

# COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD CDP

SUMMARY			
OWNER/APPLICANT	JOHN KRUZIC 17403 OCEAN DRIVE FORT BRAGG, CA. 95437		
REQUEST:	Standard Coastal Development Permit to construct a 1,440 square foot accessory building to be used as a garage, workshop, and personal storage.		
LOCATION:	In the Coastal Zone, 3.45± miles southwest of Fort Bragg town center, lying on the west side of State Route 1 (SR1), 490± feet south of its intersection with Kirtlan Way (private), located at 17403 Ocean Drive, Fort Bragg; APN: 017-310-71.		
TOTAL ACREAGE:	2.1± Acres		
GENERAL PLAN:	Rural Residential (RR-2) General Plan; Coastal Element Chapter 4.5		
ZONING:	Rural Residential (RR-2) Mendocino Coastal Zoning Code; Division II		
COMBINING DISTRICTS:	None		
SUPERVISORIAL DISTRICT:	4 (Gjerde)		
ENVIRONMENTAL DETERMINATION:	Categorically Exempt		
RECOMMENDATION:	APPROVE WITH CONDITIONS		
STAFF PLANNER:	MATT GOINES		
BACKGROUND			

**<u>PROJECT DESCRIPTION</u>**: Construct a 1,440 square foot accessory building to be used as a garage, workshop, and personal storage.

<u>APPLICANT'S STATEMENT</u>: Construction of a 1,440 square foot accessory building for personal and vehicle storage and workshop.

**SITE CHARACTERISTICS:** In the coastal zone, 3.45± miles southwest of Fort Bragg town center, lying on the west side of State Route 1 (SR1), 490± feet south of its intersection with Kirtlan Way (private). The parcel is accessed via a shared driveway off of Ocean Drive. There are currently 4 designated parking areas for the residence and two more are proposed, although the property can easily accommodate more if needed. The parcel has sparse vegetation throughout property with primarily open grassland. The above-mentioned site characteristics can be seen on the *Location Map* and *Aerial Imagery Map* in attachments. The subject site is surrounded by parcels that are mixed in size ranging from 1 acre to 5 acres, as can be seen on the *Adjacent Parcels Map* in attachments. The parcel is developed with a single-family *residence*, well, septic system, and electrical utilities.

**SURROUNDING LAND USE AND ZONING**: As listed on Table 1 below, the surrounding lands are developed and zoned Rural Residential (RR). The intent of the accessory building will be consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning					
	GENERAL PLAN	ZONING	LOT SIZES	USES	
NORTH	Rural Residential (RR2)	Rural Residential (RR2)	0.98±; 2.14± Acres	Residential	
EAST	Rural Residential (RR2)	Rural Residential (RR2)	1± Acres	Residential	
SOUTH	Rural Residential (RR2)	Rural Residential (RR2)	3.2±; 5.23± Acres	Residential	
WEST	Rural Residential (RR2)	Rural Residential (RR2)	2.14± Acre	Residential	

### LOCAL COASTAL PROGRAM CONSISTENCY

The proposed accessory building is consistent with and does not conflict with the goals and policies of the Local Coastal Program, General Plan, and Zoning Code, as detailed below:

**Land Use:** The project site is located within the boundaries of the Local Coastal Program (LCP) area, as shown on *LCP Land Use Map 14: Beaver map* in attachments. The subject parcel is classified as Rural Residential (RR-2) by the Mendocino County General Plan, as shown on the *General Plan Classifications Map* in attachments.

The Coastal Element Chapter 2.2 Rural Residential classification

"... is intended 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."

Additionally, the Coastal Element Chapter 2.2 Rural Residential Classification details a Principal Permitted use as

"Residential and associated utilities, light agriculture, home occupation."

The proposed accessory building is an Accessory Use Encompassed by Principal Permitted Use for the Rural Residential Classification per MCC 20.456.015(A) garage (D) shop, therefore the project as proposed is allowable under the Coastal Element Chapter 2.2. The lot coverage for the parcel will be minimal as the residence has a total square footage of 2,471 and the accessory building will be approximately 1,440 square feet, bringing the total structure coverage to 3,911 square feet. Since the property is 2 acres and primarily consists of open grassland available for small-scale agriculture, the impacts to agricultural viability will be minimal, therefore, the proposed development is consistent with the intent and allowed use associated with residential development per Mendocino County Coastal Element Chapter 2.2.

**Zoning:** The Zoning Code implements the intent of the land use classification. This project site is located within a Rural Residential district, as shown on the **Zoning Display Map** in attachments.

The Rural Residential district, per Mendocino County Code (MCC) Section 20.376.005,

"... 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."

Accessory garage/shops are compatible with the RR district and designated as permitted accessory uses, per MCC Section 20.456.015, which states the following:

"Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit, where applicable, the following accessory buildings and uses shall be permitted in all zoning

districts which allow a single family residence:

- (A) Private garages.
- (D) Shops (non-business purposes)

The site is already developed with a single-family residence and supporting infrastructure. The applicant seeks to construct a garage/shop. The project is found to be consistent with the Zoning classification of Rural Residential as it will allow for the continued use of the primary existing legal residence and use of the parcel. The proposed accessory building is an Accessory use encompassed by principal permitted use for the Rural Residential Classification, therefore the project as proposed is allowable per MCC 20.456.010 and 20.456.015(A) garage (D) shop. The impacts to the agricultural viability of the property will be minimal as the property is 2 acres of primarily grassland.

The project will not impact or encroach on any property line setback requirement for the RR District per MCC Sec. 20.376 as it meets the minimum requirements. The property is zoned RR-2, requiring a 20-foot setback front and rear yards and 6-foot setback side yards per MCC Section 20.376.030 & 035. The maximum building height allowed in the RR District is 35 feet above the natural grade for uninhabited accessory structures in Non-Highly Scenic Areas with the conditions found at this project site per MCC Section 20.376.045. As currently proposed, the development will be a maximum height of 22 feet, as shown on the multiple *Elevations drawings* in attachments. The lot coverage for the parcel will be minimal as the residence has a total square footage of 2,471 square feet and the accessory structure will be approximately 1,440 square feet. As the property is over 2 acres, the proposed structures will not impact the maximum 15 percent allowable lot coverage. A minimum of two off-street parking spaces are required for the residential unit; the site has adequate capacity for the required parking.

As currently proposed, the project will comply with the development standards of Chapters 20.376, 20.456, 20.472 and 20.532 of Division II of Title 20 of the MCC.

<u>Visual Resources</u>: The site is mapped as a Non-Highly Scenic Area and is not visible from State Route 1. The structure will have downward-cast, non-glare exterior lighting in compliance with MCC 20.504.035.

**Condition 9** requires exterior lighting to be kept to the minimum necessary for safety and security purposes, be downcast, shielded and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with MCC Section 20.504.035.

**Hazards Management:** The property is not located on a bluff top, fault line, or landslide area. The property is relatively flat with a slight varying degree of slope throughout the property. The parcel is designated as having a "High Fire Hazard" severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map in attachments. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire). The proposed project was referred to CalFire and Fort Bragg Fire Protection District. CalFire responded with Conditions of Approval Fire Safe Regulations #278-21 detailing conditions for address standards, driveway standards, and defensible space and fuels modification standards. Fort Bragg Fire Protection District had no comment. Coastal Element 3.4, Section 30253 and MCC 20.500 require that new development shall minimize risks to life and property and assure stability of the site and surrounding areas. Given the location and minimal potential for impact or being impacted by any of the hazards in MCC 20.500 and the provided fire protection service, the project as proposed will not conflict with Coastal Element 3.4, and complies with MCC Chapter 20.500 *Hazard Areas*, including geologic (faults, bluffs, tsunami, landslides, and erosion), fire, and flood hazards.

Conditions 4-5 are in place to ensure the standards recommended by CalFire are met.

