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January 10, 2024

#### PUBLIC NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, January 25, 2024, at 10:00 a.m. will conduct a public hearing on the following project located in the Coastal Zone at the time listed or as soon thereafter as the item may be heard. This meeting will take place at the Planning and Building Services Conference Room, located at 860 North Bush Street, Ukiah and Virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing on line on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo. In lieu of personal attendance, the public may participate digitally in meeting by sending comments to: pbscommissions@mendocinocounty.gov or via Telecomment. The telecomment form may be found at:https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas.

CASE#: CDP\_2021-0011 **DATE FILED:** 05/11/2021

OWNER/APPLICANT: TRULEE LEE & YOSHIYUKI KARAHASHI

**AGENT: WYNN COASTAL PLANNING & BIOLOGY, INC. – MEGHAN DURBIN** 

120 WEST FIR ST · FORT BRAGG · CALIFORNIA · 95437

REQUEST: Standard Coastal Development Permit for the required follow up to Emergency Permit (EM 2020-0005) for the construction of a replacement septic system and the removal of 104 square feet of the existing single-family-residence and the addition of 511 square feet of new construction to the previously noted single-family-residence, remove 123 square feet of existing decking, add 474 square feet of new decking to the single-family-residence and add a full bathroom to the existing workshop, thus converting it to a quest cottage

**LOCATION:** In the Coastal Zone, 2.8± miles southwest of the downtown of the City of Fort Bragg, west of State Route 1 (SR 1), 0.5± miles west of the intersection of Ocean Drive (CR 436) and Pacific Way (CR 436A); located at 33625 Pacific Way, Fort Bragg; APN: 017-060-04.

**ENVIRONMENTAL DETERMINATION: CATEGORICALLY EXEMPT** 

**SUPERVISORIAL DISTRICT**: 4 (Gjerde) STAFF PLANNER: KEITH GRONENDYKE

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

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. 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, or by e-mail to pbscommissions@mendocinocounty.gov no later than January 24, 2024. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at pbscommissions@mendocinocounty.gov.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: https://www.mendocinocounty.gov/government/planning-building-services/meetingagendas/coastal-permit-administrator.

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 (707) 234-6650, Monday through Friday.

JULIA KROG, Director of Planning and Building Services

# JANUARY 25, 2024 CDP\_2021-0011

#### **SUMMARY**

OWNER/APPLICANT:	TRULEE LEE & YOSHIYUKI KARAHASHI

1914 SPRING STREET REDWOOD CITY, CA 94063

**AGENT:** WYNN COASTAL PLANNING & BIOLOGY, INC,

**MEGHAN DURBIN** 

703 NORTH MAIN STREET FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit for the required

follow up to Emergency Permit (EM 2020-0005) for the construction of a replacement septic system and the removal of 104 square feet of the existing single-family-residence and the addition of 511 square feet of new construction to the previously noted single-family-residence, remove 123 square feet of existing decking, add 474 square feet of new decking to the single-family-residence and add a full bathroom to the existing

workshop, thus converting it to a guest cottage

LOCATION: In the Coastal Zone, 2.8± miles southwest of the

downtown of the City of Fort Bragg, west of State Route 1 (SR 1), 0.5± miles west of the intersection of Ocean Drive (CR 436) and Pacific Way (CR 436A); located at 33625 Pacific Way, Fort Bragg; APN: 017-060-04.

TOTAL ACREAGE: 1.21± Acres

GENERAL PLAN: Rural Residential, 5-Acre Minimum with an alternate

density of 1-Acre Minimum, (RR5(1))

**ZONING:** Rural Residential/Flood Plain Overlay, 5-Acre Minimum

(RR5:FP)

SUPERVISORIAL DISTRICT: 4 (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**APPEALBLE:** YES (West of 1st Public Road & Bluff top)

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** KEITH GRONENDYKE

## BACKGROUND

**PROJECT DESCRIPTION**: Standard Coastal Development Permit for the required follow up to Emergency Permit (EM\_2020-0005) for the construction of a replacement septic system as well as remove 104 square feet of the existing single-family residence and construct a 511 square foot addition for a net gain of 407 square feet, the conversion of an existing workshop to a guest cottage with the addition of a full bathroom and the remodeling of the existing garage. Neither the workshop conversion nor the garage remodel will enlarge the footprint of either structure.

The following surveys/reports can be found in the project file available for viewing at the Mendocino County Planning and Building Services building:

Environmentally Sensitive Habitat Area (ESHA) Survey Geotechnical Report CalFire Review #492-20 Emergency Permit EM\_2020-0005 (Lee & Karahashi, Septic)

<u>APPLICANT'S STATEMENT</u>: Modified request for the follow-up to EM #2020-0005 which authorized an emergency septic tank replacement. The septic tank had failed necessitating the need for its immediate replacement so the single-family residence may be habitable. Modifying the application to include 511 sf addition to the SFR, 474 sf addition of decks to the SFR, and internal remodeling of the SFR.

A subsequent amended application was submitted on October 20, 2023, which reads in part:

- "Modified request #2 for the follow-up to EM #2020-0005 which authorized an emergency septic tank replacement. The septic tank had failed necessitating the need for its immediate replacement so that the single-family-residence may be habitable."
- "Modification #1 (As submitted on May 11, 2021): Modifying the application to include a net total 407 sf addition to the SFR (remove 104 sf of existing + add 511 sf new), remove existing 123 sf deck, add new deck to the SFR, and internal remodeling of the SFR."
- Modification #2: All of the above plus converting the existing workshop to Guest Cottage with full bath and remodel existing garage. Request will not result in a change is square footage or building footprint."

#### **RELATED APPLICATIONS:**

#### On-Site:

- EM\_2020-0005,Septic Replacement (ST23876) Final
- CDP 107-04, Superseded by CDU 32-04 Expired
- CDU32-04, Remodel and Rebuild of Existing Development Expired

The following Building Permits are recorded as being associated with the subject property chronologically from oldest to newest:

- BF 2007-1057, to renovate the Second Residential Unit. Expired by date
- BF 2007-1058, to remodel a garden house. Expired by date
- BF 2007-1059, to remodel guest house. Expired by date
- BF 2007-1060, to demolish detached garage. Expired by date
- BF 2008-0394 to demolish a garage. Cancelled
- BF 2008-0395 to demolish a potting shed. Cancelled
- BF 2010-0543, Upgrade electrical. Finaled
- BF 2010-0544, Upgrade electrical panel. Cancelled
- OF 2015-0022, Copy fees. Finaled
- BF\_2015-0738, Repair deck boards supports and guard rails. Finaled
- BF 2015-0793, Remove illegal wiring, redo plumbing for storage building. Finaled
- BF\_2017-0704, Reroof nine-squares, no sheathing. Finaled
- BF\_2017-1077, Replace gas heater on main residence. Finaled
- BF\_2017-1183, Repair and replace siding on single-family-residence. Finaled
- BF\_2019-0384, Remodel workshop and add a half-bathroom. Finaled
- BP\_2022-0238, 200-amp meter change. Finaled
- BF\_2023-0190 upgrade windows; sliding glass to two pane vinyl. Issued
- BF 2023-0191 was issued to rebuild and expand the existing potting shed. Issued

Coastal Development Major Use Permit, CDU 32-04, was approved on December 15, 2005, to remodel/rebuild, with a 150 square foot addition to the 856 square foot primary residence and improve, the legal non-conforming 975 square foot second residence with new decks, roof structure, siding windows and spa installation. The maximum height of the structures would not exceed 28 feet from average natural grade. The primary residence would be changed from a 2 bedroom to a 1 bedroom and consist of a total of 1,006 square feet **Neighboring Property** 

APN: 017-060-07 LCP 90-152 (Addition to Single-Family Residence)
 APN: 017-060-08 LCP 86-124; CCC-1-86-28W (Single-Family Residence)
 APN: 017-320-01 CDP 76-01 (Water Tank)

<u>SITE CHARACTERISTICS</u>: The 0.5± acre subject parcel is located west of Pacific Way (CR 436A), 2.8± miles southwest of the City of Fort Bragg, as shown on the *Location Map*. The site is surrounded by parcels of similar size and zoning (Coastal Rural Residential Floodplain Combining (RR5:FP) that are greater than 1/2 acres but less than 5 acres in size, as shown on the *Aerial Imagery* map. The parcel is

located on a bluff top adjacent to the Pacific Ocean.

Existing development on the parcel consists of the following:

• 806 sq. ft. Single-Family Residence (SRF) with 123 sq. ft. of decking

• 912 sq. ft. Second Residential Unit (SRU) with 713 sq. ft. of decking

• 426 sq. ft. Garage

• 400 sq. ft. Workshop with a half bath

• 233 sq. ft. Shed

For the application, CDP\_2021-0011, a Biological Scoping & Botanical Survey Report prepared by Wynn Coastal Planning & Biology, Inc., dated October 7, 2020, was submitted and is kept on file with the Mendocino County Department of Planning & Building Services. The survey did not identify any Environmentally Sensitive Habitat Areas (ESHA) that would need to be protected, as such a Categorical Exemption has been prepared for this project.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR5:FP), where the adjacent parcels are developed with residential uses, as shown on the *Aerial Imagery* attachment. The proposed improvements to the single-family residence, the workshop and ancillary development are consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning					
	GENERAL PLAN	ZONING	LOT SIZES	USES	
NORTH	Rural Residential (RR5(1))	Rural Residential & Planned Development (RR5)(FP)	2.3± Acres	Residential	
EAST	Rural Residential (RR5(1))	Rural Residential & Planned Development (RR5)(FP)	1.05± Acres	Residential	
SOUTH	Rural Residential (RR5(1))	Rural Residential & Planned Development (RR5)(FP)	1.4± Acres	Residential	
WEST	Pacific Ocean	Pacific Ocean	Pacific Ocean	Pacific Ocean	

#### **PUBLIC SERVICES:**

Access: PACIFIC WAY (CR 436A)

Fire District: FORT BRAGG FIRE PROTECTION DISTRICT

Water District: NONE Sewer District: NONE

**AGENCY COMMENTS**: On September 10, 2021, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. See the below table for a list of agencies and status of no response, comments, or no comments.

