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January 26, 2021

PUBLIC NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

NOTICE IS HEREBY GIVEN THAT the Mendocino County Coastal Permit Administrator at their regular meeting on Thursday, February 11, 2021 at 10:00 a.m. will conduct a public hearing on the following project that is located in the Coastal Zone at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally and via telecomment in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo.

CASE#: CDP_2019-0050 DATE FILED: 12/9/2019 OWNER: MAXINE FILTER

APPLICANT: SWITHENBANK CONSTRUCTION

AGENT: DANIELLE MILLER

REQUEST: Standard Coastal Development Permit for an after-the-fact residential deck addition

of 640 square feet.

LOCATION: In the Coastal Zone, 5.8± miles south of Fort Bragg City center, lying on the west side of Hanson Circle (CR 555), 0.1± miles south of its intersection with South Casper Drive (CR

450), located at 14350 Hanson Circle, Mendocino; APN: 118-370-14. **ENVIRONMENTAL DETERMINATION:** Categorically Exempt

SUPERVISORIAL DISTRICT: 4
STAFF PLANNER: MATT GOINES

The staff report and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator.

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

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W. Fir Street, Fort Bragg, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by February 10, 2021 or orally via telecomment in lieu of request form personal attendance. Α to provide telecomment is available https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas and must be received prior to 7:00 a.m. the morning of the meeting.

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

project.

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

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

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

BRENT SCHULTZ, Director of Planning and Building Services

FEBRUARY 11, 2021 CDP_2019-0050

SUMMARY

OWNER:	MAXINE FILTER
	1857 ENCINAL RD
	111/5 041/ 04 0505

LIVE OAK, CA 95953

APPLICANT: SWITHENBANK CONSTRUCTION

P.O BOX 1660

FORT BRAGG, CA 95437

AGENT: DANIELLE MILLER

P.O BOX 1660

FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit for an after-the-

fact residential deck addition of 640 square feet.

LOCATION: In the Coastal Zone, 5.8± miles south of Fort Bragg City

center, lying on the west side of Hanson Circle (CR 555), 0.1± miles south of its intersection with South Casper Drive (CR 450), located at 14350 Hanson Circle,

Mendocino; APN: 118-370-14.

TOTAL ACREAGE: 0.38± Acres

GENERAL PLAN: Rural Residential, five-acre minimum with an alternate

density of one (1) acre minimum (RR:5)(1):Urban (U)

ZONING: Mendocino County Division II: Rural Residential, five-

acre minimum with an alternate density of one (1) acre

minimum (RR-5 [RR1])

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Class 3(e) Categorical Exemption from CEQA, pursuant

to Section 15303. New Construction or Conversion of

Small Structures.

APPEALABLE: Yes, West of First Public Road

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: MATT GOINES

BACKGROUND

PROJECT DESCRIPTION: A (after the fact) Standard Coastal Development Permit request to add 640± square feet of deck. The deck addition will be added to the northwest side of the residence and will wrap around to the southwest side of the residence where the new staircase will be located. The deck will connect with the originally approved pre-existing deck (LCP 167-87) attached to the residence on the northwest side and will be approximately 4 fee t 6 inches from ground level. In addition to the decking, on the south side of the residence there will be a 12 foot by 4 foot by 4 inch concrete walkway installed replacing a 30± year old wooden walkway. This walkway will connect to the stairs on the southwest side of the residence.

SITE CHARACTERISTICS: The project site is located within the boundaries of an existing residential subdivision, located at the end of the cul-de-sac on Hanson Circle (CR 555) the site elevation is 100± feet above sea level and is relatively flat. The land classification and zoning district is Rural Residential, five-acre minimum with an alternate density of one (1) acre minimum (See attachments Zoning Display Map and General Plan Classifications). The surrounding lands are mapped non-prime agricultural lands with split Local Coastal Plan (LCP) land capabilities, 'Zone 3' natural hazard, e.g. beach deposits, stream alluvium, and terraces subject to intermediate shaking and 'Zone 1' bedrock (See attachment LCP Land Capabilities & Natural Hazards). The provided mapping describes the surrounding lands as "barren" (See LCP Habitats and Resources). This site is located in a "High Fire Hazard" area and is under the responsibility of Cal-Fire (See attached Fire Hazard Zones & Responsibility Areas). With regard to water resources, the area is mapped as a "Critical Water Resource Area" (See attached Ground Water Resources).

