COASTAL DEVELOPMENT PERMIT STAFF REPORT - ADMINISTRATIVE

CDP_2017-0028
JANUARY 3, 2018

SUMMARY

OWNER/APPLICANT:	BOB & SHERRY BAKER 42001 IVERSEN ROAD GUALALA, CA 95445
REQUEST:	An Administrative Coastal Development Permit request to demolish and replace an existing modular home with a 1,782 sq. ft. manufactured home. Existing development and infrastructure to remain on site includes a well, septic system, carport, garage, and shop.
DATE DEEMED COMPLETE:	October 15, 2017
LOCATION:	The site is in the Coastal Zone, 6.6± miles northeast of the community of Gualala, 1.2± miles north of the intersection of Iversen Rd. and Fish Rock Rd., located at 42001 Iversen Rd., Gualala (APN: 141-100-12).
TOTAL ACREAGE:	4.87 acres
GENERAL PLAN:	Coastal Element, Mendocino County General Plan Rural Residential, 10 acre minimum parcel size (RR10)
ZONING:	Division II, Title 20, Mendocino County Code Rural Residential, 10 acre minimum parcel size (RR10)
SUPERVISORIAL DISTRICT:	5
ENVIRONMENTAL DETERMINATION:	Categorical Exempt. Pursuant to Section 15302, Class 2 of the California Environmental Quality Act, the proposed replacement of a single family residence is categorically exempt from environmental review.
APPEALABLE:	No.
RECOMMENDATION:	Approve with Conditions
STAFF PLANNER:	Debra Bieber

BACKGROUND

PROJECT DESCRIPTION: An Administrative Coastal Development Permit request to demolish and replace an existing 3,068 sq. ft. modular home with a 1,782 sq. ft. manufactured home. Existing development and infrastructure to remain on site includes a well, septic system, carport, garage, and shop.

APPLICANTS' STATEMENT: "Install replacement manufactured home for demoed existing. Property includes well, carport, garage & shop. (Existing)"

RELATED APPLICATIONS ON-SITE:

- BF 2005-0619 Garage
- ST 22910; BF 2007-0977 SFR; BF 2004-0253 Guest Cottage
- CDP_58-03 SFR, guest cottage, temporary occupancy during construction.

Adjacent Parcels:

- F6776 garage (adjacent parcel to south)
- F6B67 Med. H.; F7 Studio; F6098; CDP_68-93 SFR; 939-484-SFR; 999-1096 Greenhouse; BF 2003-1116 shed (adjacent parcel to east)
- CE 01-01 well repair (adjacent parcel to west)

SITE CHARACTERISTICS: The 4.87 acre site is located on the west side of Iversen Road, approximately 1.2 miles west of the intersection of Iversen Road and Fish Rock Road, within the community of Gualala, at 42001 Iversen Road (APN: 41-100-12-00). The parcel is currently developed with an existing 3,068 square foot single family residence, located approximately 160 feet within the property boundary, and is proposed to be replaced with a new 1,782 square foot single family residence. The proposed single family residence would be constructed on the same building footprint as the existing residence. Existing development on the parcel to remain unchanged under the project includes a 500 square foot garage, 150 square foot carport, well, 2,400 square foot shop, and landscaping (approximately 103,637 square feet). The existing well is located in the northeastern portion of the property, 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 22910, which was sized for a 3 bedroom residence, such as what is proposed under the project.

Elevations at the project site range from approximately 1,351 feet above mean sea level (amsl) at the northwesterly boundary of the parcel, to approximately 1,328 feet amsl at the building site location, which then slopes down to approximately 1,312 feet amsl at the southwesterly boundary of the parcel. The site is not located within a mapped Highly Scenic Area. Soils at the project site include Havensneck sandy loam and Seaside-Rock outcrop complex.[1, 2] These are not typical pygmy vegetation soils.

The site primarily consists of rural residential and rural commercial land, with a small portion of grazing land in the site's northwestern corner.[3] The site contains barren habitat in the northern portion of the site and pygmy forest habitat in the southern portion of the site.[4] Additionally, timberland of moderate productivity is located in the site's southwestern corner, with additional timberland with moderate and high productivity located west and north of the site, respectively.[5] The site is located in "Critical Water Resources Bedrock" area and a high fire hazard area.[6, 7]

Mapping does not associate the following with the subject site: faults, landslides, erosion, 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 west are designated Rural Residential (RR10), while immediately east of the site, the land is designated as Forest Lands (FL160). The parcels immediately to the north, south, and west are currently developed with single family residences and appurtenant structures, while east of the site is undeveloped forest land. The proposed project is compatible with surrounding land uses and development.