REFERRAL AGENCIES	COMMENTS	
Archaeological Commission (ARCH)	Comments	
Assessor	No Response	
Building Inspection - FB PBS	Comments	
California Coastal Commission (CCC)	No Response	
Cloverdale Rancheria	No Response	
Department of Transportation (DOT)	Comments	
Environmental Health – FB & Ukiah (EH)	No Response	
Planning – Ukiah PBS	No Comment	
Redwood Valley Rancheria	No Response	
Sherwood Valley Band of Pomo Indians	No Response	
Sonoma State University-NWIC (SSU)	No Response	

#### LOCAL COASTAL PROGRAM CONSISTENCY

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

<u>Land Use</u>: The project site is located within the boundaries of the Local Coastal Program (LCP) area and is shown on the *LCP Land Use Map 14: Beaver* map. The subject parcel is classified as Rural Residential (RR 5), by the Mendocino County General Plan, as shown on the *General Plan Classifications* map.

Chapter 2.2 of the General Plan Coastal Element lists the intent of the Rural Residential land use designation as:

"Intent: The 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."

The proposed addition to the existing single-family residence, along with the conversion of the workshop to a guest cottage with the inclusion of a full bathroom and other minor construction related activities would not be considered growth inducing. As a blufftop parcel, agricultural use is not a prime utilization of this location due to temperature and usually windy conditions. The use and intensity of the single-family residence, the second residential unit and the proposed guest cottage does not increase or decrease the principally permitted uses allowed per the RR district.

Chapter 2.2 of the General Plan Coastal Element addresses Non-Conforming Uses as such:

"To allow for the continued utilization of lawfully existing improvements and uses made non-conforming by the adoption of this Coastal Element of the General Plan, where the use is compatible with adjacent land uses and where it is not feasible to replace the activity with a conforming land use."

According to the Mendocino County Assessor's Office, the parcel was first assessed with a residence in 1959. A review of the address file for the property does not indicate when additional construction occurred. As indicated on the site plan submitted with the application, the second residential unit (SRU) located on the property would be considered a legal non-conforming use, as it was constructed prior to the Coastal Element being adopted, and the proposed use is not requesting to increase the square footage of the SRU, thus the use may continue and is consistent with Mendocino County Code Coastal Element Chapter 2.2 Rural Residential and Non-Conforming Use Policies.

Zoning: The project site is located within a Rural Residential (RR 5 FP) district, as shown on the Zoning Display Map.

The RR district, per Mendocino County Code (MCC) Section 20.376.005, states:

"... 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 addition to the existing single-family residence, along with the conversion of the workshop to a guest cottage with the inclusion of a full bathroom and other minor construction related activities would not impact the agricultural viability of the property. As a blufftop parcel, agricultural use is not a prime utilization of this location due to temperature and usually windy conditions.

The proposed development will result in an overall lot coverage of 12.86 percent, which is below the 20 percent maximum allowable lot coverage. As currently proposed, the development will be a maximum height of 15 feet and will be consistent with the RR district maximum of 18-foot building height allowance for highly scenic areas west of State Route 1.

Nonconforming Uses and Structures may be continued and maintained, per MCC Section 20.480.010(A), which states:

- "(A) A legal nonconforming use or structure may be continued if it conforms to the following criteria:
  - (1) If the existing use is contained within a structure built or modified to accommodate the existing use, conformance is required with the applicable building code and/or zoning code in effect at the time of construction or modification.
  - (2) The use must be compatible with adjacent land uses, such that its hours of operation, noise levels, aesthetic impacts, and traffic to the site do not now significantly adversely impact adjacent land uses."

According to the Mendocino County Assessor's Office, the parcel was first assessed with a residence in 1959. A review of the address file for the property does not indicate when additional construction occurred. As indicated on the site plan submitted with the application, the second residential unit (SRU) located on the property would be considered a legal non-conforming use, as it was constructed prior to the Local Coastal Plan (LCP) being adopted, and the proposed use is not requesting to increase the square footage of the SRU, thus the use may continue and is consistent with MCC Section 20.480.010(A) Non-Conforming Use Policies.

The existing workshop, which is currently improved with a half-bath, is proposed to be further improved with a full-bathroom and within the existing footprint and be considered to be a guest cottage, which is an accessory living unit defined per MCC Section 20.308.050(I). Also, MCC Section 20.456.015(G) allows for not more than one accessory unit for each legal parcel. As such, the proposed guest cottage is in conformance with the Mendocino County Code.

One issue with the proposed guest cottage is that the existing setback from the property line is shown as only 2 feet, which is not consistent with the requirements of MCC Section 20.376.040 which stipulates that any parcel located within the Rural Residential Zoning District (RR 5) which is less than 5 acres in size shall maintain a minimum setback for all structures from property lines of 20feet. In reviewing the address file for the subject property, a building permit issued by the Mendocino County Building Department in Fort Bragg in 2019 approved a remodel of the subject workshop to add a half-bathroom to the structure with the Mendocino County Planning Department also approving the site plan submitted with the Building Permit Application. As such, this workshop could be considered to be a legally established structure, but non-conforming regarding setbacks, but because the footprint of the guesthouse is not being increased, MCC Section 20.480.015 Remodeling, Rehabilitation and Reconstruction of the Coastal Zoning Ordinance states: "Existing legal non-conforming structures may be remodeled, rehabilitated or reconstructed as long as the exterior dimensions of the building remain the same."

The proposed development is consistent with allowed residential development and allowed accessory uses associated with residential development per MCC Sections 20.376.010 and 20.456.010.

# COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

<u>Visual Resources</u>: The site is not mapped as a Highly Scenic Area, but is still considered to be highly scenic as it is a blufftop parcel situated west of State Route 1 therefore, the proposed development is subject to only to the Policy 3.5-1 of the Coastal Element, which states:

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

The proposed residential addition along with the conversion of the existing workshop to a guest cottage, the remodeling of the garage and other various construction on site would not be visible from State Route 1, or any park, beach or recreation areas and would not be out of character with surrounding development. The proposed addition to the single-family residence would be approximately 15 feet in height, which is below the maximum allowable height of 28 feet for parcels located in a highly scenic area and would not affect public views to the ocean or be out of character with surrounding structures which is the case with the subject property, as it is west of State Route 1.

Condition 12 is recommended to require an exterior finish schedule for proposed materials and colors which will be visually compatible with the character of the surrounding area consistent with Mendocino County Coastal Element Policy 3.5-1 and MCC Section 20.504.015(C)(3).

Condition 13 is recommended to require 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 Mendocino County Coastal Element Policy 3.5-1 and MCC Section 20.504.035.

With added conditions, the proposed project will not increase view obstruction from nearby public areas and is visually compatible with the character of surrounding areas and will be consistent with the Local Coastal Program policies (Coastal Element Policy 3.5-1 and the development standards of MCC Chapter 20.504(C)) related development within Highly Scenic Areas, including protection of ocean views, natural setting, undergrounding overhead utilities, and access roads.

<u>Hazards Management:</u> The proposed project is located on a bluff top to the Pacific Ocean and is within an area of "Beach Deposits and Stream Alluvium and Terraces (Zone 3)" and "Moderate Fire Hazard", as shown on the LCP Land Capabilities & Natural Hazards and Fire Hazard Zones & Responsibility Areas maps.

Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Fort Bragg Rural Fire Protection District. Condition 5 is recommended requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure any fire protection policy or plan will be addressed. With the inclusion of these conditions, the proposal would be consistent with Mendocino County policies for fire protection.

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone. The proposed addition and other construction activities are located in a relatively flat area with the coastal bluff approximately 81 feet west of the existing second residential unit. The proposed addition to the single-family-residence and other proposed construction will not encroach any further upon the bluff edge than existing development.

Seawalls, breakwaters, and other structures altering natural shoreline processes or retaining walls are not proposed as part of this application. It is the policy of the California Coastal Commission (CCC) and Mendocino County to require recordation of a deed restriction as a condition of development on blufftop parcels, prohibiting the construction of seawalls and requiring that permitted improvements be removed from the property if threatened by bluff retreat. The restriction requires that the landowner be responsible

for any clean-up associated with portions of the development that might fall onto a beach or into the ocean. In accordance with a staff memorandum dated June 1, 2004, Condition 13 is recommended by staff requiring the property owner to record a deed restriction prior to the issuance of any building permit associated with this Coastal Development Permit, if approved.

While portions of the land, for example the shoreline, are subject to flooding and tsunami, the proposed area for development is atop a coastal bluff approximately 44 vertical feet above the shoreline and 81 feet inland to the existing second residential unit with the single-family-residence being located 265 feet inland from the shoreline. Flooding is unlikely to affect lands proposed for development.

With added conditions, the proposed project will be consistent with the Local Coastal Program policies for hazard areas, including geologic hazards (faults, bluffs, tsunami, landslides, and erosion), fire and flood hazards Chapter 3.4 of the Mendocino County Coastal Element and will be consistent with MCC Chapter 20.500 regulations.

<u>Habitats and Natural Resources:</u> Both the Mendocino County Coastal Element and Mendocino County Code addresses Environmentally Sensitive Habitat Areas (ESHA). 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. The site is designated as being covered with scrub, as shown on the *LCP Habitats & Resources* map.

Asa Spade of Wynn Coastal Planning and Biology conducted a *Biological Scoping and Botanical Scoping Survey Report* in 2020. The survey found that there are no biological Environmentally Sensitive Habitat Area (ESHA) on-site. As such, no conditions have been added regarding ESHA.