<u>JURISDICTION</u>: The subject property is located within a shared jurisdiction belonging to the California Coastal Commission (CCC) and Mendocino County. Staff has received confirmation that the deck addition (CDP_2019-0050) is in Mendocino County's jurisdiction. The CCC also sent staff a waiver form, signed by the CCC waiving the requirement for a Coastal Development Permit for past improvements (Coastal Commission Waiver 1-88-13W).

APPLICANT'S STATEMENT: - "Addition to existing deck approximately 640 sq. ft."

RELATED APPLICATIONS:

- BF_2018-1062 (Replace partial deck)
- Coastal Commission Waiver 1-88-13W

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

Table 1: Surrounding Land Use and Zoning					
	GENERAL PLAN	ZONING	LOT SIZES	USES	
NORTH	Rural Residential RR5(1)	RR:5:U	0.26 ± Acres	Residential	
EAST	Rural Residential RR5(2)	RR:5:U	0.38 ± Acres	Residential	
SOUTH	Rural Residential RR5(1)	RR:5:U	0.38 ± Acres	Residential	
WEST	Rural Residential RR5(1)	RR:5:U	0.40 ± Acres	Residential	

LOCAL COASTAL PROGRAM CONSISTENCY

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

<u>Land Use</u>: The parcel is classified as Rural Residential with a (5) five acre minimum parcel size that may be reduced to (1) one acre (RR5(1)). The Rural Residential classification "... is intended to encourage local small scale food production in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, or other characteristics. The RR classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability." The proposed project, which involves the addition of a residential deck space, is consistent with the Rural Residential Land Use classification.

Zoning: The project site is located within a Rural Residential (RR) District, as shown on the Zoning Display Map, which is "... intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability." The proposed project, which involves the addition of a residential deck space, is a principally permitted use within the Rural Residential District, pursuant to Mendocino County Code (MCC) Chapter 20.376 RR -- Rural Residential District.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD CDP

The project would comply with the minimum front, side, and rear yard setback requirements for the RR District, per variable density memo from July 31, 1991. Stating that, if the parcel is 2 acres or less, set backs shall be 20'-6'-20' since the parcel exists at the smaller lot size of the variable density classification of the RR-5 (1) or RR-5 (2) zones.

<u>Visual Resources</u>: Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize 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. This site is not designated as a Highly Scenic Area or Tree Removal Area. The proposed development is located adjacent to similar residential structures in a residential subdivision with a mixture of manufactured and traditionally built improvements. The proposed project is consistent with visual resource policies.

<u>Hazard Management</u>: Six major hazards are critical in the coastal zone: tsunami, seismic activity, landslides, erosion, flooding, and fire. The site is rated as "High Fire Hazard", fire protection services are provided by the California Department of Forestry and Fire Protection (Cal-Fire) and the Mendocino Fire Protection District. There are no other critical hazards applicable to this project.

The proposed project is consistent with Mendocino County Code (MCC) Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunami, landslides, and erosion), fire and flood hazards.

<u>Habitats and Natural Resources</u>: The site is primarily designated as "barren", as shown on the *LCP Habitats & Resources Map*. No botanical survey was requested based on the project type and that mapping does not indicate sensitive coastal resources on or near this project site. The proposed project requires very minor ground disturbance for the deck addition and no new utility connections or demand are needed to facilitate the deck addition.

<u>Grading</u>, <u>Erosion and Run Off</u>: The area of the proposed deck addition is relatively flat and only minor ground disturbance will be required. Therefore, no additional measures will be required.

<u>Groundwater Resources</u>: The site is designated as having critical ground water resources (GWR) by the <u>Mendocino County Coastal Groundwater Study</u>, as shown on the <u>Ground Water Resources Map</u>. The subject property is already developed with a single family residence and accessory improvements and the proposed deck addition will not increase the critical ground water resources on the parcel.

Archaeological/Cultural Resources: The project was referred to the California Historic Resource Information Center (CHRIS) on April 17, 2020. Comments received from the agency demonstrate that an archeological survey was preformed previously on the entire subject parcel. No evidence of archeological resources were discovered. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Archaeological Commission in 2005 and again in 2014 and 2019. It was determined to be an appropriate guidance document for what projects would require archaeological review. As conditioned, the project would be consistent with Mendocino County policies for the protection of paleontological and archaeological resources and found to be consistent with Mendocino County policies for cultural resources.