<u>Habitats and Natural Resources:</u> No biological scoping survey was requested at this time. There are no trees or shrubs to be removed, the building area is not a designated wetland or visibly within 100 feet of sensitive receptors according to the California Natural Diversity Database and the Fish and Wildlife Sensitive Species Online Mapping, thus no biological survey was required. California Fish and Wildlife did not respond to the agency referral

The proposed project will not conflict with Coastal Element 3.1, and complies with MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*.

**Grading, Erosion, and Run-Off:** The area of the proposed accessory structure is relatively flat, as shown on the *Topographic Map* in attachments. As proposed, no grading will occur beyond what is normally associated with construction activities of this nature. Best Management Practices shall be implemented during construction to ensure minimal environmental impact. **Conditions 4 and 5** require the applicant to secure all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction; this ensures any, erosion, and runoff protection and hazard area policies or plans will be addressed through the appropriate agency or department. The proposed accessory structure will not significantly alter the original elevation, compaction, or the agricultural viability of the property. The proposed project complies with MCC Chapter 20.492 *Grading, Erosion, and Runoff* and MCC Section 18.70.027 *Grading as "Development" in the Coastal Zone.* 

**Groundwater Resources:** The site is designated on the Mendocino County Coastal Groundwater Study Map as a Marginal Water Resource area, as shown on the *Ground Water Resources* map in attachments. As the accessory building is to be uninhabited, there will be no impact on water or septic. The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic, where DEH did not respond. The proposed project will be consistent with the Local Coastal Program policies related to groundwater resources and DEH regulations and MCC Section 20.516.015 (B)(1) *Water Supply.* 

<u>Archaeological/Cultural Resources</u>: An agency referral request was sent to California Historical Resources Information System (CHRIS) who recommended that due to the low possibility of the site containing unrecorded archaeological sites, no further study for archaeological resources is recommended.

The proposed development was referred to Mendocino County Archaeological Commission (ARCH) where comments were received. ARCH had no recommendations provided CHRIS does not recommend an archaeological survey.

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

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

With adherence to said conditions, The proposed project complies with MCC Sections 22.12.090 *Discoveries* and 22.12.100 *Discoveries of Human Remains.* 

**Transportation/Circulation:** The project would not contribute new sources of traffic on local and regional roadways as there already exists a residence, utilities, and a driveway, and the proposed accessory structure is not for habitation. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. The project was referred to Mendocino County Department of Transportation (DOT) for input, where no comments were received. The proposed project complies with MCC Section 20.516.015 (C)(2) *Transportation Systems*.

**Appealable Area:** This property is located in the California Coastal Commission Appealable Area.

**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. The project meets the criteria to be Categorically Exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15303, Class 3(a) and Class 3(e), new construction.

## **PROJECT FINDINGS AND CONDITIONS**

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project to construct an accessory garage/shop and adopts the following findings and conditions.

### FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), as the proposed development is an accessory use encompassed by principal permitted use for the Rural Residential District per Mendocino County Code Chapter 20.456.015, with the previously mentioned Mendocino County Codes along with Coastal Element Chapter 2.2 and policy 3.2-11, the proposed project is in conformity with the certified local coastal program; and
- Pursuant with MCC Section 20.532.095(A)(2), as the property is already adequately developed and the proposed development will not be removing any of the necessary standard development features, as currently proposed project will not detract from the adequate utilities, access roads, drainage and other necessary facilities; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), as the proposed development is an accessory use encompassed by principal permitted use in the Rural Residential District per Mendocino County Code Chapter 20.456.015 and does not promote or create degradation to the agricultural viability of the property or the intent of the Rural Residential Zoning District, 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; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), as the proposed development is to be completed in compliance with the conditions of approval, it will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. Construction of an accessory structure, and accessory developments are categorically exempt pursuant to Article 19, Section 15303, Class 3(a) and Class 3(e); and
- 5. Pursuant with MCC Section 20.532.095(A)(5), as the proposed development will have low possibility of adverse impact on any known archaeological sites, according to CHRIS and Condition 8 advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are discovered during site preparation or construction activities; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), as the property is currently developed, public services, including but not limited to solid waste and public roadway capacity, have been found to be adequate to serve the proposed development, therefore the proposed development is not anticipated to affect demands on public services.

### **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 permits for the proposed development as required by the Building Inspection Division of the Department of Planning and Building Services, Department of Transportation and Department of Environmental Health.
- 6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
- 9. <u>Prior to issuance of a Building Permit</u>, the property owner shall furnish exterior lighting details consistent with Mendocino County Code of Ordinances Section 20.504.035, to Planning and Building Services for the approval of the proposed lighting.
- 10. In order to provide for the protection of erosion control and run off, standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as possible. If the weather forecast calls for rain at any time during the demolition process, hay wattles shall be placed in a 20 foot radius around the project site to prevent any runoff of hazardous materials outside of the project area. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/ or native seed mixes for soil stabilization.
- 11. The conditions of approval shall either be printed on the building permit plans or attached as an additional document with the building plans at the time of submission for the building permit.

4/15/22

DATE

Signature on file

MATT GOINES PLANNER II

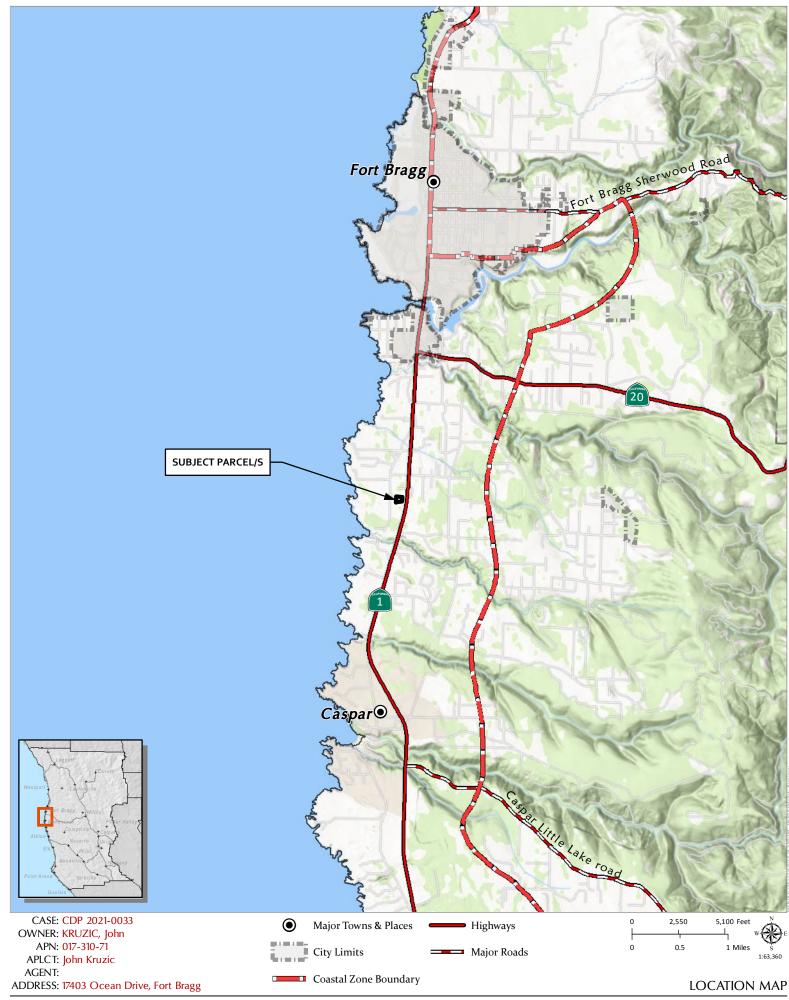
Appeal Period: 10 Days Appeal Fee: \$2,620.00