<u>Grading, Erosion, and Run Off:</u> The proposed project is located in a relatively flat area, with gentle sloping towards the coastal bluff approximately 81 feet from the proposed improvements. Some grading will be required to accommodate the proposed development. Best Management Practices shall be implemented during construction to prevent delivery of sediment over the bluff edge.

With added conditions, the proposed project is consistent with the Mendocino County Coastal Element and Local Coastal Program policies related to grading, erosion and runoff protection and hazard areas, including Chapter 3.4 of the Coastal Element and MCC Chapter 20.492 and 20.500 regulations.

<u>Groundwater Resources:</u> 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. The subject property is already developed with a single-family residence, a second residential unit and accessory improvements. The proposed project supports the existing residential uses of the parcel. The project was referred to the Mendocino County Division of Environmental Health (DEH), where DEH had no comment.

Without additional conditions, the proposed project is consistent with the Local Coastal Program policies related to groundwater resources Chapter 3.8 and will be consistent with DEH regulations.

Archaeological/Cultural Resources: The proposed development was referred to Northwest Information Center at Sonoma State University (SSU) and the Mendocino County Archaeological Commission (ARCH). An archaeological survey was requested to be conducted. The applicant submitted an Archaeological Survey Report, prepared by Trulee Lee of Alta Archaeological Consulting, dated February 23, 2021. The project and survey were reviewed by the Mendocino County Archaeological Commission on October 13, 2021, where the survey was accepted. Since resources were not identified in the survey, the Archaeological Commission recommended Condition 8, which advises the property owners of the "Discovery Clause." The "Discovery Clause" prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians, where no response has been received at this time.

With added conditions, the project will be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10 and MCC Chapter 22.12 regulations.

<u>Transportation/Circulation</u>: The project would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. Access to the site is provided by Pacific Way (CR 436A) from Ocean Drive (CR 436).

Without additional conditions, the project is consistent with Mendocino County Coastal Element Chapter 3.8 and MCC Chapter 20.516 regulations and policies for transportation, circulation, utilities, and public services protection.

<u>Public Access</u>: The site is located on the west side Pacific Way (CR 436A), approximately 0.5 miles west of its intersection with Ocean Drive (CR 436) and is subject to policies related to public access. The nearest existing public access is *Mendocino Gardens Blufftop Shoreline Access*, approximately one-half (0.5) mile north, as shown on the *LCP Land Use Map 14: Beaver* map. The proposed project will not impact any existing or proposed public access.

With the additional conditions, Staff finds the project to be consistent with Mendocino County policies for Coastal Shoreline Access Element Chapter 3.6 and Chapter 4.5; and will be consistent with MCC Chapter 20.528 regulations.

#### **ENVIRONMENTAL DETERMINATION**

The project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Article 19, Section 15303, Class 3 New Construction or Conversion of Small Structures

#### **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 remove 104 square feet of the existing single-family residence and construct a 511 square foot addition for a net gain of 407 square feet along with the conversion of an existing workshop to a guest cottage with the addition of a full bathroom and the remodeling of an existing garage. Neither the workshop conversion nor the garage remodel will enlarge the footprint of either structure and adopts the following findings and conditions.

#### **FINDINGS:**

- 1. Pursuant with MCC Section 20.532.095(A(1), Coastal Residential Land Use Types are principally permitted in the Rural Residential classification; single-family residential land uses conform to the goals and policies of the certified Local Coastal Program, including policies identifies in the Coastal Element Chapter 2.2 (Rural Residential Land Use and Non-Conforming Use Classification), Chapter 3.4 (Hazards Management), Chapter 3.5 (Visual Resources, Special Communities and Archaeological Resources) and Chapter 3.6 (Shoreline Access and Trail/Bikeway System), Chapter 3.8 (Transportation, Utilities and Public Services) and Chapter 4.5 (Hare Creek to Jug Handle Creek Planning Area). The proposed development to remove 104 square feet of the existing single-family residence and construct a 511 square foot addition for a net gain of 407 square feet along with the conversion of an existing workshop to a guest cottage with the addition of a full bathroom and the remodeling of an existing garage. Neither the workshop conversion nor the garage remodel will enlarge the footprint of either structure, and are principally permitted uses within the Rural Residential land use and Non-Conforming Use classifications; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development to remove 104 square feet of the existing single-family residence and construct a 511 square foot addition for a net gain of 407 square feet along with the conversion of an existing workshop to a guest cottage with the addition of a full bathroom and the remodeling of an existing garage. Neither the workshop conversion nor the garage remodel will enlarge the footprint of either structure. The project would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The subject parcel currently is served by an existing on-site septic system, existing driveway from Pacific Way (CR 436A) and is not connected to any Water District. No increase of water or septic will result from the proposed project; and

- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development to remove 104 square feet of the existing single-family residence and construct a 511 square foot addition for a net gain of 407 square feet along with the conversion of an existing workshop to a guest cottage with the addition of a full bathroom and the remodeling of an existing garage. Neither the workshop conversion nor the garage remodel will enlarge the footprint of either structure. The project is consistent with the purpose and intent of the Rural Residential and Non-Conforming Use Zoning Districts, as well as all other provisions of Division II of Title 20 of the Mendocino County Code. The proposed development preserves the integrity of the Rural Residential and Non-Conforming Use Zoning Districts by allowing the continued use of principally permitted uses and accessory development in the Rural Residential and Non-Conforming Use Zoning Districts; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, 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. The proposed development is to remove 104 square feet of the existing single-family residence and construct a 511 square foot addition for a net gain of 407 square feet along with the conversion of an existing workshop to a guest cottage with the addition of a full bathroom and the remodeling of an existing garage. Neither the workshop conversion nor the garage remodel will enlarge the footprint of either structure, and are categorically exempt pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures., and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development to remove 104 square feet of the existing single-family residence and construct a 511 square foot addition for a net gain of 407 square feet along with the conversion of an existing workshop to a guest cottage with the addition of a full bathroom and the remodeling of an existing garage. will not have any adverse impact on any known archaeological or paleontological resources. The Mendocino County Archaeological Commission accepted the cultural report on September 8, 2021. Condition 8 is recommended to ensure protection if archaeological sites and artifacts are discovered during ground disturbance 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 proposed development. The proposal to remove 104 square feet of the existing single-family residence and construct a 511 square foot addition for a net gain of 407 square feet along with the conversion of an existing workshop to a guest cottage with the addition of a full bathroom and the remodeling of an existing garage will not have any adverse impact are not anticipated to significantly affect demands on public services. Solid waste is available either at curbside pick-up or at the South Coast Transfer Station (several miles away). The proposed development would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned; and
- 7. Pursuant with MCC Section 20.532.095(B1), the proposed development to remove 104 square feet of the existing single-family residence and construct a 511 square foot addition for a net gain of 407 square feet along with the conversion of an existing workshop to a guest cottage with the addition of a full bathroom and the remodeling of an existing garage. Neither the workshop conversion nor the garage remodel will enlarge the footprint of either structure, nor will not diminish public access. The project conforms to the goals and policies of the Coastal Element Chapters 3.6 and Chapter 4.5 of the Mendocino County General Plan. Shoreline access is available within one-half north of the residence at *Mendocino Gardens Blufftop Shoreline Access*.

#### **CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (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. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
- 3. 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.
- 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 Coastal Permit Administrator.
- 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. 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. Any Building Permit request shall include all conditions of approval of Coastal Development Permit CDP\_2021-0011. Conditions shall be attached to or printed on the plans submitted. "CDP\_2021-0011" shall be written on each page of submitted plans.
- 10. Prior to the issuance of any building, septic or well permit in reliance of this Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
  - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
  - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and

- c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
- d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, the, guest cottage, the second residential unit, the potting shed, the, garages, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future; and
- e. The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach or ocean before they can be removed from the bluff top, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
- f. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
- 11. Prior to issuance of a Building Permit, the property owner shall furnish exterior finish schedule consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.015(C)(3), for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.
- 12. <u>Prior to issuance of a Building Permit,</u> the property owner shall furnish exterior lighting details consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.035, for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.
- 13. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which 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 project action.

Staff Report prepared by:

1-10 CO.

DATE

Appeal Period: 10 Days Appeal Fee: \$2,674.00

### **ATTACHMENTS:**

- A. Location Map
- B. Aerial Map
- C. Existing Site Plan
- D. Proposed Site Plan
- E. Existing Floor Plan and West Elevation
- F. Existing Elevations
- G. Existing East Elevation
- H. Existing South Elevation
- I. Existing North Elevation
- J. New Floor Plan
- K. New North Elevation
- L. New South Elevation
- M. New East Elevation
- N. New West Elevation
- O. Guest Cottage Floor Plan

- P. Zoning Display Map
- Q. General Plan Classifications
- R. LCP Land Use Map 14: Beaver
- S. LCP Land Capabilities & Natural Hazards
- T. LCP Habitats & Resources
- U. Post LCP Certification and Appeal Jurisdiction
- V. Fire Hazards Zones & Responsibility Areas
- W. Wetlands
- X. Groundwater Resources
- Y. Estimated Slopes
- Z. Western Soil Classifications
- AA. Farmland Classifications
- BB. Adjacent Parcels

#### **REFERENCES:**

(Coastal Element) Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan, Coastal Element. 1985. Accessed September 29, 2021, at: <a href="https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element">https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element</a>

(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code. Accessed September 29, 2021, at: <a href="https://library.municode.com/ca/mendocino">https://library.municode.com/ca/mendocino</a> county/codes/code of ordinances?nodeId=MECOCO TIT20 ZOOR\_DIVIIMECOCOZOCO

