field. The existing septic tank and leach field are on the north side of the parcel. The existing septic tank was permitted under Permit #ST CE 54-08 for a septic system for a 3 bedroom residence.

On-site elevations range from approximately 63 feet to 67 feet above mean sea level (amsl). The site consists of urban and built up land and the entire parcel is classified as upland barren habitat.¹ Additionally, neither prime nor non-prime agricultural land is located at the site.² The entire site is underlain by beach deposits and stream alluvium and terraces (Zone 3), and is subject to intermediate shaking.³ The site is located within a "Marginal Water Resource" area, a stormwater permitting zone, and a moderate fire hazard area.^{4, 5, 6} The project site is not located with a designated Highly Scenic Area.

Mapping does not associate the following with the subject site: faults, landslides, or tsunami hazard.⁷

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the site and surrounding lands to the north, south, west, and east are designated Rural Residential (RR5[RR1]) and are currently developed with single family residences and appurtenant structures. The existing and proposed land use is a principally permitted land use in the RR District. The proposed project is compatible with surrounding land uses and development

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR5(1)	RR5	<1 acre	Residential
EAST	RR5(1)	RR5	< 1 acre	Residential
SOUTH	RR5(1)	RR5	< 1 acre	Residential
WEST	RR5(1)	RR5	< 1 acre	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 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, microclimate, 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 attached accessory structure 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 accessory structure is a principally permitted use within the Rural Residential District, pursuant to Mendocino County Coastal Zoning Code Chapter 20.376 RR -- *Rural Residential District*.

¹ Mendocino County Department of Planning & Building Services. No Date. *LCP Habitats & Resources* [map].

² Mendocino County Department of Planning & Building Services. No Date. *LCP Land Capabilities & Natural Hazards* [map].

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

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

⁵ Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas* [map].

⁶ Mendocino County Department of Planning & Building Services. No Date. *Stormwater Permitting Zones* [map].

⁷ *ibid.*

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 complies with the minimum front and rear setbacks of 20 feet and the side yard requirements of 6 feet in the RR District for a parcel of this size. The maximum building height allowed in the RR District is 28 feet above natural grade for non-Highly Scenic Areas, such as the subject site. The maximum height of the proposed attached garage would be 14 feet in height. The project as proposed would result in lot coverage of 7.9 percent, which would not exceed the maximum allowed lot coverage of 15 percent for parcels of this size located with a RR District.

The proposed project would comply with the accessory use requirements, which specify that accessory uses, such as the proposed attached garage, are appropriate, incidental, and subordinate to the principally permitted single family residential use.

Habitats and Natural Resources: The entire site is classified as barren upland habitat.⁸ The proposed project would be developed on an already disturbed area, since the proposed accessory unit would be constructed on an area that has been graveled and landscaped, thereby minimizing impacts to potential sensitive habitats and species within the vicinity. Staff finds that the project would not significantly degrade sensitive habitats or species.

Visual Resource and Special Treatment Areas: The subject parcel is not within a mapped Highly Scenic Area, as depicted on the LCP Land Use Map 14 *Beaver* and is not subject to the development criteria of MCC Section 20.504.015(C). The proposed project includes the new development of a 14 foot high accessory structure (garage) attached to the existing single family residence, which would be consistent with the 28-foot height requirement for parcels not designated as Highly Scenic Areas and located within the RR District. Existing development at the site is not currently visible from Highway 1 and the proposed accessory structure would also not be visible. As conditioned, Staff finds the proposed project would not have significant visual impacts.

Hazards Management: The parcel is located in an area classified with a "Moderate Fire Hazard" severity rating.⁹ Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Fort Bragg Rural Fire Protection Department (FBRFPD). The project application was referred to CalFire and the FBRFPD for input; FBRFPD responded with no comments, whereas CalFire responded with recommended conditions to comply with the minimum fire safety standard. CalFire has submitted recommended conditions of approval (CDF 242-17) for address, driveway, defensible space, and maintaining defensible space. Standard Condition 4 is recommended to achieve compliance with CDF fire safe standards. With the inclusion of the standards and recommended conditions, Staff finds the project to be consistent with Mendocino County policies for fire protection. Mapping does not associate the following with the subject site: faults, landslides, or tsunami hazard.¹⁰

Grading, Erosion, and Run-Off: Minimal grading and site preparation would be required under the proposed project. As the majority of the proposed attached garage would be constructed on the footprint of an area that has been disturbed with gravel and landscaping, potential impacts would be minimized. Pursuant to the County's Stormwater Runoff Pollution Prevention Procedure, during grading and construction activities, appropriate Best Management Practices (BMPs) shall be implemented to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools, and equipment from leaving the site and entering the storm drainage system. Additionally, a condition is recommended to require the Applicants to reseed or cover with vegetation the areas of disturbed soil as soon as possible after disturbance, as required per MCC Section 20.492.015(C), to further reduce potential erosion and run-off impacts. As conditioned, Staff finds the project would not result in a significant amount of erosion or run-off.

⁸ Mendocino County Department of Planning & Building Services. No Date. *LCP Habitats & Resources* [map].

⁹ Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas* [map]

¹⁰ *ibid.*

Archaeological/Cultural Resources: For small projects such as construction of a 676 square foot attached garage, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either the 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. As such, the proposed accessory structure was not referred to the Archaeological Commission or Sonoma State University. 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 resources.

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 August 30, 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. As of this date, no responses have been received from the two other local tribes.

Groundwater Resources: The project site is located within a mapped Marginal Water Resources Area.¹¹ The subject parcel currently utilizes an on-site well, which would continue to be utilized under the project. An increase in water use is not anticipated under the project, as the proposed project involves the construction of a 676 square foot accessory structure (attached garage). Since no new parcels or building sites are proposed, additional water studies are not required per MCC Section 20.516.015(B).¹² The project site is located within the stormwater permitting zone and Best Management Practices (BMP) are required when ground disturbing activities are to occur. Staff finds 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. Additionally, the site is already developed with a single family residence and accessory structures; therefore, the additional development of a new accessory structure (attached garage) is not anticipated to generate additional traffic beyond what presently exists. CalFire has recommended address standards and driveway standards for the project. Condition 4 requires compliance with these requirements.

Two parking spaces are required for the project per MCC Section 20.472.015, and both would be provided in the proposed garage. Staff finds the proposed project to be consistent with transportation and circulation requirements.

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 14 *Beaver*, existing public access to the shore is located north and south of the site, with additional public access proposed southeast of the site.¹³

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes of 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. The project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3 (e), Section 15303.

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

¹² Mendocino County Coastal Zoning Code, §20.516.015(B) (2011).

¹³ Mendocino County Department of Planning & Building Services. No Date. *LCP Land Use Map 14: Beaver* [map].

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. The existing single family residence is a principally permitted use within the Rural Residential land use classification. The proposed accessory structure (attached garage) would be accessory to this use 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, and preserves the integrity of the Rural Residential Zoning District. With compliance with Condition 9, the proposed accessory structure would satisfy all development requirements set forth in the Zoning Ordinance; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed accessory structure, 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. An accessory structure is categorically exempt pursuant to Section 15303 Class 3(e); 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 appurtenant structures and construction of the proposed accessory structure (attached garage) would not generate a additional solid waste or increase public roadway use beyond that existing today.
7. Pursuant with MCC Section 20.532.095(B)(1), the proposed development is located between the first public road and the sea, and is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan; and will not diminish public access to Mendocino County coastal areas.

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. These conditions of approval shall be included on the applicant's site plan submittal.
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 furnish exterior lighting details to the satisfaction of the Director.
10. Pursuant to the County's Stormwater Runoff Pollution Prevention Procedure, during grading and construction activities, appropriate Best Management Practices (BMPs) shall be implemented to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools, and equipment from leaving the site and entering the storm drainage system.
11. The Applicants shall reseed or cover with vegetation the areas of disturbed soil as soon as possible after disturbance, as required per MCC Section 20.492.015(C), to reduce potential erosion and run-off impacts.
12. The Applicants shall include a complete listing of these Conditions of Approval on the site plan submittal.