The proposed project requires minor ground disturbance for the deck addition to the residence and the proposed improvements will occur within previously disturbed areas, thereby minimizing impacts within the vicinity. No new utility connections or demand are needed to facilitate this addition.

Condition #8 advises the property owners of the "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project.

<u>Transportation/Circulation</u>: The project will not contribute new sources of traffic to local or regional roadways. The project will not impact transportation or circulation and will be provided with adequate access as it continues the existing residential use of the parcel. The proposed project was referred to Mendocino County Department of Transportation (DOT) and Cal-Fire for input, both replied with "No Response".

ENVIRONMENTAL DETERMINATION; The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project meets the criteria for a Class 3(e) Categorical Exemption from CEQA, pursuant to Section 15303, New Construction or Conversion of Small Structures. The project is for a deck addition of 640 square feet, the proposed project involves negligible impacts on the land.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions:

FINDINGS:

- Pursuant with MCC Section 20.532.095(A)(1), the proposed deck addition is in conformity with the certified Local Coastal Program. The deck addition is a principally permitted use within the Rural Residential land use classification, and the proposed deck addition will allow for the continued residential use of the site, which is consistent with the intent of the Rural Residential Classification; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the proposed deck addition would not change or impact the existing utilities, access roads, drainage, and other necessary facilities; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the deck addition is consistent with the purpose and intent of the Rural Residential District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, including building height, setback from property boundary, and lot coverage; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the deck addition, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and is determined to be Categorically Exempt from further environmental review; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), The project was referred to CHRIS on April 17, 2020. Comments received from the agency demonstrate that an archeological survey was performed in 1980 for the entire subject parcel. No evidence of archeological resources was discovered. Scope of work for the project included an above ground deck addition of 600+ Square feet. The development will not have any adverse impacts on any known archaeological or paleontological resource. 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; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the site. The site is currently developed with a single family residence and the deck addition will not affect demands on public services; and
- 7. Pursuant with MCC Section 20.532.095(B), the deck addition will not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea; and is not designated as a potential public access point.

CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
- 2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide

a notice prior to the expiration date.

- 3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
- 4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction.
- 5. The applicants shall secure all required building permits for the proposed development of the deck addition as required by the Building Inspection Division of the Department of Planning and Building Services.
- 6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. This permit is issued without a legal determination having been made upon the number, size, or shape of parcels encompassed within the permit-described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit-described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

Staff Report prepared by:	
DATE	MATT GOINES PLANNER I

Appeal Period: 10 Days Appeal Fee: \$1,616.00

ATTACHMENTS:

A. Location Map

B1. Aerial Imagery

B2. Aerial Imagery

- C. Topographic Map
- D. Site Map
- E. Zoning Display Map
- F. General Plan Classifications
- G. LCP Land Use Map 15: Caspar
- H. LCP Land Capabilities & Natural Hazards
- I. LCP Habitats & Resources
- J. Appealable Areas
- K. Adjacent
- L. Fire Hazard Zones & Responsibility Areas
- M. Ground Water Resources
- N. Estimated Slope
- O. Western Soils Classification
- P. Farmland classification
- Q. Misc. Districts

SUMMARY OF REFERRAL AGENCIES COMMENTS:

Air Quality Management District Comment Archaeological commission Comment Assessor's Office No Response Building Division (FB) No Comment Cal-Fire (Land Use) No Response California Department of Fish and Wildlife No Response Casper South Water District Comments California Coastal Commission Comment Cloverdale Rancheria No Response Department of Transportation No Response Environmental Health (FB) Comment Mendocino Fire District No Comment Planning Division (Fort Bragg) Comment Redwood Valley Rancheria No Response Sherwood Valley Rancheria No Response Sonoma State University Comment



