



**COASTAL DEVELOPMENT PERMIT
STAFF REPORT - ADMINISTRATIVE**

**JULY 10, 2018
CDP_2017-0048**

SUMMARY

OWNER/APPLICANT: KIMIKO AND GERALD SHUCK
29833 WOODBROOK ST
FARMINGTON HILLS, MI 48334

AGENT: JAY ANDREIS/ANDREIS
PO BOX 699
FORT BRAGG, CA 95437

REQUEST: An Administrative Coastal Development Permit request to construct a 2,484 sq. ft. residence, 1,345 sq. ft. garage, 725 sq. ft. deck, and other ancillary structures.

DATE DEEMED COMPLETE: 3/16/2018

LOCATION: In the Town of Mendocino and the Point of View Estates Subdivision, on the south side of Palette Drive (CR 448), 1,000± feet northeast of its intersection with Lansing Street (CR 500), located at 10900 Palette Drive, Mendocino (APN: 119-060-20).

TOTAL ACREAGE: 0.49 Acre

GENERAL PLAN: General Plan, Coastal Element Chapter 4.13
Suburban Residential (SR20K:U)

ZONING: Mendocino Town Zoning Code - Division III
Mendocino Suburban Residential (MSR:20K)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt. 15303 Class 3 exemption for the construction of a single-family residence in an urban, residential district.

APPEALABLE: NO

RECOMMENDATION: Approve With Conditions

STAFF PLANNER: Juliana Cherry

BACKGROUND

PROJECT DESCRIPTION: An Administrative Coastal Development Permit request to construct a 2,484 square foot residence, 1,345 square foot garage and workshop, and 725 square feet of decking, and other ancillary structures.

APPLICANT'S STATEMENT: "Construction of a new home on a residential lot."

RELATED APPLICATIONS:

Neighboring Properties:

- Southerly parcel APN:119-060-19: CDP_2001-27 Single-Family Residence with Guest Cottage; two 2001 building permits and one 2001 encroachment permit
- Westerly parcel APN: 119-060-21 Five building permits between 1999-2016: 3 reroofing, 1 bathroom remodel, 1 replace electrical panel box
- Northerly parcel APN: 119-060-10: Three building permits between 2007-2011 for various remodeling and repairs to an existing residence
- Northerly parcel APN: 119-06011: Seven building permits between 1999-2011 for remodeling, additions, and repairs to an existing residence
- Northerly parcel APN: 119-060-12: 2012 Zoning Code Violation for an unpermitted second residence; 1999 building permit for repairs; 2015 building permit to install two propane tanks; and a 2016 encroachment permit

SITE CHARACTERISTICS: The property is an approximate half-acre parcel located in the Point of View Subdivision. The property is located approximately 400 feet south of the shoreline and has an elevation of approximately 150 feet (See attachment *Topographic Map*). The site slopes with 5% to 10% grades. The site has been graded to allow for alignment with Palette Drive (CR 448). Ornamental shrubs and a boundary fence are visible. The parcel is comprised of non-native grassland. Surveys found that no freshwater emergent wetland, wetland or riparian areas are present on the parcel or within one-hundred feet of the parcel. One mature pine tree stands on the site; it is adjacent to the street and near the northerly property boundary.

SURROUNDING LAND USE AND ZONING: As listed on Table 1, the surrounding lands are classified and zoned Suburban Residential. The same as the project site. The lot is situated facing a residential street and surrounding lots are developed with residential uses. The proposed single-family home is compatible with the surrounding land uses.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	SR	MSR	0.5 acre	Residential
EAST	SR	MSR	0.5 acre	Residential
SOUTH	SR	MSR	0.5 acre	Residential
WEST	SR	MSR	0.5 acre	Residential

The surrounding developed residential lots include homes with windows facing the shoreline, low-pitched gabled rooflines, and vertical redwood siding; the architectural styles in the Point of View Subdivision differ from the historic setting found elsewhere in Historical Zone A.

The project location is in the Point of View Estates Exclusion Zone (See attachment *Mendocino Town Plan*). Pursuant with MTZC Section 20.692.020(E), the Point of View Estates is located outside the Mendocino Historical Preservation District. Development within the exclusion zone shall be consistent with the standards MTZC Section 20.760.050.

LOCAL COASTAL PROGRAM CONSISTENCY:

Land Use: The parcel is classified as Suburban Residential (SR20K:U) by the Mendocino County General Plan, Coastal Element Chapter 4.13 *Mendocino Town Plan* (See attachment *General Plan Classifications*). The Suburban Residential classification is intended to recognize the existing Point of

View Estates Subdivision and the contiguous five lots that front on Lansing Street, north of Palette Drive (Mendocino Town Plan). The proposal is consistent with the intent of Coastal Element Chapter 4.13.