#### **ATTACHMENTS:**

- A. Location Map
- B. Aerial Imagery (Vicinity)
- C. Aerial Imagery
- D. Site Plan
- E. Topographic Map
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 14:Beaver
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resources
- K. Post LCP Certification and Appealable Jurisdiction
- L. Adjacent Parcels
- M. Fire Hazards Zones and Responsibilities Areas
- N. Wildland-Urban Interface Zones
- O. Ground Water Resources
- P. Estimated Slope
- Q. Western Soil Classes
- R. Farmland Classifications
- S. California Historical Resources Information System Response
- T. Floor plan 1
- U. Elevations 1

REFERRAL AGENCIES	COMMENT	
LOCAL		
Archaeological Commission	Comments	
Assessor's Office	No Response	
Building Division Fort Bragg	No Response	
Department of Transportation (DOT)	No Comment	
Environmental Health (EH)	No Response	
Fort Bragg Fire District	No Comment	
Planning Division Fort Bragg	No Response	
Sonoma State University	State University Comments	
STATE		
CalFire (Land Use)	Comments	
California Coastal Commission	No Response	
California Department of Fish and Wildlife	No Response	
TRIBAL		
Cloverdale Rancheria	No Response	
Redwood Valley Rancheria	No Response	
Sherwood Valley Band of Pomo Indians	No Response	

**<u>AGENCY COMMENTS</u>**: On June 24, 2021 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. A comment response summary is listed below.



ATTACHMENT A



ATTACHMENT B



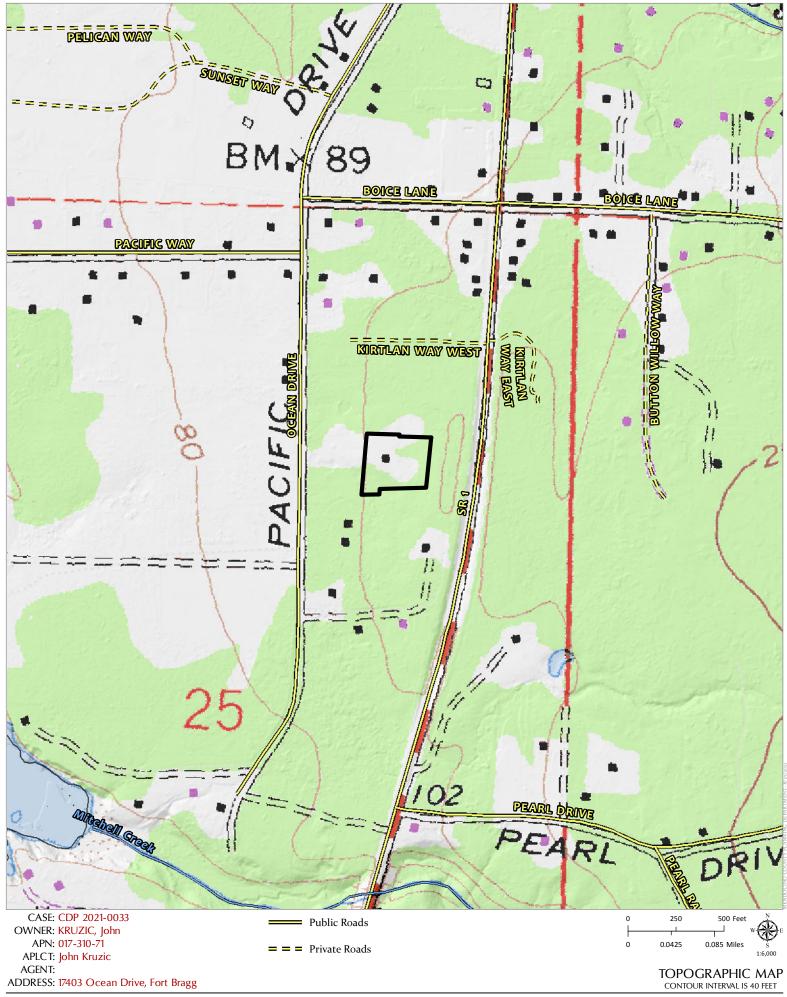
CASE: CDP 2021-0033 OWNER: KRUZIC, John APN: 017-310-71 APLCT: John Kruzic AGENT: ADDRESS: 17403 Ocean Drive, Fort Bragg

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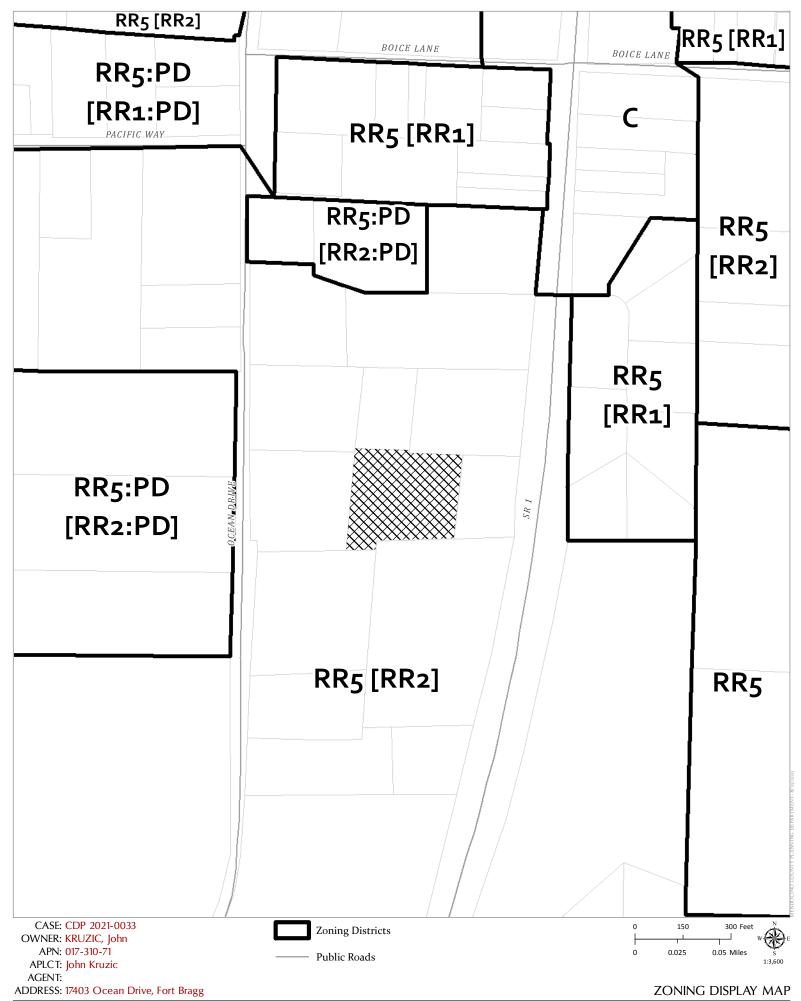
> AERIAL IMAGERY ATTACHMENT C