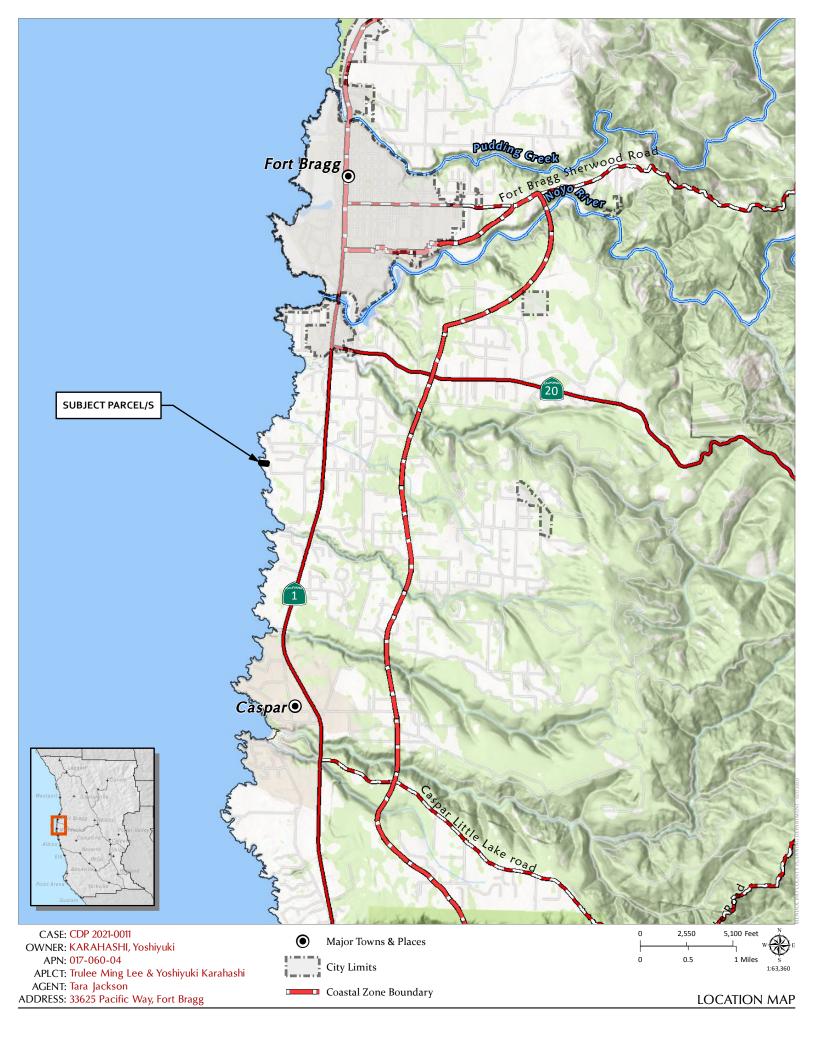
Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 131: Gualala [map]. 1985. Accessed September 29, 2021, at: <a href="https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps">https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps</a>

Mendocino County Department of Planning & Building Services. June 2007. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed September 29, 2021, at: <a href="https://www.mendocinocounty.org/government/planning/Fire">https://www.mendocinocounty.org/government/planning/Fire</a> Hazard Severity Map.pdf

Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed September 29, 2021, at: <a href="http://www.co.mendocino.ca.us/planning/pdf/12x36">http://www.co.mendocino.ca.us/planning/pdf/12x36</a> Coastal Groundwater Areas.pdf

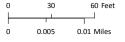
Trulee Lee, Alta Archaeological Consulting. Archaeological Survey Report. October 10, 2020.

Asa Spade, Wynn Coastal Planning and Biology, Biological Scoping and Botanical Survey Report, October 7, 2020

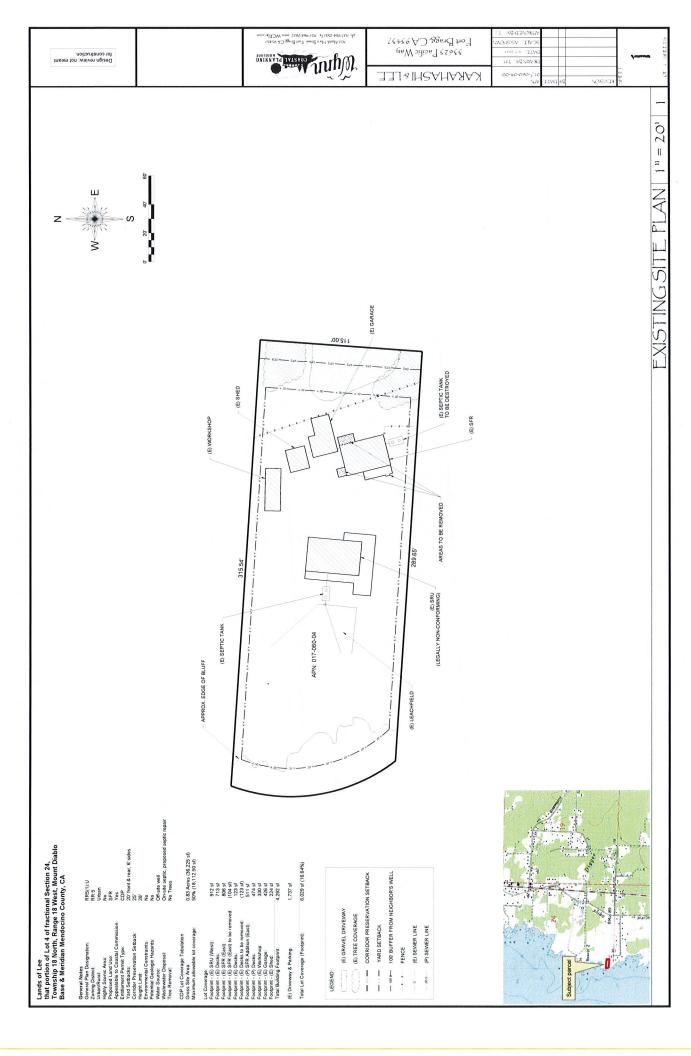


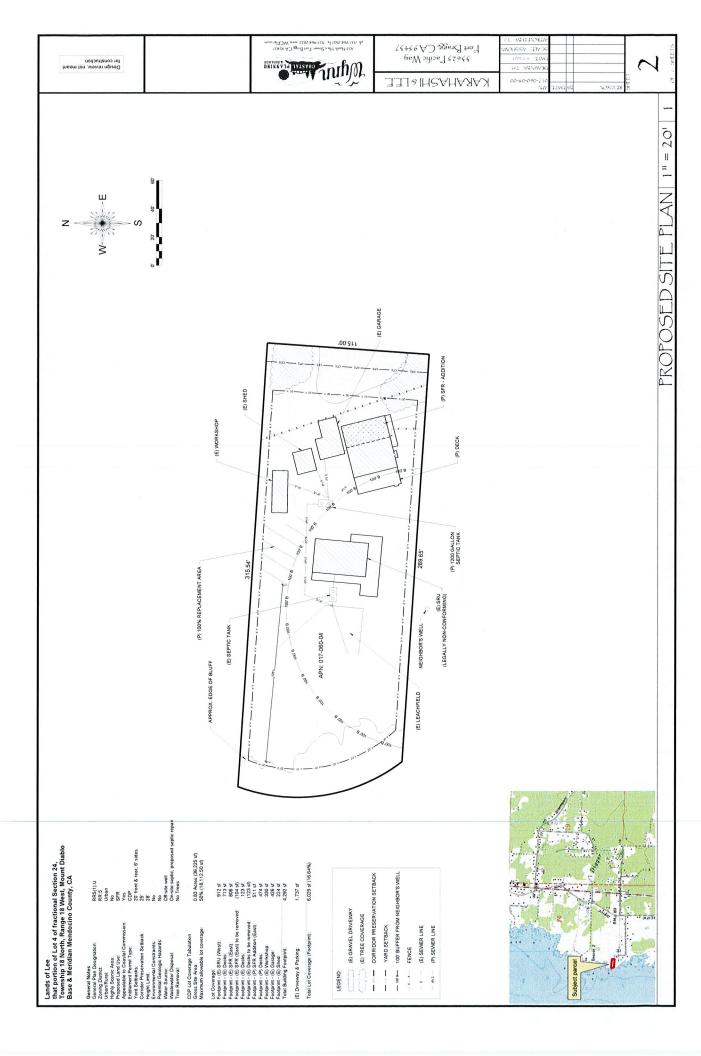


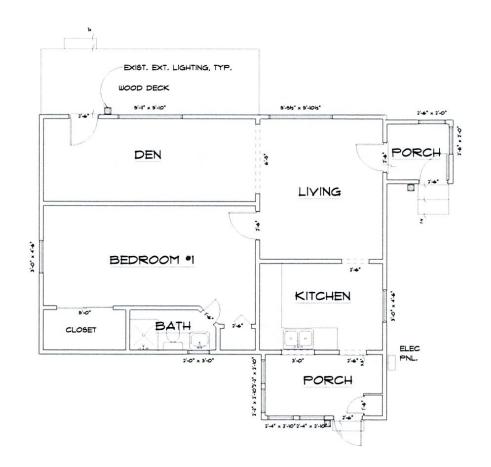
CASE: CLP 2021-0011
OWNER: KARAHASHI, Yoshiyuki
APN: 017-060-04
APLCT: Trulee Ming Lee & Yoshiyuki Karahashi
AGENT: Tara Jackson
ADDRESS: 33625 Pacific Way, Fort Bragg









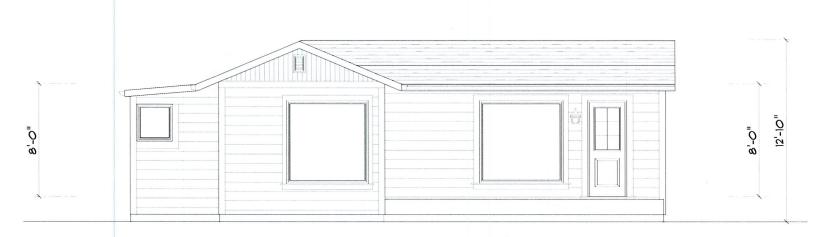


# EXISTING FLOOR PLAN

(E)TOTAL: 806 SQFT

SCALE: 3/16" - 1'-0"