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[1] Mendocino County Department of Planning & Building Services. No Date. *Local* Soils [map].
[2] United States Department of Agriculture and Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed August 22, 2017. Available at: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf.
[3] Mendocino County Department of Planning & Building Services. No Date. *Important Farmland* [map].
[4] Mendocino County Department of Planning & Building Services. No Date. *LCP Habitats & Resources* [map].
[5] Mendocino County Department of Planning & Building Services. No Date. *LCP Land Capabilities & Natural Hazards* [map].
[6] Mendocino County Department of Planning & Building Services. No Date. *Ground Water Resources* [map].
[7] Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas* [map].
[8] Mendocino County Department of Planning & Building Services. No Date. *LCP Land Capabilities & Natural Hazards* [map].

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR10	RR10	4 acres	Residential
EAST	FL160	TP	115 acres	Vacant
SOUTH	RR10	RR10	4 acres	Residential
WEST	RR10	RR10	27 acres	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 10 acre minimum parcel size (RR10) 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.[9] The proposed replacement of an existing 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.[10] The proposed single family residence, which would replace an existing residence located on the site, is a principally permitted use within the Rural Residential District, pursuant to Mendocino County Coastal(MCC) Zoning Code Chapter 20.376 *RR Rural Residential District* and Chapter 20.472 *Off-Street Parking Requirements*. The project complies with the intent of the Rural Residential District, its development requirements.

- *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 50 feet each.

- *Section 20.376.035 Minimum Side Yards for RR Districts.* The project would comply with the minimum side yard requirement of 50 feet.

- *Section 20.376.045 Building Height Limit for RR Districts.* The maximum building height allowed in the RR Zone is 28 feet above the natural grade for non-Highly Scenic Areas. As proposed, the maximum height of structures is 18 feet in height, which would comply with the maximum building height limit for the RR District.

- *Section 20.376.065 Maximum Lot Coverage for RR Districts.* The project, as proposed, would result in a total lot coverage of 2.3 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 three spaces would be provided, and all would be covered spaces.

The Gualala Municipal Advisory Council, in a letter dated September 15, 2017, noted that the Council reviewed the subject project at their September 7, 2017 meeting and voted unanimously (5-0) to recommend advisory approval of the application.

Habitats and Natural Resources: The southern portion of the site contains potential but not verified pygmy forest habitat, while the northern half of the site comprises barren habitat.[11] The proposed project, as

[9] Mendocino County General Plan. Chapter 2.2 of the Coastal Element. 1991.
[10] Mendocino County Coastal Zoning Code, § II-20.376.005 (1991). Print.
[11] Mendocino County Department of Planning & Building Services. No Date. *LCP Land Capabilities & Natural Hazards* [map]

reviewed by Planning and Building Staff, would be developed on an already disturbed area of the property since the proposed single-family residence would be constructed on the footprint of the existing residence, thereby minimizing impacts to potential sensitive habitats and species within the vicinity.

The project is consistent with the MCC Section 20.496.045, Environmentally Sensitive Habitats and Other Resource Areas. The purpose of this Chapter is to ensure that environmentally sensitive habitat and other designated resource areas which constitute significant public resources are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations[12]. Environmentally Sensitive Habitat Areas (ESHAs) include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.

The Applicants did not submit a biological report with their project application for the proposed replacement single-family residence. According to the LCP Habitat and Resource Map, the site contains barren habitat in the northern portion of the site and pygmy forest habitat in the southern portion of the site.[13] Per MCC Sections 20.496.045(A)(2)&(3), new development on parcels which contain pygmy type vegetation shall be located in the least environmentally damaging locations and shall minimize the removal of native vegetation and alterations of soils and natural land forms. Where feasible, new development should only be permitted at the periphery of pygmy forest habitat where construction does not cause penetration of the hardpan, where septic systems do not drain into adjacent pygmy forest habitat, and where dwellings do not require that an access road be built through intact pygmy forest.

The proposed project would be developed on an already disturbed area. The proposed single-family residence would be constructed on the footprint of the existing residence, thereby minimizing impacts to potential sensitive habitats and species within the vicinity. No CNDDB occurrences were found on the site. Soils on the site consist of #158 Havensneck sandy loam and #198 Seaside rock outcrop complex, neither of which support pygmy vegetation. In addition, there are no Blacklock, Aborigine, Tropaquepts, or Shinglemill/Gibney complex soils found on the site per the Local Soils Map printout. Staff also reviewed Planning and Building pygmy vegetation map amendments (undated) showing that no pygmy vegetation occurs on this parcel. As conditioned, Staff finds that the proposed project would not significantly impact any sensitive biological resources.