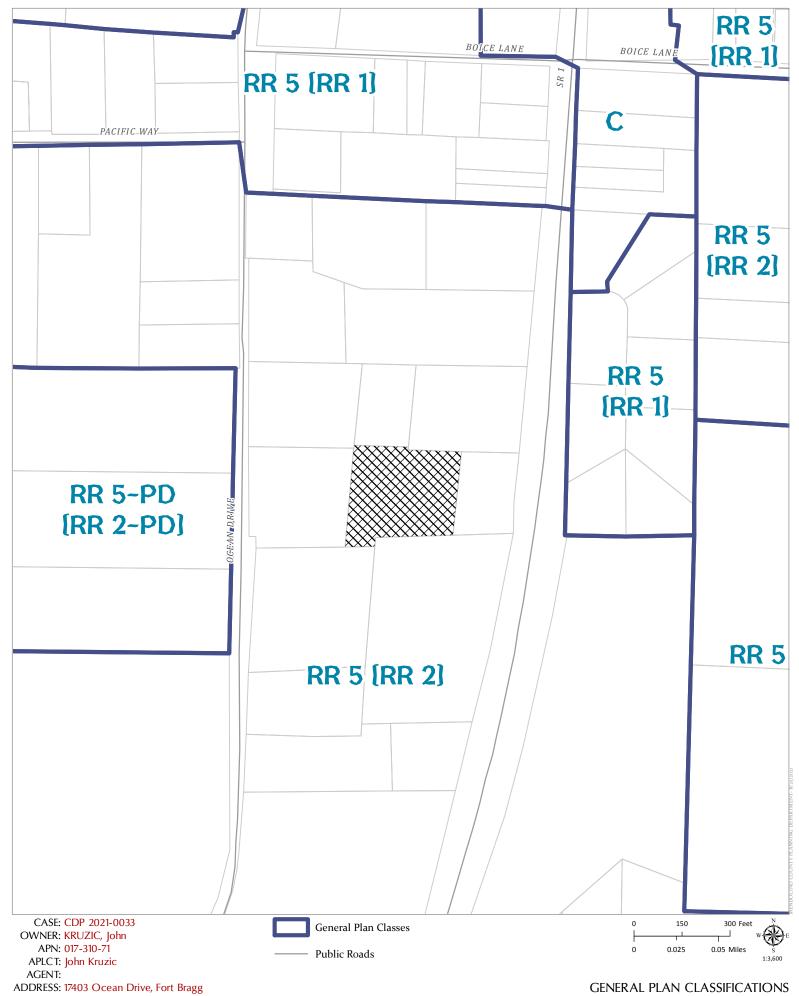
COUNTY OF PLOT PLAN MENDOCINO BUILDING INSPECTION DIVISION ADDRESS 17403 UCEAN DR. ASSESSOR'S DIT- 310 - 71-00 APPLICATION NO. NAME (LEGAL) JOHN KRUZIC COMMUNITY FORT BRAGE Show all buildings, structures, mobile homes, septic tanks and leach fields, wells, struams, lakes, reads, streats, alleys, retaining wells, fences, ease-ments, electrical power poles, and any other improvements and indicate all distances between. Specify whether existing or proposed. Draw to and show scale. Indicate orientation with a North Arrow. à aran SIMPSON ROACE YWH 202 SCALE IJMH -177 SCENN DE OCATION PACIEX No DCE: NY APRILI'S 2 (E) 500' × 18' PANED AND ROCKED PRIVATE (E) PGE UNDER 60 W ROADWAY ROADWAY. (E)AND UTILITY EASEMENT FROM OCEAN DR. GROUND-PAVED -O'W PANED 338 PL 14 1 1211 \* E 11 OCEAN DRIVE (E) ROCKED SEPTIC DRIVEWAYS 50 +12'+ -16-(E) 50 GARDEN 11 (E) HOUSE П ----(E) -19-00 (E) PARKING 30' SHALLOW 277.3' PL WELL (E) SEPTIC 291.3 PL 55 PROPOSED BUILDING 214 2.1% ACRES 70 N 66 1"= 50' DRILLED (E) = EXISTING (E) WELL 8 10'