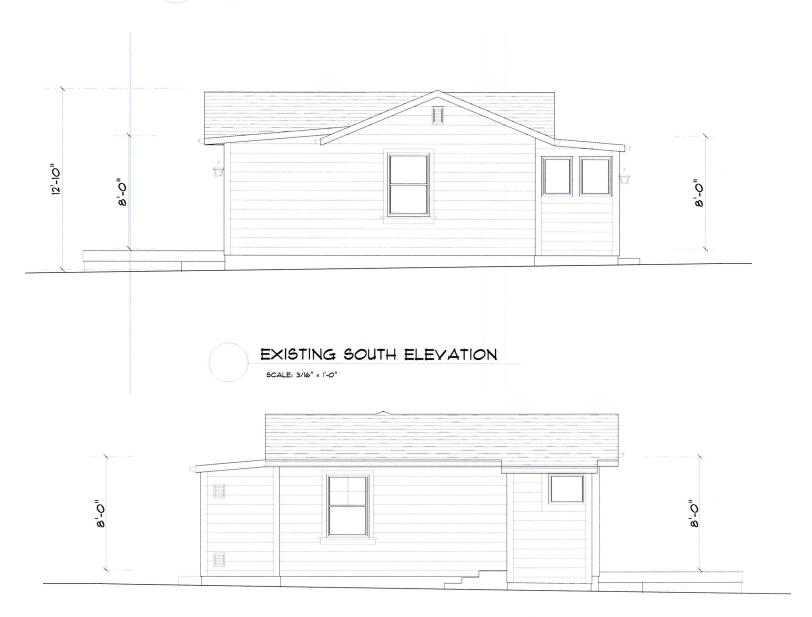
EXISTING WEST ELEVATION

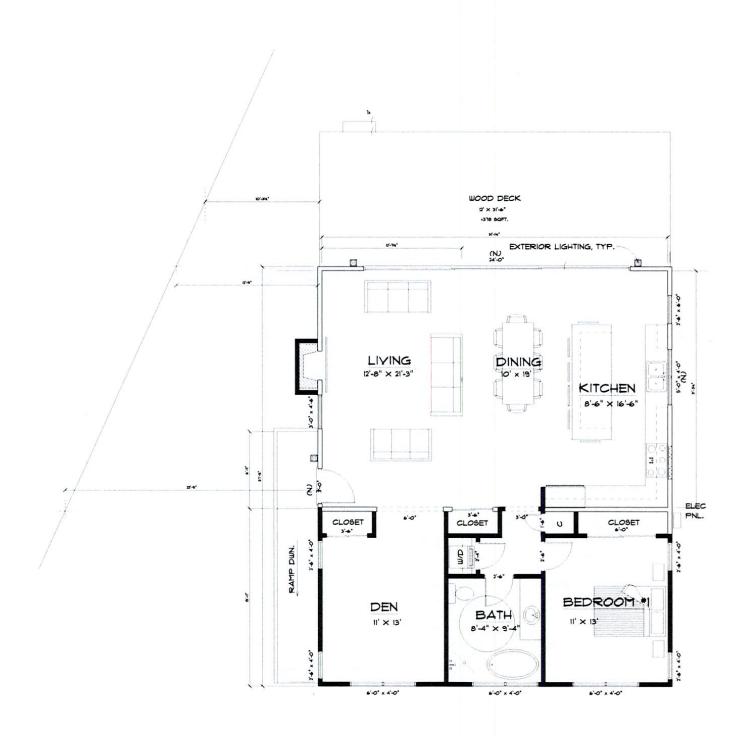
SCALE: 3/16" = 1'-0"

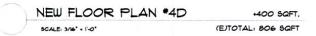


# EXISTING EAST ELEVATION

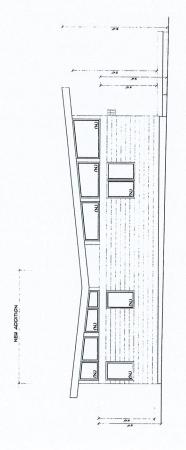
SCALE: 3/16" = 1'-0"











NEW NORTH ELEYATION #2D

RECEIVED MAY 1 1 2021

PLANNING & BUILDING SERV FORT BRACE CA MAY 11 2021 PEUSIA PEUSIA

NEW SOUTH ELEVATION #2D

NEW ADDITION

VERS DIALONA & BUILDING SERVICE SERVIC

HECEINED WAS IN SOME OF THE CHERT AND THE CH

2 3 2

NEW ADDITION

NEW EAST ELEVATION #2D

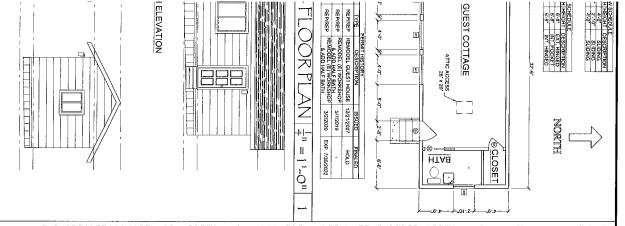
EXTERIOR LIGHTING, TYP,

DEVISION MAY 1 1 2021

NEW WEST ELEVATION #2D

14'-3%"

EXTERIOR LIGHTING, TYP.



# ELECTRICAL REQUIREMENTS

OUTLET'S, WINTCHEES AND CIRCUITERY
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All electrical cuteful, sendations, and accessore shall be written and color of the color of th anity oullets shall be mounted at +38" from finish floor to bottom of box Il switches shall be mou ited at +44" from finish floor to bottom of box

All new branch family r dens, b hallway listed a installer "Outlett lighting alarm c be AFC

Electrical cultets will be remained at locations valided on plans and 12-0° o.c. Maximum, 62° manumin from contine, and at any wait 22° oft, heighth or greater. Electrical cultiet becase at read for exastle to be steed or will happen of maximum, and public becaded on opposition states of raised feetwalls by all there a manimum of 24° to hoverhall supposition states, or all outcome at asset, and all passing. Electrical recompositions where a source, at all continum raises, and all passing. Electrical recompositions without of the plan and plans of the provided or infest suppositions of private or from the provided or infest suppositions of private control in the provided or infest suppositions of private control in the provided or the private supposition of the private control in the private supposition of the definition private in find with Controllation of Achiever.

LIGHT EXPLICES.

Lamps used in luminates for general lighting in biothers and bathcoms shall have an efficiency of not less than 40 luminate per wait (i.e., Elucacion), Luminates which are to not highing in a biother or a platform with the considerate general lighting. Lighting to be used only for spocific visual listes or describes effect are exempt from the stephene cale broken seamont lighting included luminates that are meant to light only a specific task ware such as a kicken counter, sink diffring table, to bathcom mirror, Light factures no class must be 18 from all road & shivetes, or be recessed and shall be isled & insalida according to the risings, Light finances over those or shallable for ample bockiers. If not largeled for camp potations, rising large 17-8 above dry water into all but or broads light a time to the or broads between a child and the counter of the cou

SUCKE DETECTORS.

Shows of beneficial to be located in all shoung some and all point centrally beneficial to be located in the sorted or unea giving screams to exist the special elements are some statement of the sorted of the sorted of the project of the sorted of th 

All newly installed smoke alarms shall have a 10-year ballery. Smoke alarms shall be replaced 10 years from the date of manufacture marked on the urnt. (CBC 907.2.11, CRC 914.3, CRC 915.1) Smoke alarms shall be installed on the ceiling or wall between 4" and 12" of the ceiling. ARBON MONOXIDE DETECTORS tocquired outside of each separate stopping area in the immediate vicinity of defloorist (e. h. fallway) and on each stopy within a dawsling unit, Carbon romoido alarms shall be installed on the ceiling or wall above the door not be stopping. 4 PLUG

SUB-PANEL

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All now olocincal outlots (including smoke alarms, carbon monoxido alarms receptacles, switches, lighting, etc.) shall be on circuits protected with a combination arc-fault circuit interrupter. (CEC 210.12)

MECHANICAL NOTES
fan or other sorbast systems exhausting air from conditioned space to the outside half be provided with backdard (dampost to provent air taskage. Themsetabeally controlled heating or cooking systems shall have an automatic memorate with the cook removemen when the building occupant is an automatic memorate with a cook removemen when the building occupant is an automatic memorate with a cook removemen when the building occupant is an automatic memorate with a cook of the second second

