



**Coastal Permit Administrator
STAFF REPORT- CDP_STANDARD**

**4/27/2017
CDP_2014-0027**

SUMMARY

OWNER/APPLICANT: TAMMY BRAY, TERRY BRAY
5959 HIGHWAY 175
HOPLAND, CA 95449

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

REQUEST: A Coastal Development Standard Permit request for the construction of a 1,109-square-foot single-family residence, 399-square-foot attached garage, 132-square-foot deck, septic system, water storage tank, driveway, and temporary use of a camp trailer during construction.

DATE DEEMED COMPLETE: 8-24-2016

LOCATION: 33015 La Favor Lane is located on the southwest intersection of Highway 1 and La Favor Lane, which is 2-miles north of the City of Fort Bragg (APN 069-171-43).

TOTAL ACREAGE: 2 acres

GENERAL PLAN: Rural Residential (RR5[RR2])

ZONING: Rural Residential (RR:5)

APPEALABLE: Highly Scenic Area. Sensitive Coastal Resource Area.

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: A request for a Coastal Development Standard Permit for the construction of a 1,109-square-foot single family residence, approximately 18-feet in height; a 399-square-foot attached garage; a 132-square-foot deck; a 100-foot gravel driveway (approximately 35-feet wide); installation of a septic system and a 2,500-gallon water storage tank; and temporary use of camping trailer (existing) during construction on land mapped as Rural Residential, Highly Scenic, and having wetlands. After construction of the proposed, new driveway, the existing driveway would be used for alternative access to the site. Four (4) pine trees would be removed and the biologist recommends a fifty-foot buffer from the wetlands and beach pine trees on the property. A previously approved Coastal Development Use Permit allows for camping on-site and the applicant requests use of their camping-trailer during construction of the proposed single-family residence.

APPLICANT'S STATEMENT: "Construct a 1,109 sf single-family residence with attached 399 square feet garage, 132 square feet of decks and patio, maximum building height of 18' above natural grade. Install 2,500-gallon water storage tank, septic system, propane tank, trenching for utilities, 1,067 sf gravel driveway. Occupancy of temporary travel trailer for construction support."

RELATED APPLICATIONS:

On-Site

- CDP_32_09 camping use permit
- LCP 91-27
- MS 70-86
- MS 14-86
- MS 38-89
- MS 78-83
- CC 117-81
- PHD 12-83
- B46-79
- PA 81-6
- BLA 66-88

Neighboring Property

- MS 545-88 (withdrawn 069-170-26 on adjacent property)
- MS 43-86 (on adjacent lot 069-170-26)

SITE CHARACTERISTICS: The two-acre site is located on the southwest intersection of Highway 1 and La Favor Lane, which is approximately two-miles north of the City of Fort Bragg at 33015 La Favor Lane (APN 069-171-43). The site and surrounding lands are designated Rural Residential (RR), with varying parcel sizes ranging from 1-to-5-acres, and is mapped as a Highly Scenic Area. The proposed primary land use is residential, which is a principally permitted use type in the RR District. The property is relatively flat, fenced, and characterized as primarily non-native grassland with Beach Pine Forest to the west, and beach pine and wax myrtle emerging within the grassland to the east.

Public access to the shore is provided west of the subject site in MacKerricher State Park and along the old haul road. The site is located within a Marginal Water Resource Area. There is a 1,750-square-foot mapped wetland in the southeastern portion of the property and a Beach Pine Forest on the western portion of the property. It is recommended that the proposed development be setback fifty feet from both the wetland and Beach Pine Forest. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, fire hazard or flood hazard.

SURROUNDING LAND USE AND ZONING: The site and surrounding lands are designated Rural Residential and Highly Scenic. The surrounding land use and zoning is similar to the subject parcel.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR	RR5(2)	2	Residential
EAST	RR	RR1	2	Residential
SOUTH	RR	RR5(1)	2	Residential
WEST	RR	RR5(1)	4	Residential

The surrounding parcels are developed with single-family residences and appurtenant structures. The proposed project is compatible with surrounding land uses and development.

PUBLIC SERVICES:

ACCESS: DEPARTMENT OF TRANSPORTATION
FIRE DISTRICT: FORT BRAGG RURAL
WATER DISTRICT: N/A
SEWER DISTRICT: N/A
SCHOOL DISTRICT: FORT BRAGG UNIFIED SCHOOL DISTRICT

AGENCY COMMENTS: On August 15, 2014 and, after the application was revised, on August 24, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. Required related permits, if any, are listed below. Any recommended conditions of approval are contained in Exhibit A of the attached resolution. 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
Archaeological Commission		Comment Comment	11/12/2014 10/12/2016
Assessor		No Response	
Building Services		No Comment No Comment	10/08/2014 10/04/2016
CalFire	File No 256-14	No Comment	09/30/2014
CalTrans		No Response	
Northwest Information Center CHRIS		Comment	10/08/2014
California Coastal Commission		Comment	11/17/2014
California Department of Fish and Wildlife		Comment	09/26/2014 01/18/2017
Department of Transportation		No Comment	10/27/2014 09/26/2016
Emergency Services		No Response	
Environmental Health		Comment No Comment	10/10/2014 09/29/2016
Fort Bragg Rural Fire Department		No Comment No Comment	10/06/2014 09/12/2016
Fort Bragg Unified School District		No Response	
Planning – Ukiah		No Comment Comment	09/26/2014 09/13/2016
Soil Conservation Service		No Response	
State Clearinghouse		No Response	

KEY ISSUES

1. General Plan and Zoning Consistency.

General Plan: The project is consistent with Land Use Plan, Chapter 2.2 of the Coastal Element of the General Plan. The land use designation for the site is Rural Residential specifying a minimum lot size of 5-acres that can be reduced to 2-acres if there are community services (RR5[RR2]). The intent of the RR designation is *“to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability”*.¹ The principally permitted use type for this land use classification is “residential and associated utilities, light agriculture, [and] home occupation.”² LCP Map 13 *Fort Bragg* designates the minimum parcel size requirement as 5-acres.³

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

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

³ *LCP Map 13 Fort Bragg* [map]. 1985. County of Mendocino Coastal Zone. County of Mendocino Planning and Building. http://www.co.mendocino.ca.us/planning/pdf/Map_13_Fort_Bragg.pdf

Zoning: The project is consistent with the Mendocino County Coastal Zoning Ordinance and its Rural Residential (RR:5) District designation. The project has been reviewed for, and found consistent with, sections related to archeological and cultural resources, transportation and circulation, public access, hazards and grading and erosion control. The intent of RR 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."*⁴ The proposed project is the construction of a single-family residence located within an established, low-density residential area. The project creates minimal impact on agricultural viability.

The *Development and Land Use Standards* Table (below) describes development and land use criteria applied to the review of the proposed project and relate 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 Vacation Home Rental	Family Residential: Single-Family
20.376.040 Setback Exception	20-feet	20-feet
20.376.045 Building Height Limit	28-feet above natural grade	18-feet
20.472.015 Minimum Vehicle Parking	2 off-street	2 spaces
20.376.065 Maximum Lot Coverage	15 percent	2.3 percent

The project is consistent with the development and land use standards for the RR District. The proposed project complies with standards for land use, yards, building heights, parking and lot coverage; and code sections relating to archeological and cultural resources, fire protection and adequate water supply.

Adequate Water Supply: The project site is mapped as a marginal groundwater resource area. Based on the requirements of Section 3.8 of the Coastal Element of the Mendocino General Plan, a *Proof-Of-Water Test* was prepared for the subject property. The study included the measurements and data required to determine the well's production, often referred to as a sustained yield test. The Department of Environmental Health (DEH), in their referral comment response dated September 29, 2016, stated DEH grants approval. There is an existing agricultural well and well house situated within the recommended Beach Pine Forest buffer. The applicant proposes to connect the proposed residential use to the existing well. To establish this connection, the applicant proposes to trench 155-lineal feet between the existing well and the edge of the buffer. Trenching would be limited to areas previously disturbed. The location of trenching has been reviewed by California Department of Fish and Wildlife; they concur with the recommended mitigation measures contained in the Botanical Scoping Survey Report and its addendums and incorporated as recommended conditions of project approval.

2. Sensitive Coastal Resource Areas, including Highly Scenic Areas and Wetlands.

Highly Scenic Areas: Local Coastal Plan Map 13 *Fort Bragg* designates the project site as a Highly Scenic Area.⁵ Pursuant with MCC Chapter 20.504 *Visual Resource and Special Treatment Areas*, the project is subject to development criteria established to ensure that permitted development is 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.⁶ Staff has observed during four visits to the project site that while the project site is west of and adjacent to Highway 1, the surrounding lands include established pine trees and other vegetation that obscure views of the shore. Staff has also observed that lands to the west of the project site are slightly elevated; this has the effect of further

⁴ Mendocino County Coastal Zoning Code, § II-20.376.005 (1995).

⁵ *LCP Map 13 Fort Bragg* [map]. 1985. County of Mendocino Coastal Zone. County of Mendocino Planning and Building. http://www.co.mendocino.ca.us/planning/pdf/Map_13_Fort_Bragg.pdf

⁶ MCC Section 20.504.010 Purpose.

https://www.municode.com/library/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIIMECOCOZOCO_CH20.504VIRESPTRAR_S20.504.010PU

limiting views within the area. The applicant proposes muted, natural colors for the proposed residential structure that would be sited to limit impacts to the scenic nature of the area (and located beyond the edge of any recommended wetland buffer). The height of the proposed residence is below the maximum recommended height of eighteen-feet. Staff recommends a standard condition limiting the use of exterior lighting pursuant with MCC Section 20.504.035. The proposed driveway would access to La Favor Lane and would have the shortest distance between the proposed garage and private road.