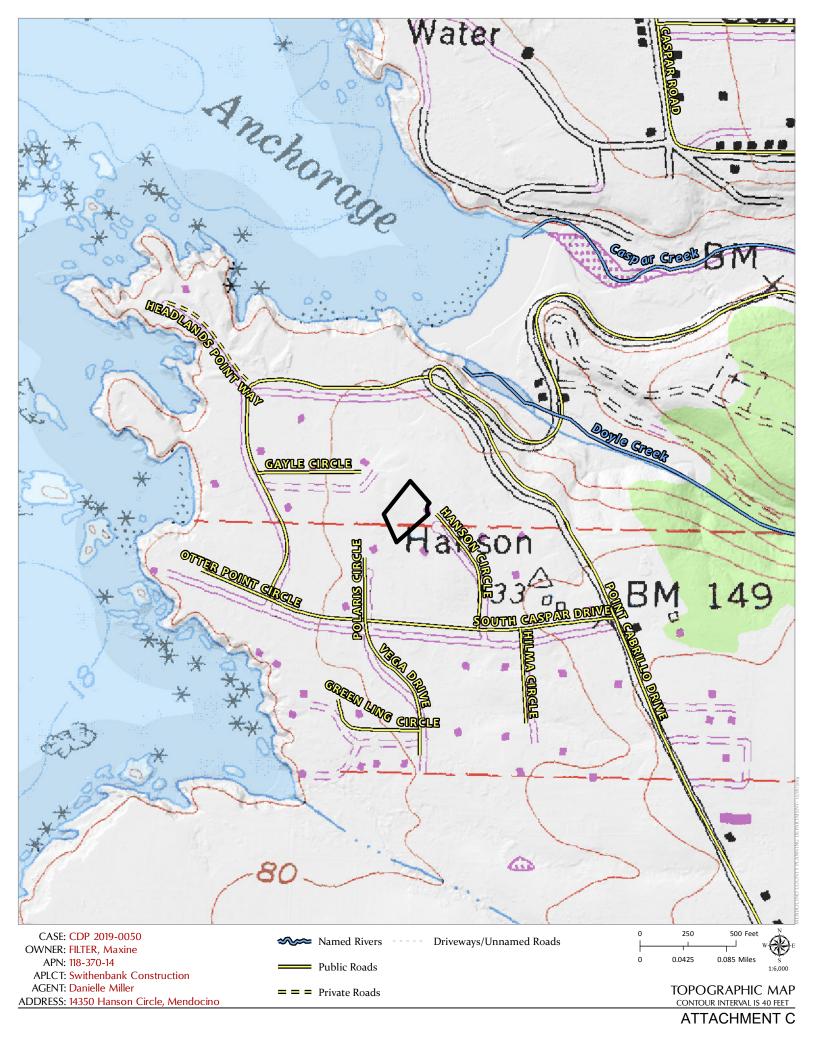


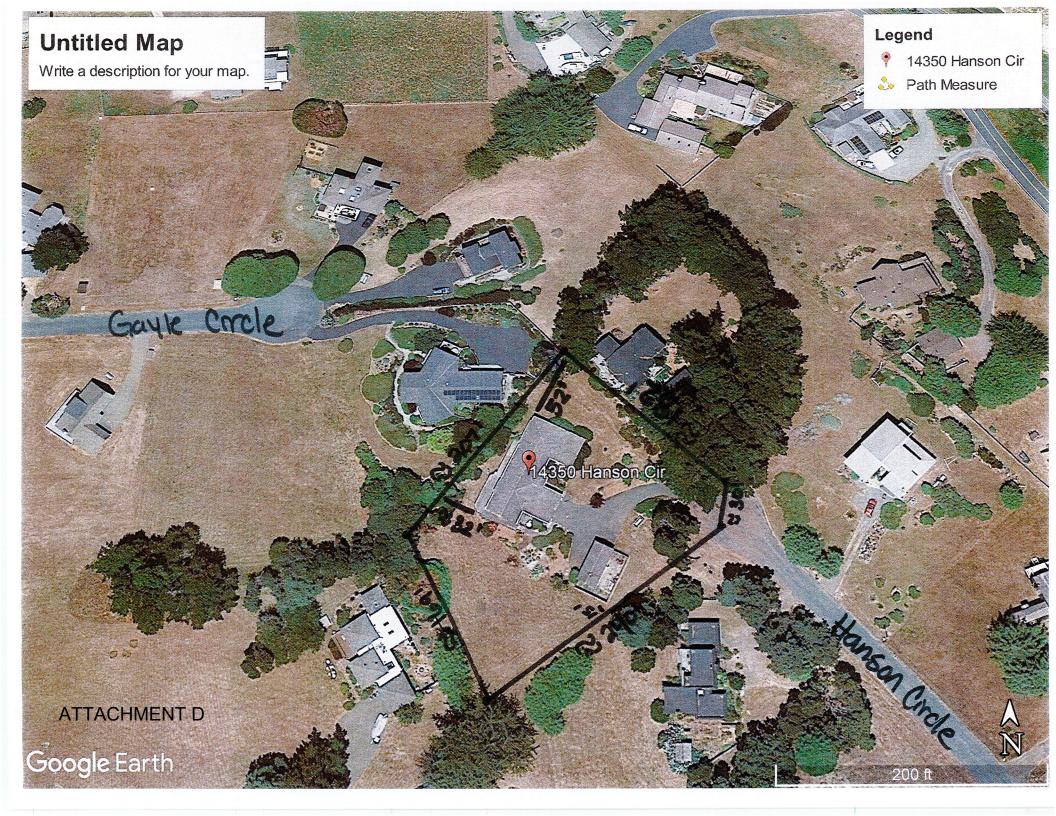


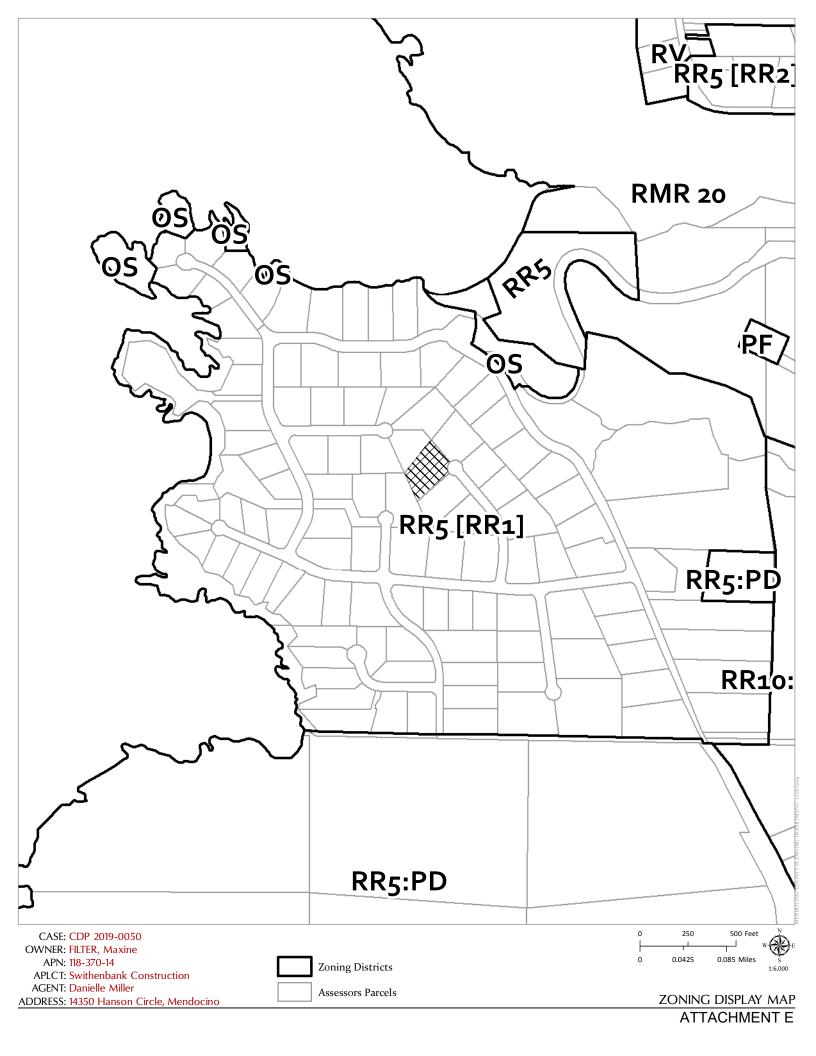