BATHRO & FAN C

LP GAS GROUND OUTLET RESISTA GROUND

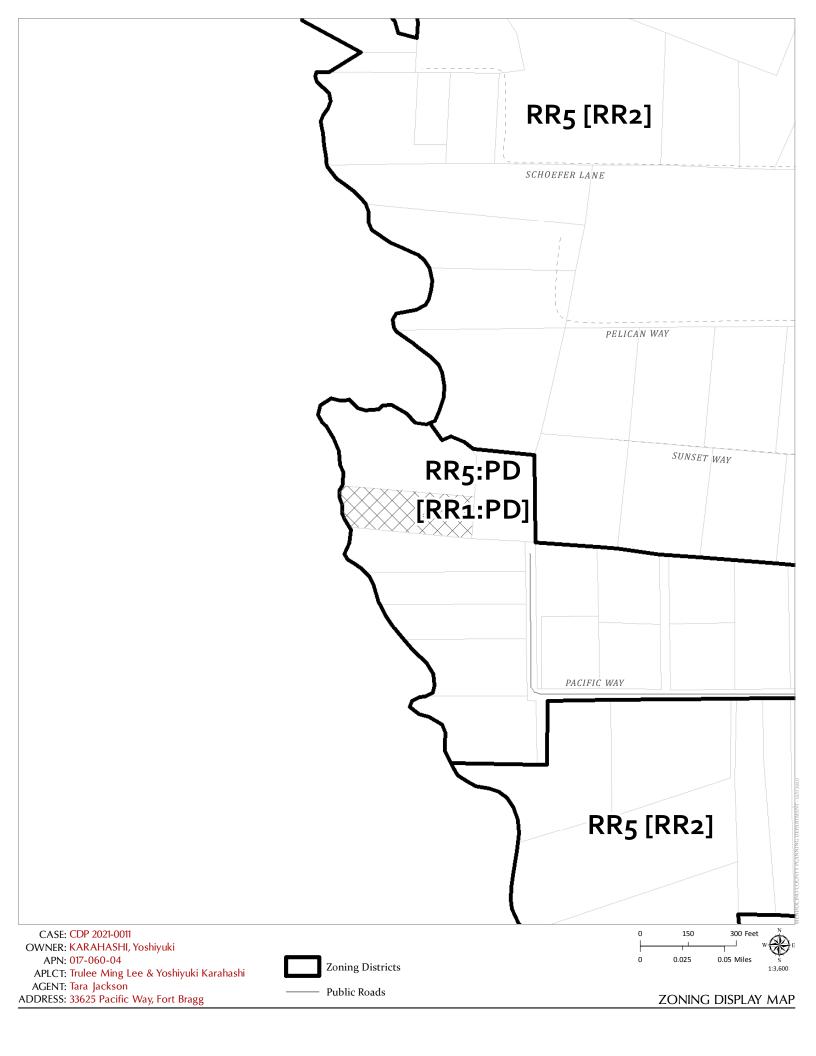
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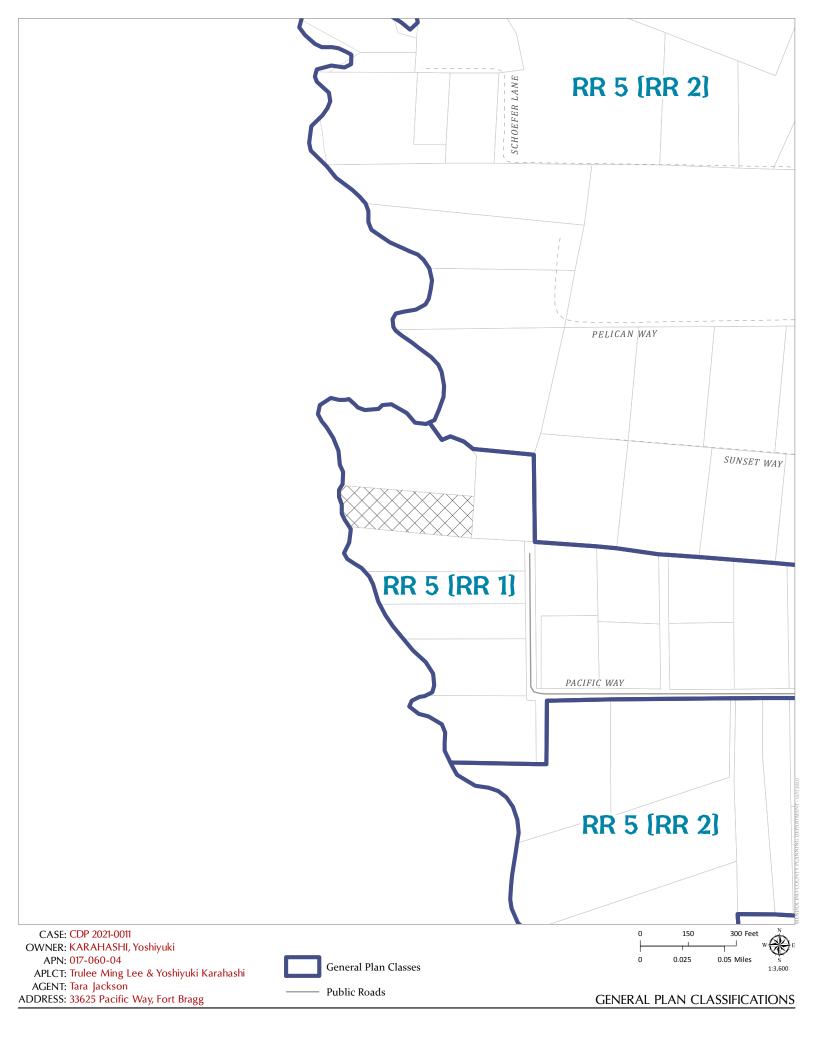
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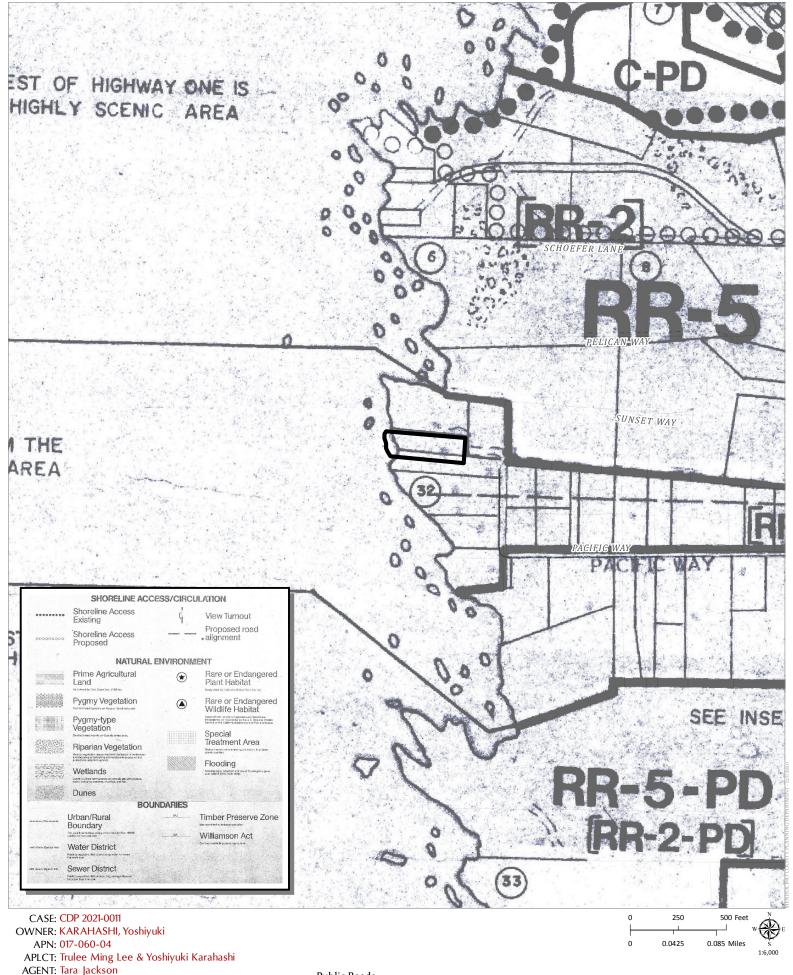
EAST ELEVATION

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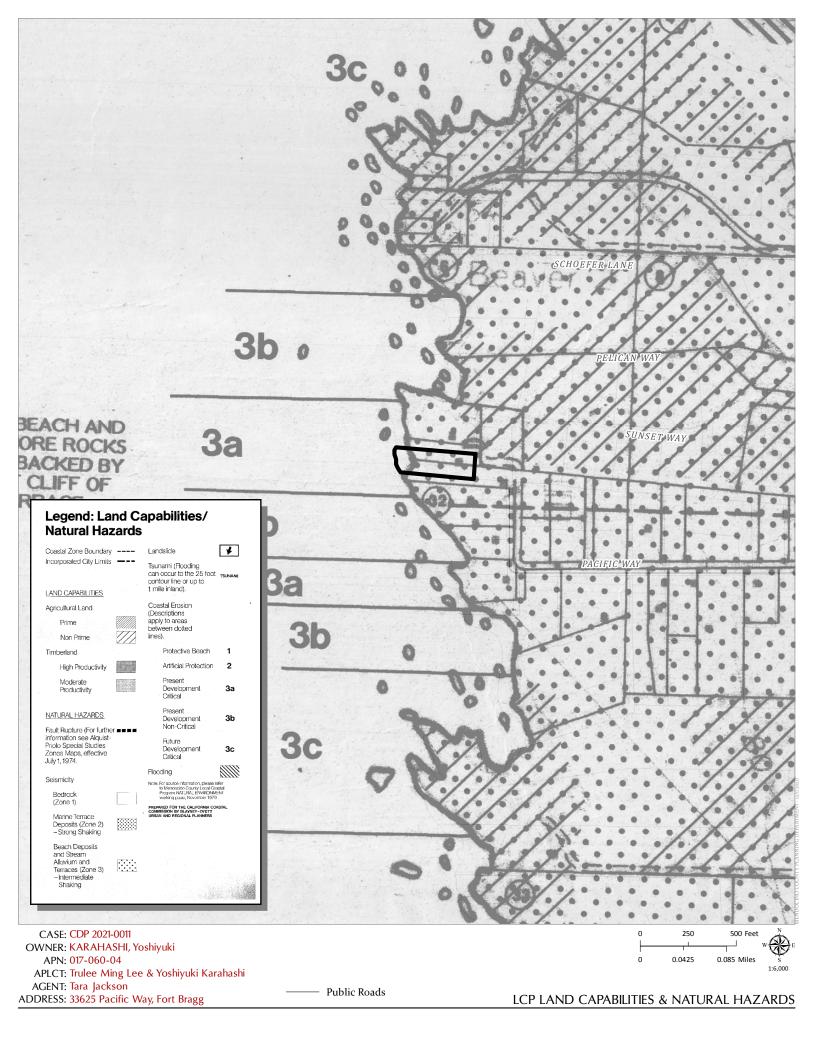