Wetlands: The project is consistent with the MCC Chapter 20.496 *Environmentally Sensitive Habitats and Other Resource Areas*. The purpose of this Chapter is to ensure that environmentally sensitive habitat and other designated resource areas, which constitute significant public resources and are protected for both the wildlife inhabiting them, as well as, the enjoyment of present and future populations.⁷ Environmentally Sensitive Habitat Areas (ESHA's) include wetlands, riparian areas, habitats of rare and endangered plants and animals, and others. An assessment of potential jurisdictional wetlands, a Biological Scoping Survey Report, and two addendums to the survey were prepared by Spade Natural Resources Consulting between 2014 and 2016.^{8, 9, 10, 11} ESHAs identified in the survey and addendums include Beach Pine Forest, and slough sedge. These are considered obligate wetland vegetation. A 1,750-square-foot wetland area situated in the eastern portion of the site meets the Coastal Act definition of wetlands. A delineation of potential jurisdictional wetlands was prepared in August 2016 (page 3).¹² The survey, and its two addendums, recommends a fifty-foot buffer from the wetland and beach pine areas, as well as, the incorporation of best management practices, removal of invasive species and a native landscaping plan. (For a list of recommended mitigation measures see Key Issue 3 that follows, or the Initial Study, Appendix A, or the recommended Resolution.)

Pursuant with MCC Section 20.496.020(A)(1)(b), which states that “*the width of the buffer zone shall be based, in part, on the disturbance necessary to ensure the most sensitive species of plants and animals will not be disturbed significantly by the permitted development.*” Staff finds that direct access to the buffer may result in direct or indirect impacts and recommends that no development shall occur within the delineated wetland fifty-foot buffer. With the concurrence of the Department of Fish and Wildlife, staff recommends that one-time trenching in existing disturbed areas of the Beach Pine Forest be allowed and that other development within the Beach Pine Forest buffer be prohibited.

Pursuant with MCC Section 20.496.020(A)(1)(c), which states that “*The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics and vegetative cover of the parcel and to what degree the development will change the potential for erosion,*” staff notes that 155-lineal feet of grading is proposed within the Beach Pine Forest buffer on previously disturbed lands. (The disturbed areas within the Beach Pine Forest include compacted gravel providing direct access to the existing vehicle access gate and La Favor Lane). The applicant proposes to retain all the graded material onsite (no material will be exported). Extra cut material would be spread on site and seeded as soon as possible. No soil would be left bare; mulch may be used to cover ground areas temporarily. The biologist recommends use of a temporary silt fence, approximately three feet in height and straw wattles along the entire length of the fifty-foot buffers to prevent sediment from entering established wetlands during construction. Staff finds incorporation of the aforementioned best management practices (BMPs) will be sufficient to prevent water run-off.

3. Environmental Protection: An initial study was prepared. Biological resources may be impacted by the proposed project. Mitigation measures are recommended to reduce the significance of their effect. Adoption of a Mitigated Negative Declaration is recommended.

⁷ Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).

⁸ Biological Scoping Survey Report for 33015 La Favor Lane. November 20, 2014. Spade Natural Resources Consulting.

⁹ Delineation of Potential Jurisdictional Wetlands Under Section 404 of the Clean Water Act and California Coastal Act. August 23, 2016. Spade Natural Resources Consulting.

¹⁰ Botanical Addendum. November 22, 2016. Spade Natural Resources Consulting.

¹¹ Botanical Addendum. December 26, 2016. Spade Natural Resources Consulting.

¹² Delineation of Potential Jurisdictional Wetlands Under Section 404 of the Clean Water Act and California Coastal Act. August 23, 2016. Spade Natural Resources Consulting.

The following mitigation measures are recommended to prevent impacts to ESHA and biological resources.

Potential Impact 1: Project activities have the potential to affect natural community ESHA of wetland and Beach Pine Forest, which has the potential to provide habitat for sensitive or special status species. Therefore, the Mitigated Negative Declaration identified the following mitigation measures to protect sensitive habitats and special status species:

Mitigation Measure 1: Prior to ground disturbance, a 50-foot buffer shall be established from the Beach Pine Forest and slough sedge wetland area. The buffer shall be clearly and accurately identified on the building plans site plan, and shall be staked onsite prior to ground disturbance, to the satisfaction of Planning and Building Services.

Mitigation Measure 2: Standard Best Management Practices (BMPs) shall be employed during construction to protect the wetland and prevent soil erosion during construction. BMPs shall be detailed on construction specifications, to the satisfaction of Planning and Building Services.

Mitigation Measure 3: The contractor and construction manager shall limit ground disturbance to the minimum necessary. Disturbed soil areas shall be stabilized as soon as feasible, but not later than the end of the working day.

Mitigation Measure 4: Prior to Building Permit Final, invasive species shall be removed from the project site including Spanish heather (*Erica lusitanica*), Himalaya-berry (*Rubus armeniacus*), cotoneaster (*Cotoneaster franchetii*), and Monterey pine (*Pinus radiata*).

Mitigation Measure 5: During construction, any stockpiles shall be moved carefully by hand to avoid crushing or other damage to frogs.

Mitigation Measure 6: Prior to ground disturbance, a landscaping plan shall be submitted to the Planning Department for approval. The plan shall consist of native plants compatible with adjacent plant communities.

Potential Impact 2: Project activities have the potential to affect archeological resources present on the property. A Standard Condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities. Approval of the staff report and adoption of the Mitigated Negative Declaration will ensure that indirect impacts to the archeological resources do not result from the project:

The proposed project is subject to the provisions of California Environmental Quality Act (CEQA), pursuant to Public Resources Code (PRC) Section 15070 of Article 6 of the CEQA Guidelines. Public Resources Code Section 15070 states "A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when...the initial study identifies potentially significant effects, but revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur."

The applicant is proposing to construct a single-family residence and appurtenant structures, which includes the removal of four (4) trees. Site development activities may affect the wetland and Beach Pine Forest, which has the potential to provide habitat for sensitive or special status species; therefore, the Mitigated Negative Declaration identified mitigation measures to protect sensitive habitats and special status species. The mitigation measures include appropriate buffers from the wetland and Beach Pine Forest, utilization of standard BMPs during construction, invasive species removal and hand removal of stockpiles.

RECOMMENDATION

By resolution, adopt a Mitigated Negative Declaration and grant Coastal Development Standard Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

DATE

JULIANA CHERRY

Appeal Period: 10 Days

Appeal Fee: \$910.00

ATTACHMENTS:

- A. Revised Site Plan
- B. Topographic Map
- C. Google Earth Aerial Imagery
- D. Zoning Display Map
- E. General Plan Designations
- F. Local Coastal Plan Map 13 *Fort Bragg*
- G. Adjacent Parcels
- H. Fire Hazard Zones & Responsibility Areas
- I. Local Soils
- J. External Lighting
- K. Materials and color sample
- L. Revised elevations
- M. Fire Safe Plan
- N. Floor Plan

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

MITIGATED NEGATIVE DECLARATION and Initial Study available online at:
<http://www.co.mendocino.ca.us/planning/meetings.htm>

APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST
CDP_2014-0027 (BRAY)
APRIL 27, 2017

PROJECT TITLE: CDP_2014-0027

PROJECT LOCATION: 33015 La Favor Lane
Fort Bragg, CA 95437
APN: 069-171-43

**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, 5 acre min. lot sizes (RR5 [RR2])

ZONING DISTRICT Mendocino County Coastal Zoning Code – Division II
RR-5 (Rural Residential, 5-acre min. lot sizes)

DESCRIPTION OF PROJECT: A request for a Coastal Development Standard Permit for the construction of a 1,109-square-foot single family residence, approximately 18-feet in height, a 399-square-foot attached garage, a 132-square-foot deck, a 50-foot gravel driveway, installation of a septic system and a 2,500-gallon water storage tank, and temporary use of a trailer during construction. The existing driveway would be used for alternative access upon completion of the new driveway. Four (4) pine trees will be removed and a fifty-foot buffer from wetlands and beach pine trees is recommended. The subject property is approximately 2.0-acres (or 87,120-square-feet) in area and located at the intersection of La Favor Lane and Highway 1, which is north of the City of Fort Bragg. The site is currently developed with a temporary camping trailer, a well house, utilities hook-ups and a portable toilet. February 1, 2010, CDP-32-2009 approved temporary camping at this location for sixty-days in any six-month period.

SITE DESCRIPTION AND SETTING: The two-acre site is located on the southwest intersection of Highway 1 and La Favor Lane, which is approximately two miles north of the City of Fort Bragg at 33015 La Favor Lane (APN 069-171-43). The site and surrounding lands are designated Rural Residential (RR). The location is within a Highly Scenic Area and visible from Highway 1. The land is relatively flat, fenced, and characterized as primarily non-native grassland with Beach Pine Forest to the west and beach pine and wax myrtle emerging within the grassland to the east. Environmentally Sensitive Habitat Areas (ESHAs) on the property include a 1,750-square-foot wetland and a Beach Pine Forest. No rare or endangered plant or wildlife species were identified in the project area by the biologist during the site surveys. A minimum fifty-foot buffer is recommended from the wetland and the Beach Pine Forest. Public access to the shore is provided west of the subject site, along the MacKerricher State Park shoreline. The site is located within a Marginal Water Resource Area and the on-site agricultural well provides access to a sufficient water supply.

