

# COUNTY OF MENDOCINO DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 North Bush Street · Ukiah · California · 95482 120 West Fir Street · Fort Bragg · California · 95437 BRENT SCHULTZ, DIRECTOR PHONE: 707-234-6650 FAX: 707-463-5709 FB PHONE: 707-964-5379 FB FAX: 707-961-2427 pbs@mendocinocounty.org www.mendocinocounty.org/pbs

February 6, 2020

## PUBLIC NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, February 27, 2020, in the Fort Bragg Public Library, 499 East Laurel Street, Fort Bragg, California, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE#: CDP\_2019-0036 DATE FILED: 9/13/2019 OWNER: KAREN ANN FUQUA APPLICANT/ AGENT: TREGONING CONSTRUCTION REQUEST: Standard Coastal Development Permit to add a new roof creating a covered porch at the existing deck location, including rebuilding the existing deck. ENVIRONMENTAL DETERMINATION: Categorically Exempt. LOCATION: Within the Coastal Zone, 6.6± miles north of the City of Fort Bragg, west of State Route 1 (SR 1), on the north side of Ocean View Drive (private), 580± ft. west of its intersection with State Route 1, located at 33100 Ocean View Dr., Fort Bragg (APN: 069-051-21). SUPERVISORIAL DISTRICT: 4 STAFF PLANNER: JESSIE WALDMAN

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services



# COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD CDP

# FEBRUARY 27, 2020 CDP\_2019-0036

5	SUMMARY	
OWNER:	KAREN ANN FUQUA PO BOX 1256 PORTOLA, CA 96122	
APPLICANT/AGENT:	TREGONING CONSTRUCTION 31790 JOHNSON LANE FORT BRAGG, CA 95437	
REQUEST:	Standard Coastal Development Permit to add a new roof creating a covered porch at the existing deck location, including rebuilding the existing deck.	
LOCATION:	In the Coastal Zone, $6.6\pm$ miles north of the City of Fort Bragg, west of State Route 1 (SR 1), on the north side of Ocean View Drive (Private), $580\pm$ ft. west of its intersection with State Route 1, located at 33100 Ocean View Dr., Fort Bragg (APN: 069-051-21).	
TOTAL ACREAGE:	1.0± Acre	
GENERAL PLAN:	Rural Residential, 2-acre minimum with an alternate density of 1-acre minimum, RR2(1):R	
ZONING:	Rural Residential, 2-acre minimum with an alternate density of 1-acre minimum, RR2(1)	
SUPERVISORIAL DISTRICT:	4 <sup>th</sup> District (Gjerde)	
ENVIRONMENTAL DETERMINATION:	Categorically Exempt. Pursuant to Article 19, Section 15301, Class 1(e), of the California Environmental Quality Act, additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition.	
RECOMMENDATION:	APPROVE WITH CONDITIONS	
STAFF PLANNER:	JESSIE WALDMAN	
BACKGROUND		

**PROJECT DESCRIPTION:** A Standard Coastal Development Permit to add a new roof extension over the existing wooden deck, including replacing the existing wooden decking with concrete, creating a covered patio at the east end of the existing single-family residence, as shown on the *Construction Plan*.

## **RELATED APPLICATIONS ON-SITE:**

- CCC-1-88-156W, LCP\_88-82, FB88-510
  Single-family residence
- CDP\_\_55-95, FB959-1014

Garage Septic

• ST1208

# COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL DEVELOPMENT STANDARD PERMIT

**SITE CHARACTERISTICS**: The project site is located within the Pacific Sands Subdivision, 6.6± miles north of the City of Fort Bragg, on the north side of Ocean View Drive (Private), 580± ft. west of its intersection with State Route 1 (SR 1), as shown on the *Topographic Map*. The parcel is developed with a single-family residence, constructed in 1988, and a detached garage, constructed in 1995, as shown on the *Site Map*. The site is situated on a relatively flat plain, regularly mowed lawn, paved driveway, and partial fencing. The project site is surrounded by neighboring single family residences, as shown on the *Aerial Imagery* map.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR) and are developed with residential uses. The proposed covered patio is consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning					
	GENERAL PLAN	ZONING	LOT SIZES	USES	
NORTH	Rural Residential RR2(1)	RR2(1)	1 ± acre; 1 ± acre	Residential	
EAST	Rural Residential RR2(1)	RR2(1)	1 ± acre	Residential	
SOUTH	Rural Residential RR2(1)	RR2(1)	1 ± acre	Residential	
WEST	Rural Residential RR2(1)	RR2(1)	1 ± acre	Residential	

# LOCAL COASTAL PROGRAM CONSISTENCY

The proposed development is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Codes as detailed below:

Land Use: The proposed project is located within the boundaries of the Local Coastal Program (LCP) area and is shown on the *LCP Map 12: Cleone* map. The subject parcel is classified as Rural Residential (RR) by the Mendocino County General Plan, as shown on the *General Plan Classifications* map. The Rural Residential (RR) classification, per Coastal Element Chapter 2.2, states:

"... is intended to encourage local small scale food production in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, or other characteristics. The RR classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability."

This application seeks to extend the roof over the existing deck area, while replacing the existing deck material from wood to concrete. The proposed covered patio is considered an accessory use and is consistent with the principally permitted uses and allowed accessory uses associated with residential development per Mendocino County Coastal Element Chapter 2.2.

Zoning: The project site is located within a Rural Residential (RR) zoning district, as shown on the *Zoning Display Map*, per Mendocino County Code (MCC) Section 20.376.005, states:

"... 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 covered patio is considered an accessory use and may be permitted as specified by MCC Section 20.456.015 and Division II of Title 20 of the Mendocino County Code.

The parcel's zoning designation (RR2(1)) requires a 2-acre minimum or 1-acre minimum parcel size. The established parcel is  $1.0\pm$  acres in size. The proposed covered patio will comply with the minimum property setback requirements for the RR district for the parcel size, which are 20 feet for each front and

rear yard, and 6 feet for each side. A corridor preservation setback of 25 feet applies along Ocean View Drive (Private), resulting in a front yard setback of either 45 feet from the centerline of the road or 20 feet from the property line, whichever is greater. As currently proposed, the proposed improvement will be located within the existing deck foot print, currently located 90± feet from the southern parcel boundary line and 40± feet from the eastern parcel boundary line, which will comply with the minimum yard setbacks, as shown on the *Site Map*. 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 roof extending over the patio will be a maximum height of 15 feet, as shown on the Elevations, which will comply with the maximum building height requirement. The proposed project will not increase the existing lot coverage, as shown on the *Construction Plan*. As the parcel is currently developed, the existing combined lot coverage is 4 percent, which does not exceed the maximum allowed lot coverage of 20 percent for parcels of this size located within an RR district.

The subject parcel is located within the Coastal Zone of Mendocino County, mapped within an appeal area, not located within any mapped highly scenic area or environmentally sensitive habitat area, as shown on the *LCP Land Capabilities & Natural Hazards, the LCP Habitats & Resources and the Appealable Areas* maps.

As currently described, the proposed covered patio will conform to development standards of MCC Chapters 20.376, 20.456 and 20.532.

<u>Visual Resources:</u> The site is not located in a designated Highly Scenic Area; therefore, it is not subject to the policies within the Coastal Element relating to visual resources, except for the following policy that applies to all parcels within the Coastal Zone:

Policy 3.5-1 of the Coastal Element states:

...The scenic and visual qualities of Mendocino County coastal areas shall be considered and projected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas...

Without additional conditions, the proposed project would be consistent with the above mentioned policy.

<u>Hazards Management:</u> The proposed project includes removal of the existing wooden deck, construction of a concrete patio and roof extension to create a covered patio. The property is in an area of "Moderate Fire Hazard" severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Fort Bragg Rural Fire Protection District (FBFD). No <u>State Fire Safe Regulations Application Form</u> for the project was submitted by the Applicant to CalFire, as no new structures will be occurring on the parcel. The proposed project was referred to both fire protection agencies and no response has been provided at this time. A standard condition requiring the applicant 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.

Without additional conditions, the proposed project will be consistent with MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunami, landslides, and erosion), fire and flood hazards. <u>Habitats and Natural Resources</u>: The site is primarily designated as barren, as shown on the *LCP Habitats & Resources* map. No botanical survey was requested as the mapping does not indicate that the area of proposed development will be adjacent to sensitive coastal resources. The proposed project requires minor ground disturbance for construction of the concrete patio and the proposed improvements will occur within already disturbed areas, thereby minimizing impacts to potential sensitive habitats and species within the vicinity.

Without additional conditions, Staff finds the project will not significantly impact sensitive habitats or resources.

<u>Grading, Erosion, and Run Off</u>: The area of the proposed covered patio is relatively flat with a gentle slope towards the west, away from State Route 1 (SR 1) and minor grading will be required to accommodate the proposed development. No conditions are necessary to ensure consistency with LCP policies related to grading, erosion and run off.

<u>Groundwater Resources:</u> The site is designated on the Mendocino County Coastal Groundwater Study Map as a Sufficient Water Resource Area, as shown on the *Ground Water Resources* map. The subject property is already developed with a single-family residence and accessory improvements. The proposed covered patio will be in conjunction with the existing residential use of the parcel and does not increase intensity of uses permitted on the parcel. The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic and provided no comments.

Without additional conditions, the proposed project will be consistent with the Local Coastal Program policies related to groundwater resources and DEH.

<u>Archaeological/Cultural Resources:</u> For small projects such as remodels, additions, small outbuildings (projects with minimal earthwork) Mendocino County Department of Planning and Building Services (PBS) procedure is to not refer these types of projects to either California Historic Resource Information System (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 which projects require archaeological review.

The project was referred to three local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria. As of this date, no response has been received from the three above mentioned local tribes.

Staff notes that Condition 8 advises the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project. As conditioned, Staff recommends that the project is consistent with Mendocino County policies for the protection of the paleontological and archaeological resources.

<u>Transportation/Circulation</u>: The project will not contribute new sources of traffic on local and regional roadways. Staff finds the project will not impact transportation or circulation and will be provided with adequate access. The proposed project was referred to Mendocino County Department of Transportation (DOT) and Cal Fire for input, where DOT responded with "no comment" and CalFire had no response as of this date.

Without additional conditions, Staff finds the project is consistent with Mendocino County policies for transportation, utilities and public services protection and will be consistent with Chapter 20.516 regulations.

<u>Public Access</u>: The site is located north of Ocean View Drive (Private), west of State Route (SR 1) and is not designated as a potential public access trail location, as shown on the *LCP Land Use Map 12*: Cleone map. There will be no impacts to public access.

**ENVIRONMENTAL DETERMINATION:** The project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Article 19, Section 15301, Class 1(e), additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition.

# 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 covered patio and adopts the following findings and conditions.

#### FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development of the covered patio 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 and the proposed covered patio will support and allow for the continued residential use of the site and is consistent with the intent of the Rural Residential Classification; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development of the covered patio would be provided with adequate utilities, access roads, drainage, and other necessary facilities; and
- Pursuant with MCC Section 20.532.095(A)(3), the proposed development of covered patio is consistent with the purpose and intent of the Rural Residential District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, including building height, setback from property boundary, lot coverage, and temporary use regulations; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development of the covered patio, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and is determined to be Categorically Exempt from further environmental review; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development of the covered patio will 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 20.532.095(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 site. The site is currently developed with a single family residence and the proposed development of the covered patio will not affect demands on public services, and
- 7. Pursuant with MCC Section 20.532.095(B), the proposed development of the covered patio 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 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.

#### COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL DEVELOPMENT STANDARD PERMIT

- 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 development of the roof extension 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.

1-30-2020

DATE

Appeal Period: 10 Days Appeal Fee: \$1,616.00 JESSIE WALDMAN PLANNER I

# **ATTACHMENTS:**

- A. Location Map
- B. Aerial Imagery
- C. Site Map
- D. Topographic Map
- E. Construction Plan
- F. Elevations
- G. Zoning Display Map

- H. General Plan Classifications
- I. LCP Land Use Map 12: Cleone
- J. LCP Land Capabilities & Natural Hazards
- K. LCP Habitats & Resources
- L. Appealable Areas
- M. Fire Hazard Zones & Responsibility Areas
- N. Groundwater Resources

# SUMMARY OF REFERRAL AGENCIES COMMENTS:

A	
Assessors	No Response
Building Division (FB)	No Comment
California Coastal Commission	No Response
Cloverdale Rancheria	No Response
Department of Transportation	No Comment
Environmental Health (FB)	No Comment
Planning Division (Ukiah)	No Comment
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	No Response
Fort Bragg Rural Fire District	No Response

# **REFERENCES:**

(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code.

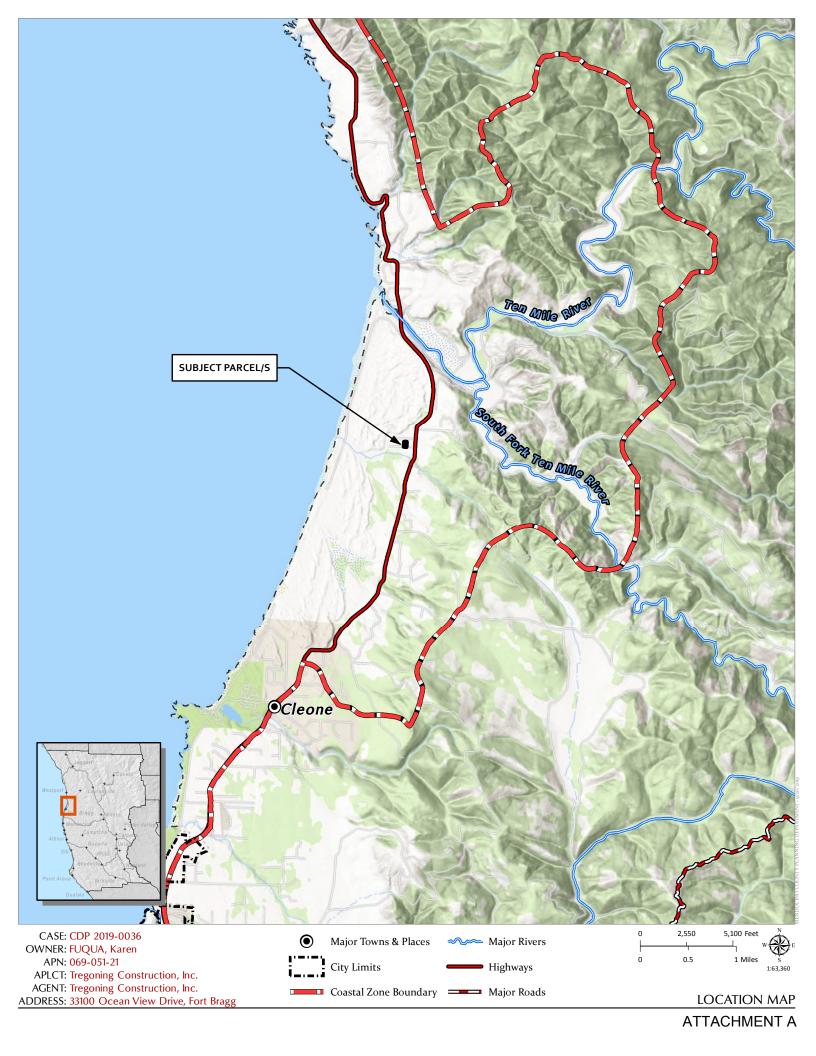
California Code of Regulations, Title 14, Division 5.5, Chapter 6 Subchapter 6, § 13250 (Improvements to Existing Single Family Residences). Accessed December 24, 2019, at:

https://govt.westlaw.com/calregs/13250-Improvements to Existing Single Family Residences

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 12 – Cleone [map]. 1985. Accessed December 24, 2019, at:<u>https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps</u>.

Mendocino County Department of Planning & Building Services. June 2011. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed December 24, 2019, at:<u>https://www.mendocinocounty.org/government/planning-building-services/county-maps</u>.

Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed December 24, 2019, at:<u>http://www.co.mendocino.ca.us/planning/pdf/12x36 Coastal Groundwater Areas.pdf</u>

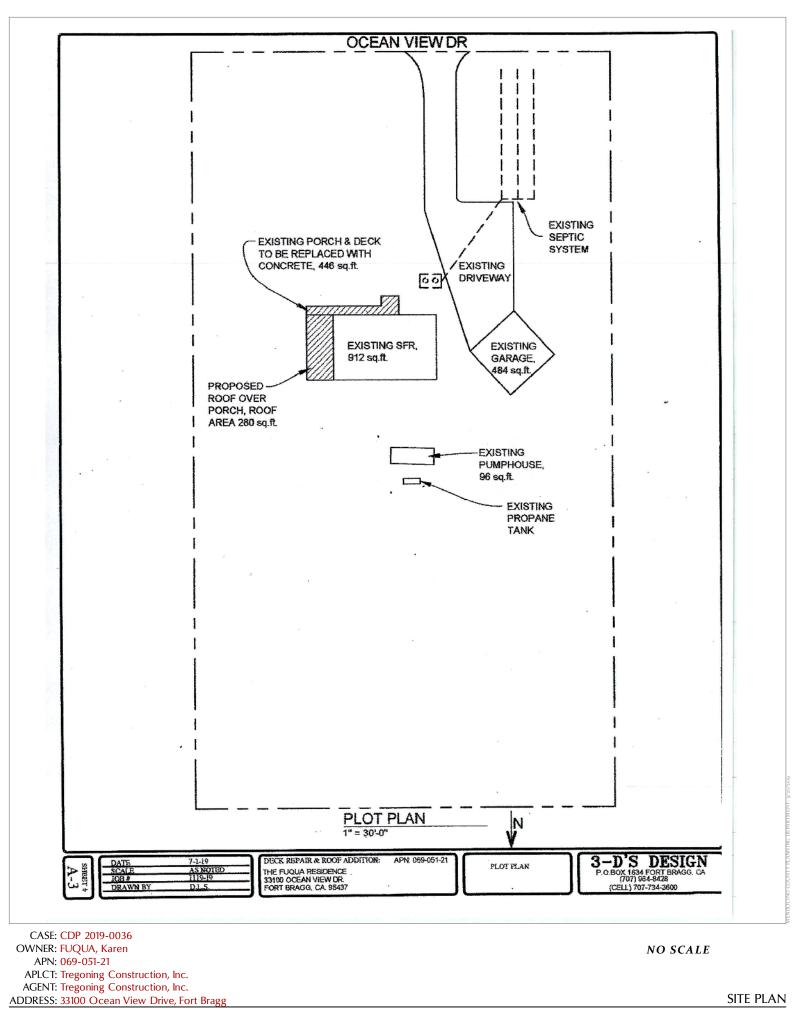


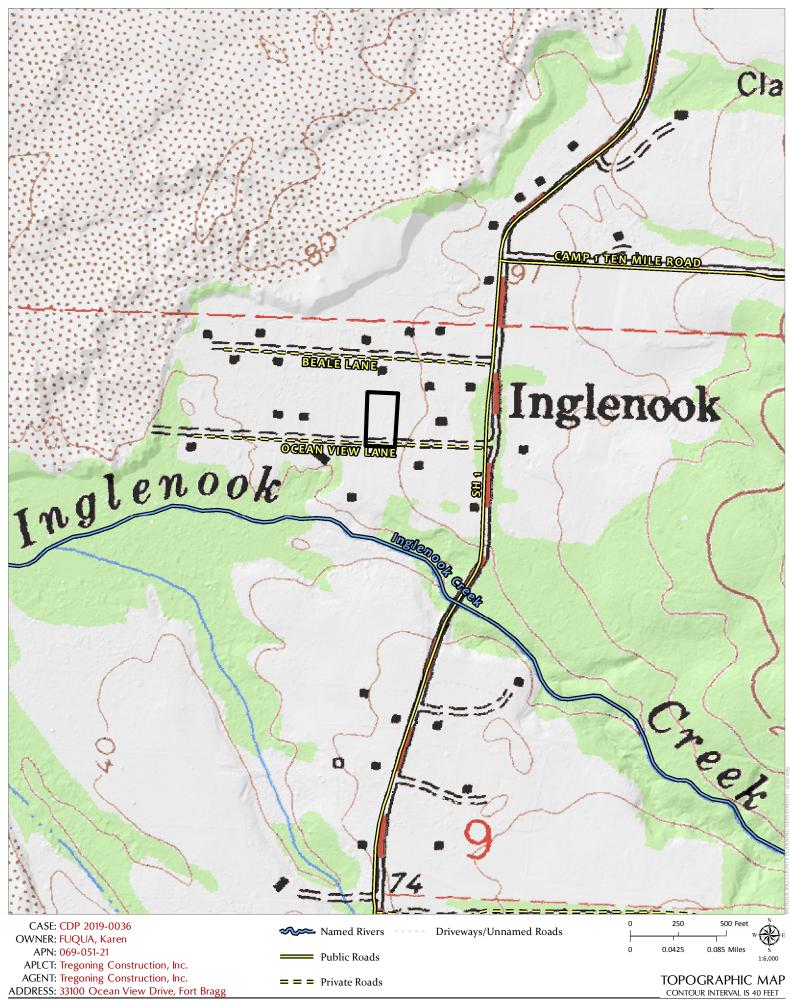


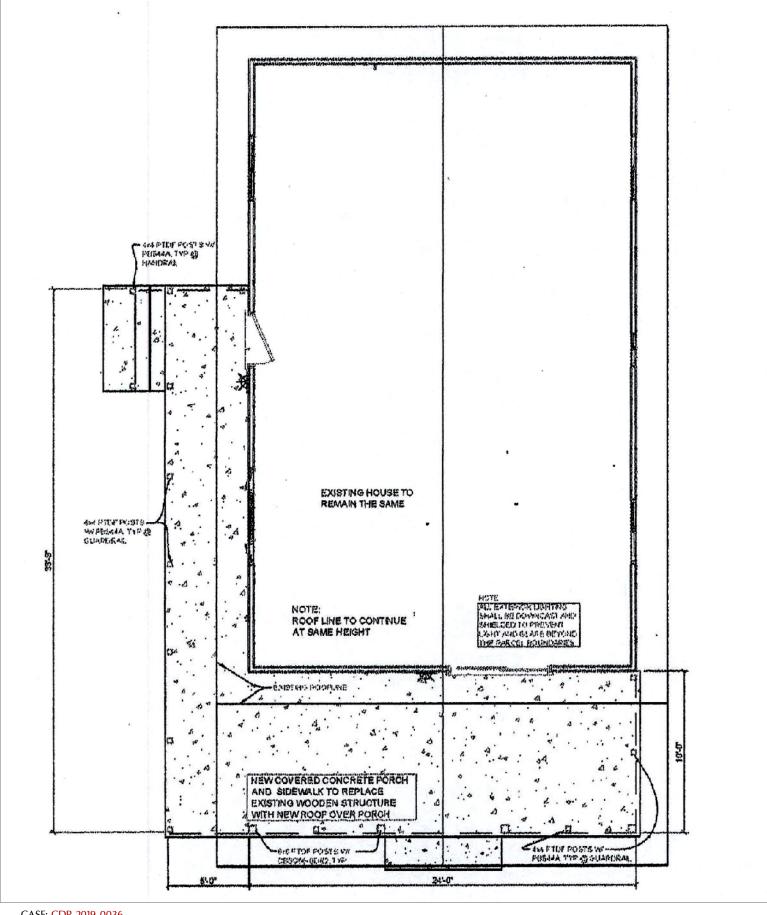
**= = =** Private Roads

APLCT: Tregoning Construction, Inc. AGENT: Tregoning Construction, Inc. ADDRESS: 33100 Ocean View Drive, Fort Bragg

AERIAL IMAGERY ATTACHMENT B





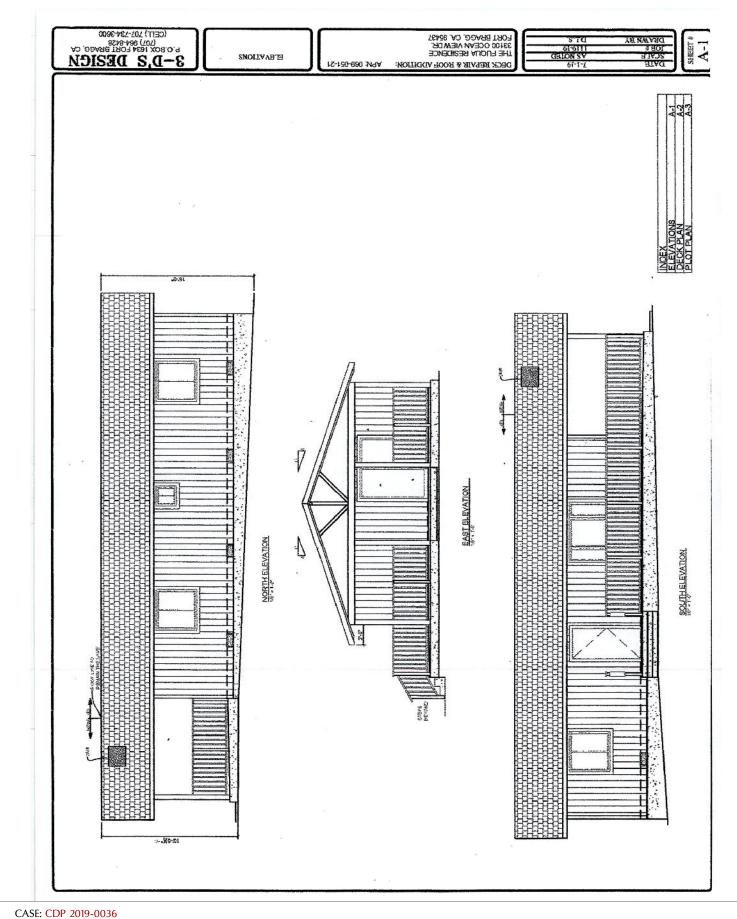


CASE: CDP 2019-0036 OWNER: FUQUA, Karen APN: 069-051-21 APLCT: Tregoning Construction, Inc. AGENT: Tregoning Construction, Inc. ADDRESS: 33100 Ocean View Drive, Fort Bragg

NO SCALE

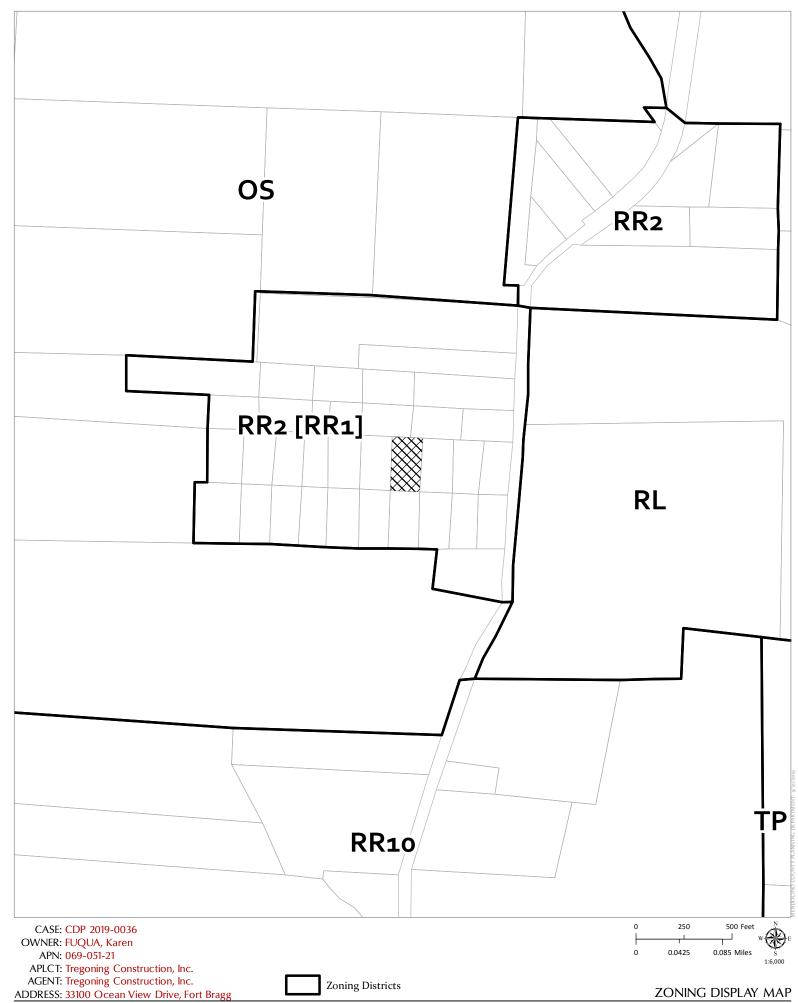
CONSTRUCTION PLAN

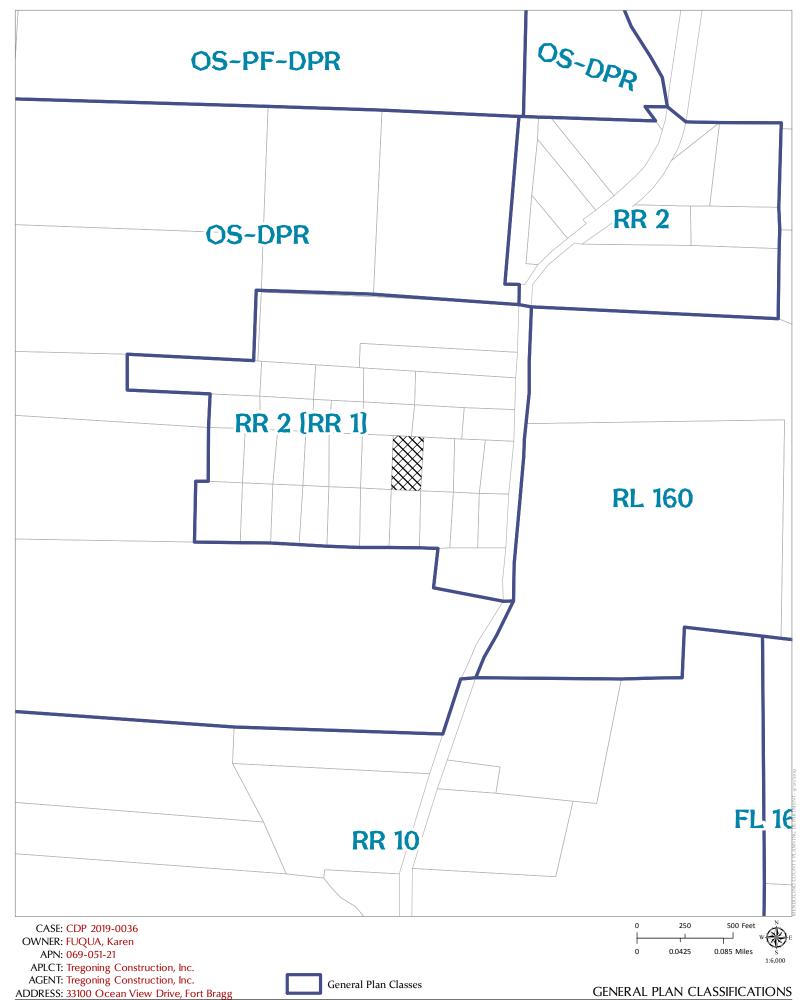
ATTACHMENT E

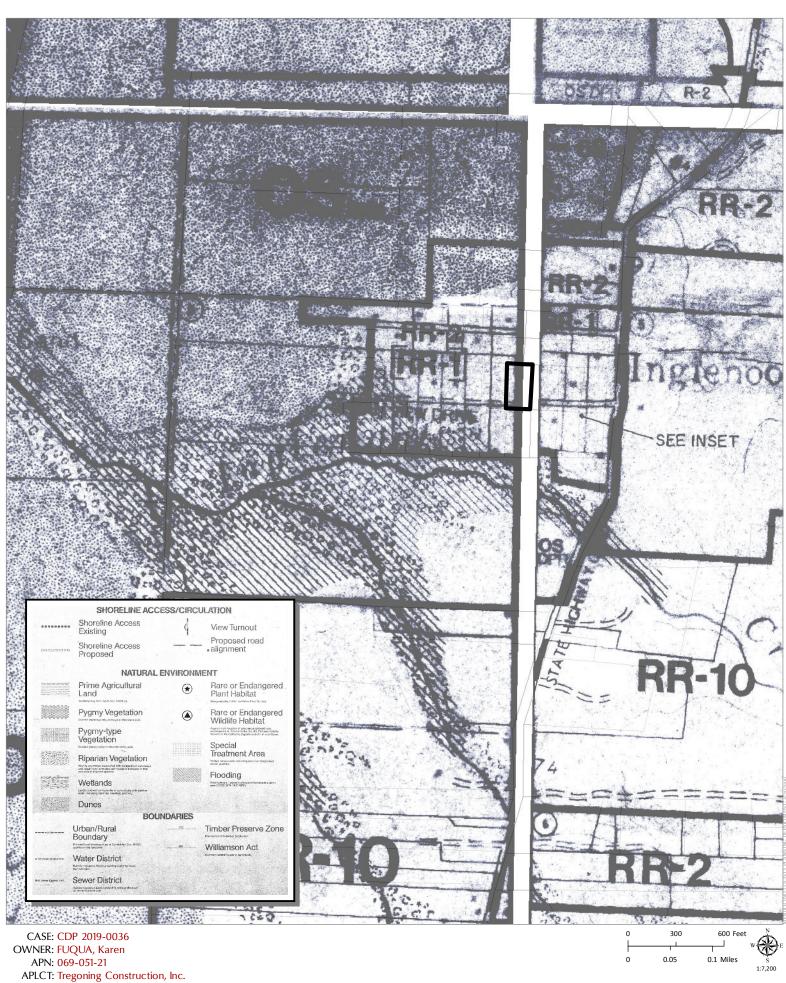


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NO SCALE



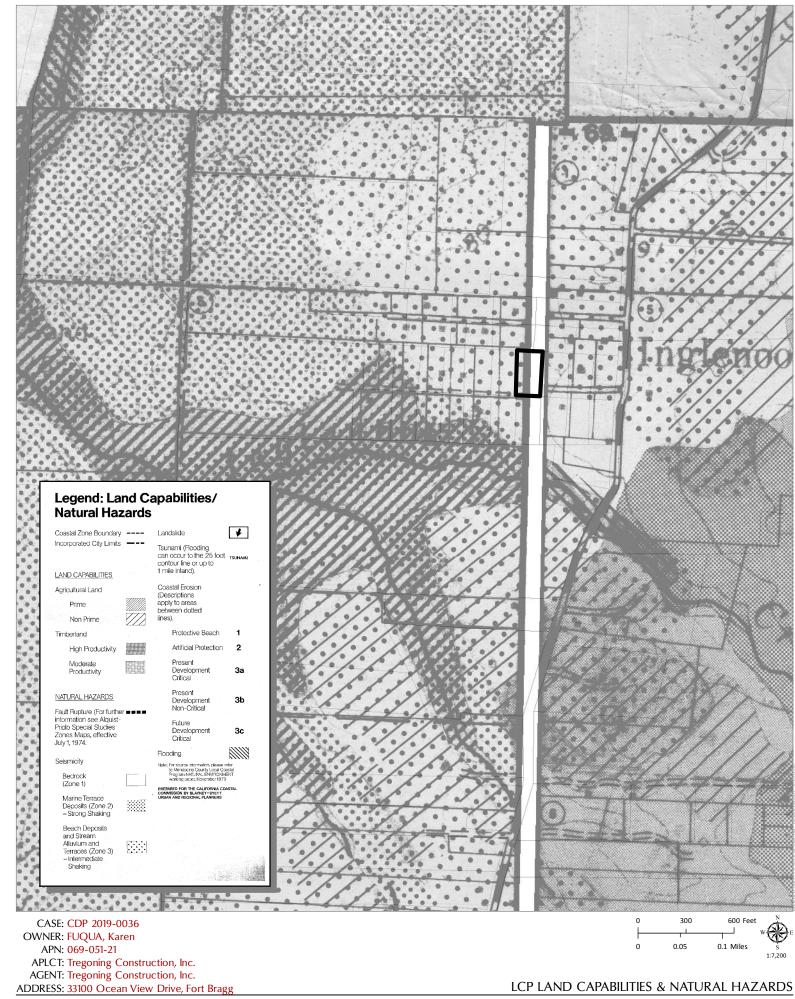


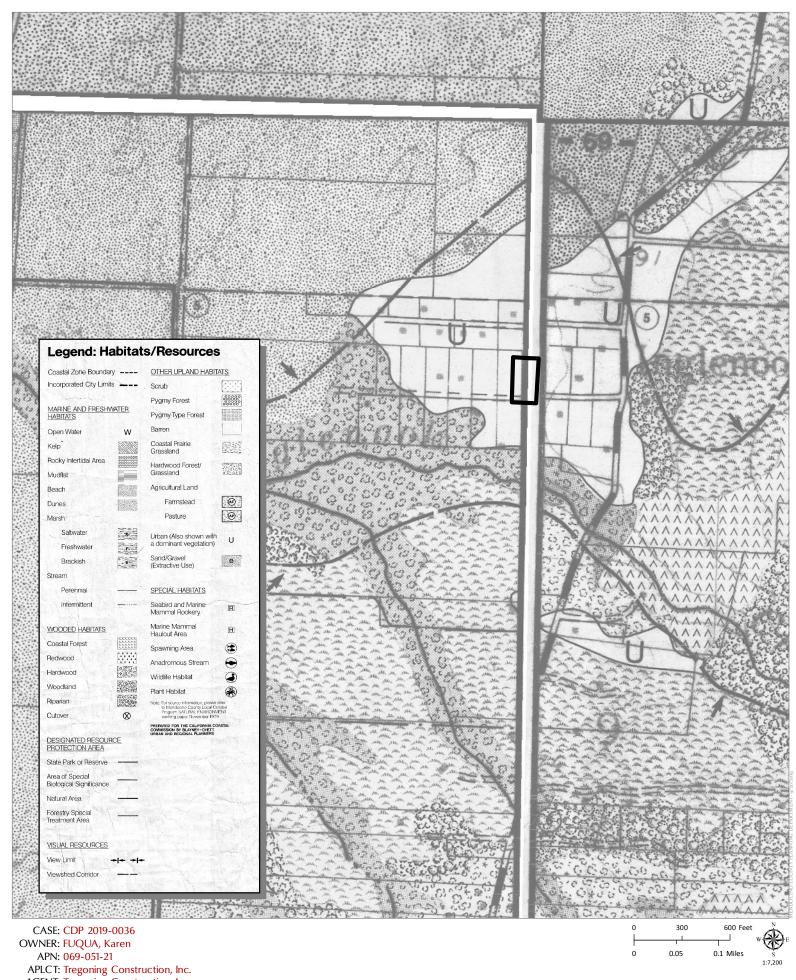


APLCT: Tregoning Construction, Inc. AGENT: Tregoning Construction, Inc. ADDRESS: 33100 Ocean View Drive, Fort Bragg

# LCP LAND USE MAP 12: CLEONE

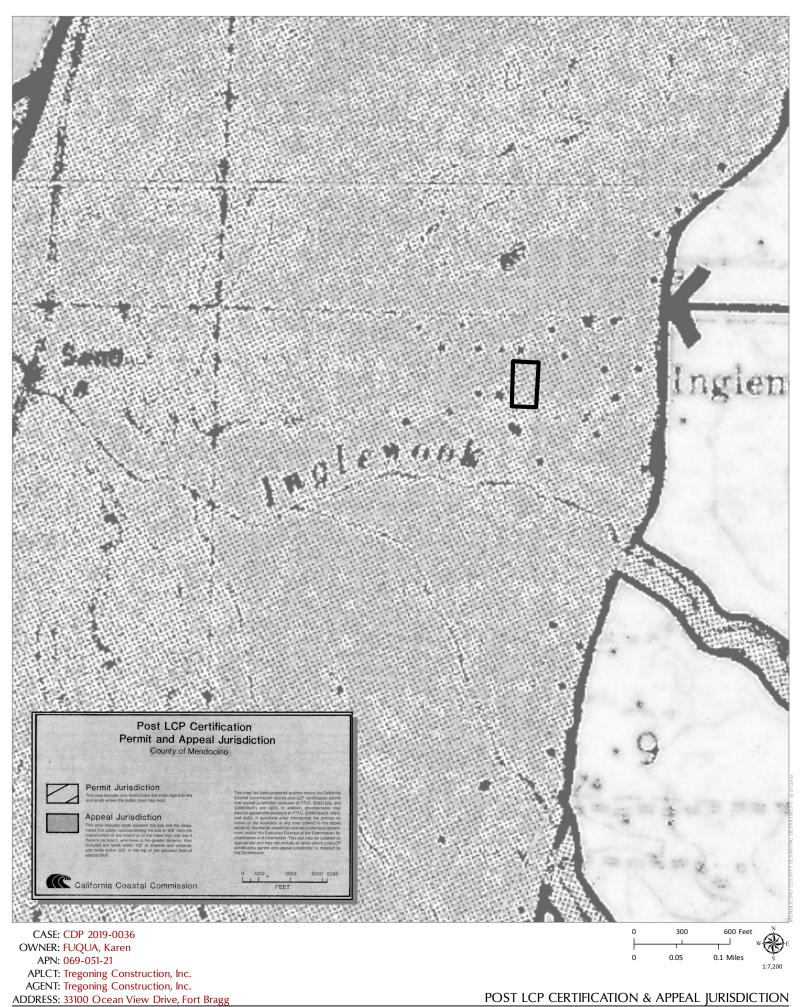
ATTACHMENT I



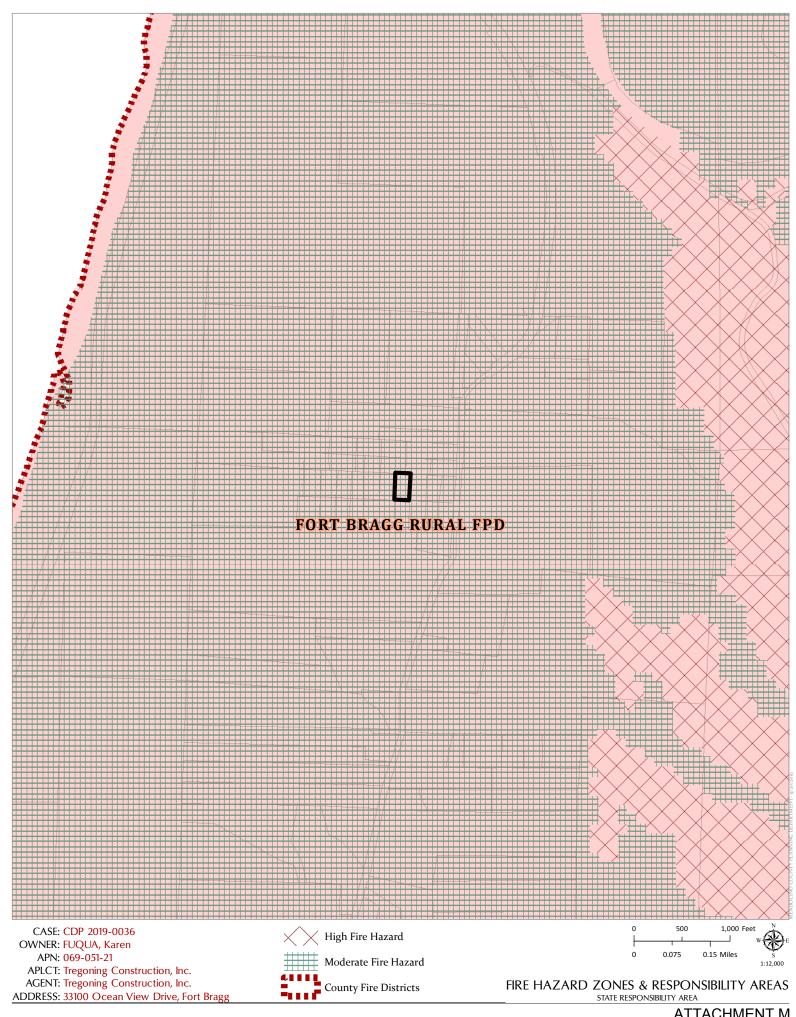


AGENT: Tregoning Construction, Inc. ADDRESS: 33100 Ocean View Drive, Fort Bragg

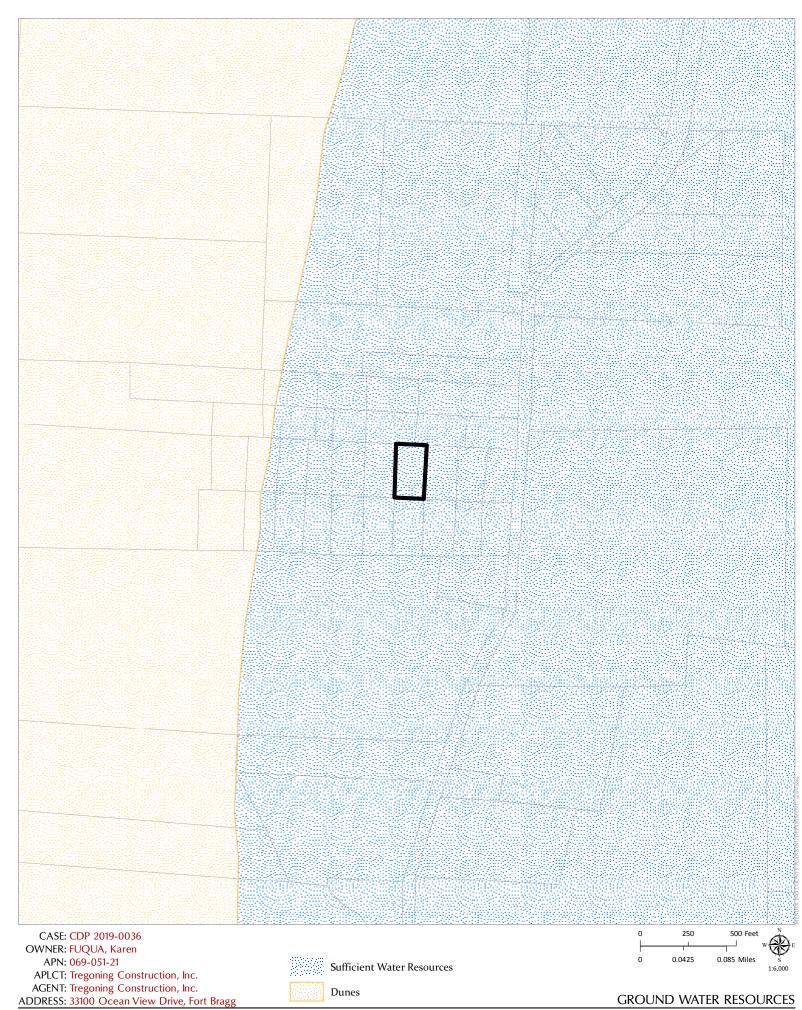
LCP HABITATS & RESOURCES



ATTACHMENT L



ATTACHMENT M



ATTACHMENT N