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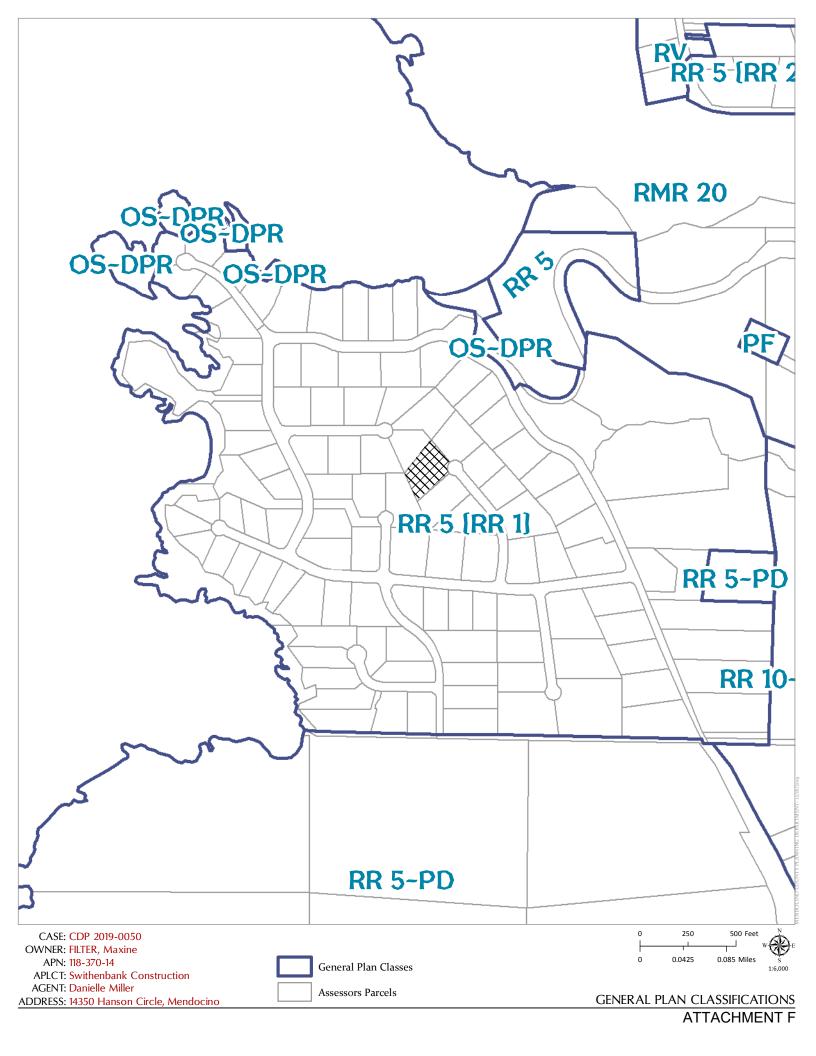
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