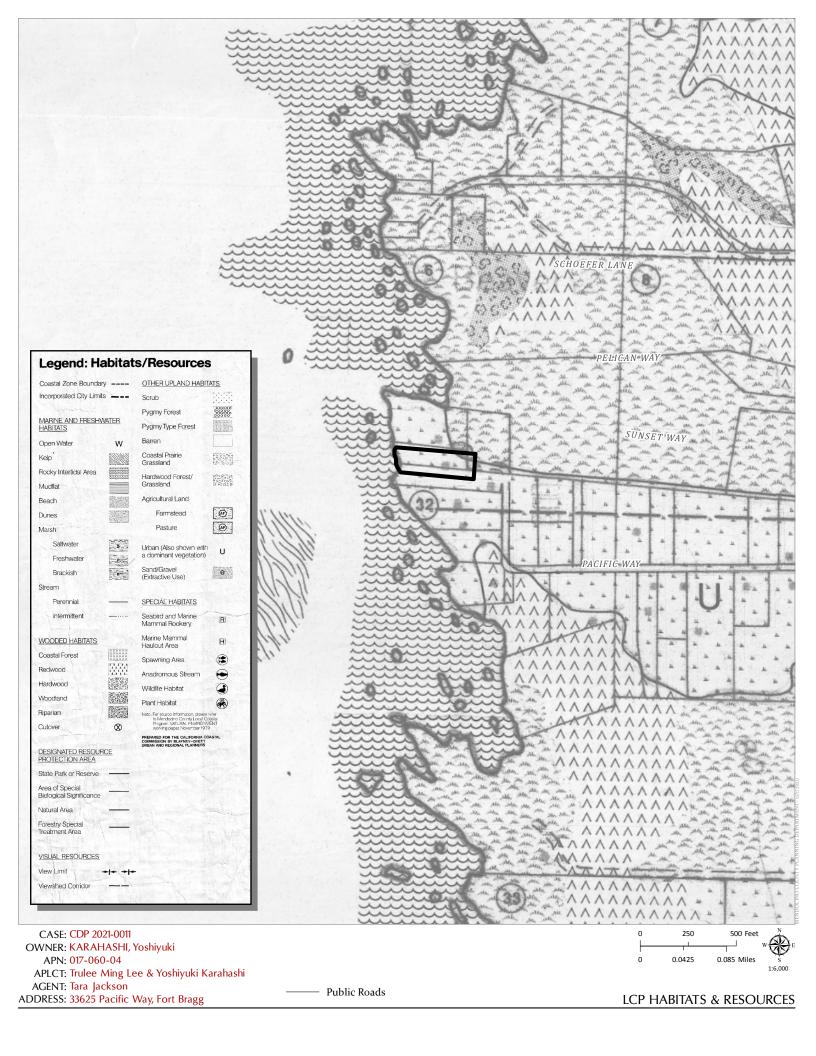
AGENT: Tara Jackson

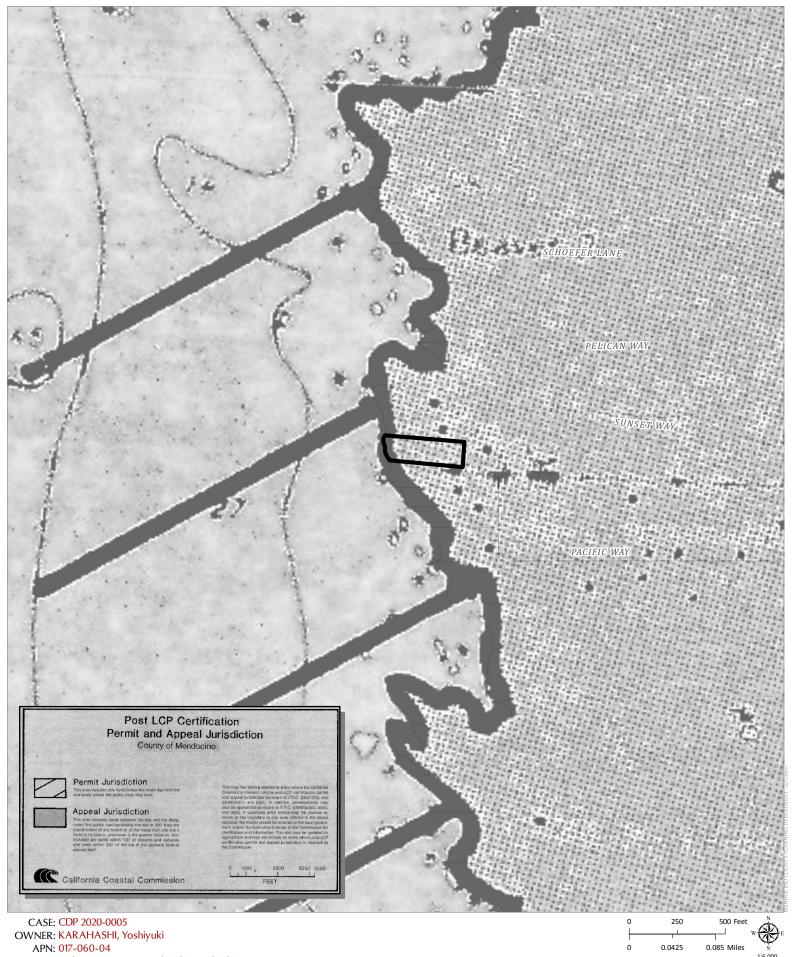
ADDRESS: 33625 Pacific Way, Fort Bragg

Public Roads

LCP LAND USE MAP 14: BEAVER





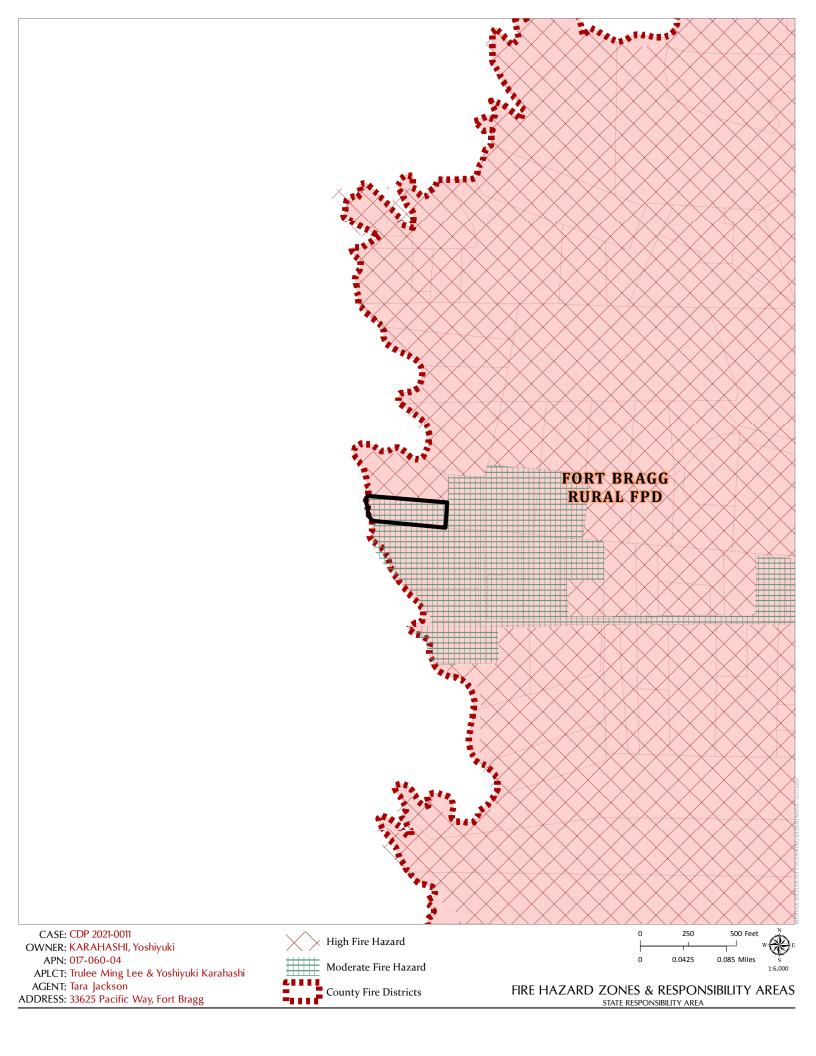


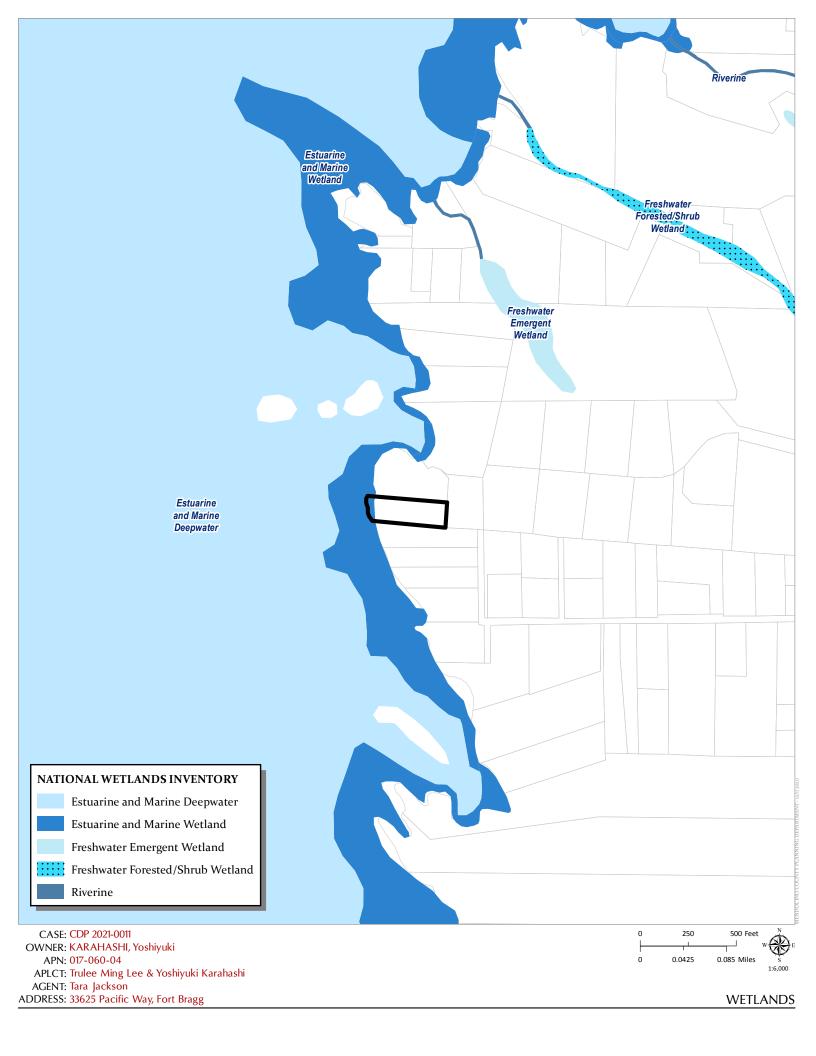
Public Roads

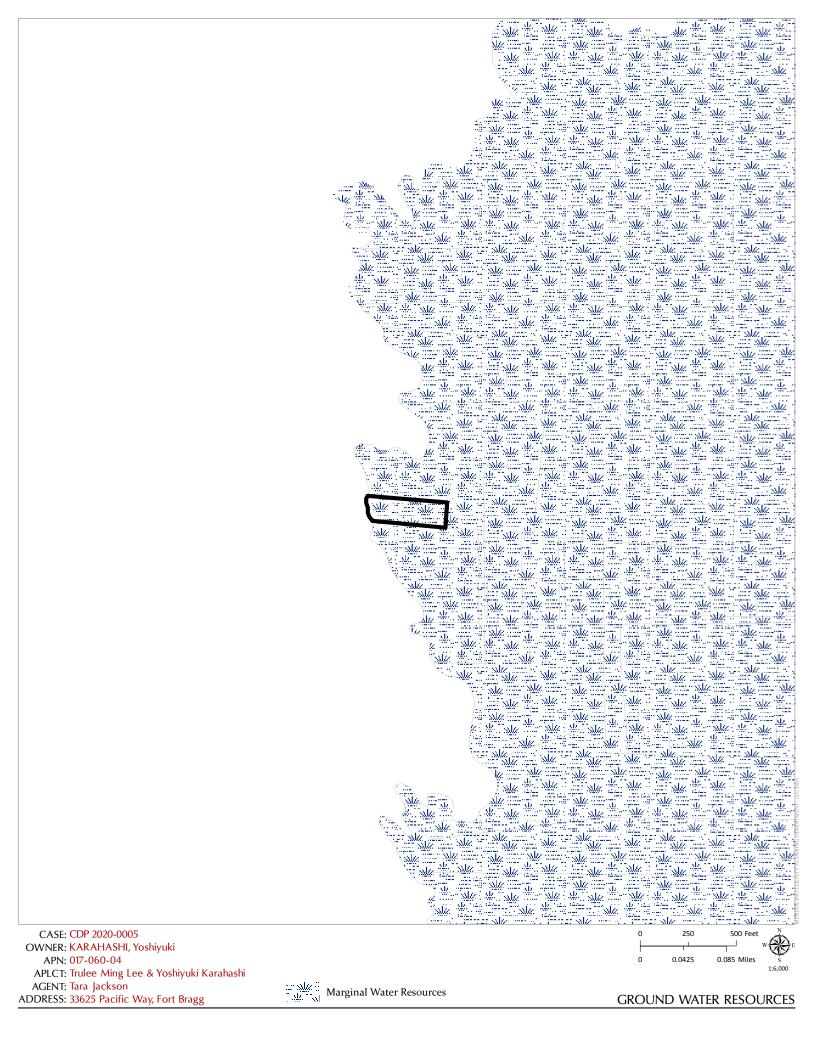