DETERMINATION: The proposed project can satisfy all required findings for approval of a Coastal Development Permit (CDP), pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County Code (MCC), as individually enumerated in this Coastal Permit Approval Checklist.

APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST
CDP_2014-0027
A - 2

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"/>
(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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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; environmentally sensitive habitat areas; cultural resources; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Code (MCC), and its policies are certified as consistent with the goals and policies 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 (RR5[RR2]) by the Coastal Element of the Mendocino General Plan and LCP Map 13 *Fort Bragg*.¹ The RR classification is intended to "*encourage local small scale food production (farming) in areas which area not well suited for large scale commercial agricultural, defined by present or potential use, location, mini-climate, slope, exposure, etc.*"² The designated principally permitted use type for this land use classification is "residential and associated utilities, light agriculture, [and] home occupation."³ The proposed land use is consistent with the intent of RR classified lands and is a principally permitted use type within this classification.

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

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.⁴ This project does not conflict with any state or local seismic hazard policy or plan. The San Andreas fault zone is mapped approximately five miles west of the project site.

Flooding: There are no mapped 100-year flood zones on the subject parcel and no conditions are necessary to ensure consistency with flood policy.⁵

Fire: The parcel is located in an area characterized by a Moderate Fire Hazard Severity Rating.⁶ The project is within the Fort Bragg Rural Fire Protection District boundaries. The project application was referred to the California Department of Forestry and Fire Protection (CalFire) and Fort Bragg Rural Fire Protection District for input. CalFire File Number 256-14 includes comments regarding address, driveway, and 30-foot defensible space and maintenance standards. Satisfying these requirements would be addressed by a standard condition:

Standard condition: That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

Visual Resources: Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504. Local Coastal Plan Map 13 Fort Bragg designates the project site as a Highly Scenic Area. Pursuant with MCC Chapter 20.504 Visual Resource and Special Treatment Areas, the

¹ *LCP Map 13 - Fort Bragg* [map]. 1985. County of Mendocino Coastal Zone. County of Mendocino Planning and Building. http://www.co.mendocino.ca.us/planning/pdf/Mendocino_Town_Land_Use.pdf

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

³ *ibid.*

⁴ State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

⁵ *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1200F, Number 06045C1010F. Federal Emergency Management Agency.

⁶ *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

project is subject to development criteria established to ensure that permitted development is 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. Staff has observed during four visits to the project site that while the project site is west of and adjacent to Highway 1, the surrounding lands include established pine trees and other vegetation that obscure views of the shore. Staff has also observed that lands to the west of the project site are slightly elevated; this has the effect of further limiting views within the area. The applicant proposes muted, natural colors for the proposed residential structure that would be sited to limit impacts to the scenic nature of the area (and located beyond the edge of any recommended wetland buffer). The height of the proposed residence is below the maximum recommended height of eighteen-feet. Staff recommends a standard condition limiting the use of exterior lighting pursuant with MCC Section 20.504.035. The proposed driveway would access to La Favor Lane and would have the shortest distance between the proposed garage and private road.

Natural Resources: The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

A Biological Scoping Survey Report for 33015 La Favor Lane was prepared by Spade Natural Resources Consulting on November 20, 2014. Surveys were completed on September 15, 2014, January 21, February 25, March 19, July 17, and November 4, 2015. Additionally, the consulting biologist prepared a Delineation of Potential Jurisdictional Wetlands Under Section 404 of the Clean Water Act and California Coastal Act (dated August 23, 2016) and two Botanical Addendums (dated November 22, 2016 and December 29, 2016). Several occurrences of resources classified as ESHA were documented and protective measures are recommended to reduce the effect of trenching within the recommended beach pine buffer and to protect the wetlands. The Beach Pine Forest, wetland areas, and recommended mitigation measures are described in Appendix A Section 20.532.095(A)(4), which follows. Staff at the Department of Fish and Wildlife concur with the reports' recommendations.

- **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 applicant proposes a two-bedroom, two-bathroom, single-family residence with associated septic, use of an existing well, propane storage tank, and water storage tank. Previously approved CDP-32-2009 permits temporary camping, installation of a well for agricultural use, and establishing electrical service. Mendocino County Department of Environmental Health (DEH) recommends approval of the proposed septic system having a maximum two-bedroom capacity. Given the capacity of the proposed septic system, PBS staff recommends prohibiting additional septic hook-ups (with the exception of the primary two-bedroom residence) and recommends that the on-site portable toilet be removed prior to occupancy of the proposed residence.

Recommended condition: The property owner is prohibited from connecting to on-site septic, except for use by the primary residence.

Recommended condition: No camping uses are permitted connections to on-site septic. Camping connections to on-site septic are prohibited.

Recommended condition: Temporary and portable toilets shall be removed from the property prior to Planning and Building Services final inspection for the primary residential building permit.

The parcel is located within a Marginal Water Resource Area. The Coastal Element of the Mendocino General Plan, Section 3.8 *Transportation, Utilities and Public Services*, 20.744, establishes the requirement to have a hydrological report prepared that addresses the adequacy of the proposed water supply (proof of water). Based on the requirements of Section 3.8, a *Proof-Of-Water Test* was prepared for the subject property. The study included the measurements and data required to determine the well's production, often referred to as a sustained yield test. DEH in their referral comment response dated September 29, 2016, recommends approval of the proposed two-bedroom residence. While the proposed residential development is outside of any ESHA buffer, the existing production well is located within the Beach Pine Forest. Trenching would disturb soil within the existing Beach Pine Forest and its recommended fifty-foot buffer. The applicant proposes to limit trenching to previously disturbed areas (see Bray Site Plan Sheet 1 dated 8-23-2016).

Access Roads: The applicant proposes development of a fifty-foot long driveway (or 1,067-square-feet of compacted gravel) that would intersect with La Favor Lane. Mendocino County Department of Transportation (MCDOT) was invited to provide comment on the application in 2014 and in 2016. A response to Planning and Building Services from MCDOT dated October 27, 2014, and September 26, 2016, grants approval of the proposed project, which would not require any additional MCDOT permitting as the proposed project does not affect the County road. There is an existing vehicle access gate fronting La Favor Lane. The applicant proposes to retain the gate and associated driveway (compacted gravel) for intermittent access to the yard area.

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.

☒ *Consistent (without conditions of approval)*

Intent: The intent of Rural Residential 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.”⁷ The proposed project is the construction of a single-family residence located within an established, low-density residential area. The proposed single-family residence and accessory structures would satisfy the intent of MCC Chapter 20.376 Rural Residential.

Use: The site is currently developed with a camping trailer, well house, electrical utility hook-ups and a portable toilet. This use was approved in 2010 (see CDP 32-2009). The property owner proposes to construct a 1,640-square-foot home with attached garage. Single-family residences and accessory structures are principally permitted land uses in the RR District. The applicant requests temporary occupancy of a travel trailer during construction. PBS Staff recommends the following condition and limitations be set on use of a travel trailer:

Recommended Condition: A Coastal Development Administrative Permit is hereby granted for temporary occupancy of the travel trailer while constructing the single-family residence, subject to the following conditions of approval:

- a) The term of this administrative permit is valid for the period required to complete construction of the primary dwelling, but shall not exceed two years unless renewed. The administrative permit shall be effective on the effective date of CDP #2014-0027 and shall expire two years henceforth.
- b) A valid building permit for a permanent dwelling on the premises must be in effect.

⁷ Mendocino County Coastal Zoning Code, § II-20.376.005 (1995).

- c) Building and Health permits must be obtained prior to the set up and occupancy of the travel trailer.
- d) All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in dead storage per MCC Section 20.456.015(J) prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.

Yards: The minimum required front, side and rear yards in the RR5 District are 30-feet; but pursuant to MCC Section 20.3760040 a setback exception is applied to parcels that are less than five acres and zoned RR5. The site is four acres; therefore the front, side and rear yard requirement would be 20-feet. Fifty-foot buffers are recommended to protect two, on-site ESHAs (wetlands, forest). The proposed location of the residential structure is outside the boundaries of any required yard and recommended buffer. The existing portable toilet, well house and electric service panel are located within the Beach Pine Forest ESHA. Utility trenches are proposed within the ESHA and its buffer. Trenches would be located in previously disturbed areas. The location is recommended as the least impacting alternative for soil disturbance within an ESHA buffer. Mitigation measures are recommended to avoid significant impacts to the wetland and Beach Pine Forest. PBS Staff recommends that the portable toilet and storage of vehicles be prohibited within required yards and ESHA buffers.

Mitigation Measure 1: Prior to ground disturbance, a 50-foot buffer shall be established from the Beach Pine Forest and slough sedge wetland area. The buffer shall be clearly and accurately identified on the building plans site plan, and shall be staked onsite prior to ground disturbance, to the satisfaction of Planning and Building Services.

Mitigation Measure 2: Standard Best Management Practices (BMPs) shall be employed during construction to protect the wetland and prevent soil erosion during construction. BMPs shall be detailed on construction specifications, to the satisfaction of Planning and Building Services.

Mitigation Measure 3: The contractor and construction manager shall limit ground disturbance to the minimum necessary. Disturbed soil areas shall be stabilized as soon as feasible, but not later than the end of the working day.

Recommended condition: Temporary and portable toilets shall be removed from the property prior to Planning and Building Services final inspection for the primary residential building permit.