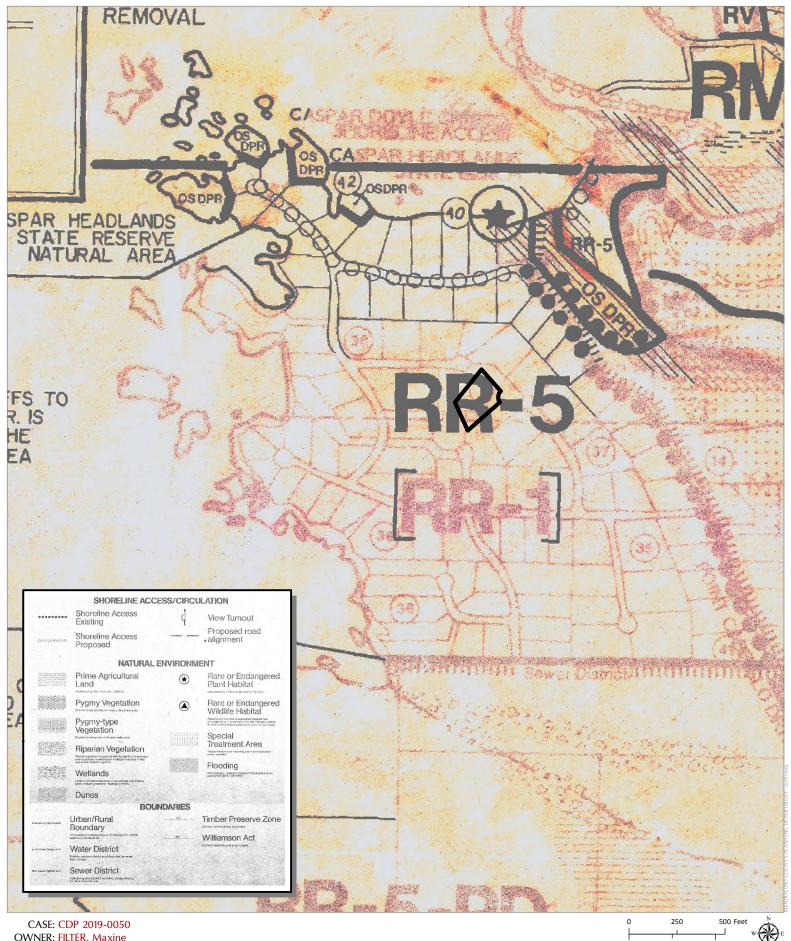
APLCT: Swithenbank Construction AGENT: Danielle Miller