Zoning: The project site is located within the Mendocino Suburban Residential District (See attachment *Zoning Display Map*). This District is intended to recognize the existing Point of View Estates Subdivision and the five lots on the southwest boundary east of Lansing Street and north of Palette Drive, while allowing a second residential dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development (MTZC Sec. 20.648.005). The proposed project complies with building height, building setback, lot coverage, and other development standards of MCC Chapter 20.376.

Visual Resources: Pursuant with MCC Section 20.504.020(A), the Town of Mendocino is the only recognized special community in the Coastal Element. Division III of Title 20 provides specific criteria for new development in Mendocino. The site is not mapped as a Highly Scenic Area.

Hazards Management: Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazards (See attachment *LCP Land Capabilities & Natural Hazards*).

MCC Section 20.500.025 *Fire Hazard* -- The parcel is located in an area classified as a "High Fire Hazard" (See attachment *Fire Hazard Zones & Responsibility Areas*). Fire protection services are provided by the Mendocino Fire Protection District (MFPD). On April 4, 2018, the application was referred to MFPD for input; however, no response has been received. The applicant applied for a preliminary clearance from CalFire. CalFire Permit 510-17 conditions include standards for address, driveway, defensible space and maintaining defensible space. Staff recommends a standard condition stating, "This permit shall be subject to securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction."

Habitats and Natural Resources: The northwest corner of the parcel is mapped as barren land (See attachment *LCP Habitat and Resources*). A biological site review was prepared (Brooks Forestry Biologists, 2018). The report describes the site as comprised of non-native grassland that is mowed regularly. There is one non-native knobcone pine tree located near Palette Drive. The proposed project is not adjacent to sensitive coastal resources; therefore, the Department of Fish and Wildlife was not contacted when staff distributed the proposed project to agencies for their comment.

Archaeological/Cultural Resources: On April 4, 2018, the project was referred to the Northwest Information Center (NWIC) and a response was received on April 19, 2018. The recommendation was to evaluate the setting, as there was no record of an archaeological survey for the project site. The applicant provided a survey prepared by Thad Van Bueren. On May 9, 2018, Mendocino County Archaeological Commission considered the recommendations from NWIC and Mr. Van Bueren; and the Commission accepted the survey report. No special conditions are recommended by the Commission.

Staff notes that a Condition advises the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As conditioned, Staff recommends the project as consistent with Mendocino County policies for the 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. On April 11, 2018, the Redwood Valley Little River Band of Pomo Indians replied that they had no comments at this time.

Groundwater Resources: The project site is located within a mapped Critical Water Resources Area (See attachment *Ground Water Resources*). The proposed development would have access to an existing, community water system. On April 4, 2018, the application was referred to Mendocino City Community Services District (MCCSD) and Mendocino County Department of Environmental Health (DEH) for comment. On April 13, 2018, MCCSD replied stating that the property owner is required to apply for a sewer connection and pay a capacity charge. Staff finds that the property owner has access to a sufficient water supply and recommends that a standard condition will address MCCSD's comments. The standard condition would be "This permit shall be subject to securing of all necessary permits for the proposed

development from County, State and Federal agencies having jurisdiction.” On April 19, 2018, DEH responded that they had no comment at this time.

Grading, Erosion, and Run-Off: No grading is proposed. The site is characterized as beach deposits and stream alluvium (See attachment *LCP Land Capabilities & Natural Hazards*). The Western Soil Class is 161 and the Biological Scoping Survey describes the soils as Heeser sandy loam (See attachment *Local Soils* and see Brooks, 2017). Heeser sandy loam has a moderately rapid to permeability with moderate water capacity. Surface runoff is low or moderate and the hazard of water erosion is light or moderate if the surface is left bare. “The main limitations affecting home site development are the slope, the poor filtering capacity of the substratum, and the sloughing of cut banks (Brooks, 2017).” No cut banks are proposed. Brooks recommends revegetating disturbed areas around construction sites to control erosion. Mapping does not indicate that the proposed development would cause erosion or run-off hazards.