332.99'PL----

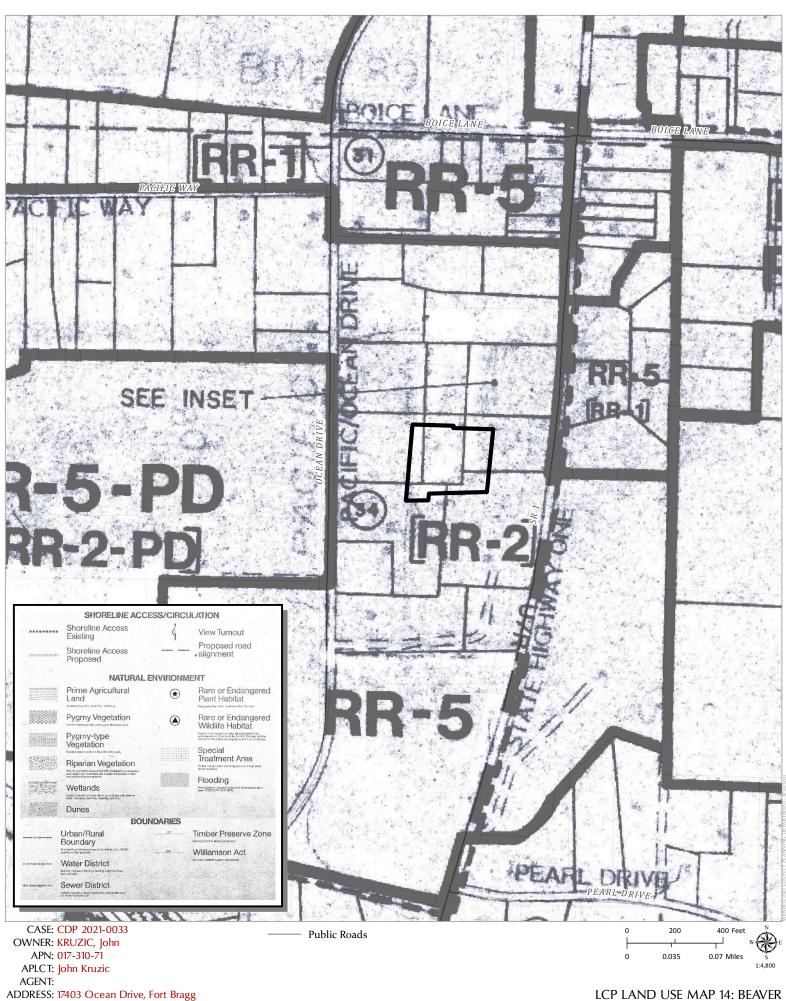


ATTACHMENT E

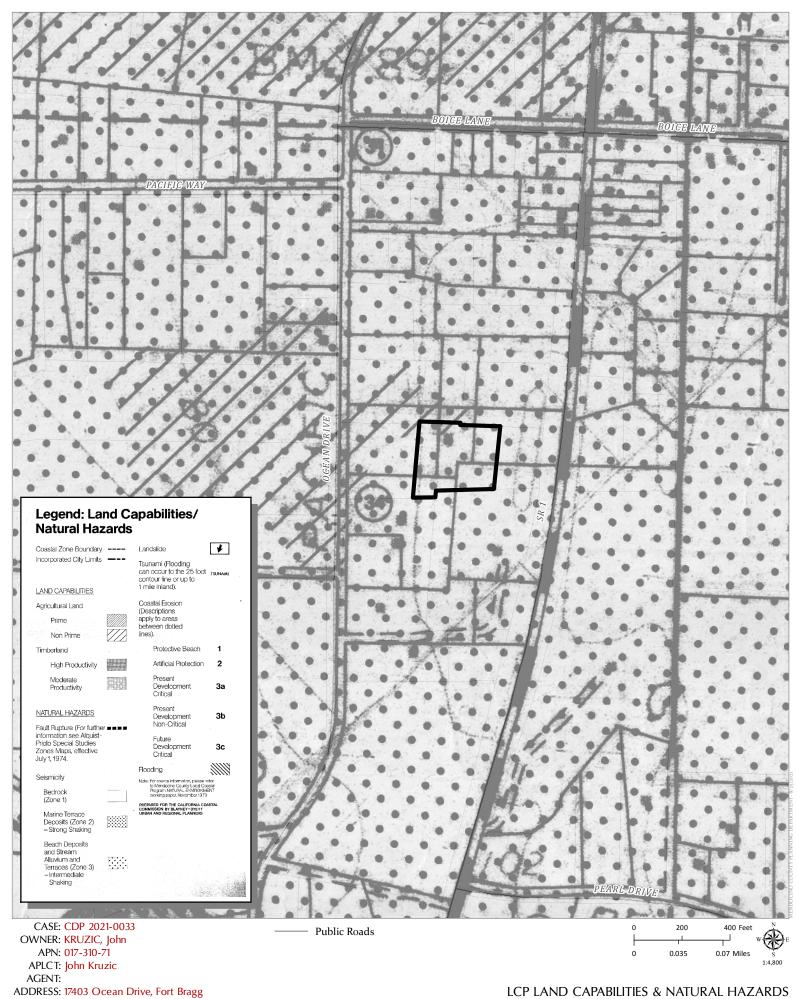




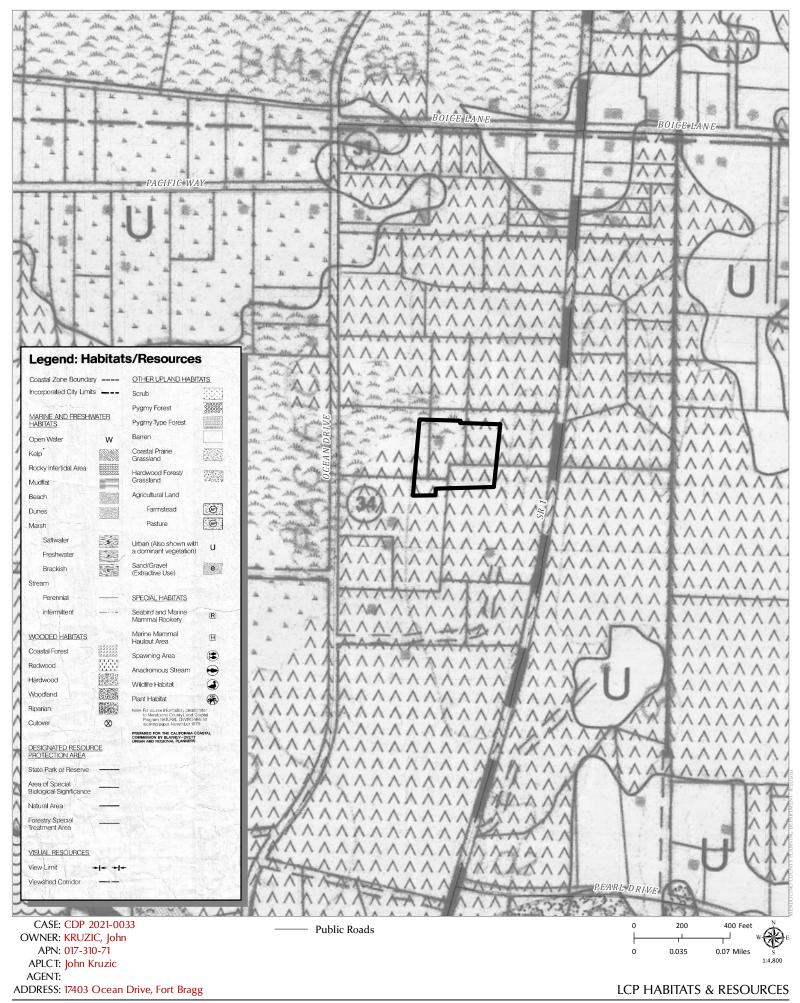
ATTACHMENT G

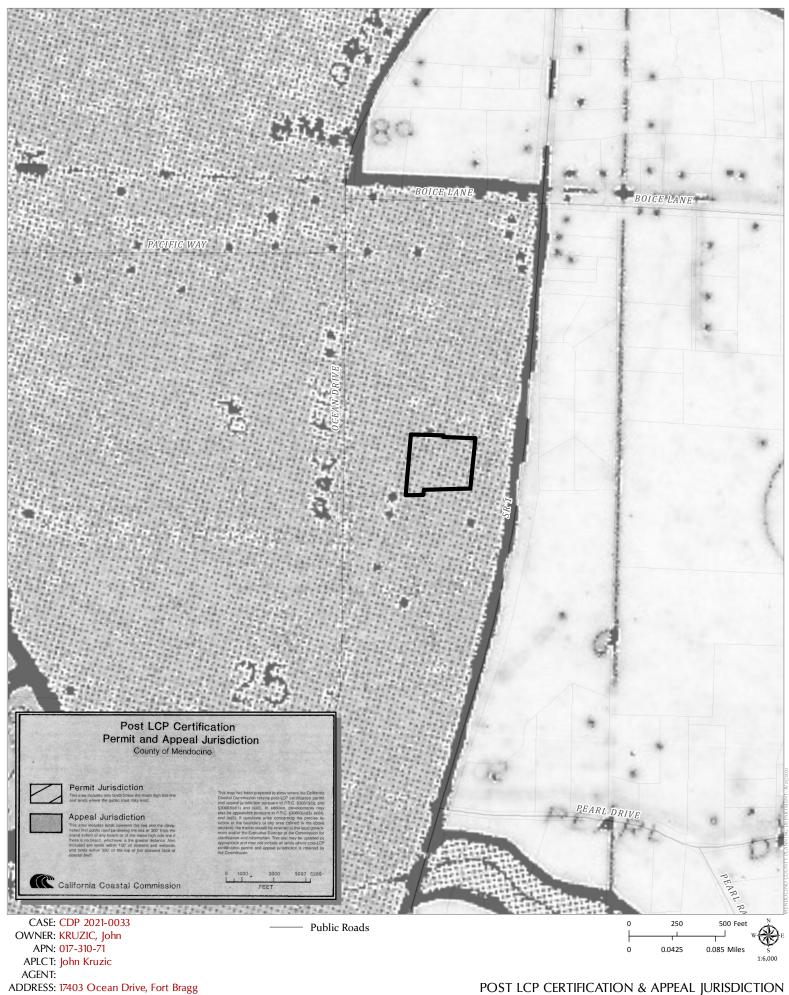


LAND USE MAP 14. BEAVER

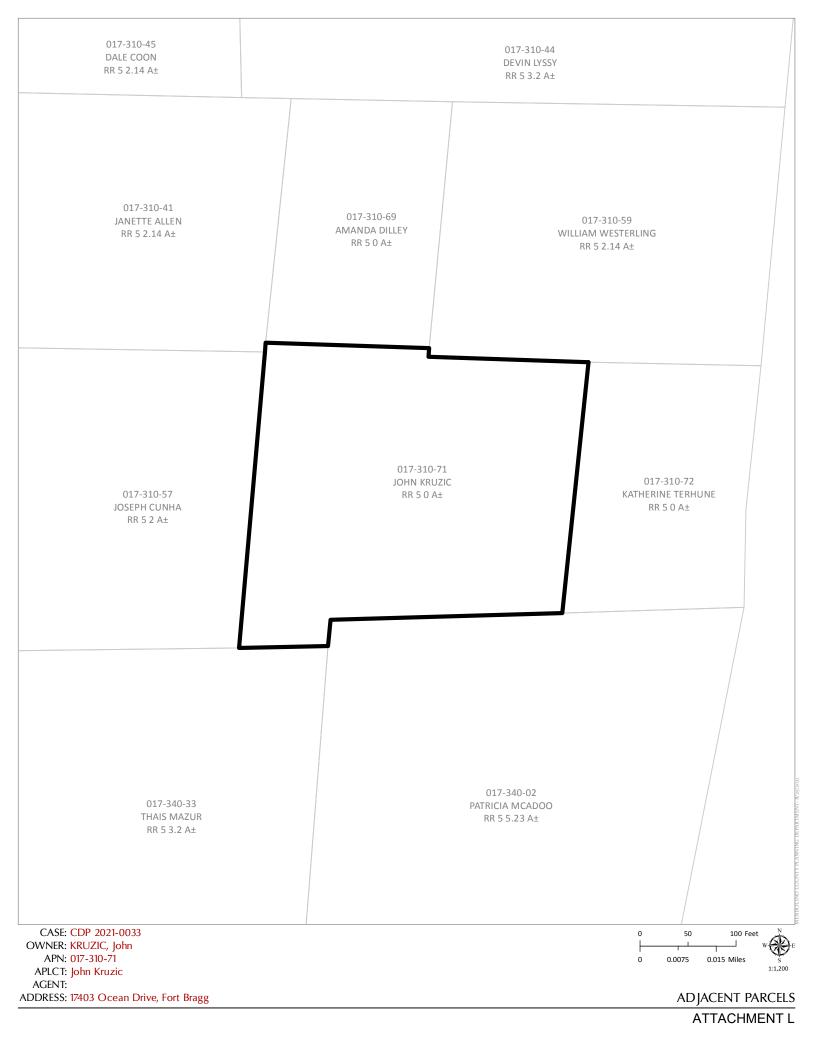


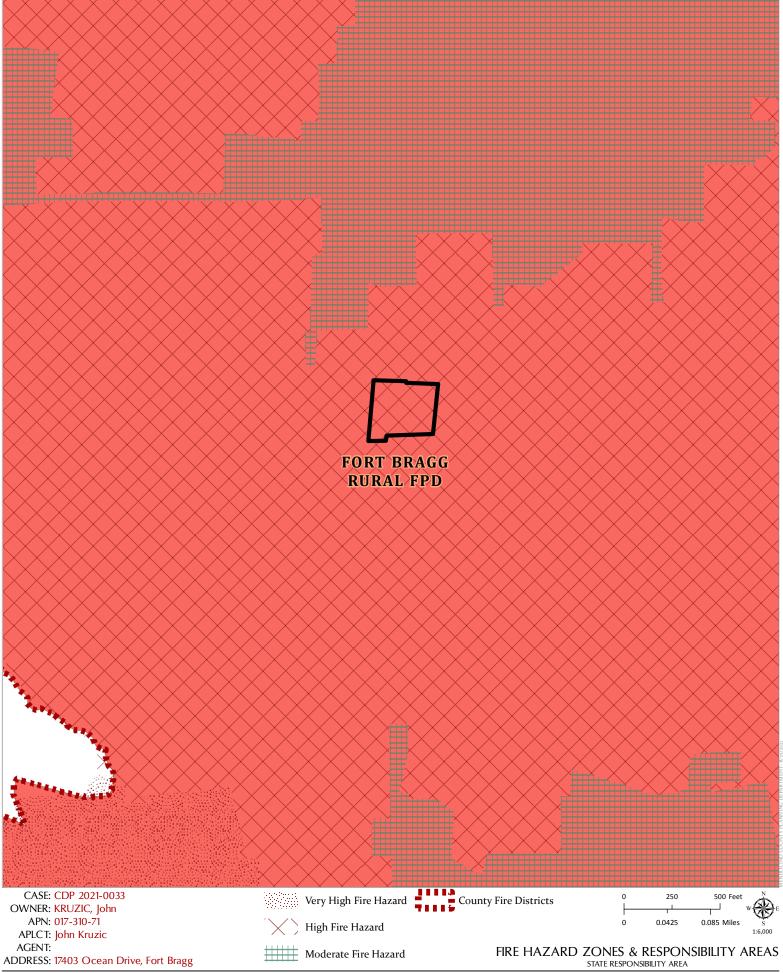
ATTACHMENT I