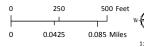


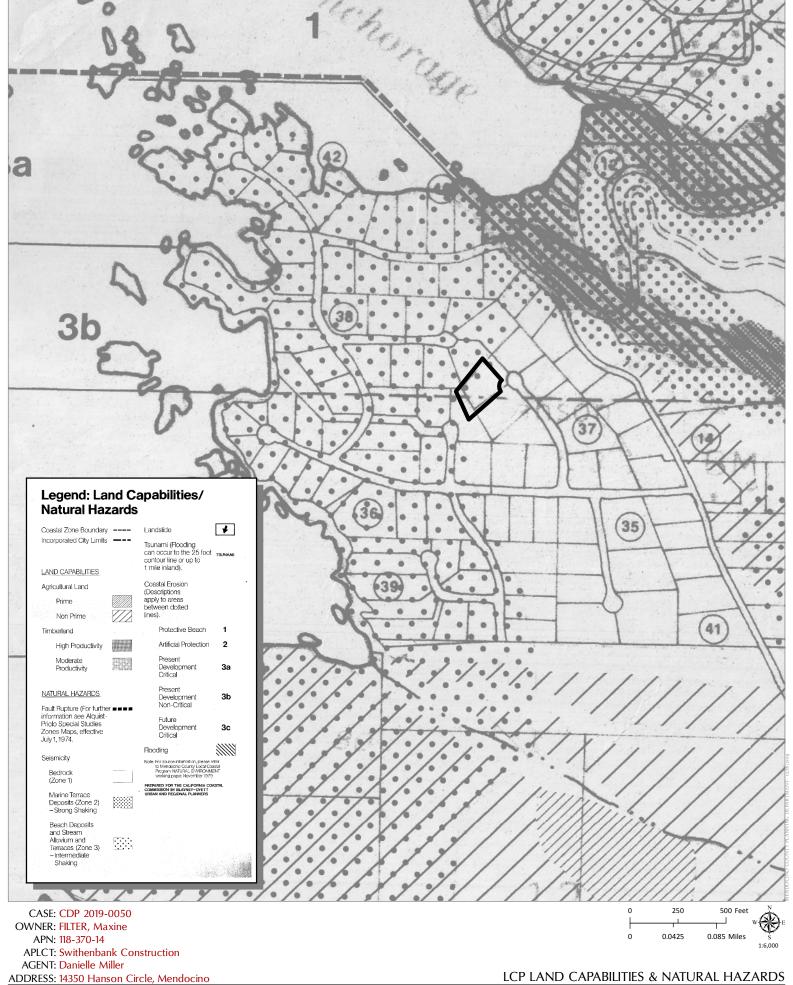
OWNER: FILTER, Maxine

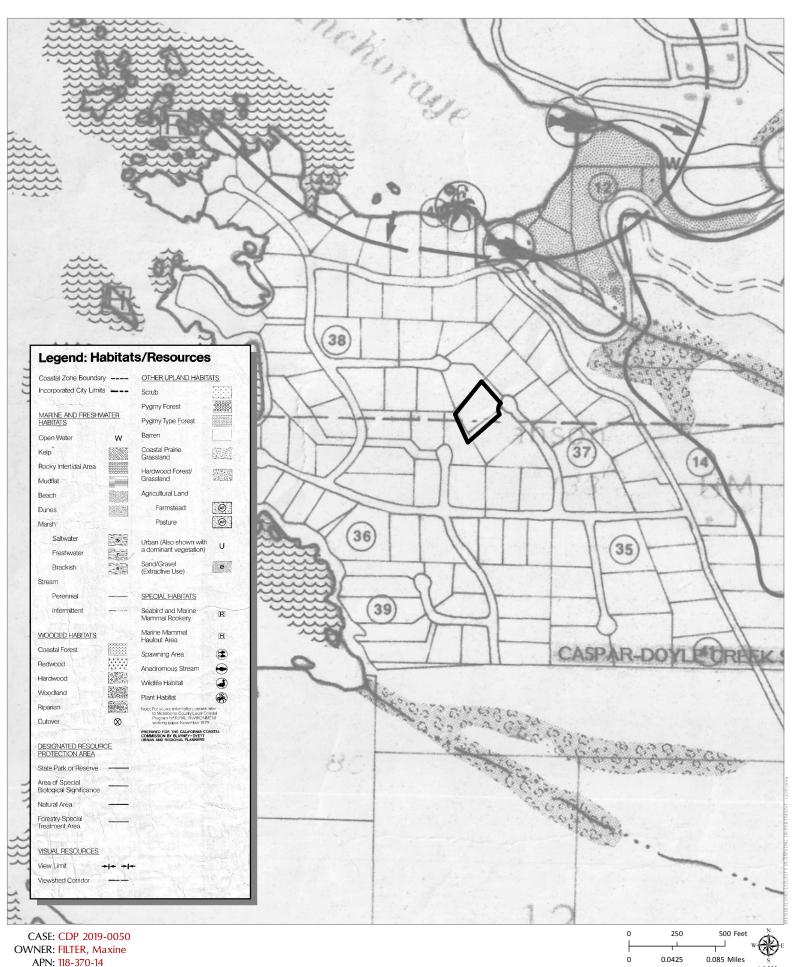