APLCT: Trulee Ming Lee & Yoshiyuki Karahashi

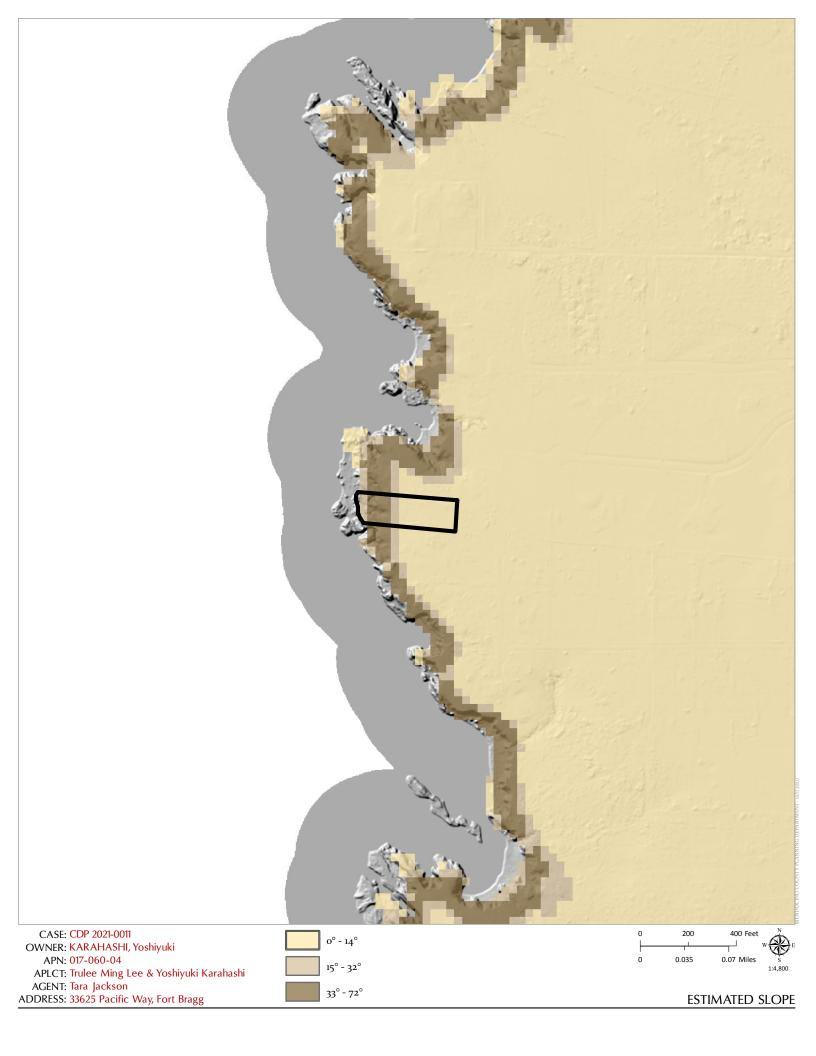
AGENT: Tara Jackson ADDRESS: 33625 Pacific Way, Fort Bragg

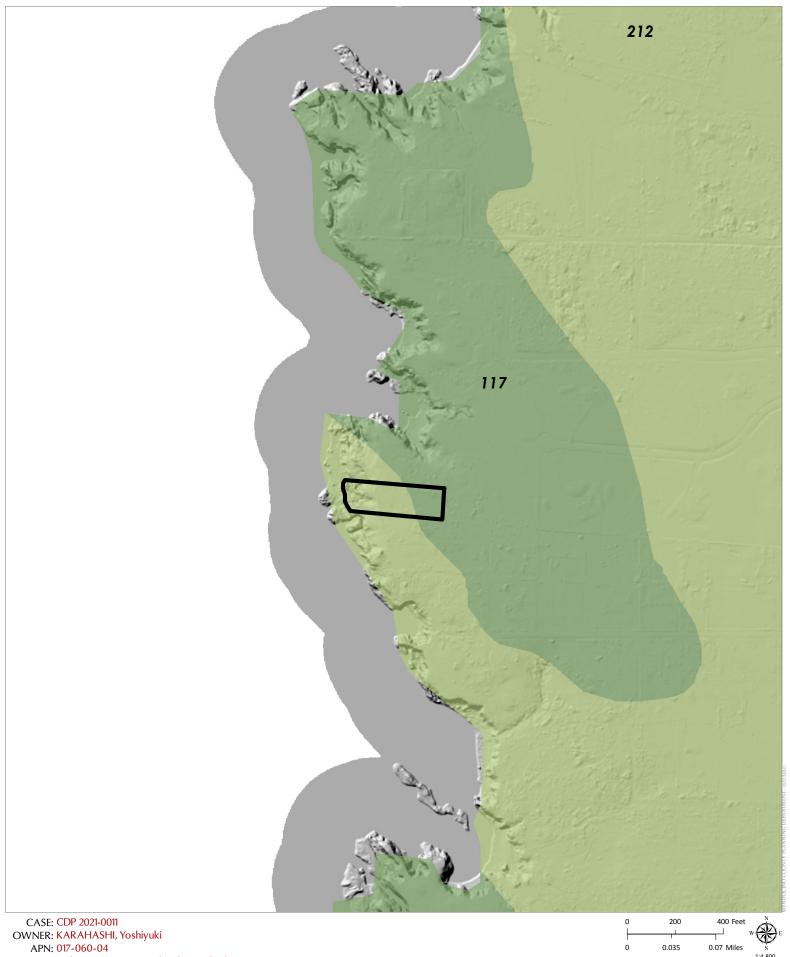
POST LCP CERTIFICATION & APPEAL JURISDICTION











APLCT: Trulee Ming Lee & Yoshiyuki Karahashi AGENT: Tara Jackson ADDRESS: 33625 Pacific Way, Fort Bragg