Staff Report Prepared By:

Date



Debra Bieber
Planner III

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

ATTACHMENTS:

- A. Location Map
- B. Topographic Map
- C. Site Plan
- D. Zoning Display Map
- E. General Plan Classifications Map
- F. LCP Habitat & Resources Map
- G. LCP Land Capabilities & Natural Hazards Map
- H. LCP Land Use Map 14: Beaver
- I. Adjacent Parcels Map
- J. Fire Hazard Zones & Responsibility Areas Map
- K. Water Districts Map
- L. Ground Water Resources Map
- M. Important Farmland Map
- N. Local Soils Map
- O. Stormwater Permitting Zone Map

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning (Ukiah)	Comment
Department of Transportation	No Response
Environmental Health (FB)	No Response
Building Inspection (FB)	No Comment
Assessor	No Response
Air Quality Management District	No Response
County Water Agency	No Response
Sherwood Valley Band of Pomo Indians	No Response
Native Plant Society	No Response
State Clearinghouse	No Response
CalFire	Comment
Department of Fish & Game	No Response
Coastal Commission	No Response
Redwood Valley Rancheria	Comment
Cloverdale Rancheria	No Response
Fort Bragg Rural Fire District	No Response

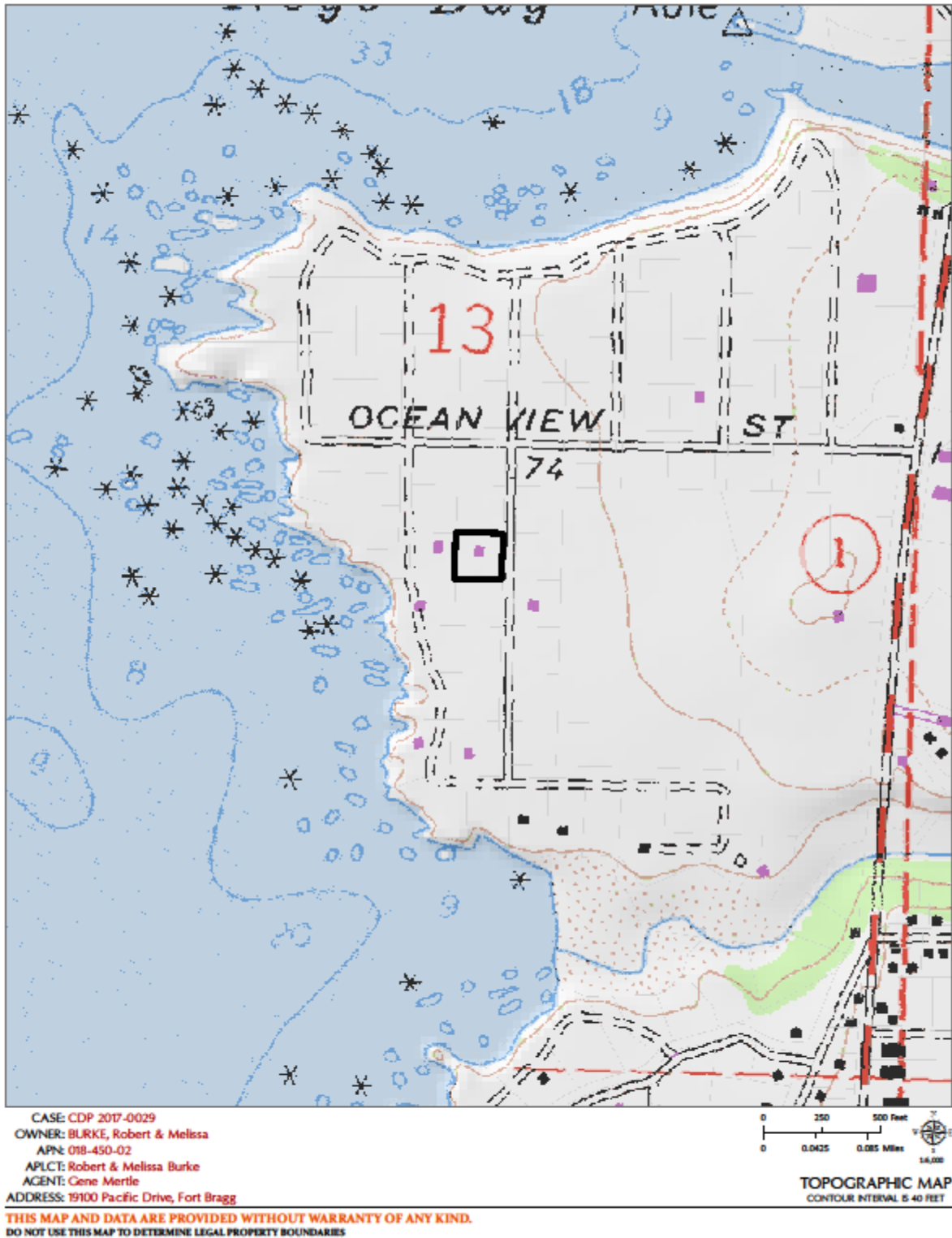
REFERENCES:

- Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.
- Chapter 2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.
- Mendocino County, Planning and Building Services, Planning Division. *Division II – Mendocino County Coastal Zoning Code*. 1991. Ukiah, CA.

ATTACHMENT A



ATTACHMENT B



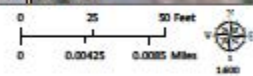
ATTACHMENT C



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

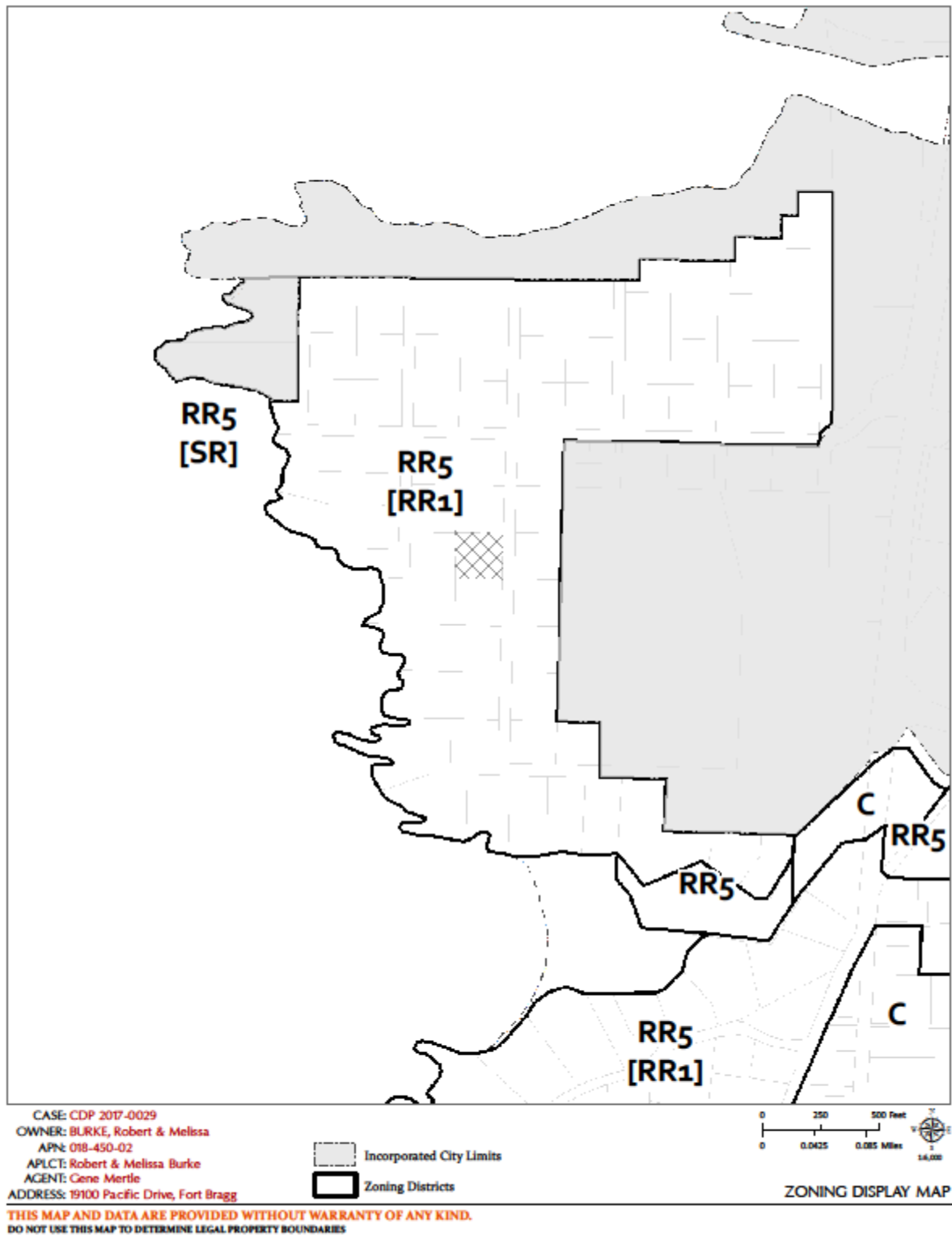
CASE: CDP 2017-0029
OWNER: BURKE, Robert & Melissa
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AGENT: Gene Mertle
ADDRESS: 19100 Pacific Drive, Fort Bragg