Transportation/Circulation: The project would contribute minimally to new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from residential land uses and its associated development were considered when the Coastal Element land use designations were assigned. Staff recommends the project would not affect transportation or circulation and would be provided with adequate access. On April 4, 2018, the application was distributed to Mendocino County Department of Transportation (DOT) for their comment. On April 12, 2018, DOT responded that the site fronts a County road (CR 448). A standard residential driveway approach would be required and that any proposed work within County rights-of-way would require an encroachment permit from DOT. Staff recommends including DOT's two requested conditions with project approval.

Public Access: The project site is located near the northerly boundary of the Mendocino Town Local Coastal Plan (See attachment *Mendocino Town Plan*). The site is not designated as a potential public access trail location. As shown on an LCP Map 17 *Mendocino*, existing public access to the shore is located along Heeser Drive and Lansing Road.

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 proposed residence and accessory structures meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3, Section 15303, which reads “the construction of a single-family residence in an urban, residential district.”

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.720 of the Mendocino Town Zoning Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.720.035(A)(1), the proposed residential development is in conformity with the certified Local Coastal Program, as the land use is intended for the classification in which it is proposed; and
2. Pursuant with MCC Section 20.720.035(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The residential lot has access to a community water supply and sewer connection; and
3. Pursuant with MCC Section 20.720.035(A)(3), the proposed residential development is consistent with the purpose and intent of the Mendocino Suburban Residential District, as well as all other provisions of Division III of Title 20 of the Mendocino County Code, including building height, setback from property boundary, and lot coverage; and
4. Pursuant with MCC Section 20.720.035(A)(4), the proposed residential development, 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

5. Pursuant with MCC Section 20.720.035(A)(5), the proposed residential development would not have any adverse impact on any known archaeological or paleontological resources and Condition 8 is in place when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.720.035(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 site. The proposed residence would not affect demands on public services; and
7. Pursuant with MCC Section 20.720.035(A)(7), the proposed residential development is in conformance with the design standards of Section 20.760.050 as development located within the Point of View Estates Exclusion Zone are located outside of the Mendocino Historic Preservation District and the proposed architecture is similar to development on adjacent lots.

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. A standard residential driveway approach shall be constructed at the connection to Palette Drive (CR 448) to a minimum width of ten feet, with improved approach extending fifteen feet from the edge of the County road, paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
10. Any proposed work within County rights-of-way requires obtaining an encroachment permit from Mendocino County Department of Transportation.

Staff Report prepared by:

DATE

JULIANA CHERRY
PLANNER III

DATE

IGNACIO GONZALES
COASTAL PERMIT ADMINISTRATOR

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery
- C. Site Plan
- D. Elevations NE
- E. Elevations SW
- F. Oblique Sketch
- G. Materials
- H. Main Floor Plan
- I. Lower Floor Plan
- J. General Plan Classifications
- K. Zoning Display Map
- L. LCP Habitat & Resources
- M. LCP Land Capabilities & Natural Hazards
- N. Appealable Areas
- O. Adjacent Parcels
- P. Fire Hazard Zones & Responsibility Areas
- Q. Ground Water Resources
- R. Local Soils
- S. Topographic Map
- T. Important Farmland
- U. Wildland-Urban Interface Zones

SUMMARY OF REFERRAL AGENCY COMMENTS:

Assessors	No Response
Building Inspection (FB)	No Comment
California Coastal Commission	No Response
Cloverdale Rancheria	No Response
Department of Forestry and Fire Protection	File Number 510-17
Department of Transportation	Comment
Environmental Health (FB)	No Comment

Mendocino City Community Services District	Comment
Mendocino Fire District	No Comment
Mendocino School District	No Comment
Mendocino Sewer District	Comment
Mendocino Water District	Comment
Planning (Ukiah)	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Sonoma State University	Comment
State Clearinghouse	No Response

REFERENCES:

Coastal Element Chapter 4.13 Mendocino Town Plan. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan*. 2017. Ukiah, CA.

Division III of Title 20 of the Mendocino County Code. Mendocino County, Planning and Building Services, Planning Division. 2017. Ukiah, CA.

Coastal Zone Application Form for CDP_2017-0048. Filed December 12, 2017.

Brooks Forestry Biologists. Biological Scoping Survey for 10900 Palette Drive. August 29, 2017.



CASE: CDP 2017-0048
OWNER: SHUCK, Gerald & Kimiko
APN: 119-060-20
APLCT: Gerald Shuck
AGENT: Jay Andreis
ADDRESS: 10900 Palette Drive, Mendocino

Major Towns & Places
Major Roads
Major Rivers
Highways

0 2,550 5,100 Feet
0 0.5 1 Miles
1:63,360

LOCATION MAP

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES