



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482

120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

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pbs@co.mendocino.ca.us

www.co.mendocino.ca.us/planning

MEMORANDUM

Date: January 26, 2017

To: Coastal Permit Administrator

From: Juliana Cherry, Planner III

Subject: Background on Coastal Development Variances

Mendocino County Coastal Zoning Code (MCC) Chapter 20.532 *Coastal Development Permit Regulations - General* and Chapter 20.540 *Variances* include regulations relating to discretionary adjustments in regulations contained within Division II that may only be granted to allow deviations from standards governing development within Mendocino County's LCP boundaries.

Chapter 20.532's purpose is to establish the procedures and requirements for obtaining a Coastal Development Permit to implement the Coastal Element of the General Plan in accordance with the California Coastal Act (MCC Section 20.532.005). This Chapter is applicable to any person proposing to undertake any development; they "*shall obtain a coastal development permit in accordance with the provisions of [Chapter 20.532] ... (MCC Section 20.532.010).*" MCC Section 20.532.015(C) states that a Coastal Development Variance Permit is required prior to any development in Mendocino County Coastal Zone and that "[Coastal Development] *Variances are discretionary adjustments in the regulations contained in [Division II].*"

MCC Section 20.532.020 lists developments that are **exempt** from Chapter 20.532 *Coastal Development Permit Regulations - General*. If a proposed project is determined to be exempt under MCC Section 20.532.020 and requests a variance to deviate from standards governing coastal development; then, MCC Section 20.540.010(B) *Regular Variance* would apply.

On January 19, 1995 and June 12, 1992, the California Coastal Commission granted **Categorical Exclusion Orders No. E-91-2 and E-91-2A**. The categorical exclusion orders exempt specific types of development from the requirement of a Coastal Development Permit; therefore, PBS Staff finds that categorically exempt projects would not be subject to MCC Chapter 20.532 *Coastal Development Permit Regulations - General*. If a variance application, requesting deviations from standards governing coastal development, is filed on lands otherwise found eligible under Categorical Exclusion Orders No. E-91-2 or E-91-2A; then, MCC Section 20.540.010(B) *Regular Variance* would apply.

California Code of Regulations, Title 14, Division 5.5, Chapter 6 ***Exclusions from Permit Requirements*** states that specified types of structures, fixtures, and landscaping shall be considered a part of an existing single-family residential building (Section 13250(a)). The code further specifies classes of development that require a Coastal Development Permit, because they involve risk of adverse environmental effects (Section 13250(b)). It has been the practice of PBS to consider a part of a single-family residential building the specified types of structures, fixtures, and landscaping identified Section 13250(a)(1) through (3). If a variance application, requesting deviations from standards governing coastal development is filed on lands otherwise excluded from

permit requirements by California Code of Regulations; then, MCC Section 20.540.010(B) *Regular Variance* would apply.

It is the practice of PBS Staff to apply Chapter 20.532 when a coastal development permit is required. If an application is filed requesting deviations from standards governing coastal development and a permit is not required by Chapter 20.532 or the proposed coastal project is exempt, categorically excluded, or excluded from permit requirements; then, MCC Section 20.540.010(B) *Regular Variance* would apply because “*all other variances shall be designated as a regular variance and applications for their granting or modification shall be under the jurisdiction of the Coastal Permit Administrator.*”



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MEMORANDUM

Date: January 26, 2017

To: Coastal Permit Administrator

From: Juliana Cherry, Planner III

Subject: **Appeal Jurisdiction boundary associated with APN 069-060-24 and Exclusion from Permit Requirements**

The project address is 26767 N Highway 1, Fort Bragg, which is located on a private driveway accessing Highway 1 at its intersection with Rosa Lane. The project area is located within Mendocino County Local Coastal Plan (LCP) boundaries and is located beyond Appeal Jurisdiction boundaries, as shown on the Post LCP Certification Permit and Appeal Jurisdiction Map.¹ "*Appeal Jurisdiction* is defined as lands between the sea and the designated first public road paralleling the sea or 300-feet from inland extent of any beach or of the mean high tide line if there is not beach, whichever is the greater distance. *Also included are lands within 100-feet of streams and wetlands* and lands within 300-feet of the top of the seaward face of any coastal bluff [emphasis added]."²

If the proposed development conformed to the regulations of the Mendocino Coastal Zoning Code; then, the proposed workshop would be excluded from the requirement to obtain a Coastal Development Permit pursuant to California Code of Regulations, Title 14, Division 5.5, Chapter 6. The project site remains within Mendocino County LCP boundaries and is subject to General Plan, Coastal Element, and County Codes regarding policies and development regulations, including any exemptions, Categorical Exclusions, or other potential exclusions from permit requirements.

PBS Staff notes that the National Wetlands Inventory depicts PSS1C, "a nontidal wetlands, dominated by trees, shrubs, and persistent emergents ..." more than 100-feet north of the project area. The National Wetlands Inventory also maps R4SBA, a riverine, bisecting the property located at 26767 N Highway 1 and situated more than 100-feet from the project area.³ PSS1C and R4SBA correspond with the mapped Appeal Jurisdiction, as shown on the Post LCP Certification Permit and Appeal Jurisdiction Map.^{4, 5} PBS Staff finds that the mapped nontidal wetland, riverine, and LCP Appeal Jurisdiction boundary are more than 100-feet from the proposed location of the 2,756 square-foot workshop, as shown on site plans submitted on December 23, 2015.⁶

¹ The location of the project area, a proposed workshop, is shown on Site Plans dated 12-15-2015 and stamped "RECEIVED DEC 23, 2015 PLANNING AND BUILDING SERV FORT BRAGG CA".

² California Coastal Commission. Post LCP Certification Permit and Appeal Jurisdiction Map. Mendocino County.

³ *et seq.*

⁴ National Wetlands Inventory - V2 available via <https://www.fws.gov/wetlands/Data/Mapper.html>

⁵ *et seq.* URL <https://fwsmapservices.wim.usgs.gov/decoders/swi.aspx>

⁶ The location of the workshop is shown on Site Plans dated 12-15-2015 and stamped "RECEIVED DEC 23, 2015 PLANNING AND BUILDING SERV FORT BRAGG CA".



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- VARIANCE**

**JANUARY 26, 2017
V_2015-0006**

SUMMARY

OWNER/ APPLICANT: ANDERSON MYLES & STACEY
PO BOX 1266
FORT BRAGG, CA 95437

AGENT: WYNN COASTAL PLANNING
703 N MAIN ST
FORT BRAGG, CA 95437

REQUEST: A Coastal Development Variance request to reduce a side yard setback from 50-feet to 30-feet and construction of a 2,756-square-foot, 12-foot tall workshop.

DATE DEEMED COMPLETE: AUGUST 18, 2016

LOCATION: Lying west of North Highway 1 near post mile 67.60 in Inglenook, and located at 26767 North Highway 1, Fort Bragg; APN 069-060-24.

TOTAL ACREAGE: 10.45-ACRES

GENERAL PLAN: Rural Residential, 10 acre min. lot sizes (RR-10:R)

ZONING: Rural Residential, 10 acre min. lot sizes (RR-10)

APPEALABLE: No

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Statutorily Exempt from CEQA

RECOMMENDATION: Deny

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: The project is for a Coastal Development Variance request to reduce a side yard setback from 50-feet to 30-feet and construct a 2,756-square-foot, 12-foot tall workshop on a 10.45-acre lot. The applicant requests the variance due to topographical and environmental constraints. The proposed workshop would be used as a workspace and an accessory storage building for automobiles and parts. Water or bathroom facilities are not proposed for the workshop.

APPLICANT'S STATEMENT:

"Request for a Variance to reduce side yard setback from 50-feet to 30-feet. The applicant's propose to construct a single-story 2,756-square-foot workshop. The desired location of the workshop is 65-feet from the westerly most property line and 30-feet from the northerly most property line. This workshop does not include a restroom, and as such no effluent will be generated to the existing septic system. The applicant has two sons who share a love of racing vehicles with their father (applicant). The reason for the size of the workshop is so that it can house the vehicles, while also having room for fixing and maintaining them.

The workshop will also house the family go-karts, a classic racing car, a large inventory of car parts in support of the racing hobby and quite likely the family tractor and lawn mower.”

RELATED APPLICATIONS ON-SITE:

CDP #25-1996 Single Family Residence and accessory structures

SITE CHARACTERISTICS: The subject property is approximately 10.45 acres and located on the east side of State Highway 1. The lot is approximately 330-feet wide by 1,378-feet long with access to the highway by crossing other parcels. Existing development includes a man-made pond, corral, barn, house, water tank, two pump houses, septic tank, leach field, and 23,928 square-feet of paved surfaces (i.e. driveway). Approximately ninety-three percent (93%) of the lot area is undeveloped. Staff estimates that one-third of the lot is covered by tree canopy. Site topography is relatively flat with some rise and fall; land contours are similar to the surrounding residential parcels.

SURROUNDING LAND USE AND ZONING: The General Plan designation for the site is Rural Residential (RR-10), as described on LCP Land Use Map 11 *Little Valley*. Parcel dimensions and it's rectangular shape are similar to the surrounding Rural Residential zoned lots.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR10	RR10	7.5 acres	Residential
EAST	FL160	TP	80 acres	Timber Production
SOUTH	RR10	RR10	11.5 acres	Residential
WEST	RR2	RR2	6.4 acres	Residential

Lands east of the project site are planned Forest Lands (FL160); these lots are larger and have limited development and include residential use types as principally permitted uses. Therefore, the project site is similar to the surrounding parcels in area, size, shape, topography, and opportunity for development.

PUBLIC SERVICES:

Access: HIGHWAY 1
Fire District: FORT BRAGG RURAL FIRE DISTRICT
Water District: NONE
Sewer District: NONE
School District: FORT BRAGG SCHOOL DISTRICT

AGENCY COMMENTS: On August 22, 2016 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Environmental Health-FB		No Comment	08/31/2016
Building Services-FB		No Comment	09/02/2016
Fort Bragg Fire Department		No Comment	09/09/2016
Department of Transportation		No Response	
Assessor		No Response	
Department of Forestry/CalFire	Permit 4280	Comment	09-01-2016
Department of Fish & Wildlife		No Response	
Coastal Commission		No Response	
State Clearinghouse		No Response	
US Fish & Wildlife Service		No Response	

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Fort Bragg School District		No Response	
Planning - Ukiah	AP 8-96	Comment	8-31-2016

KEY ISSUES

1. General Plan and Zoning Consistency:

The proposed land use is consistent with the Mendocino Local Coastal Plan Rural Residential (RR) designation. The intent of the RR classification is to encourage local small-scale food production in areas that are not well suited for large-scale commercial agriculture. The RR classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.¹

The zoning district for the site is Rural Residential (RR:10) as shown on the Mendocino County Local Coastal Maps.² The proposed location of the workshop is inconsistent with the Mendocino County Coastal Zoning Code (MCC) minimum side yard distances. The proposed project would construct a workshop, to be used by the property owner for hobbies and storage, within a required fifty-foot minimum side yard area; therefore, the project is inconsistent with MCC Section 20.376.035. The table (below) describes development and land use criteria that are applied to the review of the proposed project and relates project components to code requirements.

Development and Land Use Standards of Division II of Title 20 of the Mendocino County Code		
Code Section	Standard	Proposed
20.376.010 Permitted Land use	Family Residential: Single-Family	Existing
20.456.015 Accessory Buildings for Residential and Agricultural Use Types	Shops (non-business purposes)	A workshop that is an accessory use to a previously permitted single family residence (CDP #25-1996)
20.376.030 Minimum Front and Rear Yards	50-feet	More than 50-feet
20.376.035 Minimum Side Yards	50-feet	30-feet
20.376.045 Building Height Limit	28-feet	12-feet
20.376.050 Maximum Lot Coverage	10-percent	Less than 10-percent

Staff finds that the project is not consistent with the development standards for the RR District. The proposed project complies with standards for land use, building heights, parking and lot coverage; however, the project does not comply with standards for side yards. The property owner is requesting a variance to the minimum side yard requirement and requesting a 30-foot setback from a side yard for the construction of a 2,756-square-foot accessory building.

2. Variance:

MCC Section 20.540.020 sets forth the necessary findings to approve a Coastal Development Variance. *A variance is an exception from zone restrictions granted by the Coastal Permit Administrator upon application when, because of special circumstances applicable to a piece of property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning classification. Variances shall not be granted to authorize uses or activities, which are not otherwise expressly authorized by the regulations of Division II (MCC Section 20.540.005 Purpose).*

¹Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan*. 1991. Ukiah, CA.

² LCP Map 11 *Little Valley* [map]. 1985. County of Mendocino Coastal Zone, Number 11 of 31. County of Mendocino Planning and Building.

Staff finds other locations exist where the proposed workshop could be constructed or a smaller building footprint could be proposed. Staff recommends that a special circumstance applicable to the property has not been demonstrated. This parcel is surrounded by other RR designated parcels. The neighboring lots are similarly developed with single-family residences, accessory structures and appurtenant facilities. Staff finds that variance requests in the broader Local Coastal Plan boundaries have been approved when site constraints (like septic and leach fields, habitat buffers) present public health and safety concerns. While permitted land uses include residential and agricultural accessory structures, granting the construction of a building within a required side yard may materially change the rural nature of the area and discourage small-scale food production, which would conflict with the intent of Rural Residential classification. Staff finds the granting of this variance maybe materially detrimental to orderly community development or general welfare of the public. Staff recommends denying the requested variance as no special circumstance applicable to the property has been demonstrated.

2. Environmental Protection:

Staff recommends a Statutory Exemption from CEQA, pursuant to section 15270, for projects that are disapproved. CEQA does not apply when a public agency rejects or disapproves a project.

RECOMMENDATION

Deny the Coastal Development Variance V_2015-0006, without prejudice, based on the facts and findings contained in the proposed resolution.

DATE

JULIANA CHERRY

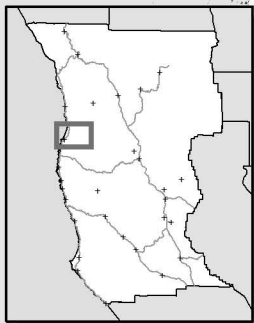
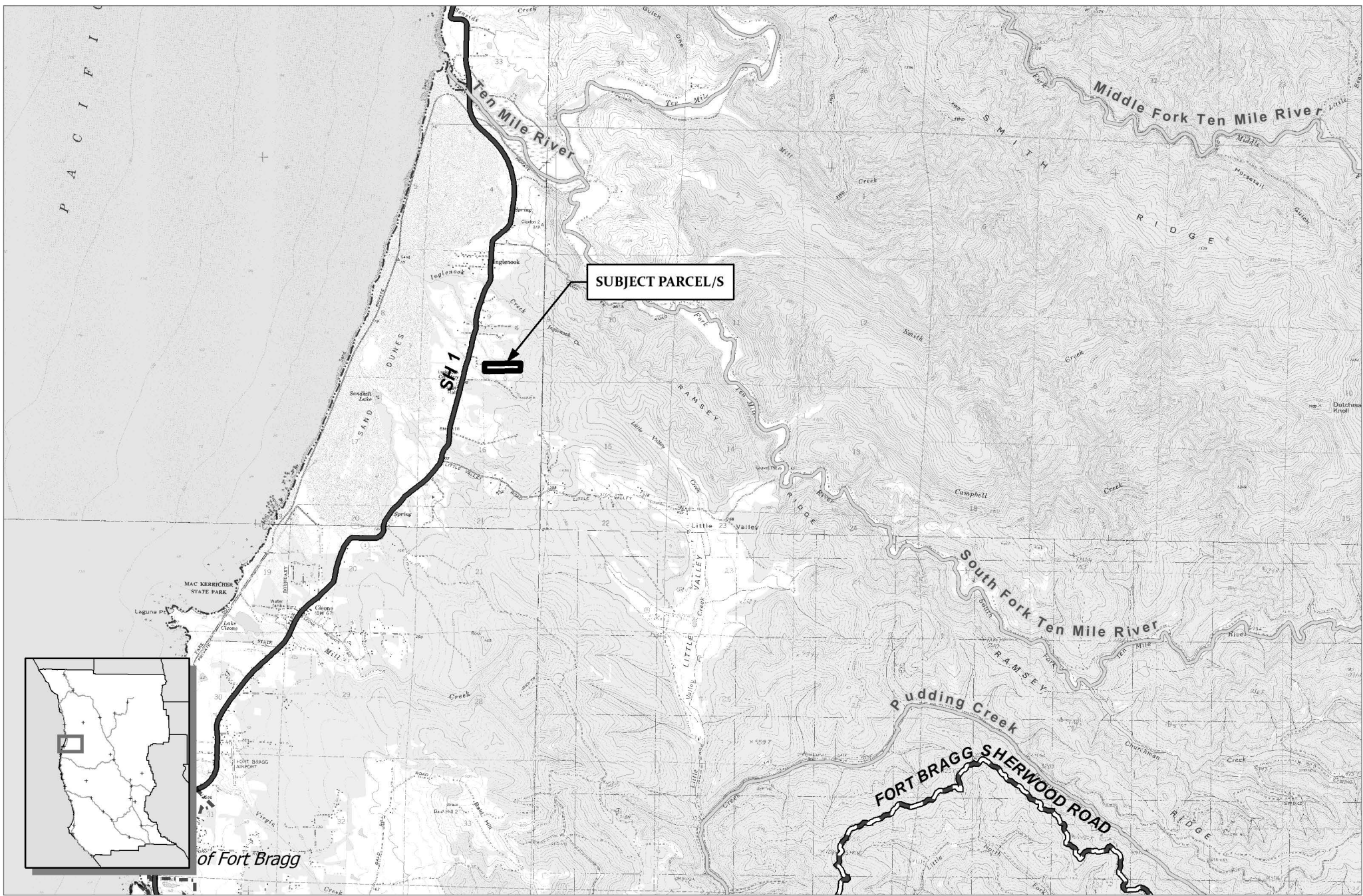
Appeal Period: 10 Days

Appeal Fee: \$910.00

ATTACHMENTS:

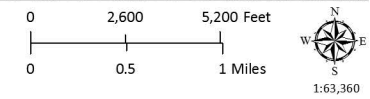
- A. Location Map
- B. Vicinity Map
- C. Aerial Map
- D. Site Plan
- E. Elevations
- F. Floor/Foundation Plan
- G. Roof Plan
- H. Electrical Plan
- I. Construction Details
- J. Zoning Map
- K. General Plan Classifications
- L. LCP Land Use Maps 11 & 12
- M. LCP Land Capabilities and Natural Hazards
- N. LCP Habitats and Resources
- O. Appealable Areas
- P. Adjacent Parcels
- Q. Fire Hazard Zones and Responsibility Areas
- R. Wildland Urban Interface Zones
- S. Groundwater Resources
- T. Timber Production Zones

RESOLUTION (Exhibit A):



CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg

- Incorporated City Limits
- Major Roads
- Major Rivers
- Highways

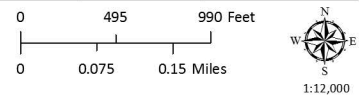


LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.



CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg



VICINITY MAP

Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.

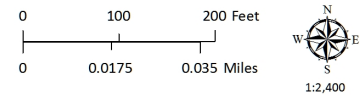


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

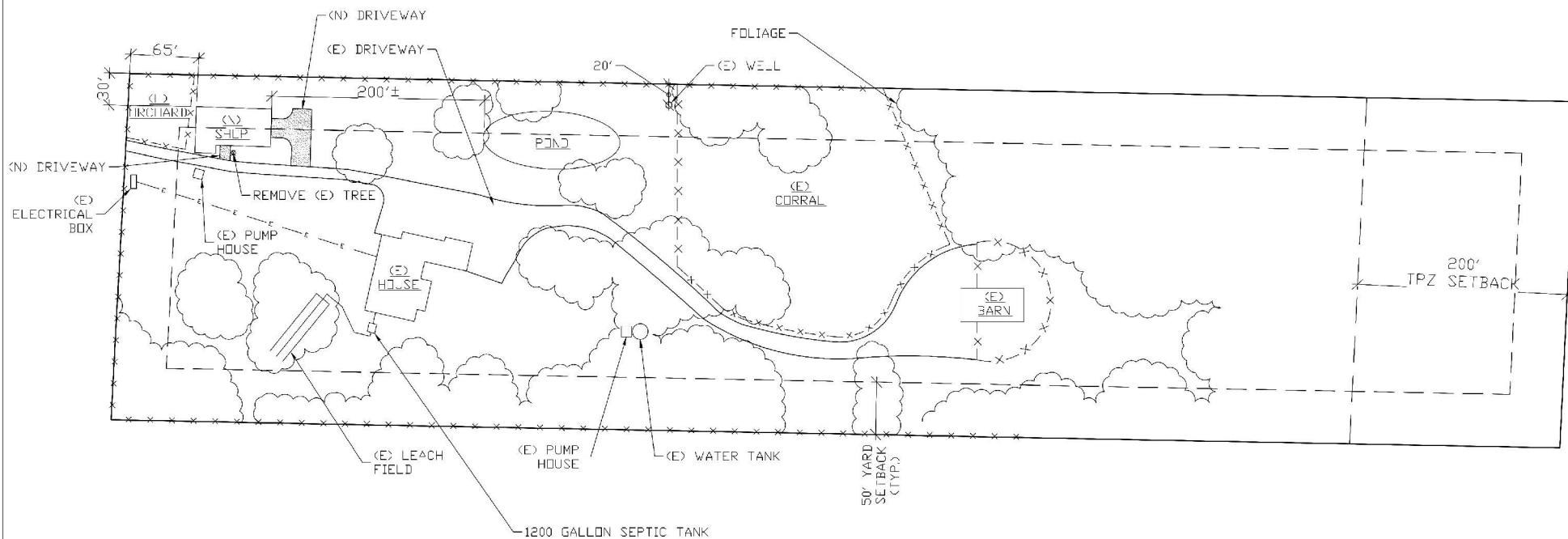
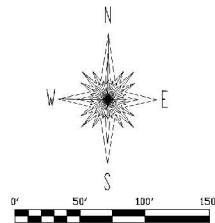
CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg

Private Roads

Driveways/Unnamed Roads



ESRI IMAGERY



CASE: V 2015-0006

OWNER: ANDERSON, Myles & Stacey

APN: 069-060-24

APLCT: Myles & Stacey Anderson

AGENT: Amy Wynn

ADDRESS: 26767 N. Hwy. 1, Fort Bragg

NO SCALE

SITE PLAN

DANIELS
CONSTRUCTION
 22651 N. Hwy. 1
 Fort Bragg, Ca
 95437
 707-964-1785

Date:
 11-15-15

Revisions

#1 11-15-15

#2

#3

#4

AP# 06906024

Shop Building
 Anderson Myles
 26767 Rosa Lane
 Fort Bragg, 95437

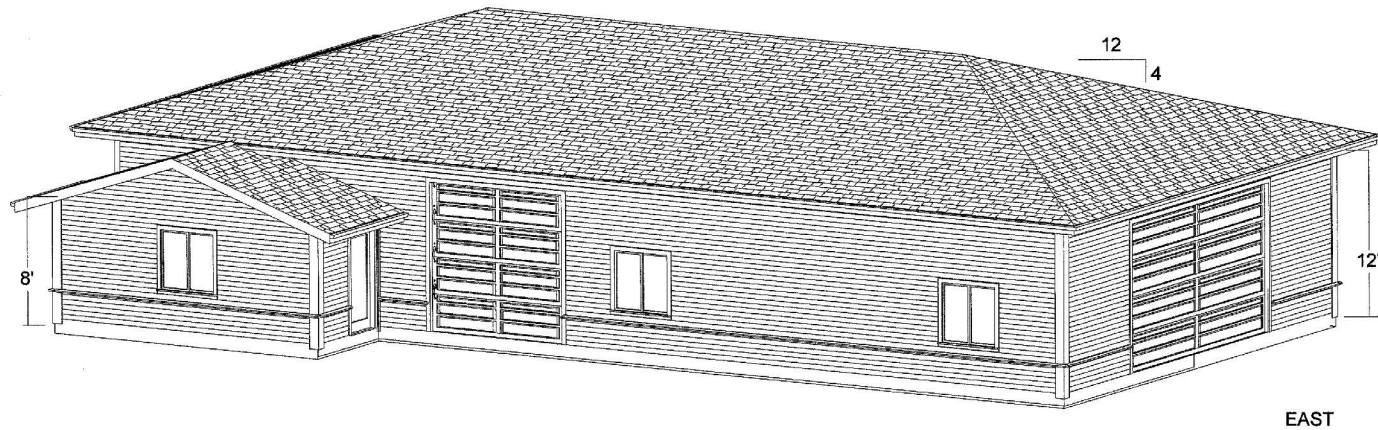
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Elevations

SHEET #

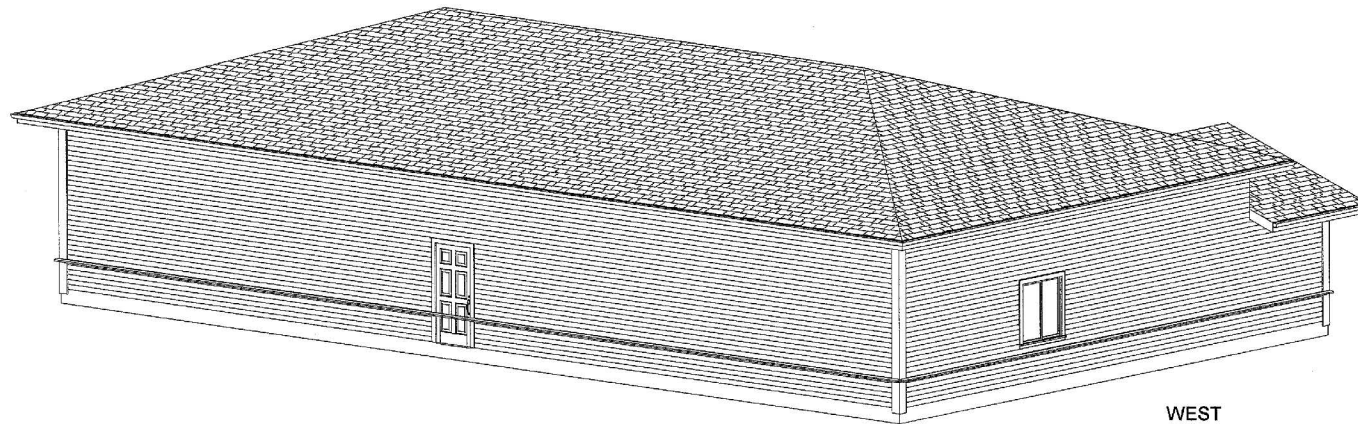
A3

scale
 no scale



SOUTH

EAST



NORTH

WEST

CASE: V 2015-0006

OWNER: ANDERSON, Myles & Stacey

APN: 069-060-24

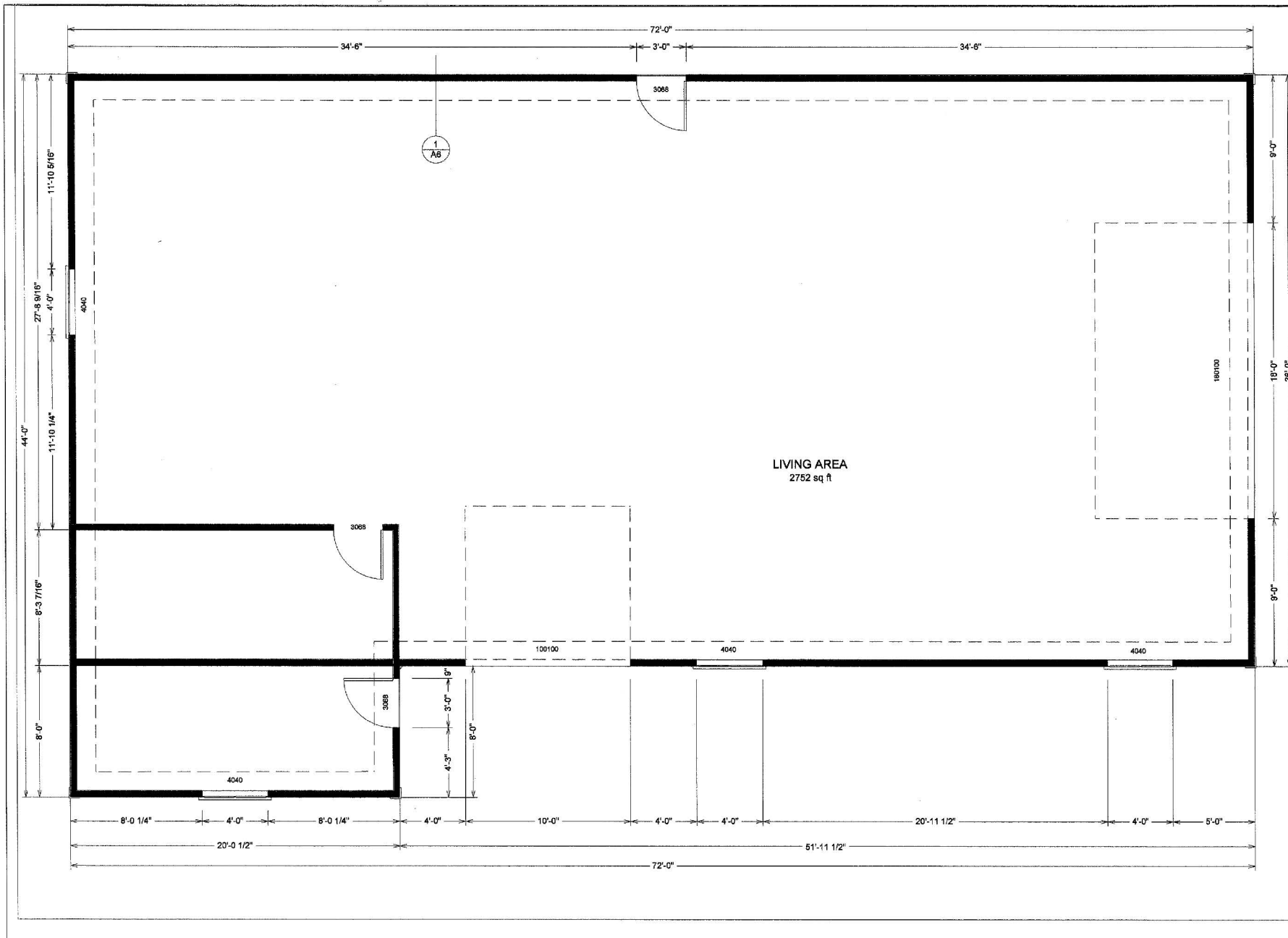
APLCT: Myles & Stacey Anderson

AGENT: Amy Wynn

ADDRESS: 26767 N. Hwy. 1, Fort Bragg

NO SCALE

ELEVATIONS



DANIELS
CONSTRUCTION
22651 N. Hwy. 1
Fort Bragg, Ca
95437
707-964-1785

Date:
11-15-15

Revisions	
#1	11-15-15
#2	
#3	
#4	

AP# 06906024

Shop Building
Anderson Myles
26767 Rosa Lane
Fort Bragg, 95437

Sheet
Floor,
Foundation
Plan

SHEET #

A2

scale
3/16" = 1'

CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg

NO SCALE

FLOORPLAN

DANIELS
CONSTRUCTION
 22651 N. Hwy. 1
 Fort Bragg, Ca
 95437
 707-964-1785

Date:
 11-15-15

Revisions

#1 11-15-15

#2

#3

#4

AP# 06906024

Shop Building
 Anderson Myles
 26767 Rosa Lane
 Fort Bragg, 95437

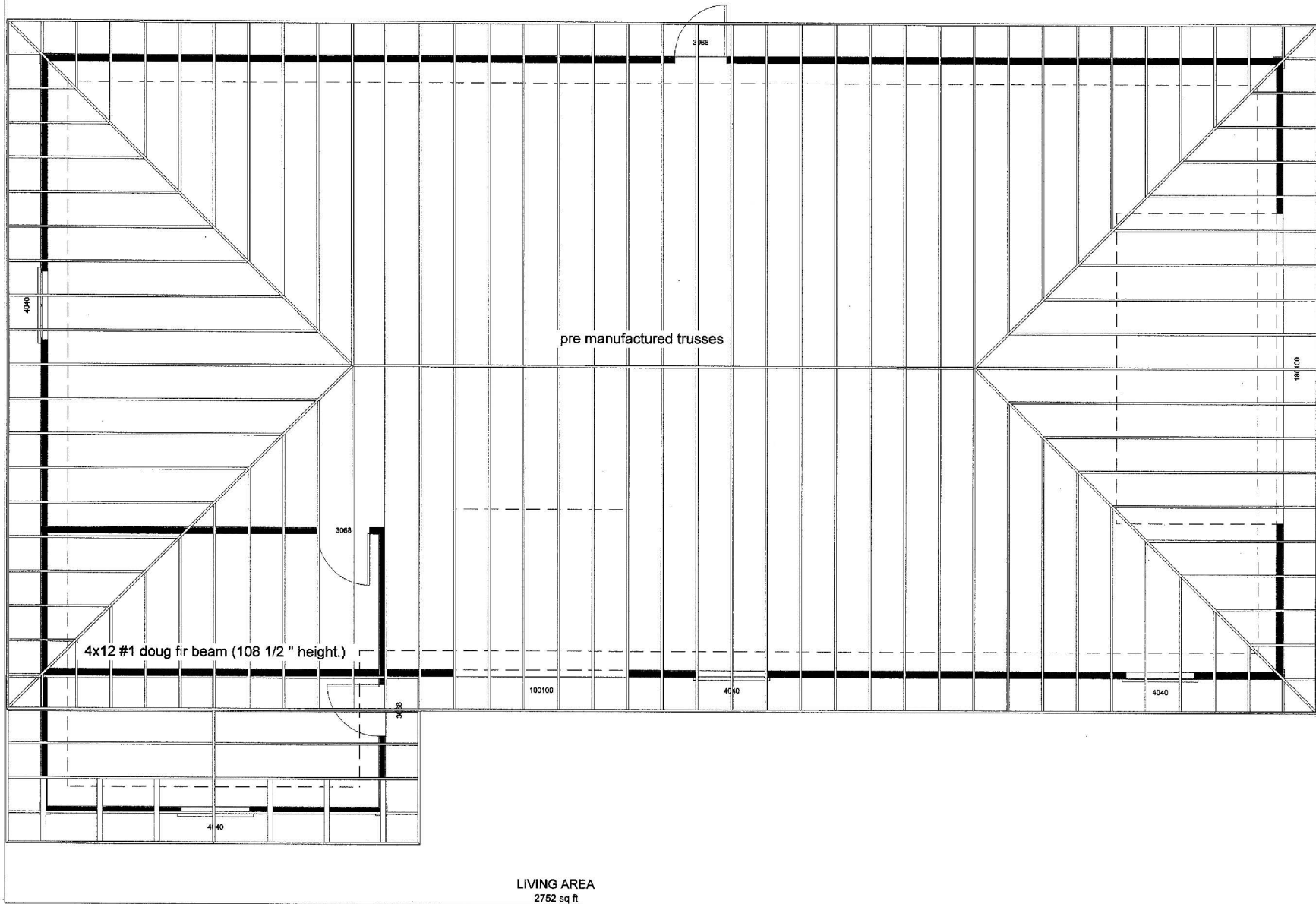
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Roof Plan

SHEET #

A4

scale
 3/16" = 1'



CASE: V 2015-0006

OWNER: ANDERSON, Myles & Stacey

APN: 069-060-24

APLCT: Myles & Stacey Anderson

AGENT: Amy Wynn

ADDRESS: 26767 N. Hwy. 1, Fort Bragg

NO SCALE

ROOF PLAN

DANIELS
CONSTRUCTION
 22651 N. Hwy. 1
 Fort Bragg, Ca
 95437
 707-964-1785

Date:
 11-15-15

Revisions

#1 11-15-15

#2

#3

#4

AP# 06906024

Shop Building
 Anderson Myles
 26767 Rosa Lane
 Fort Bragg, 95437

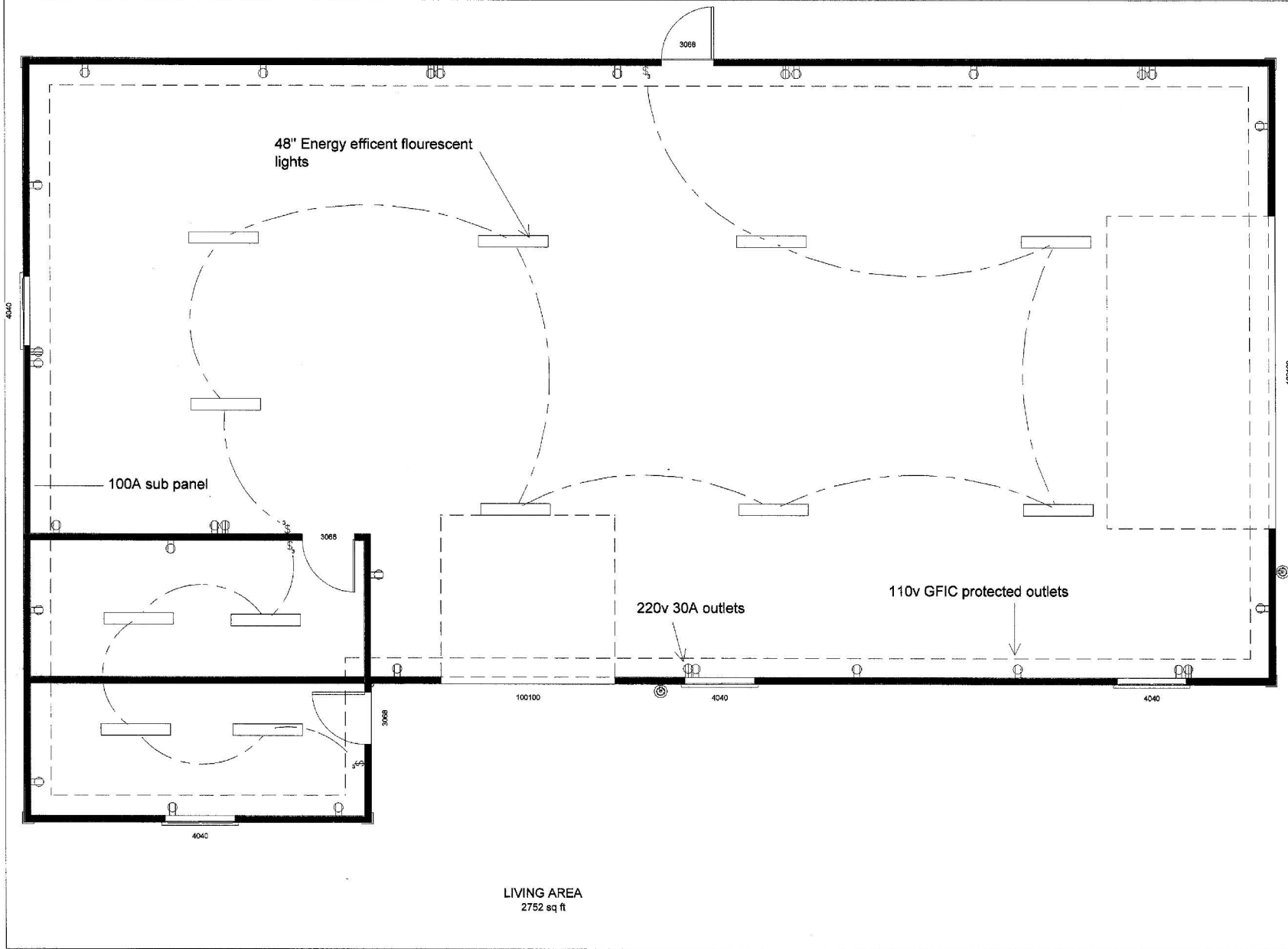
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Electrical
 Plan

SHEET #

A5

scale
 3/16 = 1'



LIVING AREA
 2752 sq ft

CASE: V 2015-0006

OWNER: ANDERSON, Myles & Stacey

APN: 069-060-24

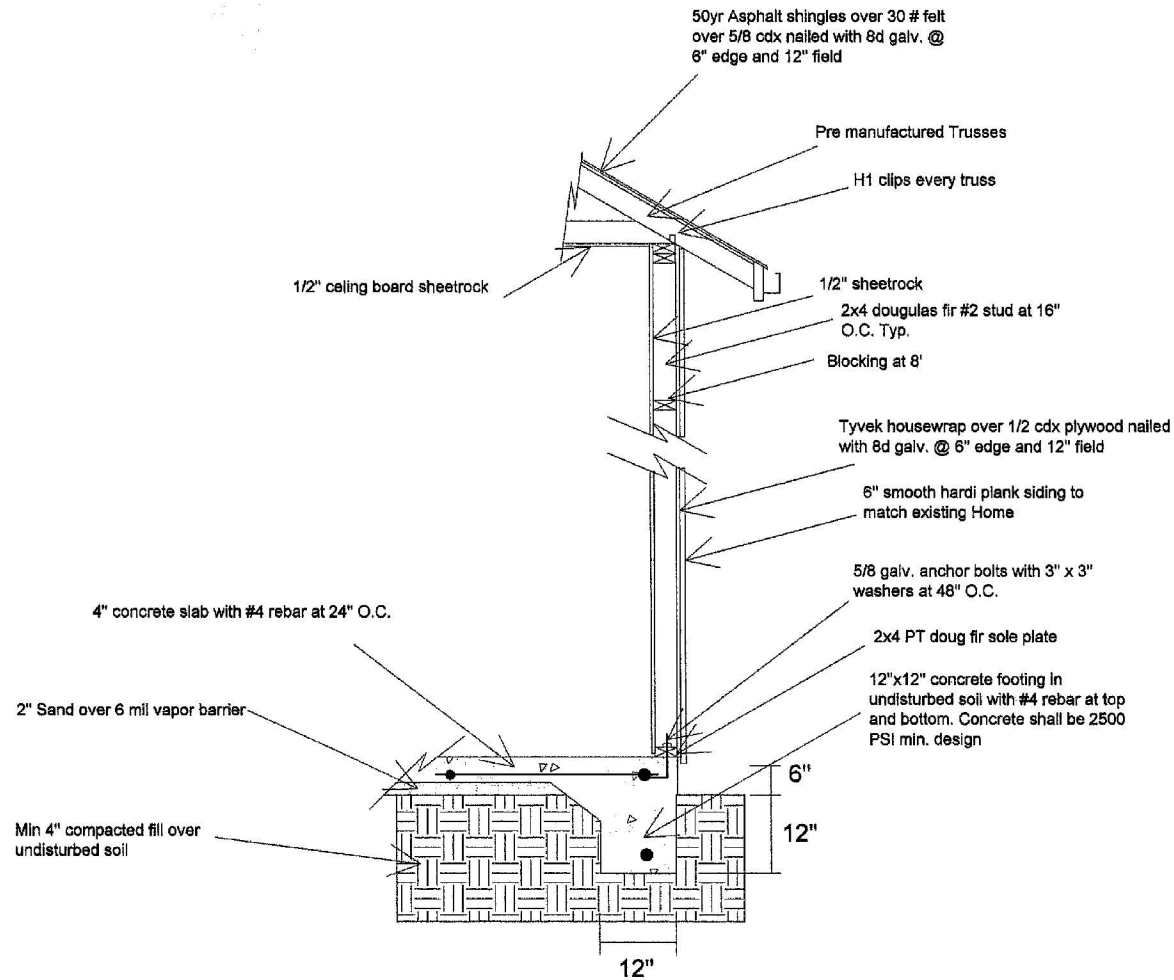
APLCT: Myles & Stacey Anderson

AGENT: Amy Wynn

ADDRESS: 26767 N. Hwy. 1, Fort Bragg

NO SCALE

ELECTRICAL PLAN



1

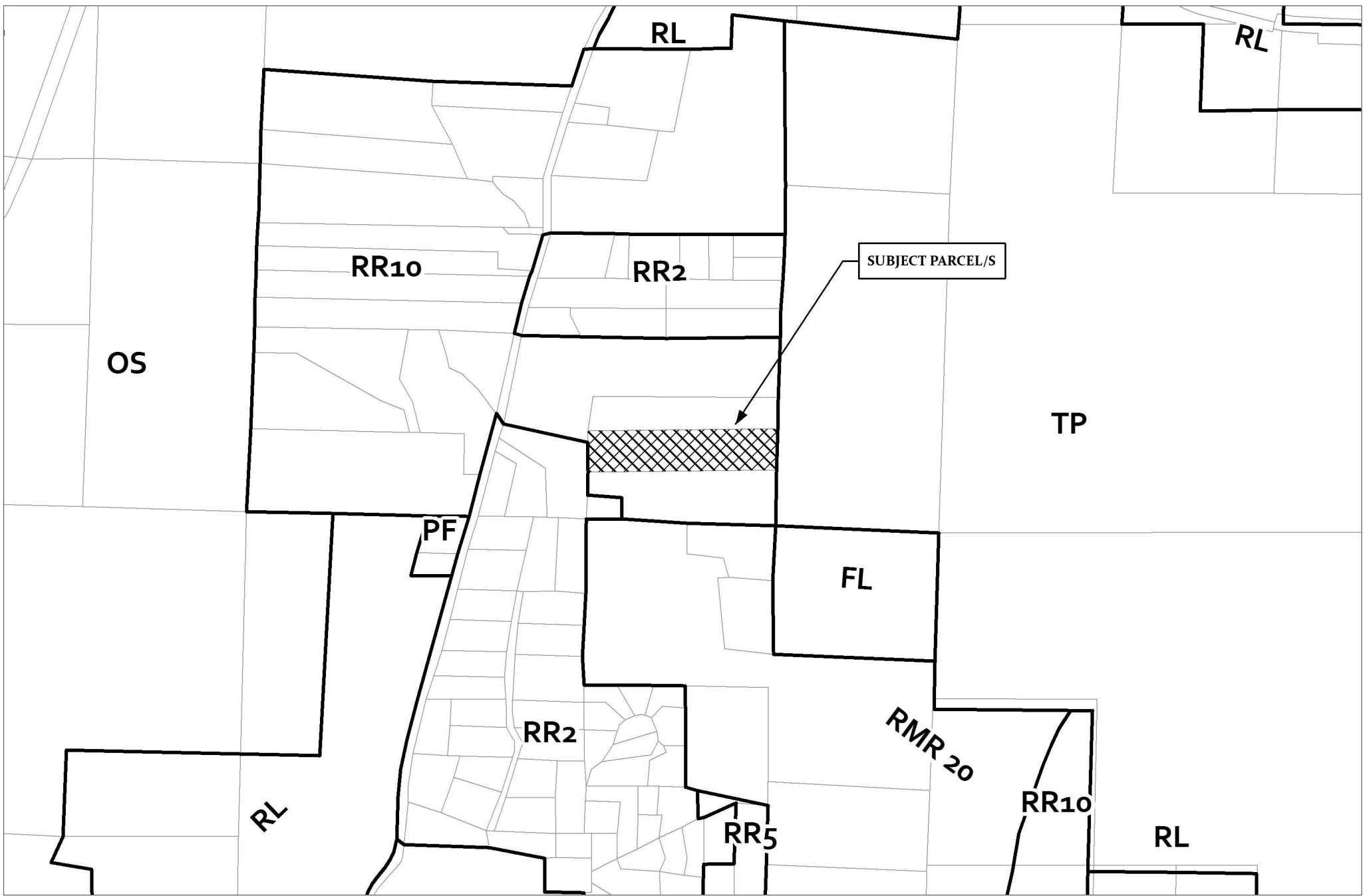
Typical Concrete Slab Foundation, Exterior Wall and Roof System.

Scale : 3/8" = 1'

CASE: V 2015-0006
 OWNER: ANDERSON, Myles & Stacey
 APN: 069-060-24
 APLCT: Myles & Stacey Anderson
 AGENT: Amy Wynn
 ADDRESS: 26767 N. Hwy. 1, Fort Bragg

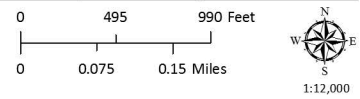
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CONSTRUCTION DETAILS



CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg

 Zoning Districts




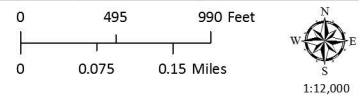
ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.



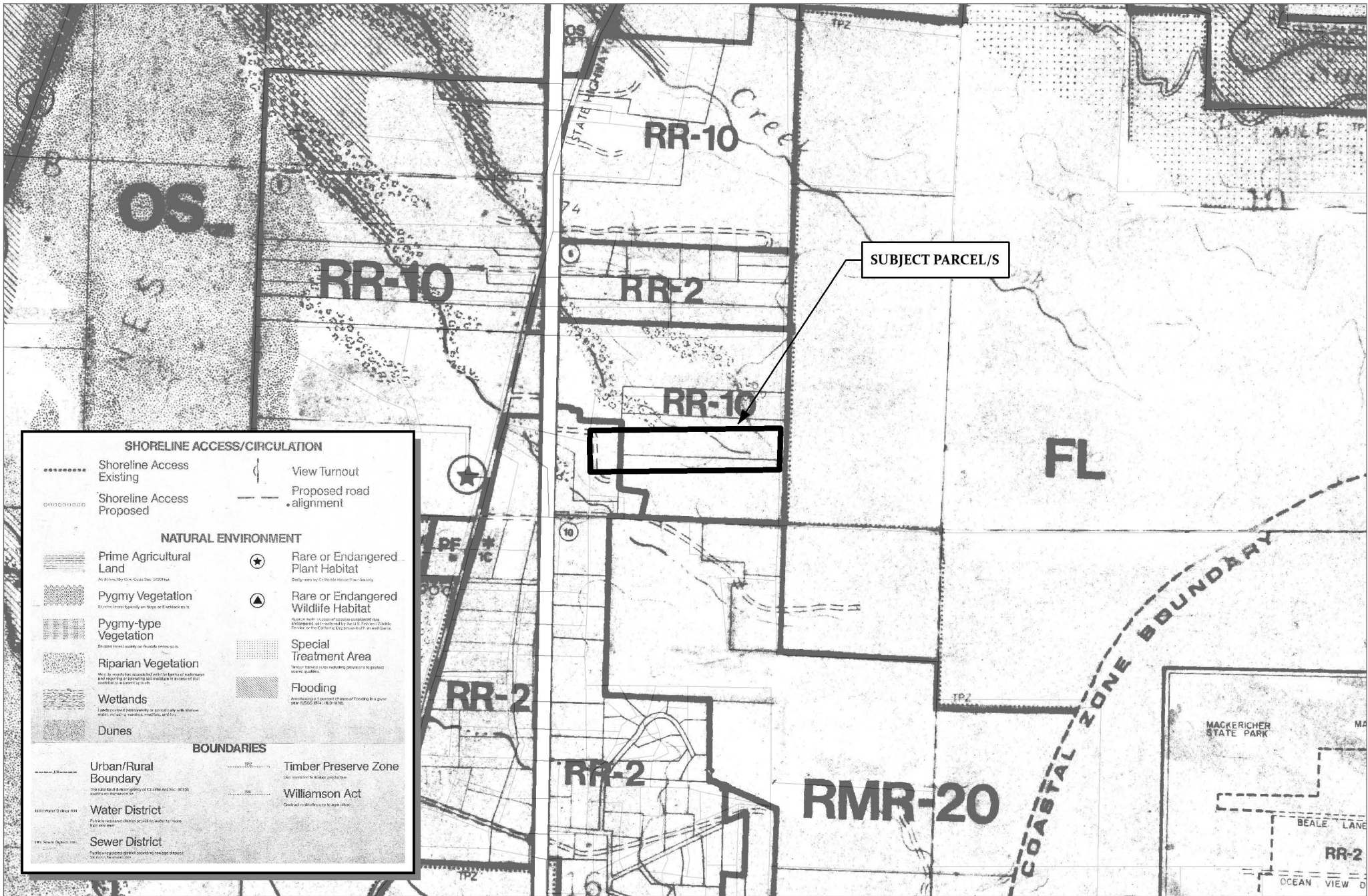
CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg

 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, August, 2016
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CASE: V 2015-0006

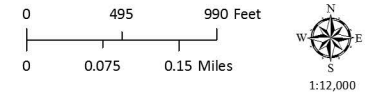
OWNER: ANDERSON, Myles & Stacey

APN: 069-060-24

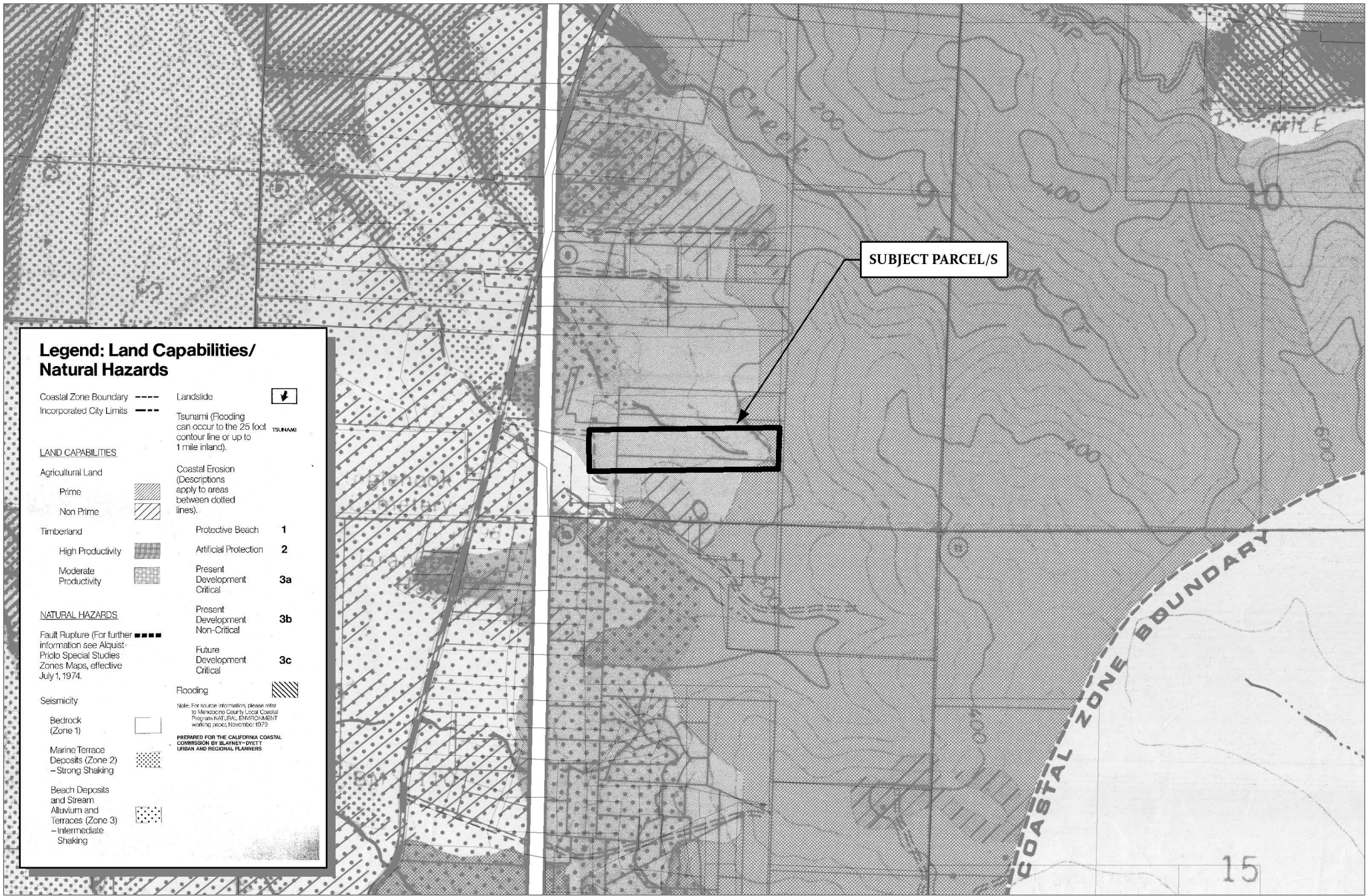
APLCT: Myles & Stacey Anderson

AGENT: Amy Wynn

ADDRESS: 26767 N. Hwy. 1, Fort Bragg

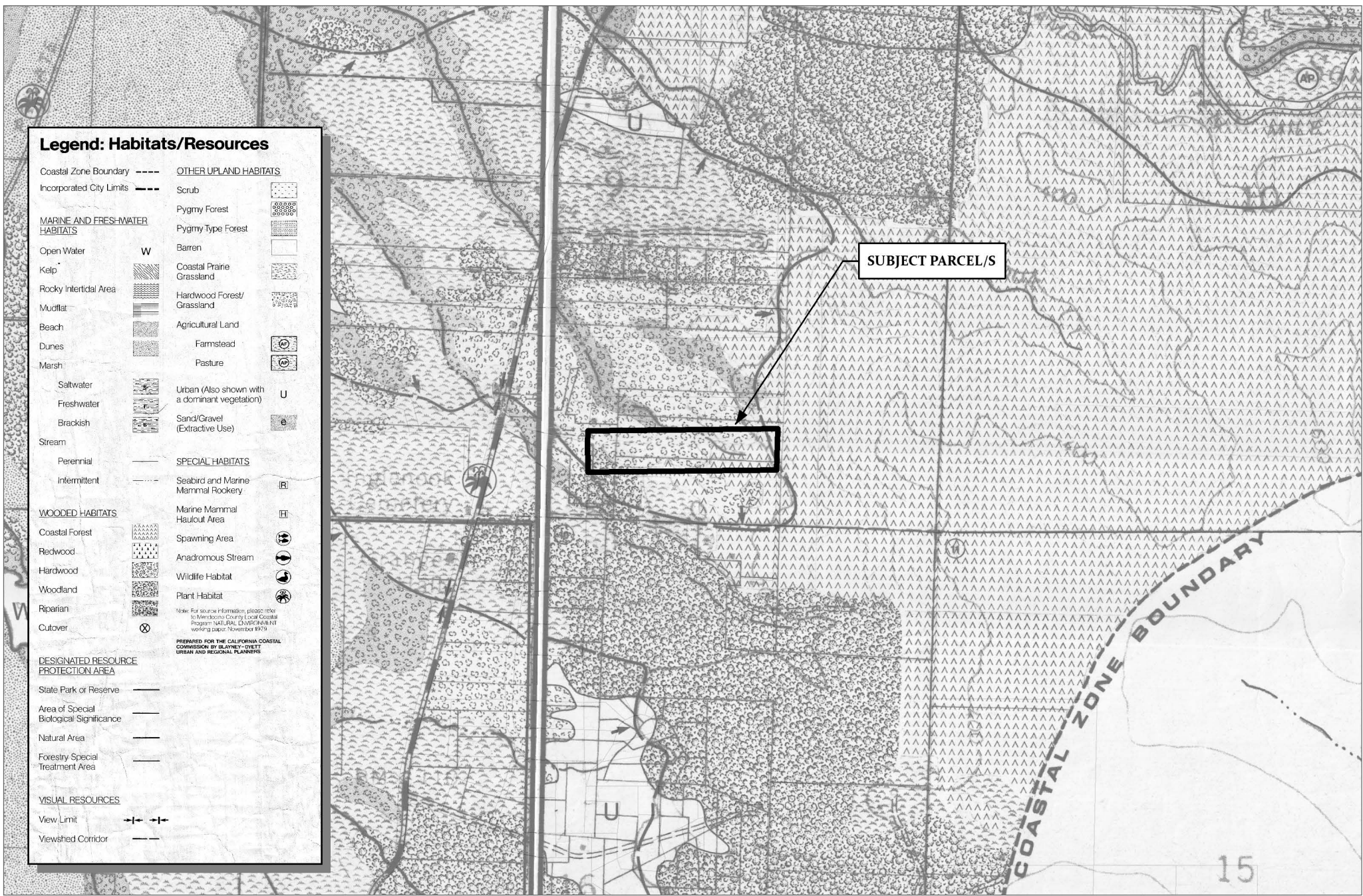


LCP LAND USE MAPS 11 & 12



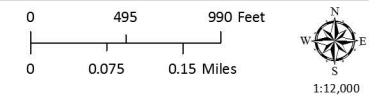
CASE: V 2015-0006
 OWNER: ANDERSON, Myles & Stacey
 APN: 069-060-24
 APLCT: Myles & Stacey Anderson
 AGENT: Amy Wynn
 ADDRESS: 26767 N. Hwy. 1, Fort Bragg

LCP LAND CAPABILITIES AND NATURAL HAZARDS

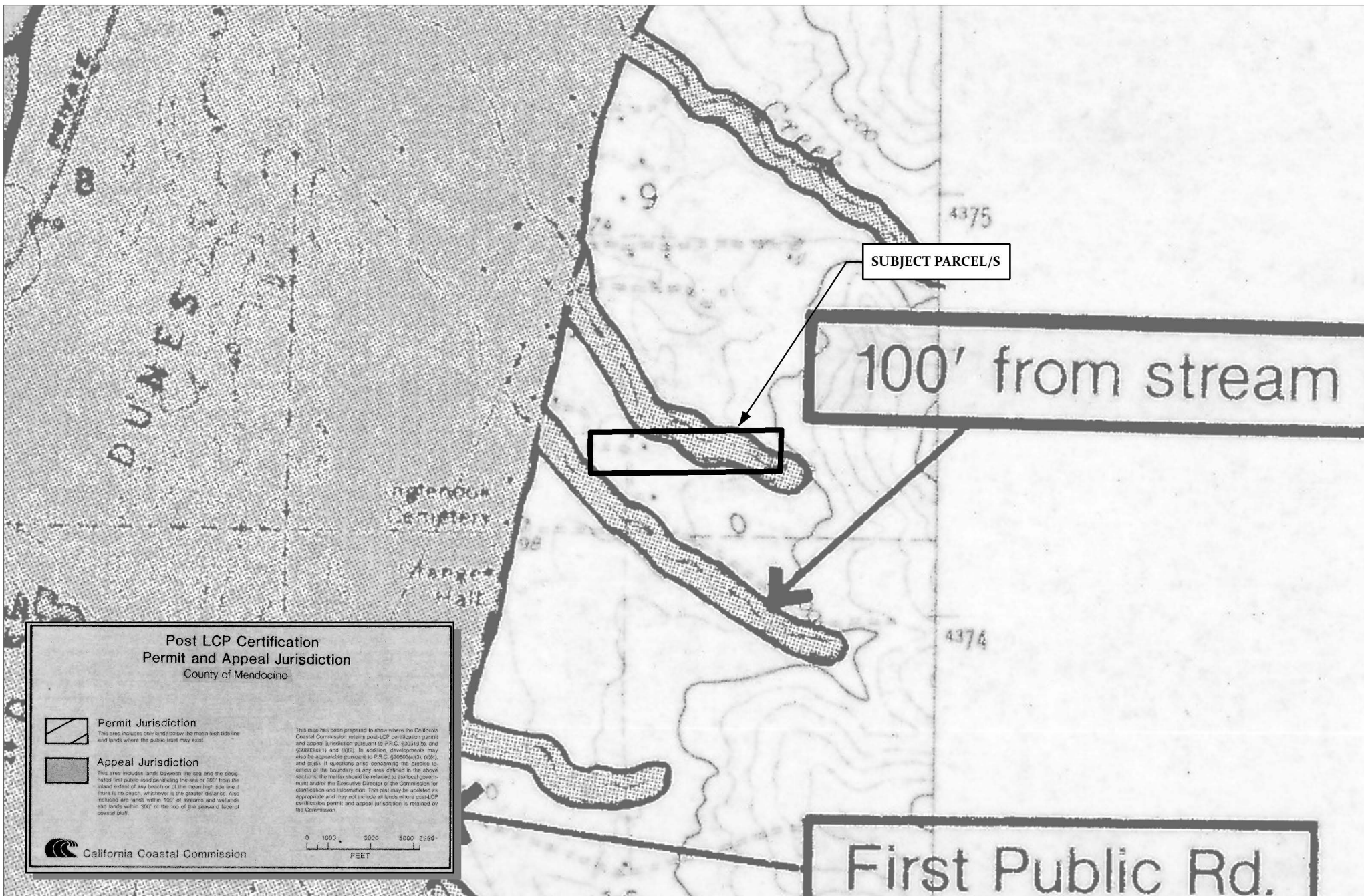


CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg

Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.



LCP HABITATS & RESOURCES



CASE: V 2015-0006

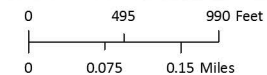
OWNER: ANDERSON, Myles & Stacey

APN: 069-060-24

APLCT: Myles & Stacey Anderson

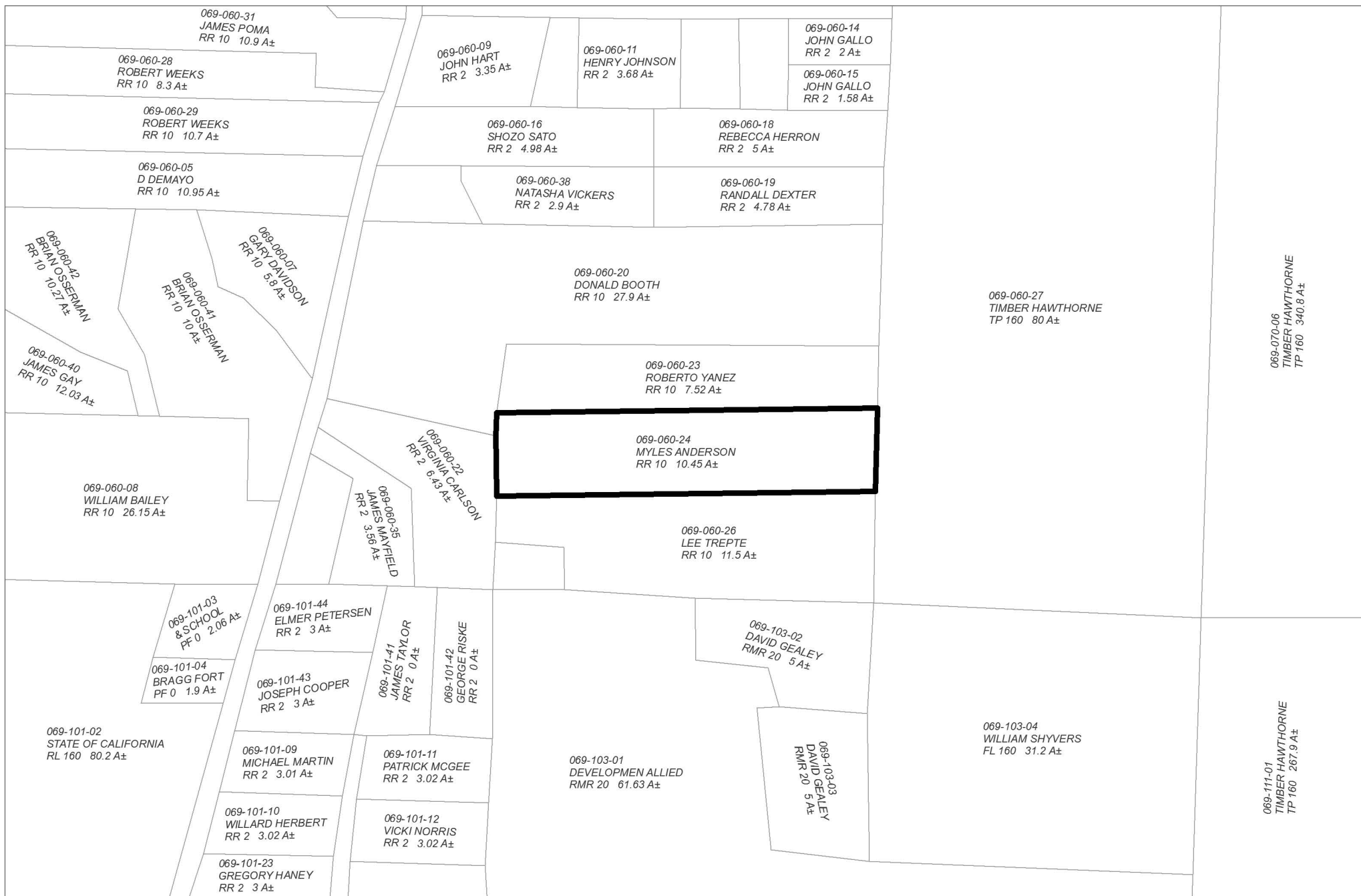
AGENT: Amy Wynn

ADDRESS: 26767 N. Hwy. 1, Fort Bragg



1:12,000

APPEALABLE AREAS



CASE: V 2015-0006

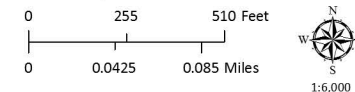
OWNER: ANDERSON, Myles & Stacey

APN: 069-060-24

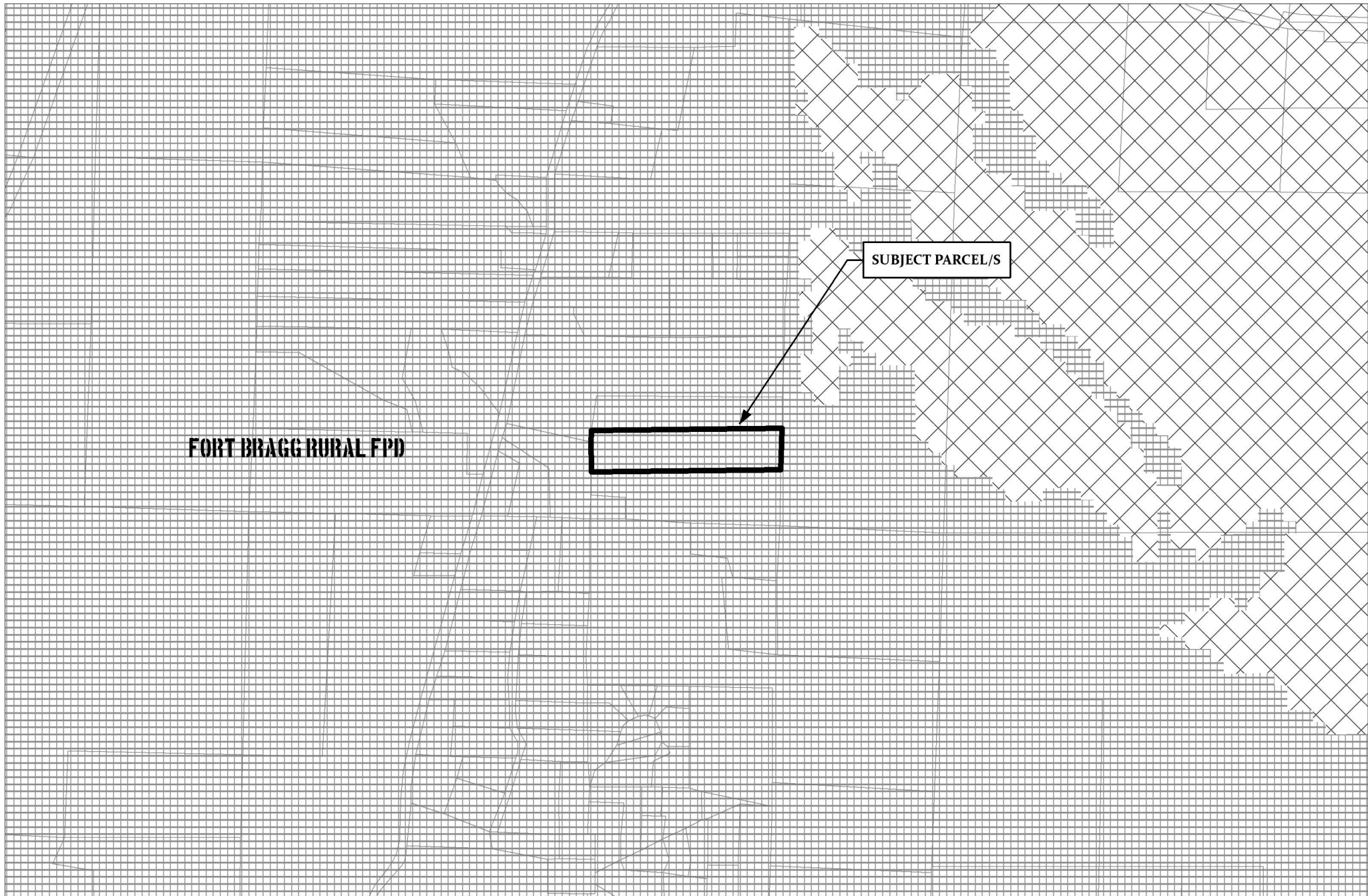
APLCT: Myles & Stacey Anderson

AGENT: Amy Wynn

ADDRESS: 26767 N. Hwy. 1, Fort Bragg

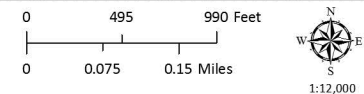


ADJACENT PARCELS

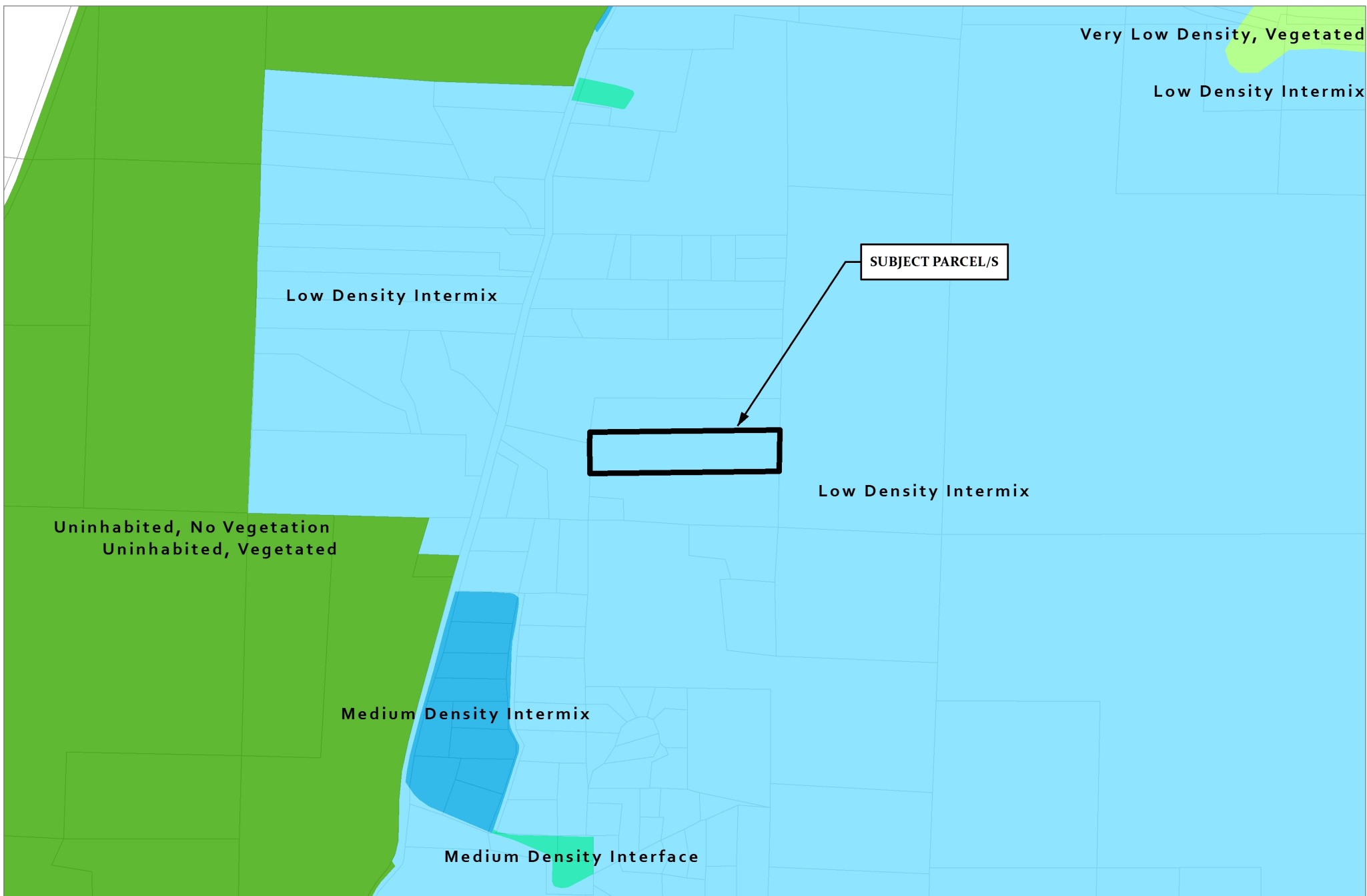


CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
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APLCT: Myles & Stacey Anderson
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ADDRESS: 26767 N. Hwy. 1, Fort Bragg

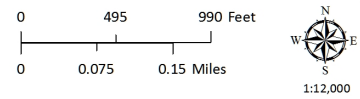
-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

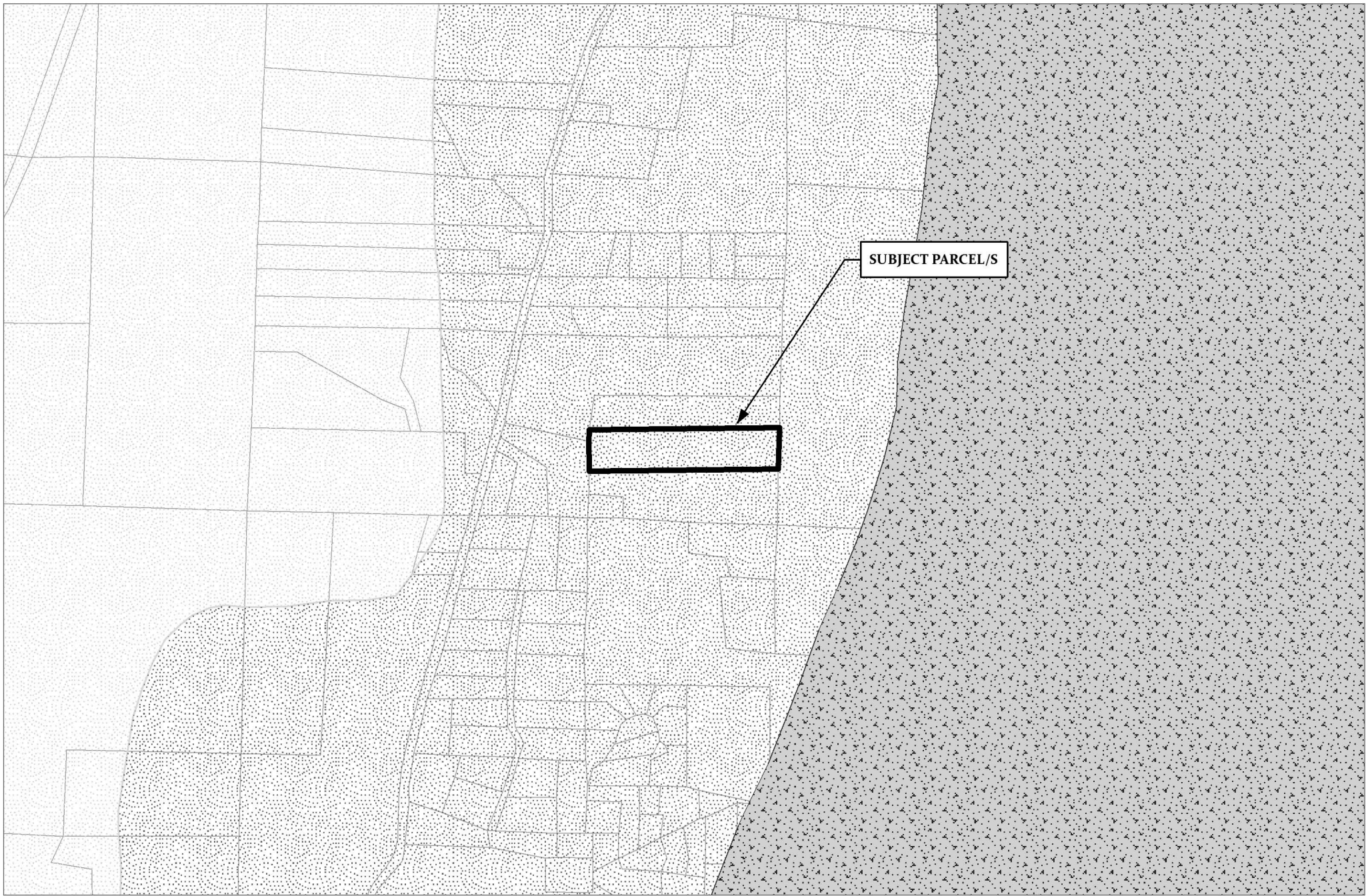


CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg






WILDLAND URBAN INTERFACE ZONES

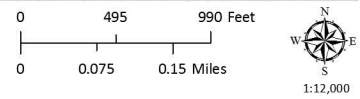
Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.



SUBJECT PARCEL/S

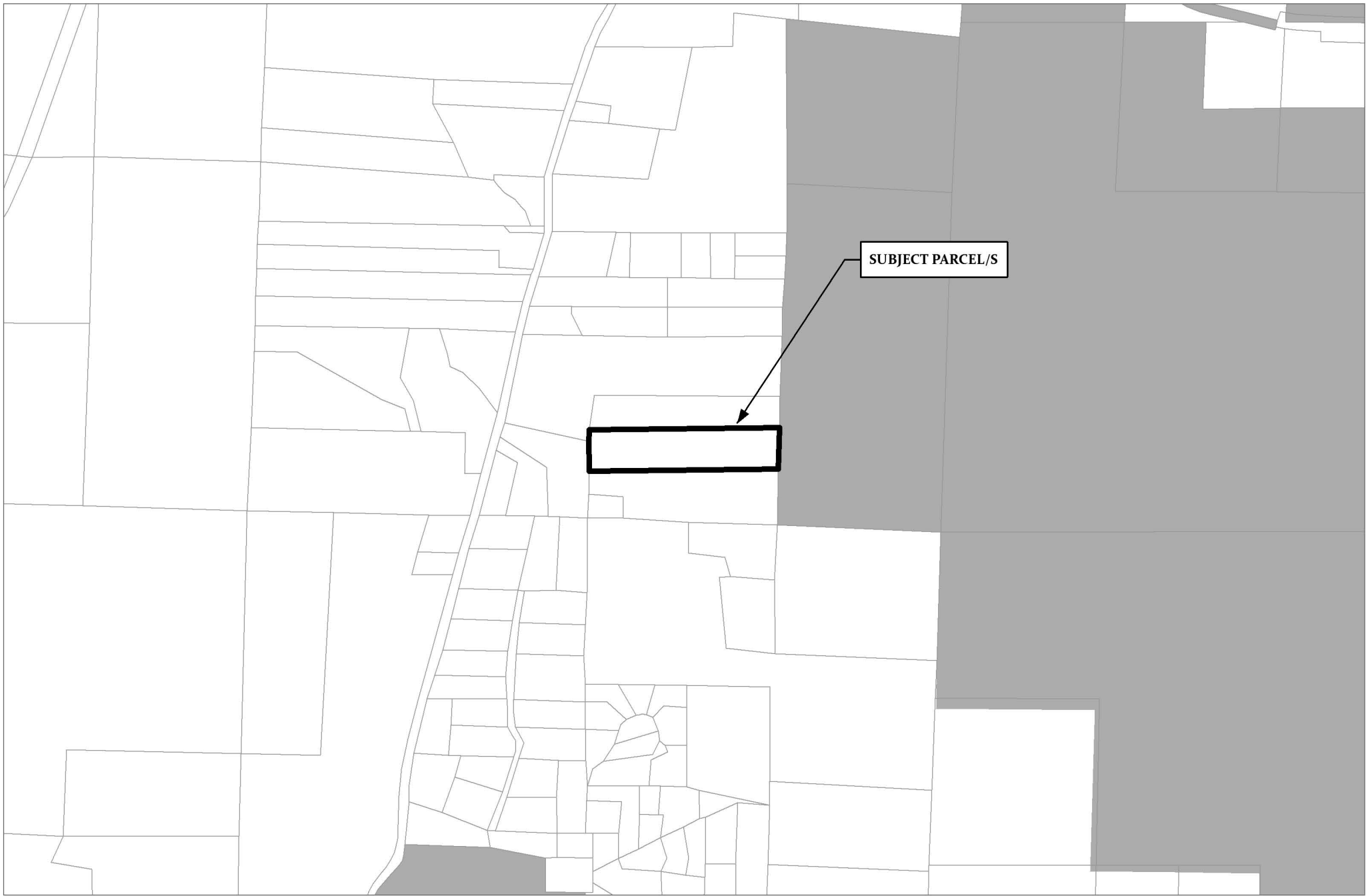
CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg

-  Sufficient Water Resources
-  Critical Water Resources Bedrock
-  Dunes



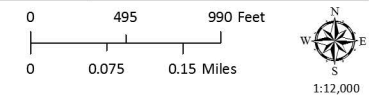
GROUND WATER RESOURCES

Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.



CASE: V 2015-0006
OWNER: ANDERSON, Myles & Stacey
APN: 069-060-24
APLCT: Myles & Stacey Anderson
AGENT: Amy Wynn
ADDRESS: 26767 N. Hwy. 1, Fort Bragg

TPZ 2015



TIMBER PRODUCTION ZONES

Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.

COASTAL PERMIT APPROVAL CHECKLIST**V_2015-0006 (ANDERSON)
JANUARY 26, 2017****PROJECT TITLE:** V_2015-0006**PROJECT LOCATION:** 26767 North Highway 1
Fort Bragg, California 95437
APN: 069-060-24**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Juliana Cherry, Planner III
Mendocino County, Planning and Building Services
120 West Fir Street
Fort Bragg, California 95437
707-964-5379**GENERAL PLAN DESIGNATION:** Mendocino County General Plan – Coastal Element
Rural Residential, 10 acre min. lot sizes (RR-10:R)**ZONING DISTRICT** Mendocino County Code – Division II
Rural Residential, 10 acre min. lot sizes (RR-10)

DESCRIPTION OF PROJECT: The applicant requests a Coastal Development Variance to reduce a required side yard setback from 50-feet to 30-feet and to construct a 2,756-square-foot, 12-foot-tall workshop on a 10.45-acre site. The proposed accessory structure would be used as a workspace and accessory storage building for automobiles and parts. The applicant states that minimal grading and no vegetation removal is required for the proposed project, with the exception of removing one tree near the driveway gate.

SITE DESCRIPTION AND SETTING: The site is situated on the east side of north Highway 1 near post mile 67.60 in Inglenook and located at 26767 North Highway 1, Fort Bragg (APN 069-060-24). The site and surrounding lands are designated Rural Residential (RR). The primary land use is residential. The lot is approximately 330-feet wide by 1,378-feet long with access to the highway by crossing other parcels. Existing development includes a man-made pond, corral, barn, house, water tank, two pump houses, septic tank, leach field, and 23,928 square-feet of paved surfaces (i.e. driveway). The residence and the barn were previously approved in 1996 (CDP #25-1996). The parcel is served by well and septic. Approximately ninety-three percent (93%) of the lot area is undeveloped. Staff estimates that one-third of the lot is covered by tree canopy. Site topography is relatively flat with some rise and fall; land contours are similar to the surrounding residential parcels.

DETERMINATION: The proposed project does not meet all development standards and cannot satisfy the required findings for approval of a Coastal Development Variance, pursuant to Sections 20.532.095 and 20.540.020 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:				
(1) The proposed development 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

☒ *Consistent (with conditions of approval)*

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The LCP addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the LCP are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, California Environmental Quality Act (CEQA) consistency, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the LCP not specifically addressed elsewhere in this checklist.

General Plan Land Use – Rural Residential

The subject parcel is classified as Rural Residential (RR) by the Coastal Element of the Mendocino County General Plan, which is intended “to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture...[and] is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.”¹ The principally permitted use designated for the RR classification is “residential and associated utilities, light

¹ Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan*. 1991. Ukiah, CA.

agriculture, [and] home occupation.”² LCP Map 11 *Little Valley* designates the minimum parcel size requirement as 10-acres.³ The existing parcel was developed in 1996 (CDP #25-1996). A permitted single-family residence, barn, sheds and two pump houses are currently present on this 330-foot wide by 1,378-foot long parcel. The proposed use, a 2,756-square-foot accessory structure, is consistent with RR land use classifications, but inconsistent with minimum required side yard distances.

Hazards

Mendocino County Coastal Element Chapter 3.4 Hazards Management addresses seismic, geologic and natural forces within Mendocino County’s Local Coastal Plan boundaries. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, fire hazard or flood hazard.

Fire: The parcel is located in an area characterized by a moderate fire-hazard-severity rating.⁴ Fire protection in the area is provided by the Fort Bragg Fire Protection District and the California Department of Forestry and Fire Protection (CalFire). The project application was referred to CalFire for input. CalFire recommended conditional approval and stated the project must adhere with CalFire Fire Safe Standards. A standard condition advising the property owner that compliance Fire Safe Standards would be required if the variance was approved.

- **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

☒ *Consistent (without conditions of approval)*

Utilities

The proposed workshop would not include any running water or bathroom facilities; therefore, no additional septic system or enlargement of the current system is proposed.

Access Roads

The parcel accesses Highway 1 via a private easement, commonly called “Rosa Lane.” Mendocino County Department of Transportation (MDOT) was invited to comment on the proposed project and no response was received. Caltrans did not respond to a request for comments. Existing access to the site has been previously approved and found adequate; no change in access is proposed by the applicant or requested by MDOT.

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

☒ *Inconsistent*

Intent: The subject parcel is zoned Rural Residential (RR). The intent of the RR zoning district is “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.”⁵ Proposed is the construction of a 2,756-square-foot, 12-foot-tall workshop on a 10.45-acre site, located within an established, low-density residential area. Parcel sizes surrounding the subject parcel range from 6.43-acres to 80-acres. Accessory structures to residential or agricultural development are permitted and consistent with the low-density residential growth intent of the RR District.

² Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan*. 1991. Ukiah, CA.

³ LCP Map 11 *Little Valley* [map]. 1985. County of Mendocino Coastal Zone, Number 11 of 31. County of Mendocino Planning and Building.

⁴ *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.⁵ Mendocino County Coastal Zoning Code, § II-20.376.005-20.380.065 (1991).

⁵ Mendocino County Coastal Zoning Code, § II-20.376.005-20.380.065 (1991).

Use: The existing parcel is developed with a single-family residence and accessory structures. Single-Family Residential is a principally permitted land use and accessory structures are permitted in the RR District.

Front and Rear Yards: Minimum front and rear yards for the RR District are 50-feet.⁶ The current and proposed development on the subject parcel would be consistent with the RR District front and rear yard minimum distance requirements.

Side Yards: The minimum side yard for the RR District is 50-feet.⁷ The proposed project requests a variance to locate a workshop 30-feet from the property line; the workshop would be situated within the 50-foot side yard setback.

The proposed location of workshop is inconsistent with the RR District required minimum side yard distances.

Height: The maximum permitted building height in the RR District is 35-feet above natural grade for uninhabited accessory structures⁸. The proposed workshop is 12-feet in height. The other structures were previously permitted (CDP#25-1996) and conform to the height requirements in the RR District.

Lot Coverage: The proposed development does not exceed the permitted lot coverage maximum for the RR District. The maximum permitted lot coverage in the RR District is 10-percent for parcels over 5-acres in size. The parcel is 10.45-acres (455,202 square feet), permitting maximum lot coverage of approximately 45,520-square-feet. The sum of the proposed and existing development on the parcel would be 34,187-square-feet, as shown on the following table:

Structures/Lot Coverage	Number Of Units		Square Footage		
	Existing	Proposed	Existing	Proposed	Total
Single Family Residence	1		3,000		3,000
Attached Garage	1		400		400
Workshop		1		2,756	2,756
Ag Barn	1		1,920		1,920
Sheds	3		487		487
Water Tank	1		175		175
Total Structures	6	1	5,382	2,756	8,738
Paved Area (gravel)			23,928	1,521	25,449
Landscaped Area					
Unimproved Area				425,048	420,771

A small change in lot coverage is proposed by the addition of the workshop. The scope of the proposal would not exceed 7.5-percent of the total 10.45-acre site and would be within the allowed maximum lot coverage for RR Districts.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

☒ *Consistent (without conditions of approval)*

Staff recommends a Statutory Exemption from CEQA, pursuant to section 15270, for projects that are disapproved. CEQA does not apply to projects when a public agency rejects or disapproves a project. Staff does not recommend findings to allow a variance for a 20-foot reduction to the required yard; therefore, additional environmental review is not required at this time.

⁶ Mendocino County Coastal Zoning Code, § II-20.376.030 (1991). Print.

⁷ Mendocino County Coastal Zoning Code, § II-20.376.035 (1991). Print.

⁸ Mendocino County Coastal Zoning Code, § II-20.376.045 (1991). Print.

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

☒ *Consistent (with conditions of approval)*

For small projects such as remodels, additions, small outbuildings (projects with minimal earthwork), 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 should require archaeological review. A Standard Condition advising the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, would be required if the variance was approved.

- **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.**

☒ *Consistent (without conditions of approval)*

Solid Waste: The Westport Transfer Station is located approximately 10-miles from the project site, providing for the disposal of solid waste resulting from the residential use. Additionally, curbside pickup is available, should the owner choose to purchase the service. Solid waste disposal is adequate to serve the proposed development.

Roadway Capacity: The subject property is located at 26767 North Highway 1 and is approximately 1,300-feet north of its intersection with Omar Lane. Construction of the workshop would generate few additional vehicle trips per day. The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The nearest data breakpoint in the study is located in at post mile 77.66. The existing level of service at peak hour conditions at this location is considered Level of Service B.⁹ No change in service levels is anticipated.

- **20.532.095(B)(1) If the proposed Development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made: The proposed development 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.**

☒ *Consistent (without conditions of approval)*

The project site is located east of Highway 1, but is not designated as a potential public access trail location on the *Little Valley* or *Cleone* LCP Maps. Coastal access is provided westerly of the project site and along the shoreline. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast.

20.540.020 Required Findings for All Coastal Development Variances	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
Before any variance may be granted or modified it shall be shown:				
(A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁹ *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Print.

20.540.020 Required Findings for All Coastal Development Variances	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A); and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(F) That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

➤ **20.540.020(A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings; and**

☒ *Inconsistent*

Existing site features, man-made pond and tree canopy, do present challenges for determining an appropriate location for the proposed workshop; however, surveys recommending a buffer from existing vegetation have not been submitted. The property is approximately 10.45-acres in area and only approximately five-percent of the parcel is developed. The rectangle shaped parcel is approximately 330-feet wide by 1,378-feet long. The size, shape, and topography of the parcel is similar to the surrounding lands, which consist of Rural Residential classified areas to the north, south, and west. Forest Lands are to the east of the parcel. The building could be constructed in another location or a smaller building footprint could be proposed. It is staff's determination that the project does not demonstrate a special circumstance applicable to the property. Size, shape, topography, location, nor surroundings are atypical to the neighborhood.

➤ **20.540.020(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element; and**

☒ *Not applicable*

The 10.45-acre lot is to the surrounding lands in size, shape, and topography. Sufficient area exists on the property for the proposed workshop without siting the structure within a required yard. It is staff's determination that a special circumstance or condition does not exist.

- **20.540.020(C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A); and**

☒ *Inconsistent*

This parcel is surrounded by other parcels with the same land use classification: Rural Residential (RR). Neighboring lots are developed with single-family residences, accessory structures, and appurtenant facilities. Surrounding lots are developed with accessory structures that do not encroach into required yards and variances to reduce yard distances have not been granted near the proposed project. There are other locations on the property where this accessory building could be situated and satisfy the 50-foot required side yard. The property owner's privileges are similar to other property in the same vicinity and or Rural Residential District.

Staff notes that variances to reduce minimum yard distances have been granted. Typically, there are public health and welfare circumstances that were considered; for example, a reduced yard variance to accommodate on-site septic and leach field areas.

- **20.540.020(D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and**

☒ *Inconsistent*

The existing development adheres to all aspects of the zoning codes related to this property. The nearest neighboring home or accessory structure is several hundred feet away. The applicant is proposing a 2,756-square-foot structure 30-feet from the property line, which is a development type not seen on surrounding parcels. Granting the side yard variance would locate buildings close to the property boundary. A reduced yard is typical of urban locations where buildings are sited with closer proximity to a property boundary. Locating a structure within a required yard may materially alter the rural, residential setting where small-scale food production is intended to be encouraged. It is staff's determination that the granting of this variance maybe materially detrimental to orderly community development or general welfare of the public.

- **20.540.020(E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel; and**

☒ *Consistent (without conditions of approval)*

Approving a variance to reduce the required side-yard distance would authorize a permitted land use (the construction of a 2,756-square-foot accessory structure) in an RR District.¹⁰ MCC Chapter 20.456 *Accessory Use Regulations* allows for structures like the proposed 2,756-square-foot workshop.

- **20.540.020(F) That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act.**

☒ *Inconsistent*

The General Plan land use designation for the subject property is Rural Residential and the proposed accessory land use is compatible with this designation. The 10.45-acre lot is consistent in size, area, and topography with the other properties in the area. The proposed project does not meet the minimum distance for required side yards in the RR District. Staff does not find any special circumstances requiring a reduction in the side yard. It is staff's determination that a reduction in the required side yard distance from 50-feet to 30-feet does not satisfy General Plan Policies, Coastal Element Policies, or the Mendocino County Coastal Zoning Code.

¹⁰ Mendocino County Coastal Zoning Code, § II-20.456.015 (1991). Print.

Staff recommends that the proposed variance be denied, as there are no special circumstances applicable to the land involved, including size, shape, topography, location, or surrounding. The property owner has not created a special circumstance. Since no special circumstance exists, use of the property is similar to the surrounding Rural Residential and Forest Lands classified lands. While permitted land uses include residential and agricultural accessory structures, granting the construction of a building within a required side yard may materially change the rural nature of the area and discourage small-scale food production, which would conflict with the intent of Rural Residential classification.

Resolution Number _____

County of Mendocino
Ukiah, California
JANUARY 26, 2017

V_2015-0006 ANDERSON MYLES & STACEY

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A STATUTORY EXEMPTION FROM CEQA AND DENYING A COASTAL DEVELOPMENT VARIANCE FOR A REDUCED SIDE YARD.

WHEREAS, the applicant, MYLES & STACEY ANDERSON, filed an application for a Coastal Development Variance with the Mendocino County Department of Planning and Building Services to construct a 2,756-square-foot workshop within a required side yard on a 10.45-acre site that lies west of North Highway 1 near post mile 67.60 in Inglenook, and is located at 26767 North Highway 1, Fort Bragg; APN 069-060-24; General Plan RR10:R; Zoning RR:10; Supervisorial District 4; (the "Project"); and

WHEREAS, a STATUTORY EXEMPTION was prepared for the Project and noticed and made available for agency and public review on December 23, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, January 26, 2017, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Statutory Exemption from CEQA pursuant to Public resources code Section 15270 and the Project. All interested persons were given an opportunity to hear and be heard regarding the Statutory Exemption from CEQA and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Coastal Permit Administrator regarding the Statutory Exemption from CEQA and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings:

1. The proposed use is consistent with the Mendocino County Local Coastal Plan land use designation. The plan designation for the site is Rural Residential and accessory structures, like the proposed workshop, are permitted on RR designated lands.
2. The location for the accessory structure is inconsistent with the Mendocino County Coastal Zoning Ordinance (MCC) Section 20.376 for Rural Residential properties, as the project does not comply with MCC Section 20.376.035 Minimum Side Yard Setbacks.
3. Per MCC Section 20.540.020(A), it shall be shown that "*there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings.*" A special circumstance applicable to the 10.45-acre property involved, including size, shape, topography, location, or surrounding, has not been shown.
4. Per MCC Section 20.540.020(B), it shall be shown that "*...such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element.*" A special circumstance applicable to the 10.45-acre property involved, including size, shape, topography, location, or surrounding, has not been shown.
5. Per MCC Section 20.540.020(C), it shall be shown that "*such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in*

Subsection (A).” The variance is not necessary for the preservation and enjoyment of privileges possessed by other property owners in the Inglenook area and Rural Residential District, and denied to the applicants and property owners of APN 069-060-24. Surrounding lots are similarly developed with residential and accessory structures. The property owner could construct a smaller building or select an alternative building site for the proposed accessory structure.

6. Per MCC Section 20.540.020(D), it shall be shown that “*the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.*” The granting of the variance will be materially detrimental to the public welfare or injurious to the property or improvements in the Inglenook area and Rural Residential District, as the proposed 2,756-square-foot structure would be situated less than the minimum distance from the side property boundary. The proposed project would establish a large building within a required yard, located in a rural setting, and would materially alter the residential setting within the Rural Residential Districts.
7. Per MCC Section 20.540.020(E), it shall be shown that “*the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel.*” Granting the requested variance would allow a use or activity that is otherwise expressly authorized by Mendocino County Coastal Zoning Codes.
8. Per MCC Section 20.540.020(F), it shall be shown that “*the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act.*” With the exception of the proposed building’s proximity to the side property line, the project would otherwise conform with land use and development standards set forth in Mendocino County Coastal Zoning Codes.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Statutory Exemption from CEQA. The Coastal Permit Administrator certifies that the Statutory Exemption from CEQA Section 15270 has been completed, reviewed, and considered in compliance with State and County CEQA Guidelines, and finds that the Statutory Exemption from CEQA reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby DENIES the requested COASTAL DEVELOPMENT VARIANCE.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Coastal Permit Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: ADRIENNE THOMPSON
Commission Services Supervisor

BY: STEVE DUNNICLIFF
Director/Coastal Permit Administrator

By: _____