Public Roads

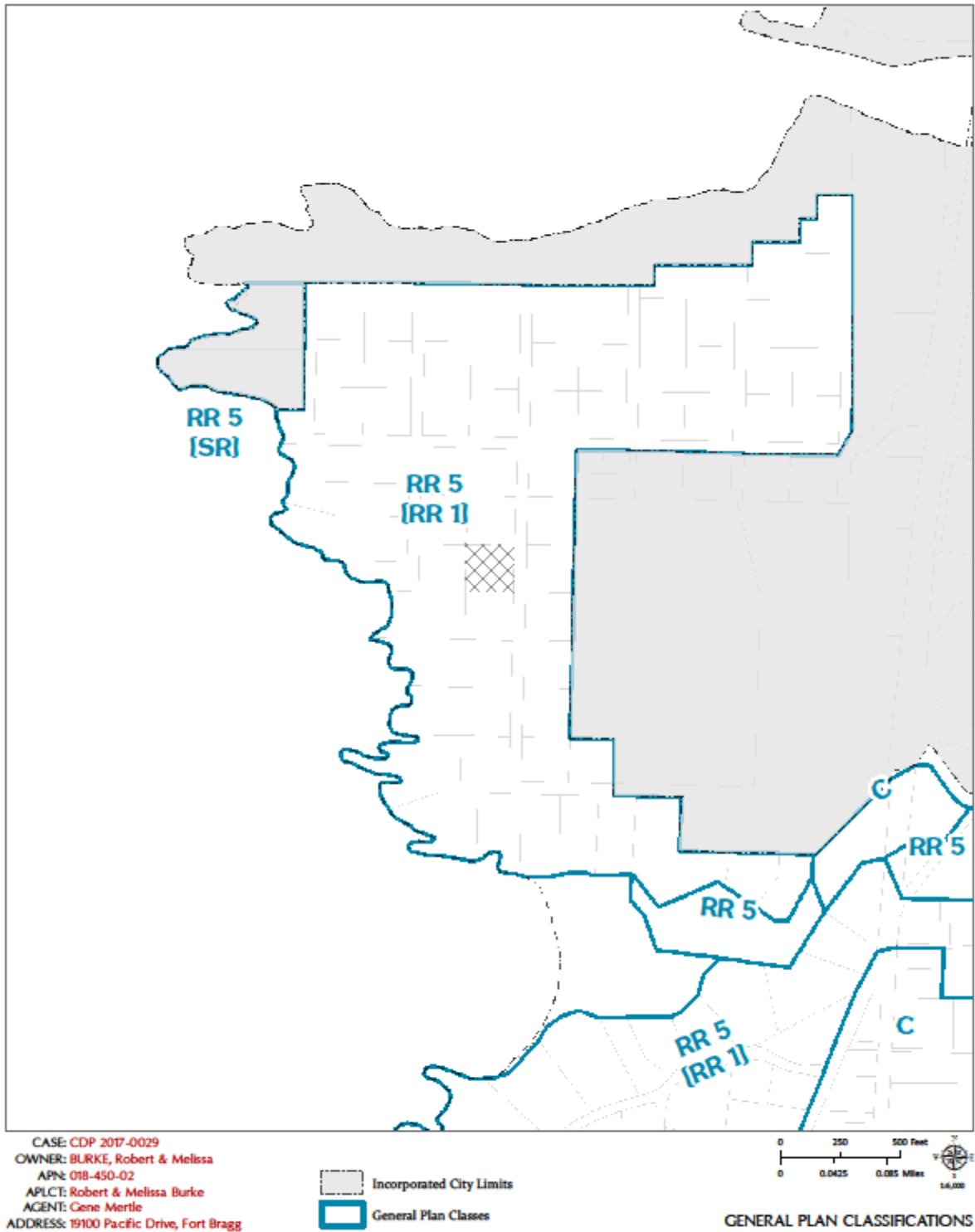


AERIAL IMAGERY

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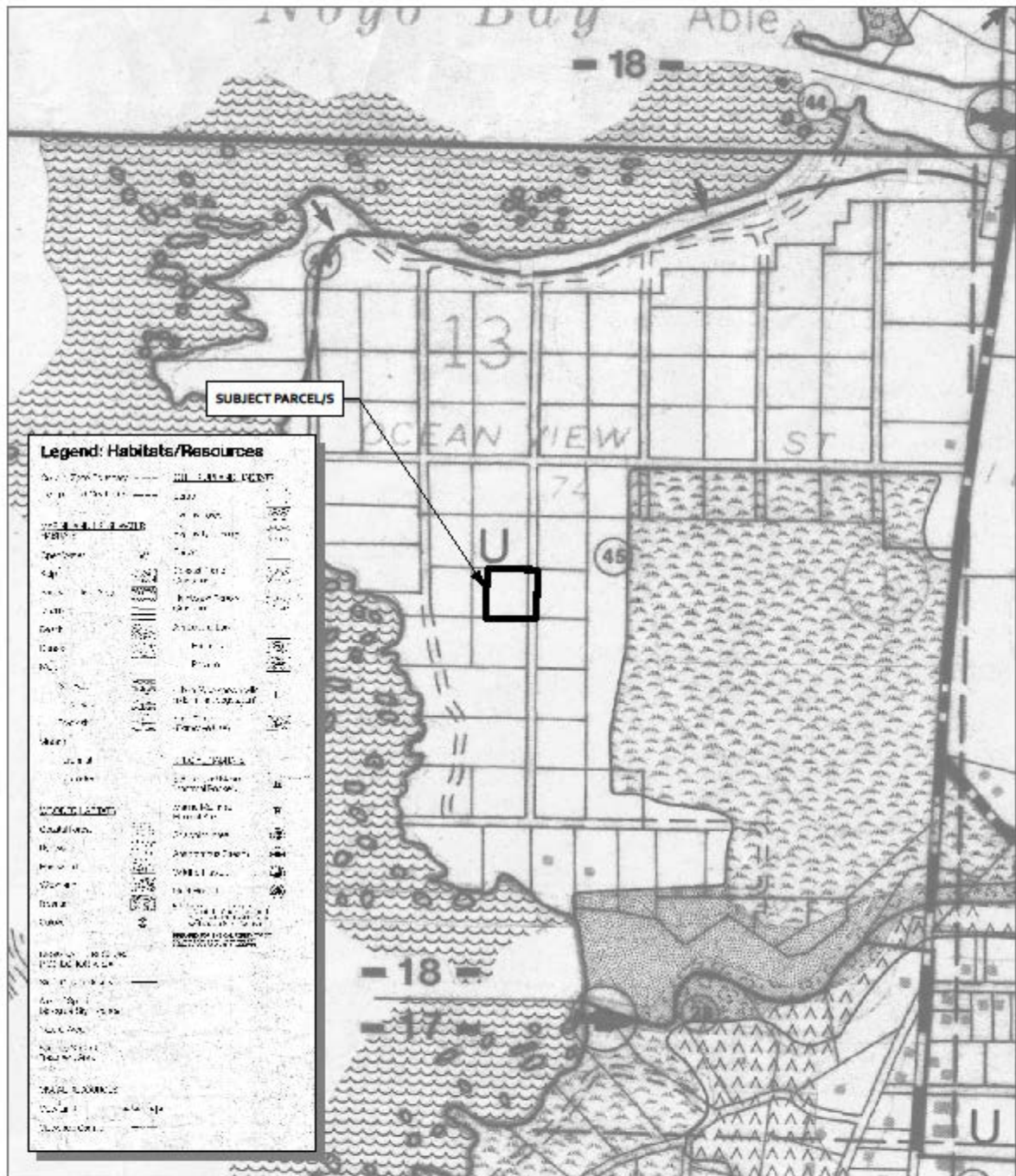


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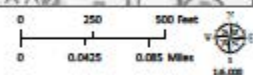
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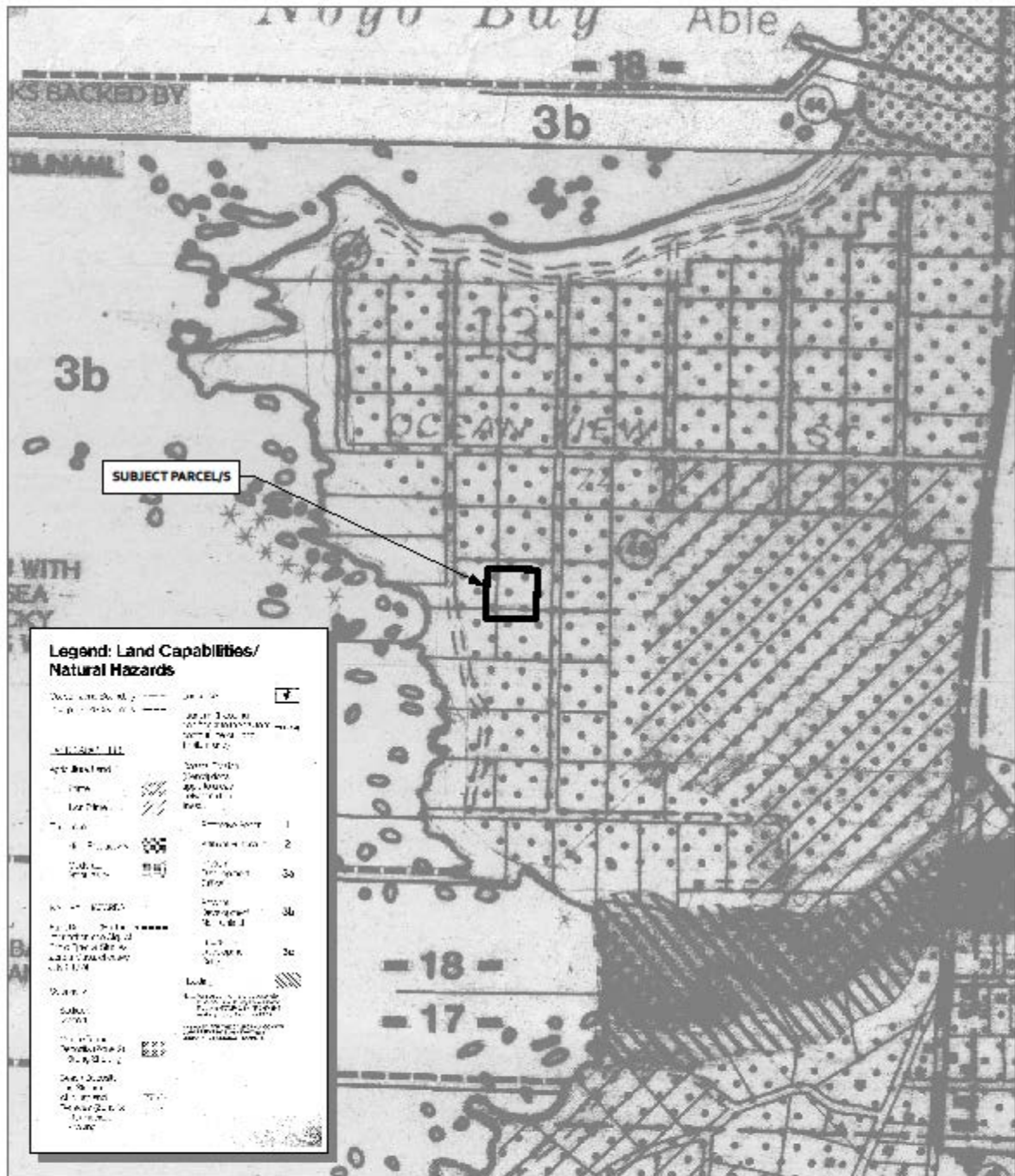
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LCP HABITATS & RESOURCES



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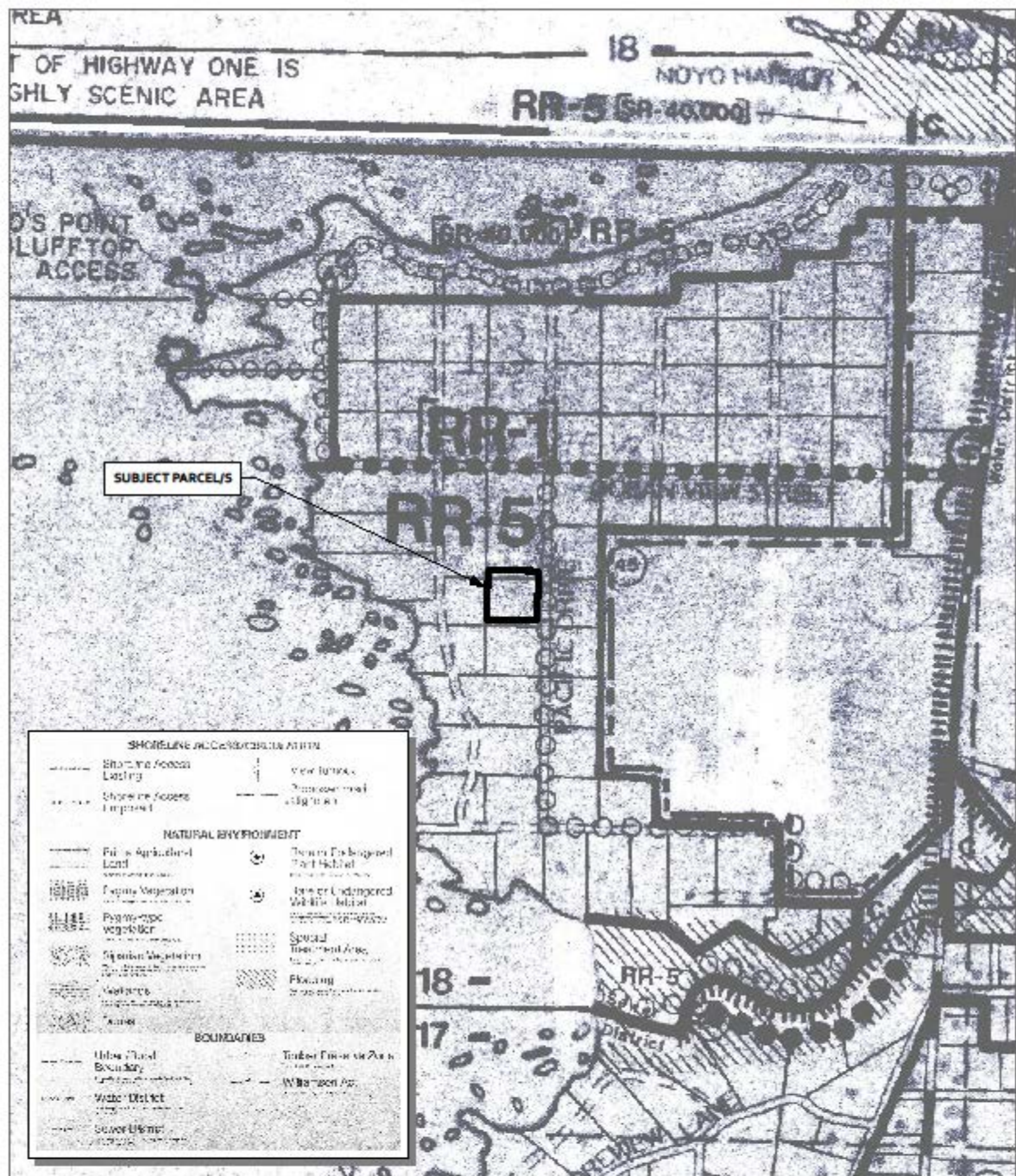
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LCP LAND CAPABILITIES & NATURAL HAZARDS