Recommended condition: Pursuant with MCC Section 20.504.015(C)(11), power transmission lines shall be located along established corridors where possible and where the corridors are not visually intrusive.

Recommended condition: Pursuant with MCC Section 20.504.015(C)(12), power distribution lines shall be placed underground in designated Highly Scenic Areas west of Highway.

Recommended condition: Pursuant with MCC Section 20.472.010(C) No motor vehicle over three-quarter ton, boat, or recreational vehicle shall be stored or parked in any front yard setback nor any side or rear yard setback facing a street for a continuous period exceeding seventy-two hours.

Recommended condition: No vehicle may be stored or parked within any ESHA or ESHA buffer.

Height: The maximum permitted building height in the RR District that is designated a Highly Scenic Area is 18-feet above natural grade. The proposed single-family residence is 18-feet tall.

Lot Coverage: The maximum permitted lot coverage in the RR District is fifteen percent for parcels two-acres to five-acres in size. The parcel is approximately two-acres, permitting maximum lot coverage of approximately 13,068-square-feet. The sum of the proposed development on the parcel is approximately 2,006-square-feet or less than three-percent (2.3%) of the lot area. The proposed development does not exceed the permitted lot coverage maximum for the RR District.

- **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)*

The proposed project is subject to the provisions of California Environmental Quality Act (CEQA), pursuant to Public Resources Code (PRC) Section 15070 of Article 6 of the CEQA Guidelines. Public Resources Code Section 15070 states "A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when...the initial study identifies potentially significant effects, but revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur."

The applicant is proposing to construct a single-family residence and appurtenant structures, which includes the removal of four (4) trees. Site development activities may affect the wetland and Beach Pine Forest, which has the potential to provide habitat for sensitive or special status species. Therefore, the Mitigated Negative Declaration identified the following mitigation measures to protect sensitive habitats and special status species:

Mitigation Measure 1: Prior to ground disturbance, a 50-foot buffer shall be established from the Beach Pine Forest and slough sedge wetland area. The buffer shall be clearly and accurately identified on the building plans site plan, and shall be staked onsite prior to ground disturbance, to the satisfaction of Planning and Building Services.

Mitigation Measure 2: Standard Best Management Practices (BMPs) shall be employed during construction to protect the wetland and prevent soil erosion during construction. BMPs shall be detailed on construction specifications, to the satisfaction of Planning and Building Services.

Mitigation Measure 3: The contractor and construction manager shall limit ground disturbance to the minimum necessary. Disturbed soil areas shall be stabilized as soon as feasible, but not later than the end of the working day.

Mitigation Measure 4: Prior to occupancy, invasive species shall be removed from the project site including Spanish heather (*Erica lusitanica*), Himalaya-berry (*Rubis armeniacus*), cotoneaster (*Cotoneaster franchetii*), and Monterey pine (*Pinus radiata*).

Mitigation Measure 5: During construction, any stockpiles shall be moved carefully by hand to avoid crushing or other damage to frogs.

Mitigation Measure 6: Prior to ground disturbance, a landscaping plan shall be submitted to the Planning Department for approval. The plan shall consist of native plants compatible with adjacent plant communities.

The proposed project would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act with the adoption and incorporation of recommended

mitigation and avoidance measures. Staff recommends adoption of the Mitigated Negative Declaration prior to project approval.

- **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)*

The Archaeological Commission accepted the archeological survey for the site during its October 12, 2016, meeting. The Archaeological Commission found that no cultural, historical, or archaeological sites were observed. A Standard Condition advises the applicant of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Standard Condition: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

- **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 Caspar Transfer Station is located approximately 21-miles south of 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 33015 La Favor Lane, at its intersection with Highway 1. Construction of a single-family residence would generate few additional vehicle trips per day. The State Route 1 Corridor Study Update provides traffic volume data for Highway 1. The subject property is located approximately 0.4-miles south of intersection of Odom Lane and Highway 1 where the existing peak hour Level of Service is reported as "A".⁸ 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 MacKerricher State Park Road (formerly Georgia Pacific Haul Road) and does not provide direct coastal access as shown on the on the *Fort Bragg* LCP Map 13. The project site is not located along the shoreline and there is no evidence of prescriptive access. The project would have no effect on public access to the coast.

⁸ *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Available:
2016.<http://www.mendocinocog.org/pdf/SR%201%20Corridor%20Study%20Update.9-18-08.pdf>.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:				
(a) The proposed use is compatible with the long-term protection of resource lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

➤ **20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made.**

The Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to affect an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

A Biological Scoping Survey Report (Report) and Wetlands Delineation (Delineation) were prepared by Spade Natural Resources Consulting in November 2014 and August 2016, respectively.^{9,10} Two Botanical Addendums were also prepared and dated November 22, 2016 and December 29, 2016.^{11,12} ESHAs identified in the Reports include beach pine (also known as shore pine) forest, and slough sedge, which is considered obligate wetland vegetation (i.e., it does not grow without soil and hydrological conditions that establish a wetland). The Delineation identified a 1,750-square-foot wetland in the eastern portion of the site. The Report recommends a fifty-foot buffer from the wetland and beach pine areas, as well as, the incorporation of best management practices, removal of invasive species and a native landscaping plan. (See Section 20.532.095(A)(4) for additional information and mitigation measures.)

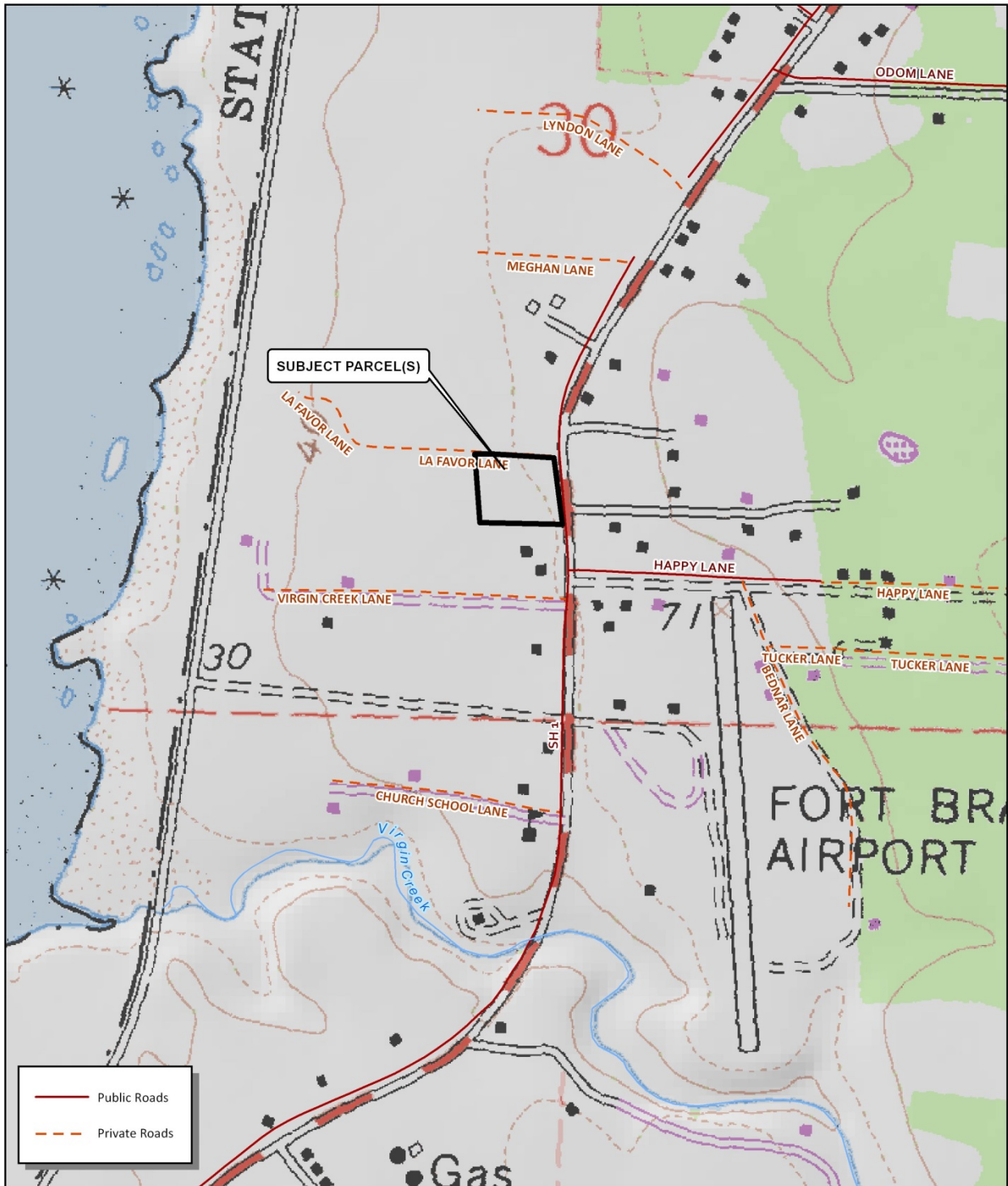
⁹ Biological Scoping Survey Report for 33015 La Favor Lane. November 20, 2014. Spade Natural Resources Consulting.

¹⁰ Delineation of Potential Jurisdictional Wetlands Under Section 404 of the Clean Water Act and California Coastal Act. August 23, 2016. Spade Natural Resources Consulting.

¹¹ Botanical Addendum for 33015 La Favor Lane. November 22, 2016. Spade Natural Resources Consulting.

¹² Botanical Addendum for 33015 La Favor Lane. December 29, 2016. Spade Natural Resources Consulting.

NO SCALE



CASE: CDP 27-2014
 OWNER: BRAY, Terry & Tammy
 APN: 069-171-43
 AGENT:
 ADDRESS: 33015 La Favor Lane, Fort Bragg

TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

0 250 500 Feet
 0 0.045 0.09 Miles



EXHIBIT NO: 2



CASE: CDP 27-2014
OWNER: BRAY, Terry & Tammy
APN: 069-171-43
AGENT:
ADDRESS: 33015 La Favor Lane, Fort Bragg

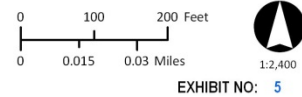
GOOGLE EARTH AERIAL IMAGERY
IMAGERY DATE: 8-17-2013

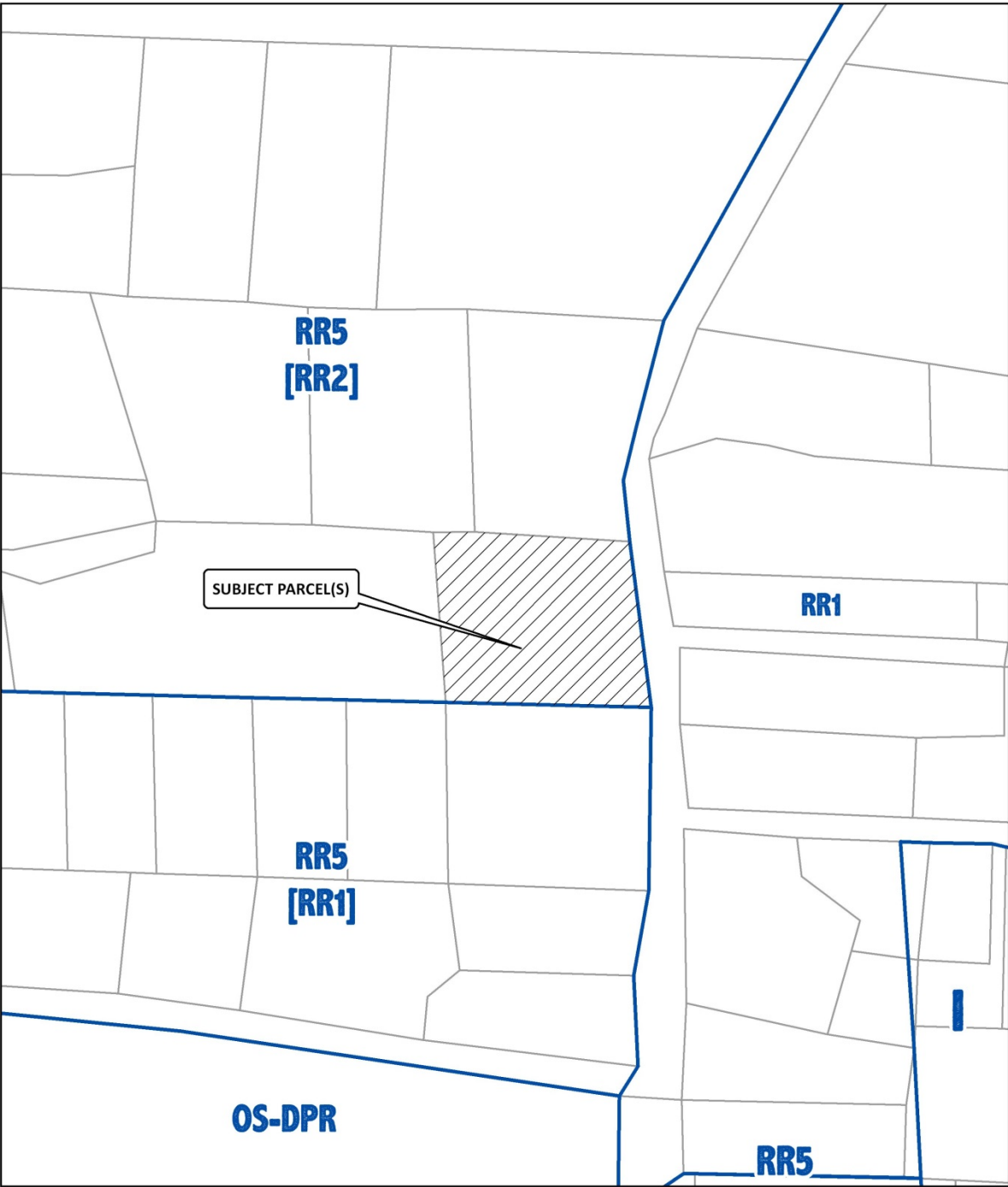
0 25 50 Feet
0 0.00425 0.0085 Miles
1:600
EXHIBIT NO: 3



CASE: CDP 27-2014
OWNER: BRAY, Terry & Tammy
APN: 069-171-43
GP/ZONE: RR5 [RR2] / RR5[RR2]
ADDRESS: 33015 La Favor Lane, Fort Bragg

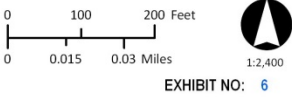
ZONING DISPLAY MAP

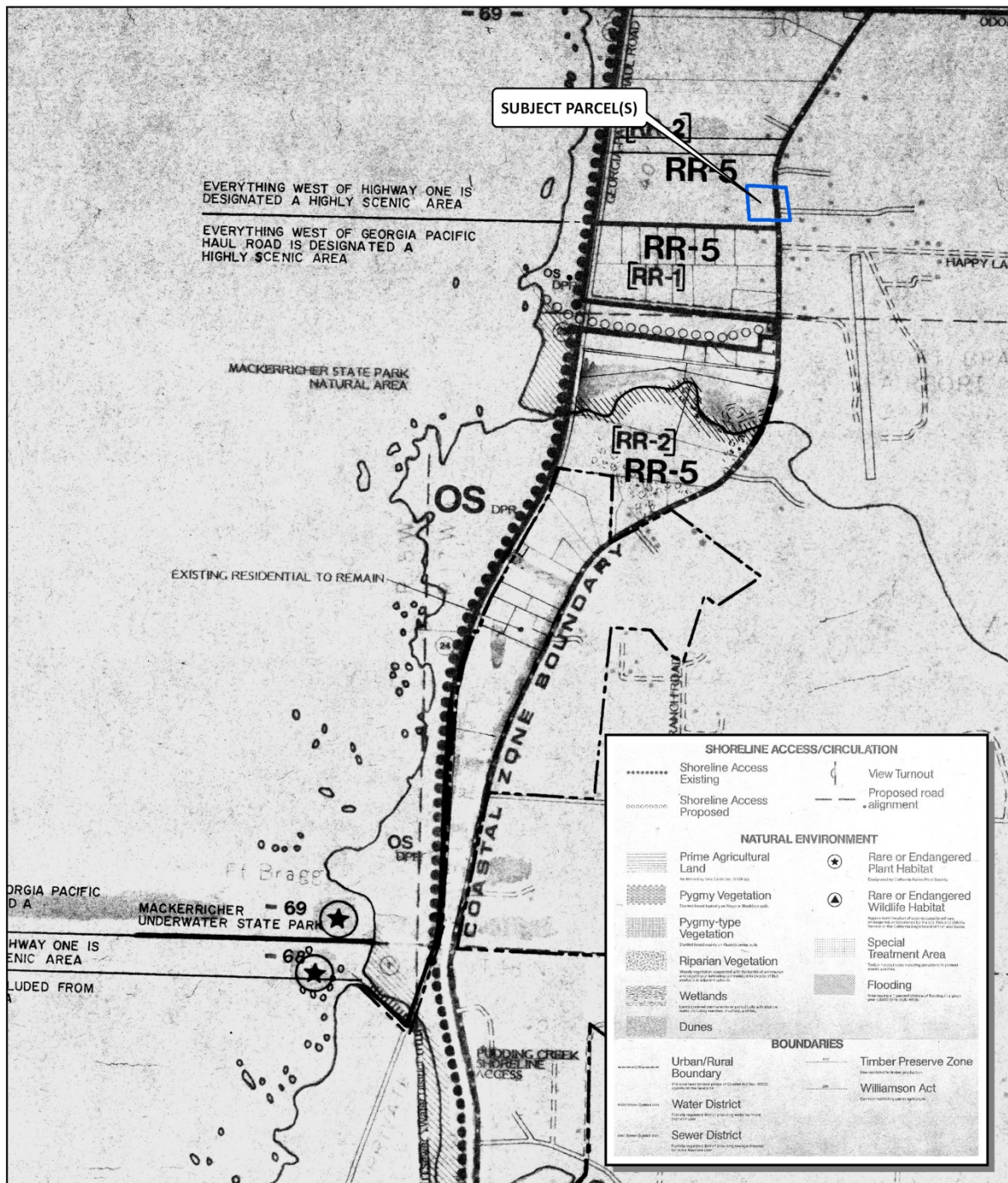




CASE: CDP 27-2014
OWNER: BRAY, Terry & Tammy
APN: 069-171-43
GP/ZONE: RR5 [RR2] / RR5[RR2]
ADDRESS: 33015 La Favor Lane, Fort Bragg

GENERAL PLAN DESIGNATIONS

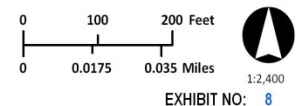


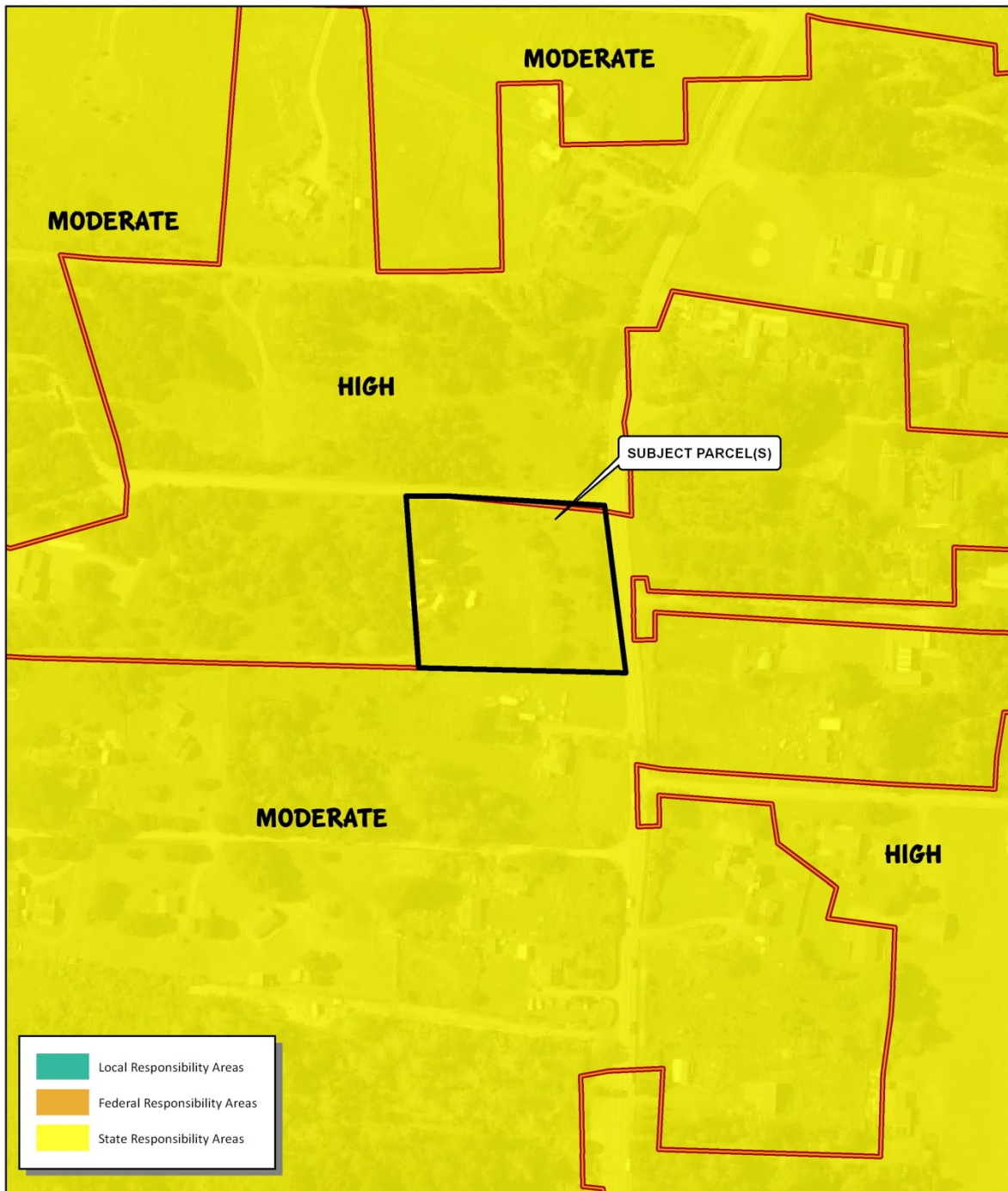


CASE: CDP 27-2014
 OWNER: BRAY, Terry & Tammy
 APN: 069-171-43
 GP/ZONE: RR5 [RR2] / RR5[RR2]
 ADDRESS: 33015 La Favor Lane, Fort Bragg

LOCAL COASTAL PLAN

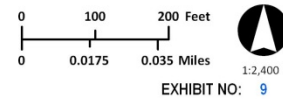
ADJACENT PARCELS

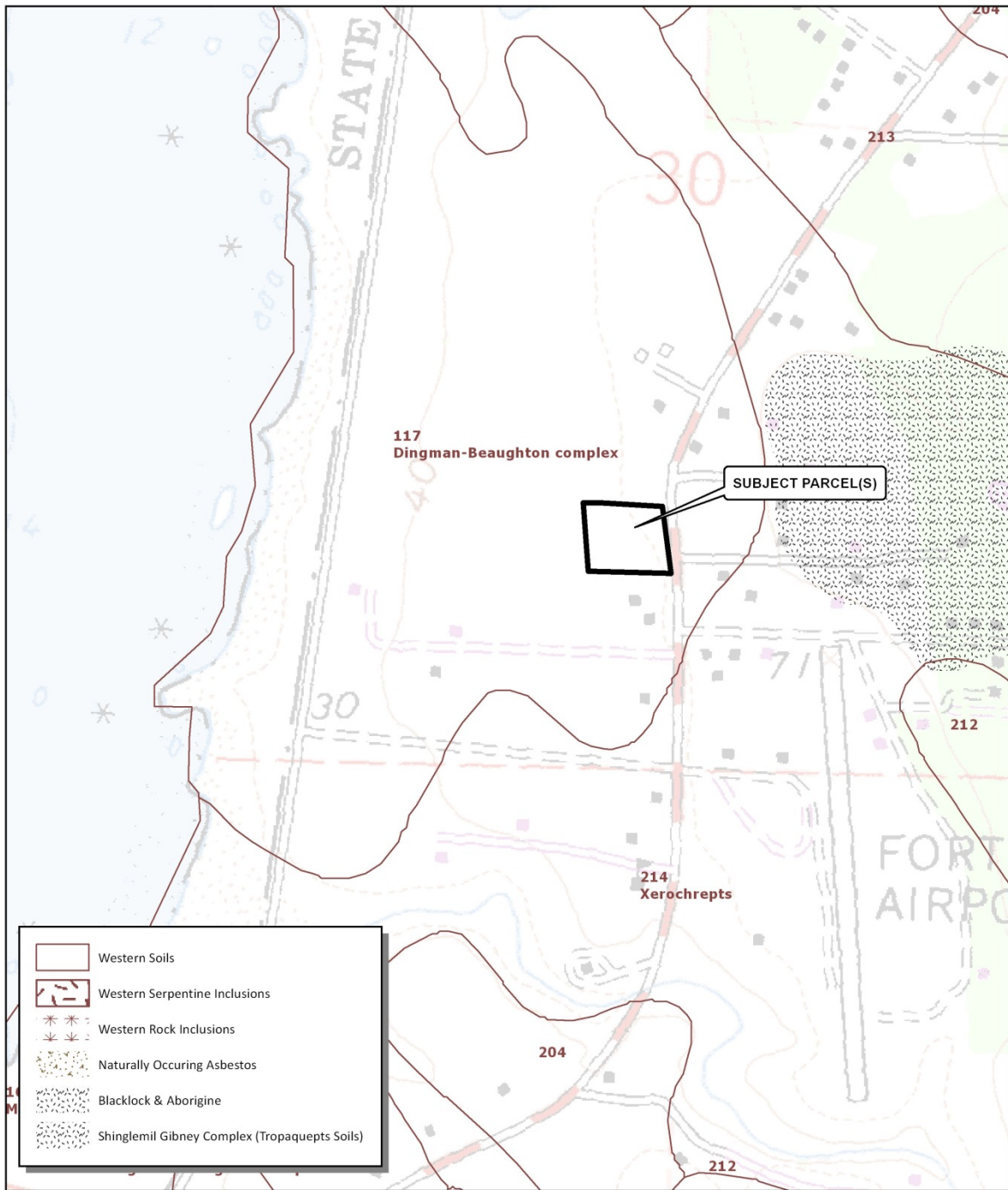




CASE: CDP 27-2014
OWNER: BRAY, Terry & Tammy
APN: 069-171-43
AGENT:
ADDRESS: 33015 La Favor Lane, Fort Bragg

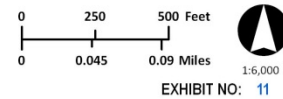
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
FORT BRAGG RURAL FPD





CASE: CDP 27-2014
 OWNER: BRAY, Terry & Tammy
 APN: 069-171-43
 AGENT:
 ADDRESS: 33015 La Favor Lane, Fort Bragg

LOCAL SOILS





EXTERIOR WALL LIGHTING:
Bellacor Aspen Dark Sky with interior
shield (shielded, downcast)

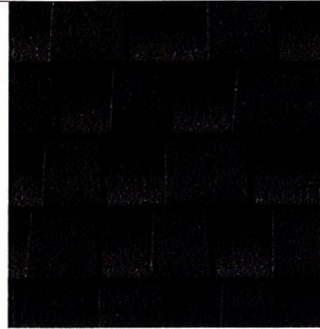
CASE: CDP 27-2014
OWNER: BRAY, Terry & Tammy
APN: 069-171-43
AGENT:
ADDRESS: 33015 La Favor Lane, Fort Bragg

EXTERNAL LIGHTING

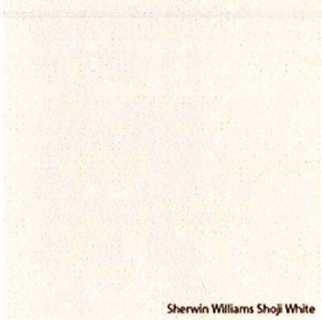
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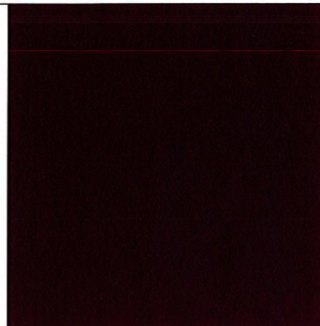
PATIO & RAIL (SFR): Concrete patio,
Wood railing, Shoji White.