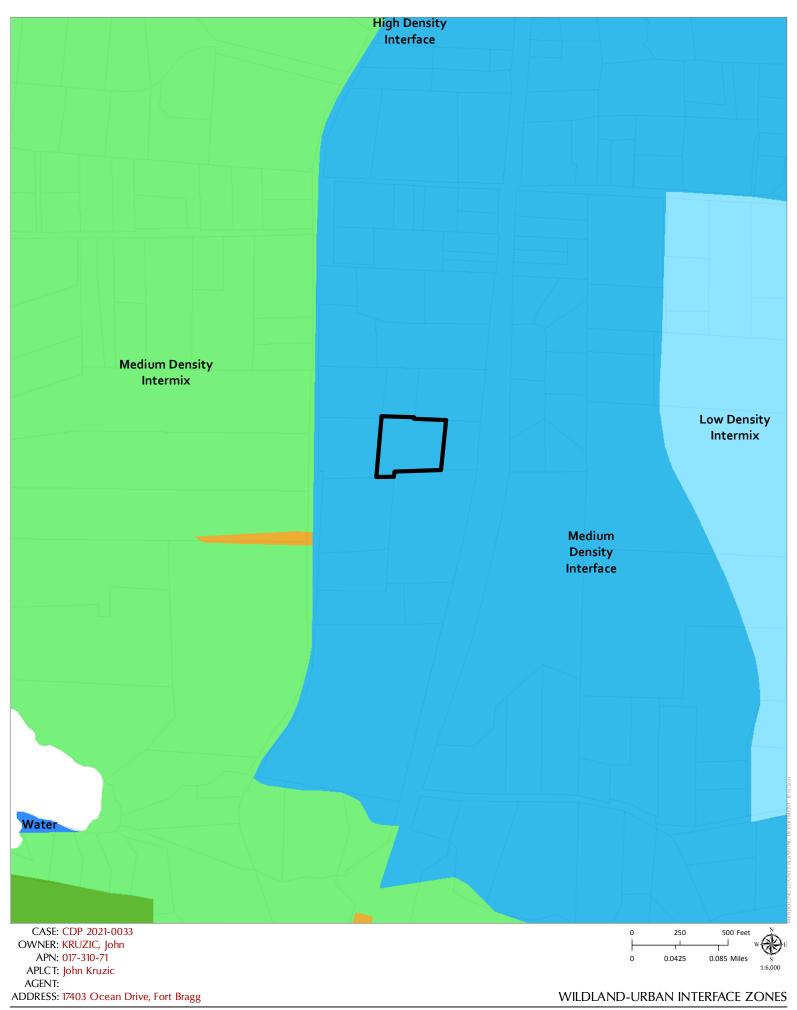


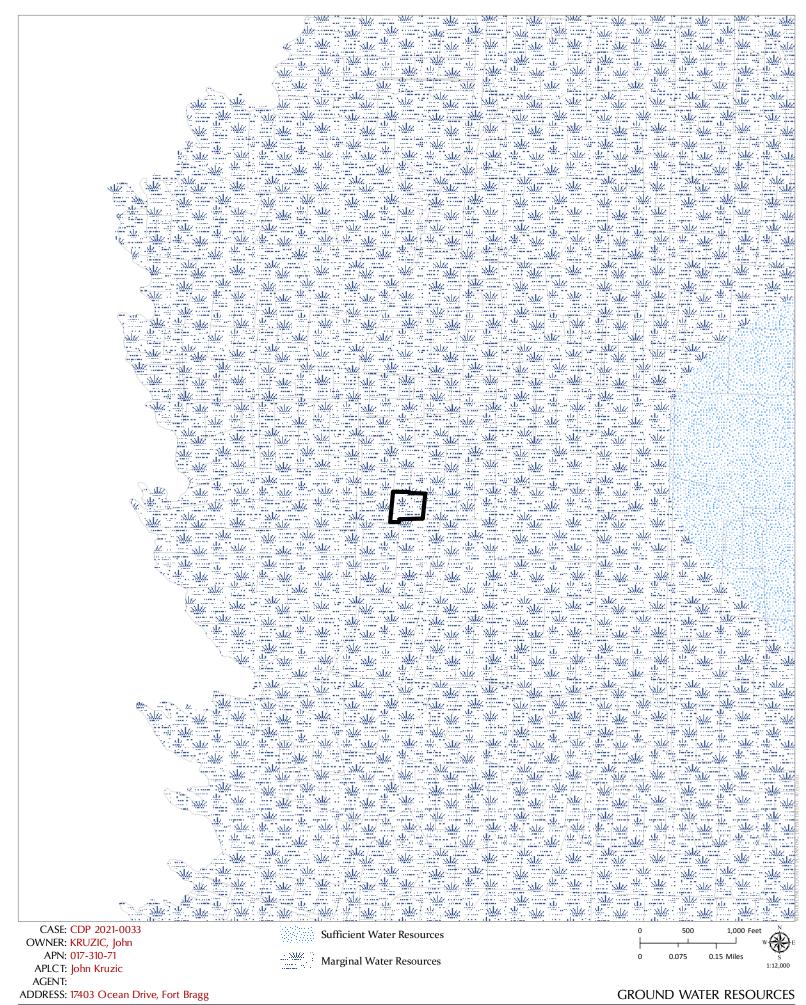


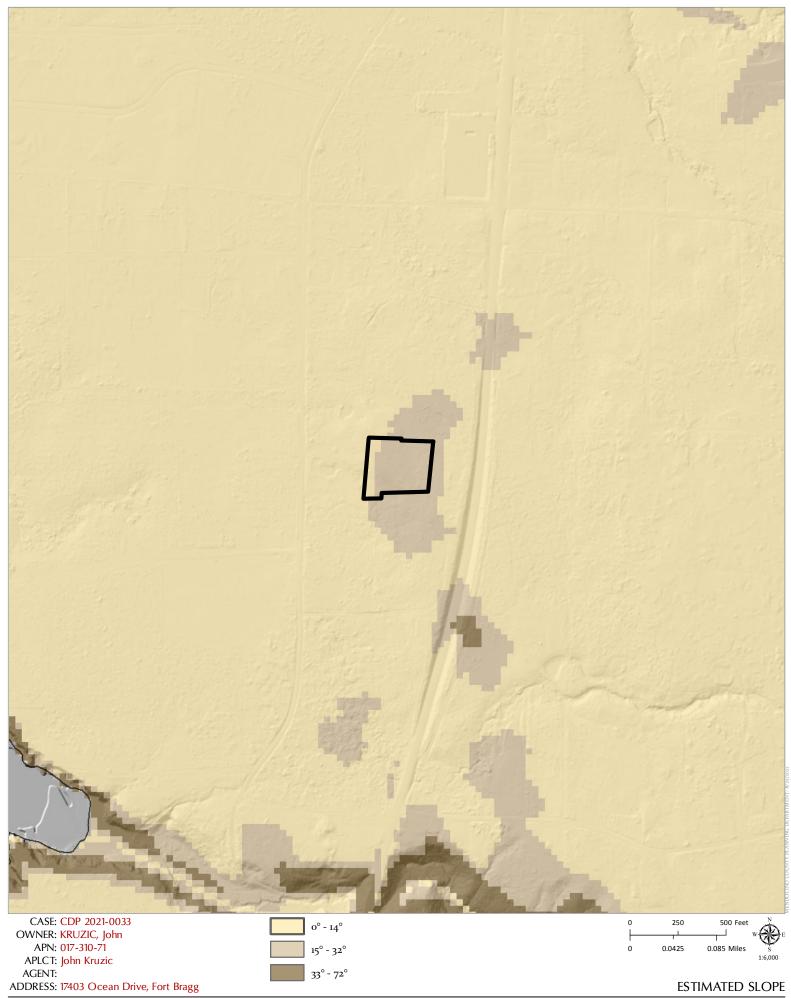
ATTACHMENT K



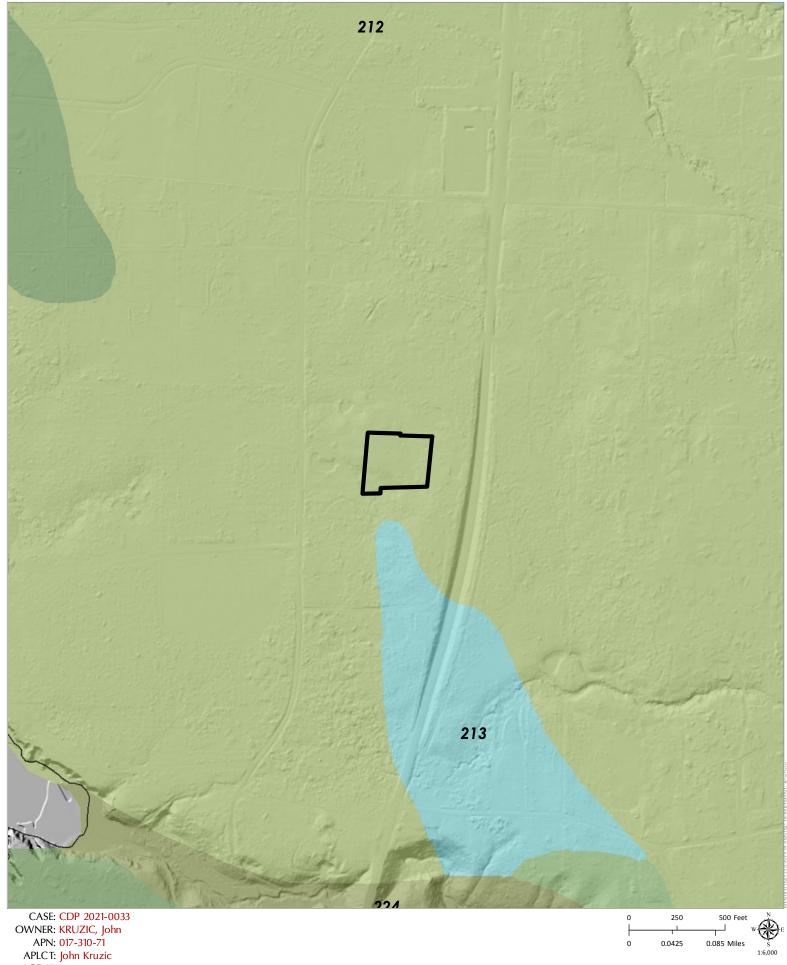






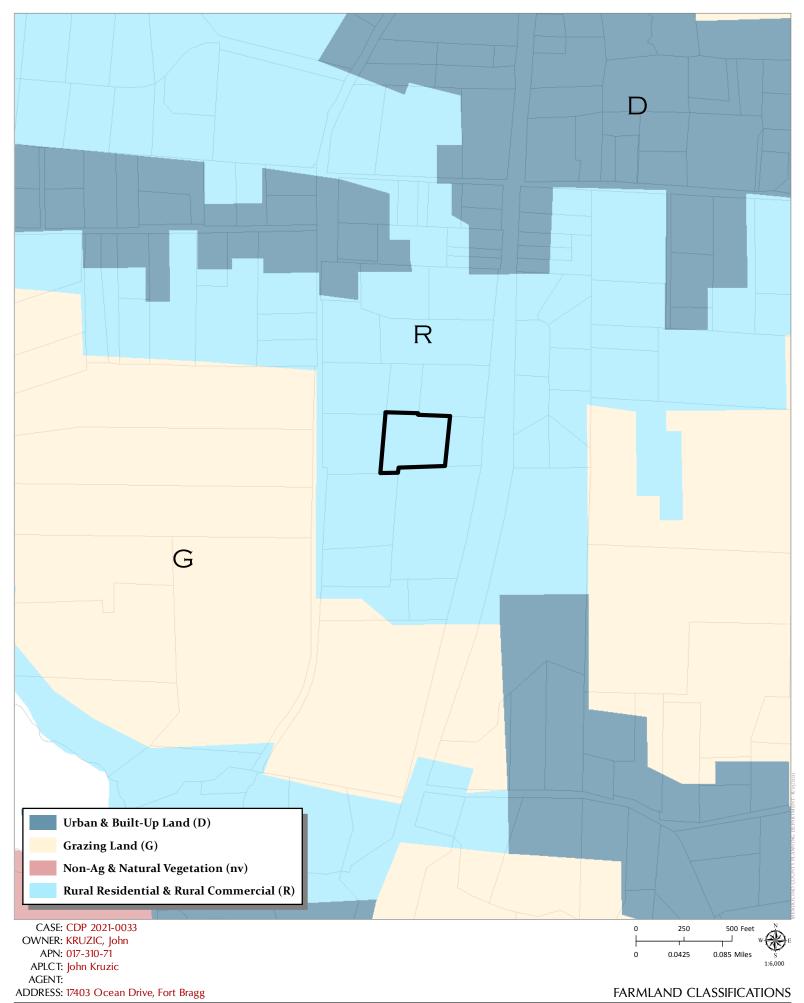


ATTACHMENT P



APLC I: JOHN KRUZIC AGENT: ADDRESS: 17403 Ocean Drive, Fort Bragg

WESTERN SOIL CLASSES



ATTACHMENT R

ALAMEDA COLUSA CONTRA COSTA LAKE

SAN MATEO MARIN MENDOCINO SANTA CLARA MONTEREY SANTA CRUZ NAPA SOLANO SAN BENITO SONOMA SAN FRANCISCO YOLO

**Northwest Information Center** Sonoma State University 1303 Maurice Avenue Rohnert Park, California 94928-3609 Tel: 707.664.0880 • Fax: 707.664.0890 E-mail: nwic@sonoma.edu