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ATTACHMENT H

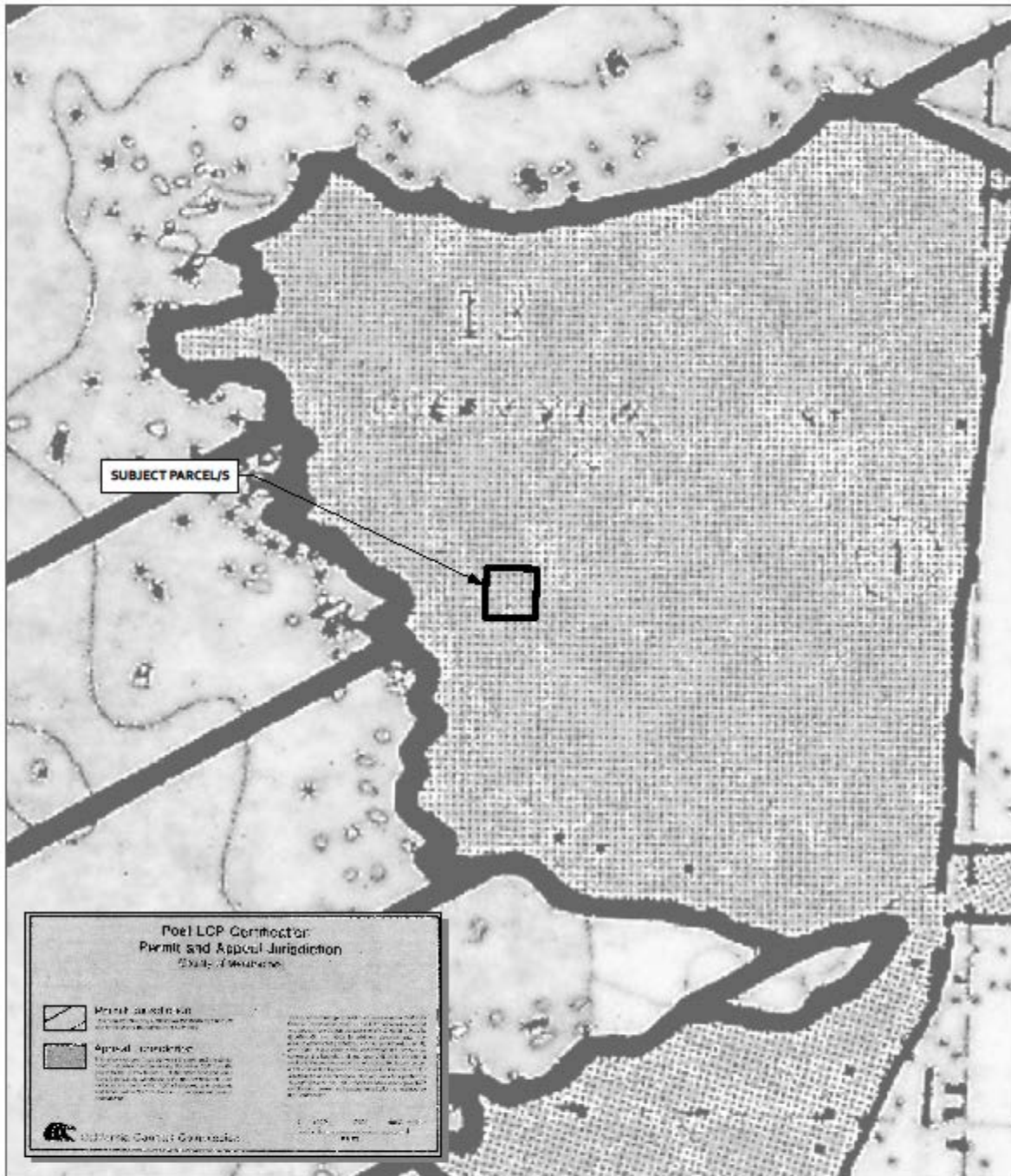


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LCP LAND USE MAP 14: BEAVER

ATTACHMENT I

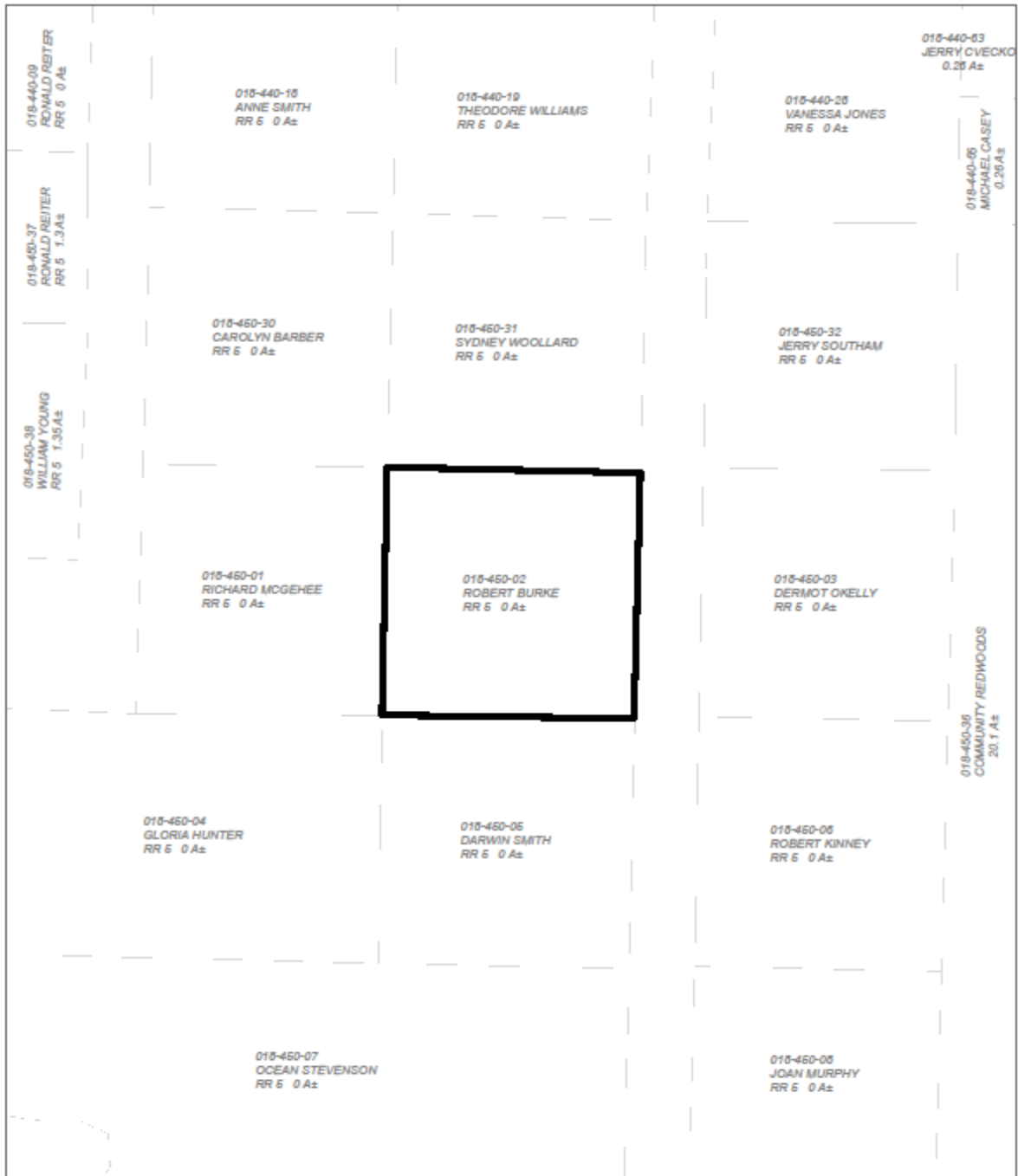