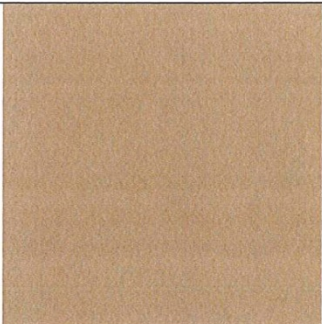
ROOF (SFR): Composition shingles,
Charcoal.



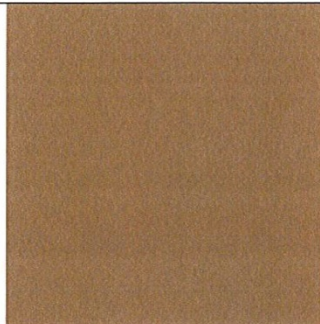
TRIM (SFR): Hardi, Shoji White.



ENTRY DOOR (SFR): Vinyl, Sherwin-
Williams Arresting Auburn.



SIDING (SFR): Horizontal Hardi
Siding, Avenue Tan.



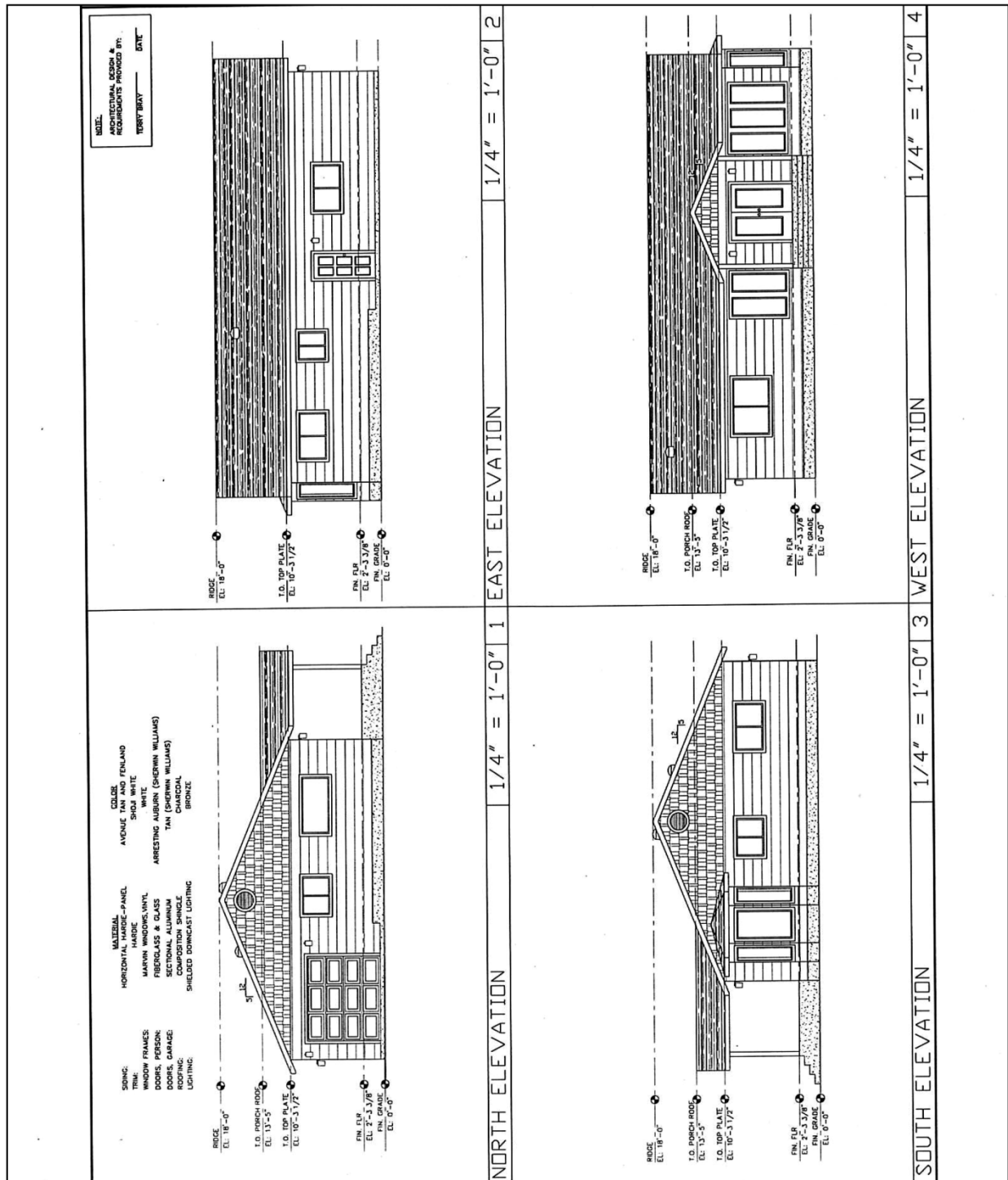
SIDING (SFR): Hardi Shingle,
Fenland.

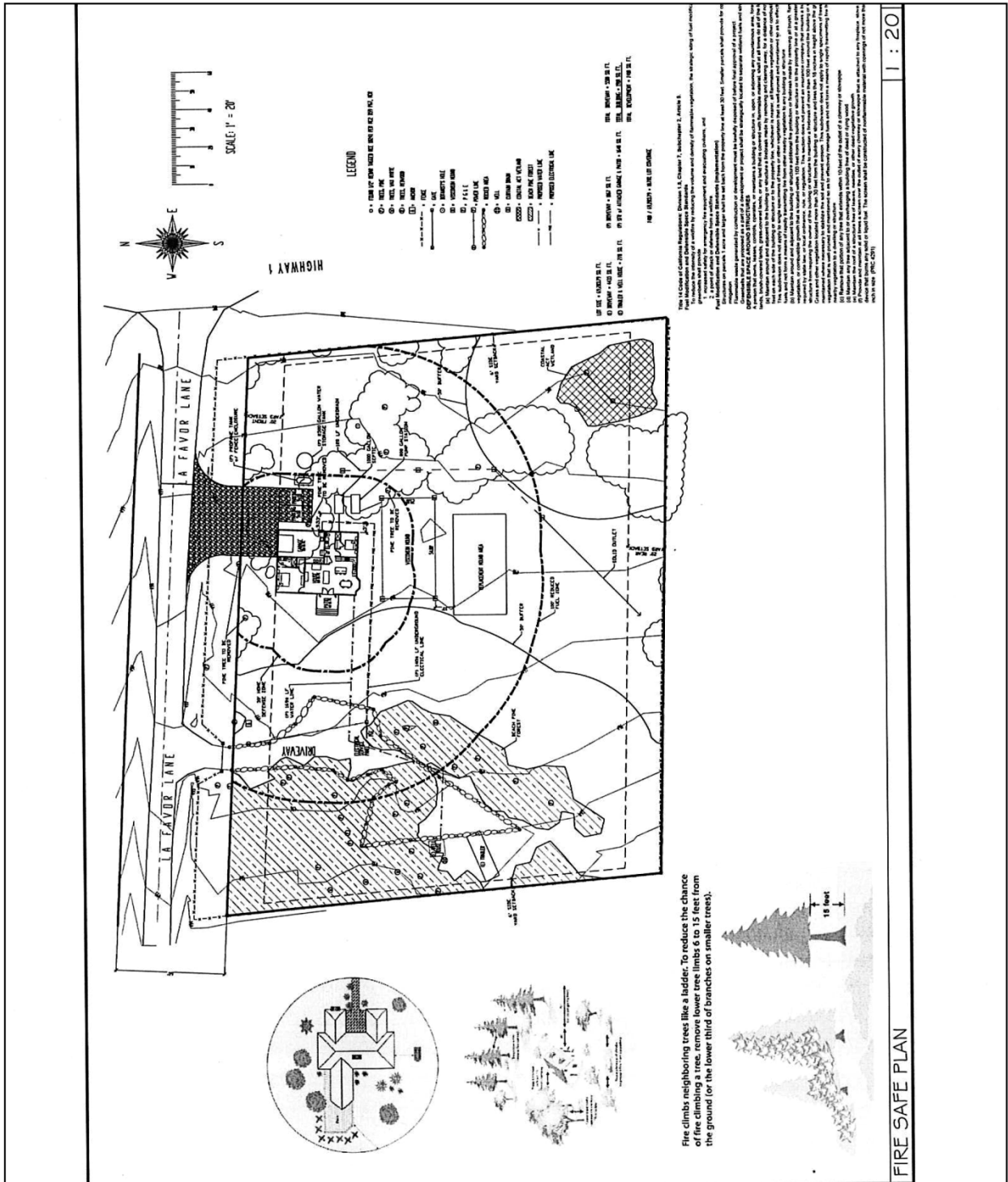
CASE: CDP 27-2014
OWNER: BRAY, Terry & Tammy
APN: 069-171-43
AGENT:
ADDRESS: 33015 La Favor Lane, Fort Bragg