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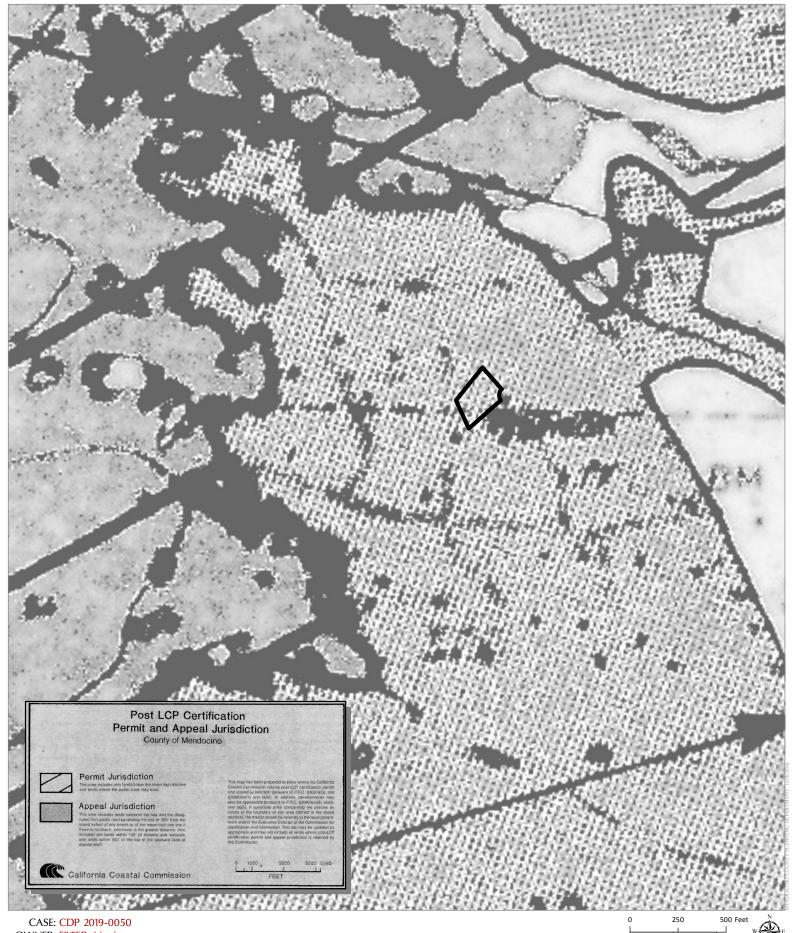


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