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APPEALABLE AREAS

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ATTACHMENT J

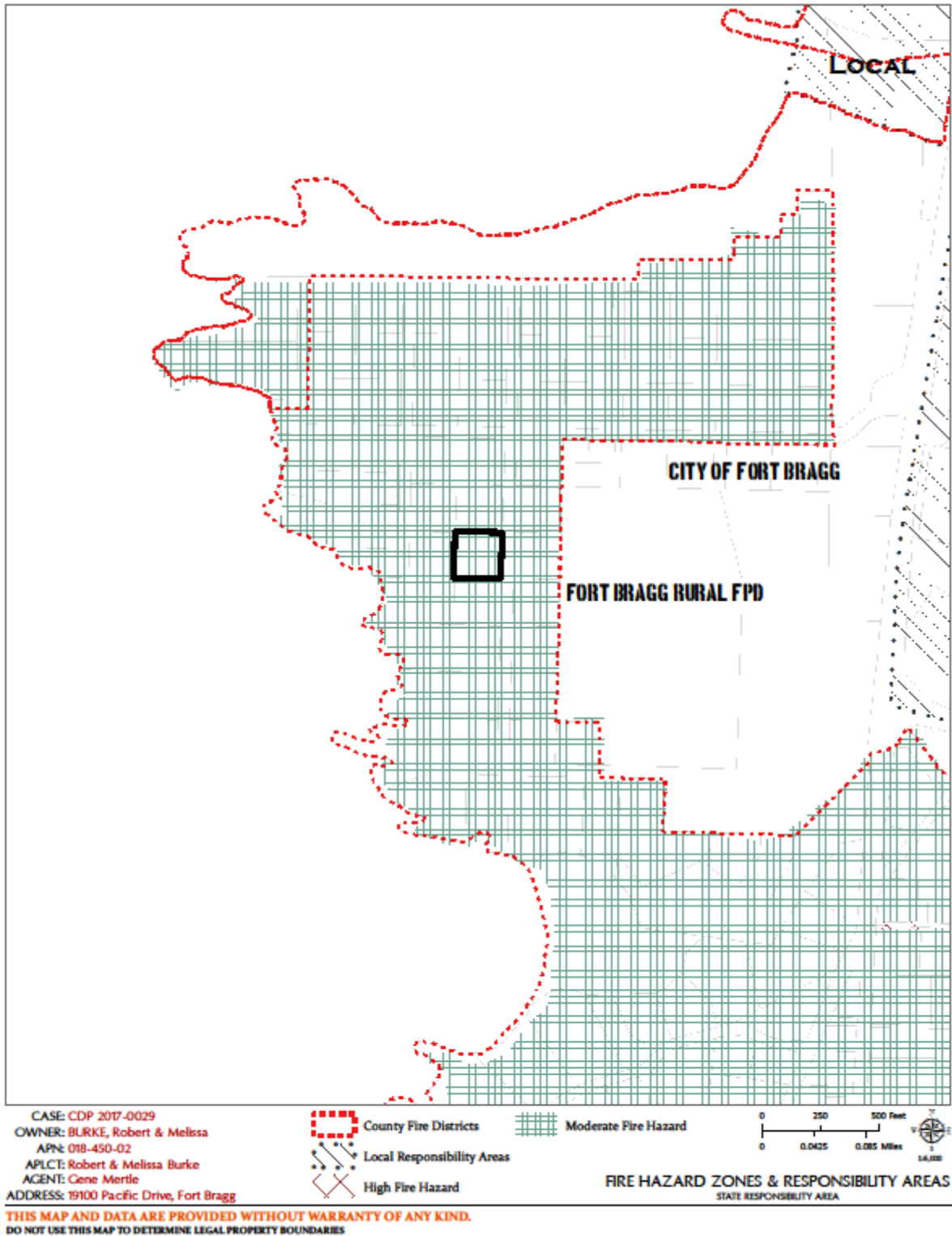


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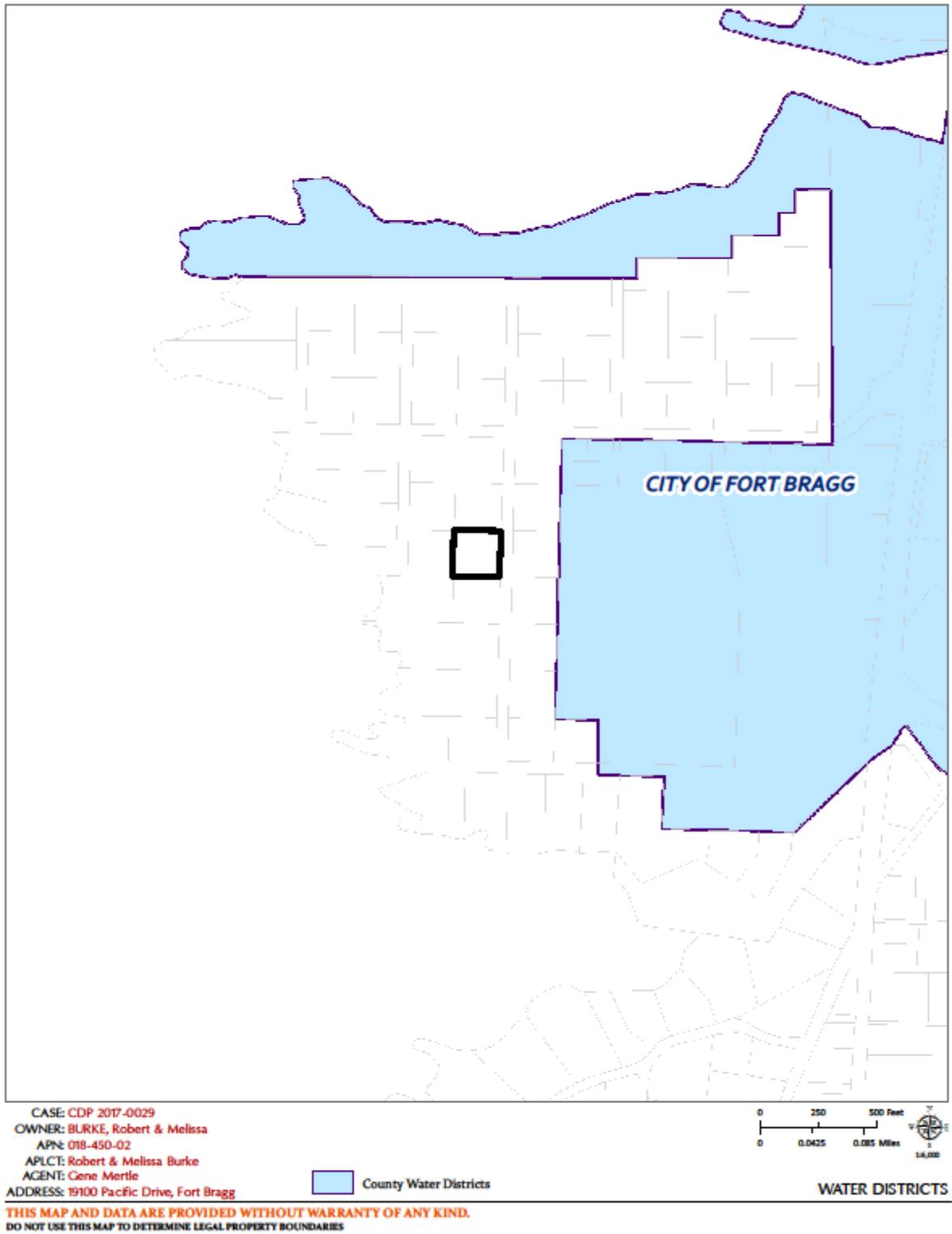