MATERIALS

NO SCALE

ELEVATIONS





CASE: CDP 27-2014
 OWNER: BRAY, Terry & Tammy
 APN: 069-171-43
 AGENT:
 ADDRESS: 33015 La Favor Lane, Fort Bragg

FIRE SAFE PLAN

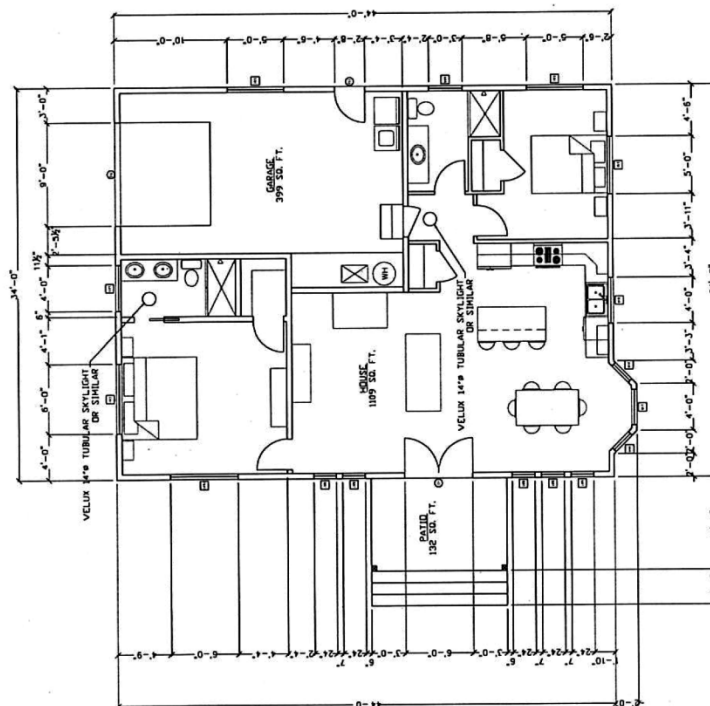
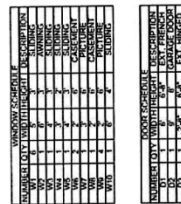
NO SCALE

1/4" = 1'-0"	
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FLOOR PLAN

FLOOR PLAN

NO SCALE



NORTH

ARCHITECTURAL NOTES:

- [illegible]

CASE: CDP 27-2014

OWNER: BRAY, Terry & Tammy

APN: 069-171-43

AGENT:

ADDRESS: 33015 La Favor Lane, Fort Bragg

Resolution Number _____

COUNTY OF MENDOCINO
UKIAH, CALIFORNIA
4/27/2017

CDP_2014-0027

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR, COUNTY
OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING AN INITIAL
STUDY, MITIGATED NEGATIVE DECLARATION, AND GRANTING A
COASTAL DEVELOPMENT STANDARD PERMIT FOR A SINGLE
FAMILY HOME.

WHEREAS, the applicant, Tammy and Terry Bray, filed an application for Standard Coastal Development Permit with the Mendocino County Department of Planning and Building Services to construct a single-family home and associated development at 33015 La Favor Lane, which is located on the southwest corner of Highway 1 and La Favor Lane and 2-miles north of the City of Fort Bragg (APN 069-171-43); General Plan RR5(2):U; Zoning RR:5/NONE; Supervisorial District 4; (the "Project"); and

WHEREAS, a INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION was prepared for the PROJECT, noticed, and made available for agency and public review on April 3, 2017 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, 04/27/2017, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the and the Project. All interested persons were given an opportunity to hear and be heard regarding the INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION 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 INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION and the PROJECT.

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

1. Mendocino County's Local Coastal Plan lists Coastal Residential Land Use Types as principally permitted in the Rural Residential Land Use Classification and RR District; therefore, the proposed single-family residence, accessory structures (deck, attached garage, driveway), and infrastructure (septic system, water storage tank) conform with the goals and policies of the LCP; and
2. The proposed Single-Family Residential Land Use would have adequate utilities, access roads, drainage and other necessary facilities as existing site development includes a production well, PG&E service, and adequate area for the proposed septic system; and
3. The proposed Single-Family Residential Land Use and development is consistent with the purpose and intent of the Rural Residential District applicable to the property, as well as the provisions of Division II and preserved the integrity of the RR District; and
4. The project site has been surveyed for special status plants and as conditioned by this permit no significant impact to environmentally sensitive areas or other resources is anticipated; and an Initial Study and Mitigated Negative Declaration has been prepared for the project pursuant to CEQA; and
5. The project area has been surveyed for archaeological resources and none have been found; and Mendocino County Archaeological Commission has accepted the application and survey; and

6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the single-family residence and would not increase the use of solid waste or public roadway use; and
7. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the single-family residence and would not increase the use of solid waste or public roadway use; and
8. 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 and Coastal Access Trails are mapped following shore areas within MacKerricher State Park, which is located west of the project site; and
9. The sensitive costal resources, including Shore Pine Forest and delineated wetlands, will not be significantly degraded by the proposed development as 50-foot buffers will protect the resources and are recommended as conditions of project approval; and
10. All feasible mitigation measures, including buffers and avoidance, are recommended as conditions of project approval with the intent of reducing and eliminating project related impacts to sensitive coastal resources.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION set forth in the Conditions of Approval. The Coastal Permit Administrator certifies that the INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Standard Coastal Development Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

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: VICTORIA DAVIS
Commission Services Supervisor

BY:
Coastal Permit Administrator

By: _____

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM CDP_2014-0027 04/27/2017

A COASTAL DEVELOPMENT STANDARD PERMIT FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AND ESTABLISHING BUFFERS FROM SENSITIVE COASTAL RESOURCES.

APPROVED PROJECT DESCRIPTION: A Coastal Development Standard Permit for the construction of a 1,109-square-foot single-family residence, 399-square-foot attached garage, 132-square-foot deck, septic system, water storage tank, driveway, temporary use of a camp trailer during construction, and establishing buffers from sensitive coastal resources in a designated highly scenic area.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by "*"):**

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 applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division III of Title 20 of the Mendocino County Code.
4. 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 Planning Commission.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
6. The applicant 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.
7. 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.

8. 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.
9. Permit shall be subject to revocation if any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
10. The property owner is prohibited from connecting to on-site septic, except for use by the primary residence.
11. No camping uses are permitted connections to on-site septic. Camping connections to on-site septic are prohibited.
12. Temporary and portable toilets shall be removed from the property prior to final inspection for the primary residential building permit.
13. A Coastal Development Administrative Permit is hereby granted for temporary occupancy of the travel trailer while constructing the single-family residence, subject to the following conditions of approval:
 - a) The term of this administrative permit is valid for the period required to complete construction of the primary dwelling, but shall not exceed two years unless renewed. The administrative permit shall be effective on the effective date of CDP #2014-0027 and shall expire two years henceforth.
 - b) A valid building permit for a permanent dwelling on the premises must be in effect.
 - c) Building and Health permits must be obtained prior to the set up and occupancy of the travel trailer.
 - d) All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in dead storage per MCC Section 20.456.015(J) prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.
14. Pursuant with MCC Section 20.504.015(C)(11), power transmission lines shall be located along established corridors where possible and where the corridors are not visually intrusive.
15. Pursuant with MCC Section 20.504.015(C)(12), power distribution lines shall be placed underground in designated Highly Scenic Areas west of Highway.
16. Pursuant with MCC Section 20.472.010(C) No motor vehicle over three-quarter ton, boat, or recreational vehicle shall be stored or parked in any front yard setback nor any side or rear yard setback facing a street for a continuous period exceeding seventy-two hours.
17. No vehicle may be stored or parked within any ESHA or ESHA buffer.
18. Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code.

19. A Coastal Development Administrative Permit is hereby granted for temporary occupancy of the travel trailer while constructing the single-family residence, subject to the following conditions of approval:
 - a) The term of this administrative permit is valid for the period required to complete construction of the primary dwelling, but shall not exceed two years unless renewed. The administrative permit shall be effective on the effective date of CDP #2014-0027 and shall expire two years henceforth.
 - b) A valid building permit for a permanent dwelling on the premises must be in effect.
 - c) Building and Health permits must be obtained prior to the set up and occupancy of the travel trailer.
 - d) All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in dead storage per MCC Section 20.456.015(J) prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.
20. ** Prior to ground disturbance, a 50-foot buffer shall be established from the Beach Pine Forest and slough sedge wetland area. The buffer shall be clearly and accurately identified on the building plans site plan, and shall be staked onsite prior to ground disturbance, to the satisfaction of Planning and Building Services.
21. ** Standard Best Management Practices (BMPs) shall be employed during construction to protect the wetland and prevent soil erosion during construction. BMPs shall be detailed on construction specifications, to the satisfaction of Planning and Building Services.
22. ** The contractor and construction manager shall limit ground disturbance to the minimum necessary. Disturbed soil areas shall be stabilized as soon as feasible, but not later than the end of the working day.
23. ** Prior to Building Permit Final, invasive species shall be removed from the project site including Spanish heather (*Erica lusitanica*), Himalaya-berry (*Rubis armeniacus*), cotoneaster (*Cotoneaster franchetii*), and Monterey pine (*Pinus radiata*).
24. ** During construction, any stockpiles shall be moved carefully by hand to avoid crushing or other damage to frogs.
25. ** Prior to ground disturbance, a landscaping plan shall be submitted to the Planning Department for approval. The plan shall consist of native plants compatible with adjacent plant communities.
26. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2266.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.