File No:03-ME-50

March 19, 2004

SYSTEM

RESOURCES

INFORMATION

CALIFORNIA

HISTORICAL

Chris Carterette, Project Planner County of Mendocino Department of Planning and Building Services 790 So. Franklin Fort Bragg, CA 95437

re: Case # CDP #12-04; 17403 Ocean Drive, Fort Bragg; APN 017-310-71; John Kruzic, applicant

Dear Mr. Carterette:

Records at this office were reviewed to determine if this project could adversely affect historical resources. The review for possible historic structures, however, was limited to references currently in our office. Please note that use of the term historical resources includes both archaeological sites and historic structures.

- The proposed project area contains or is adjacent to the <u>archaeological site(s)</u> ( ). A study is recommended prior to commencement of project activities.
- The proposed project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of project activities.

Study # identified one or more historical resources. It is recommended that qualified archaeologist asses the status of the site and provide project specific recommendations..

XX There is a low possibility of historical resources. Further study for historical resources is not recommended.

- XX Review for possible historic structures was limited to the Northwest Information Centers documents and should not be considered comprehensive. Since the Office of Historic Preservation has determined that any building or structures 45 years or older maybe of historic value, if the project area contains such properties it is recommended that they be evaluated by an architectural historian prior to commencement of project activities.
  - The guidelines for implementation of the California Register for Historical Resources (Cal Register) criteria for evaluation of historical properties have been developed by the State Office of Historic Preservation. For purposes of CEQA, all identified archaeological sites should be evaluated using the Cal Register criteria.
- XX We recommend you contact the local Native American tribe(s) regarding traditional, cultural, and religious values. For a complete listing of tribes in the area of your project, please contact the Native American Heritage Commission 916/653-4082.

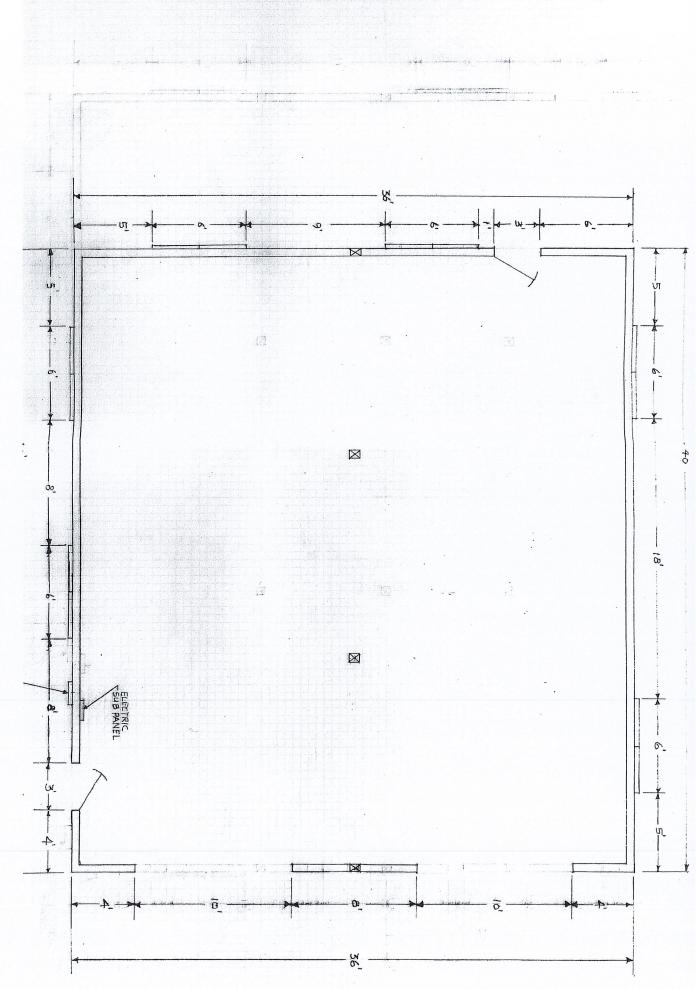
Comments:

If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 664-0880.

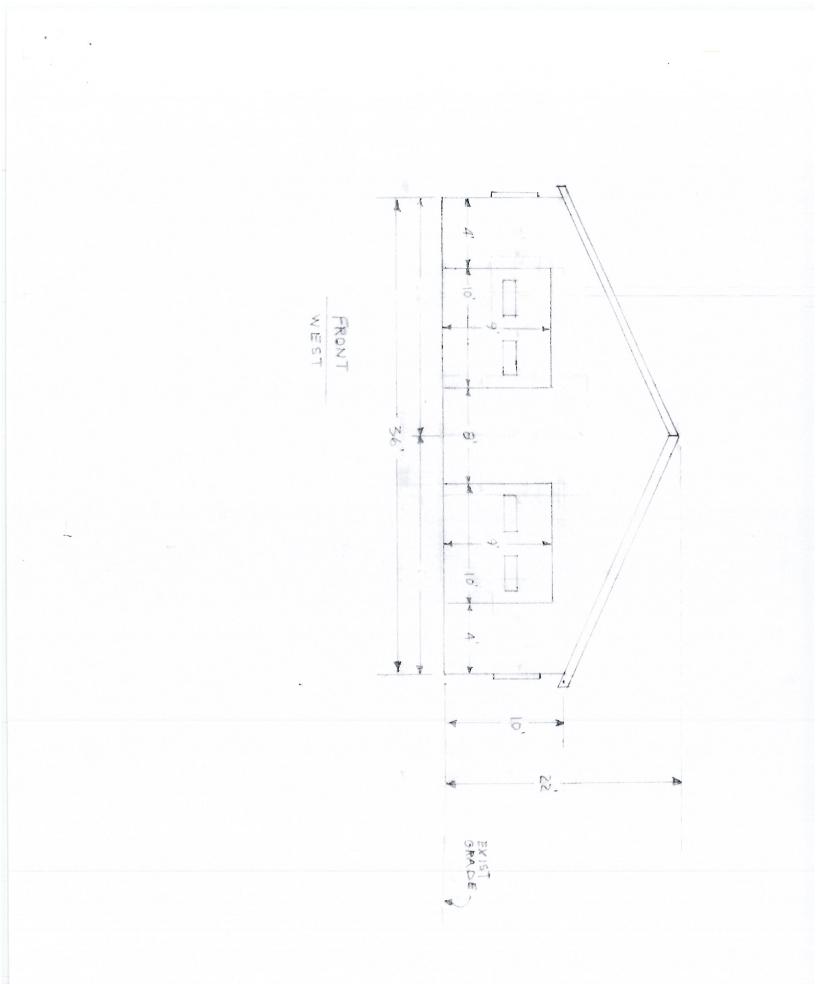
Sincerely.

E. Tracity fors, For Leigh Jordan

Coordinator



ATTACHMENT T



ATTACHMENT U