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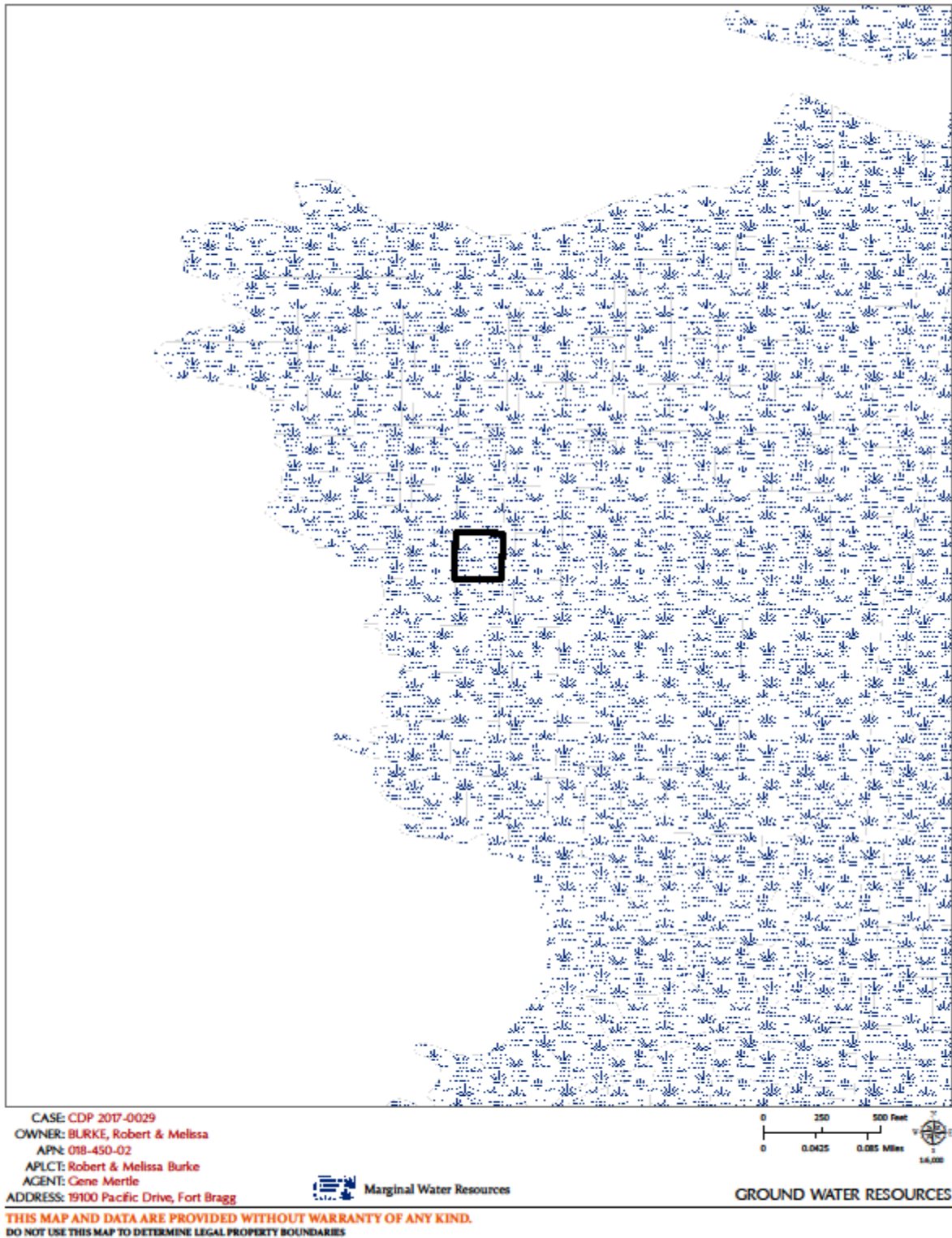
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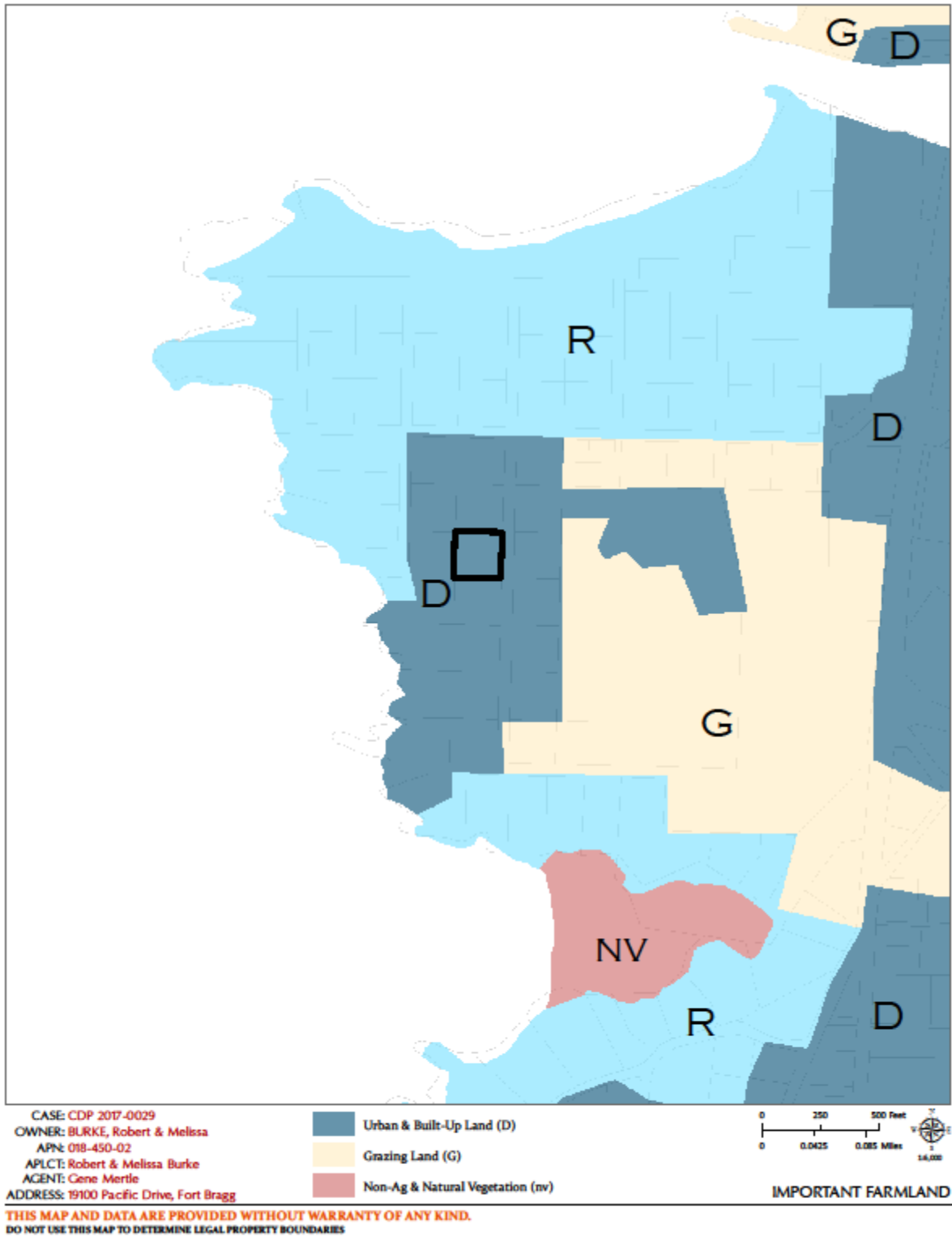
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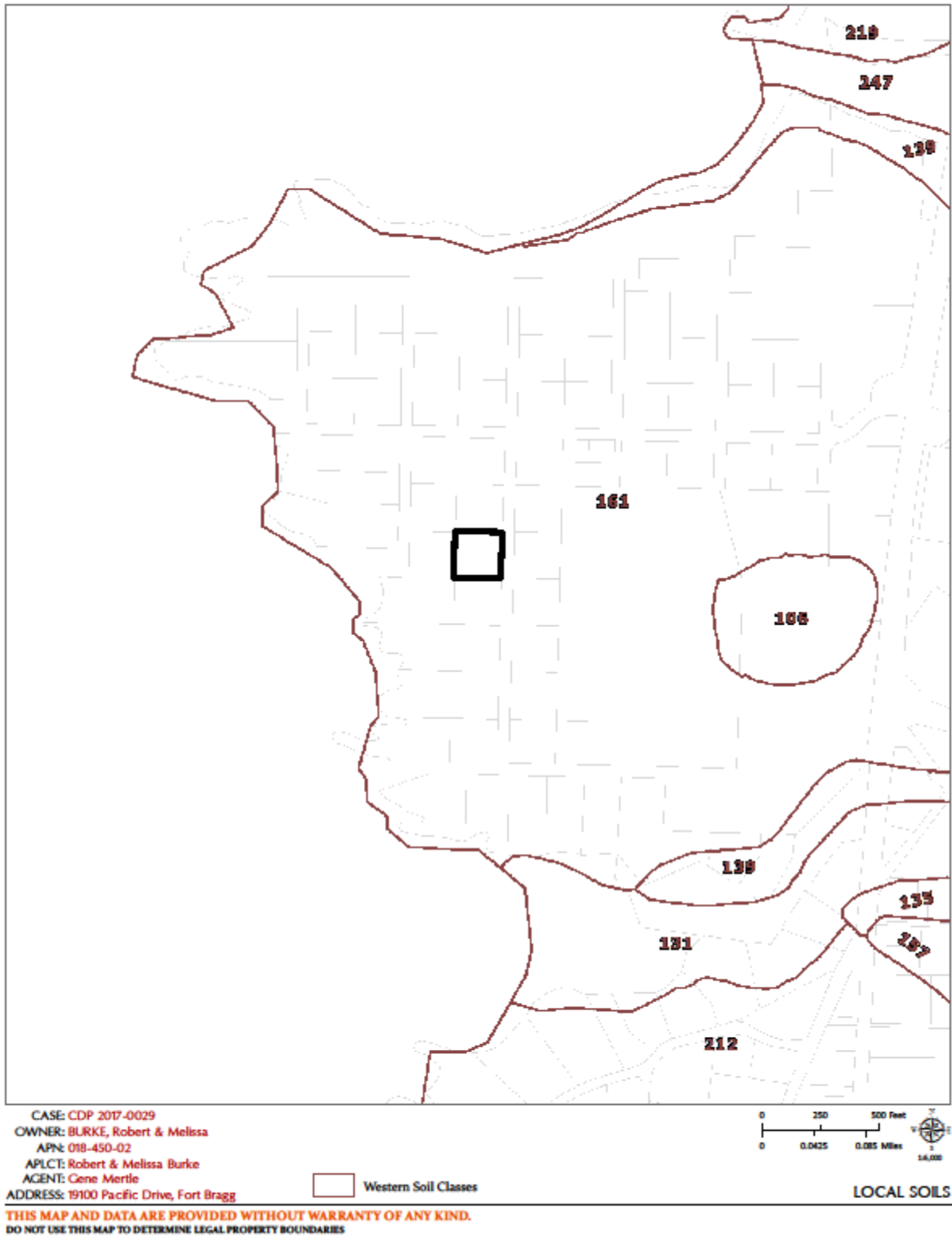