Public Access: The project site is located east of Highway 1 and is not designated as a potential public access trail location. As shown on LCP Map 30 *Anchor Bay*, existing public access to the shore is not located near the site, nor is any public access proposed within the vicinity of the site.[14] Existing development at the site is not currently visible from Highway 1 and the proposed replacement single-family residence would also not be visible. The site is approximately 6 miles east of Highway 1 and includes existing vegetation along its northeastern and southeastern boundaries that partially obscures views of the existing development from Iversen Road.

Hazards Management: The parcel is located in an area classified with a “High Fire Hazard” severity rating.[15] Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the South Coast Fire Protection District. The project application was referred to CalFire and the South Coast Fire Protection District for input; however, each agency had no comment on the project. Conditional clearance from CalFire (CalFire File Number 81-17) has been provided for the project, dated March 20, 2017, in which standard conditions related to address, driveway, defensible space, and maintaining defensible space are required by CalFire. Additionally, CalFire is not requesting for any exemptions to the Fire Safe Regulation. Additionally, 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. As conditioned, Staff finds the project to be consistent with Mendocino County policies for fire protection.

[12] Mendocino County Coastal Zoning Code, §II-20.96.010 (1995).
[13] Mendocino County Department of Planning & Building Services. No Date. *LCP Habitats & Resources* [map].
[14] Mendocino County Department of Planning & Building Services. No Date. *Ground Water Resources* [map].
[15] Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas* [map].

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. A condition is recommended to ensure the project will implement standards of Best Management Practices (BMPs) to prevent erosion and run-off during project construction and re-vegetate any bare soil 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: For small projects such as the proposed replacement of an existing single-family residence having minimal earthwork, 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 was determined to be an appropriate guidance document for what projects would require archaeological review. Staff notes that a standard condition advises the Applicants of the "Discover 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 August 17, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Litter River Band of Pomo Indians. However, the area does include Tan Oak and other traditional food sources that should be protected. No work will occur in previously undisturbed areas.

Groundwater Resources: The project site is located within a mapped "Critical Water Resources Bedrock" area.[16] The subject parcel currently utilizes an on-site well, which would continue to be utilized under the project. 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.

Visual Resources and Special Treatment Areas: The subject parcel is not located within a mapped Highly Scenic Area, as depicted on the LCP Land Use Map 30 Anchor Bay and is not subject to the development criteria of MCC Section 20.504.015(C). Staff finds the proposed project would not have significant visual impacts.

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 2, Section 15302.

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.

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

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 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, 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 and the proposed project, which involves replacing an existing single-family residence on-site, is categorical exemption 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 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 not 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. To comply with MCC Section 20.376.045, the building height limit is twenty-eight (28) feet above natural grade for non-Highly Scenic Areas.

10. To minimize impacts on the adjacent pygmy forest, development shall be sited on the existing building footprint.

11. 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.

12. 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.

13. 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:

1-8-18
Date

Debra Bieber
Debra Bieber
Planner III

1-4-18
Date

Ignacio Gonzales
Interim Director/Coastal Permit Administrator

ATTACHMENTS:

A. Adjacent Parcels Map
B. Aerial Imagery
C. Appealable Areas Map
D. Ground Water Resources Map
E. Important Farmland Map
F. Fire Hazard Zones & Responsibility Areas
G. Floor Plan
H. Floorplan 2
I. General Plan Classifications Map
J. LCP Habitats & Resources Map
K. LCP Land Capabilities & Natural Hazard Map
L. LCP Land Use Map 30: Anchor Bay
M. Location Map
N. Misc. Map
O. Structure Profile
P. Local Soils Map
Q. Topographic Map
R. Timber Production Zones Map
S. Zoning Display Map

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning (Ukiah)	No Response
Department of Transportation	No Response
Environmental Health (FB)	No Response
Building Inspection (FB)	No Response
Assessor	No Response
Sonoma State University	No Response
State Clearinghouse	No Response
CalFire	No Response
Department of Fish & Wildlife	No Response
Coastal Commission	No Response
Sherwood Valley Band of Pomo Indians	No Response
Redwood Valley Rancheria	Comments
Cloverdale Rancheria	No Response
Gualala MAC	Approved (5-0)
South Coast Fire Protection District	No Response
Coast Life Support Services	No Response