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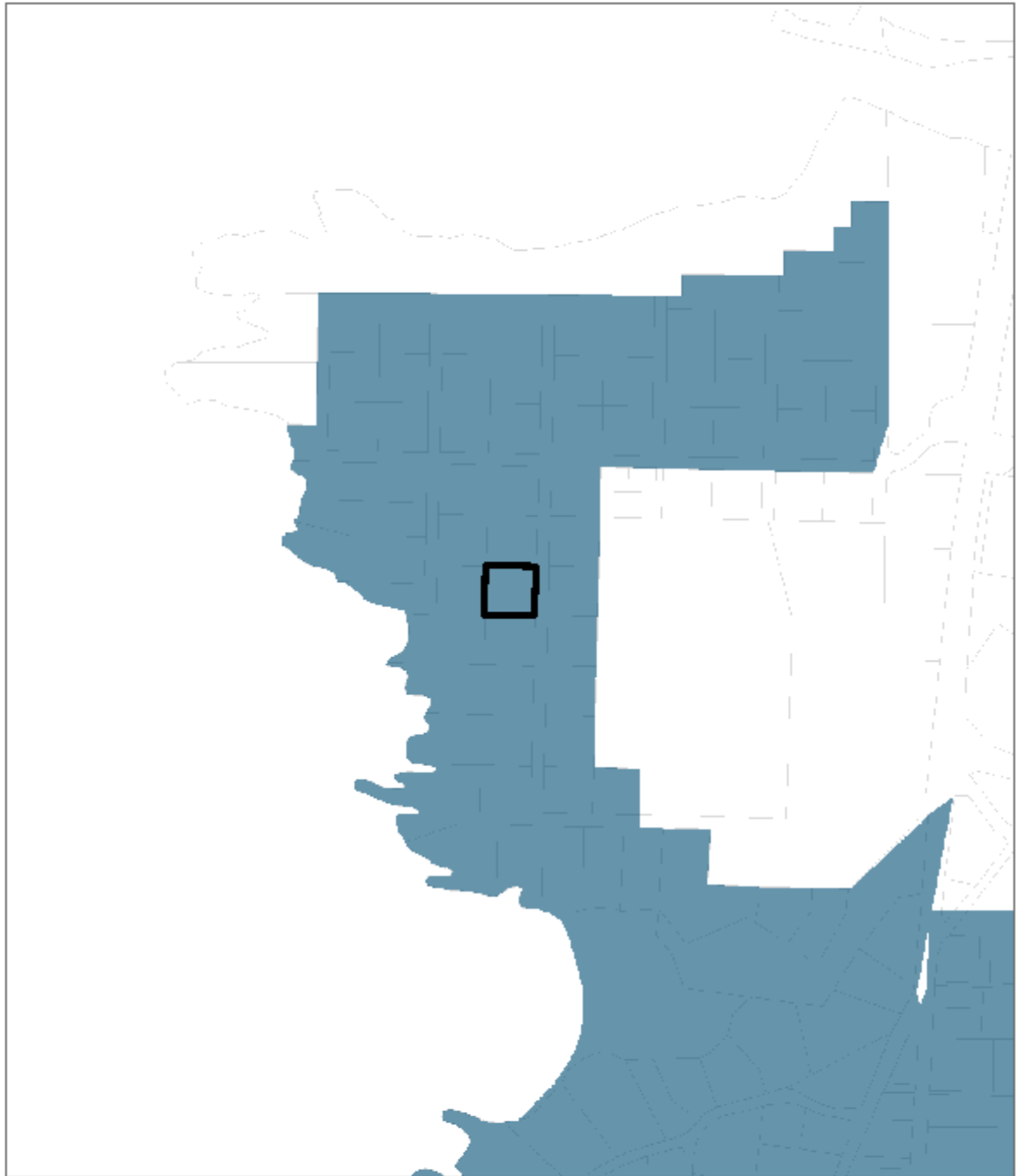
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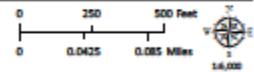


ATTACHMENT P



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 Fort Bragg Stormwater Areas



STORMWATER PERMITTING ZONES

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