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DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: JANUARY 25, 2024
TO: COASTAL PERMIT ADMINISTRATOR
FROM: KEITH GRONENDYKE, PLANNER III
SUBJECT: CDP_2021-0011 (LEE AND KARAHASHI)

This memo is regarding the above noted Coastal Development Permit application 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 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 and located at 33625 Pacific Way in Fort Bragg.

Wynn Coastal Planning and Biology (WCPB) has commented on the staff report and the conditions of approval. Staff will summarize these applicable changes and recommend further actions as detailed below:

- PG. CPA-4: Original sentence reads: *"A review of the address file for the property does not indicate when additional construction occurred."* WCPB has submitted a Residential Property appraisal record from the Mendocino County Assessors Office that indicates the single-family-residence was first constructed in 1948, while the second residential unit was first constructed in 1966. Staff would concur with this new timeline of construction.
- Page CPA-5: Comment that paragraph duplicated from previous page. This is a duplication, but that is because the first paragraph on page CPA-4 is in reference to consistency with the Mendocino County General Plan Chapter 2.2-Non-Conforming Uses, while the second paragraph on page CPA-5 is in reference to the Mendocino County Zoning Ordinance Division II, Section 20.480.010(A) Non-Conforming Uses.
- Page CPA-6: Original sentence reads: *"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 only to policy 3.5.1 of the Coastal Element which states..."* Staff feels that, while not being technically located in a designated highly scenic overlay district, the location of the property on a blufftop parcel does warrant increased visual evaluation of any new development for possible detrimental effects to surrounding properties.
- Page CPA-6: Original sentence reads: *"...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..."* Staff can agree that MCC Chapter 20.504(C) does not technically apply to the subject parcel and should be deleted.

- Page CPA-7: Original sentence reads: “...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.” WCPB has indicated that a previous Coastal Development Permit (CDU 32-2004) had the same condition as this new entitlement application, which is correct, but staff has not been presented with a recorded deed. Staff will leave this condition 13 in place, unless a previously recorded deed restriction for CDU 32-2004 can be submitted.
- Page CPA-7: Original sentence reads: “The applicant submitted an Archaeological Survey Report prepared by Trulee Lee of Alta Archaeological Consulting dated February 23, 2021...” WCPB correctly identified the preparer of the study as Alex DeGeorgey. It was prepared for Trulee Lee. Additionally, the document was prepared on October 2, 2020, but date stamped as being received by the Mendocino County Planning Department on February 23, 2021.
- Page CPA-8: Original sentence reads: *With the additional conditions...*” WCPB posits that this portion of the sentence should be removed as there are no additional conditions related to public access. Staff would concur.
- Page CPA-10: Original condition 10 reads: “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.” WCPB would desire to change this condition to read: “The project will be completed in phases, 1) SFR addition, convert Workshop to Guest Cottage; 2) Install full bath in Guest Cottage; 3) Remodel existing garage.” Staff feels that the rewording of condition 10 is unnecessary, as each iteration of the condition says essentially the same thing. phasing the project does not negate the requirement of having a building inspection at least once a year. Additionally, when at least 15 percent of the project cost has been spent, the project can be deemed to be vested, and the project will not have an expiration date of two-years after approval, which is what the original intent of Condition 10 is. The recommended rewording of this condition calls for phasing but gives no timeline. Staff recommends not changing the language of Condition 10 as originally written.

Attachments:

- Email from Meghan Durbin dated Monday January 22, 2024.
- Copy of January 25, 2024 staff report with suggested edits from Wynn Coastal Planning and Biology.
- Mendocino County Assessors Residential Property Appraisal Record for the subject property,
- Final Findings and Conditions of Approval for CDU 32-2004.

Keith Gronendyke

From: Meghan Durbin <Meghan@WCPlan.com>
Sent: Monday, January 22, 2024 10:38 AM
To: Keith Gronendyke
Cc: Russell Ford; Julia Krog; Amy Wynn
Subject: YKT; Staff Report Revisions for CDP_2021-0011
Attachments: CDP_20210011 Complete Post EDIT RECS to KG.pdf; YKT Mendo Assessor 2018 08 20 Parcel Cards aw tj.pdf; CDU 32-2004 NOFA.pdf

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Keith,

Thanks for getting this project on this week's agenda!

Amy and I have reviewed the staff report and found a few problems/questions. Please see the attached copy of your staff report including our annotations for specifics. I've also attached two supporting documents in regard to our comments - assessor's office property records and the NOFA for a use permit approved in 2006.

Our comments refer to the following topics:

1. A few typographical errors/omissions
2. Some references to highly scenic area appear out of place
3. There may already be a deed restriction of the same content noted in condition #10; we are checking with the recorder's office to verify
4. The application requested that the project be phased. Neither the findings and conditions, nor the staff report, reference phasing at all. Further, Condition #3 is the standard "continuous progress" condition which is antithetical to phasing. Amy and I developed the suggested revision below in case you don't already have a template for phasing language:
 - **As written:** C3. *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.*
 - **Change to:** C3. *The project will be completed in phases, 1) SFR addition, convert Workshop to Guest Cottage; 2) install full bath in Guest Cottage; 3) Remodel existing Garage.* ~~*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.*~~

Can you please write a memo regarding the appropriate corrections, to be available for review on Wednesday morning so that we have time to review prior to the hearing?

Thank you again for your expedient work on this project!

-Meghan

Meghan Durbin, Senior Planner
Wynn Coastal Planning & Biology
707-409-9597 Direct



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT FOR STANDARD CDP**

**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)**

APPLICANT'S STATEMENT: *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 in 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** formatting: believe this is a header for the permit list below

- 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)

SITE CHARACTERISTICS: 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:

Land Use: 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.”

See attached assessor's detail record; notes SRU unit in 1966

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."*

duplicate paragraph, bottom previous page

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.

Visual Resources: 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:

we don't think this is an accurate description, it is not still considered to be an HSA because of those features

"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.~~

"...located outside of a highly..."

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. . ~~not in an HSA so shouldn't be referenced?~~

Hazards Management: 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

ording a deed
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approval of
DU #32-2004;
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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.

Habitats and Natural Resources: 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.

Grading, Erosion, and Run Off: 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.

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. 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.

epared by
ex DeGregory
id Nicholas
adtky; October
2020

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.

Transportation/Circulation: 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.

Public Access: 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.

Should this say
thout, since
ere are no add'l
nditions in this
blic Access section

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 are consistent with the intent of the Rural Residential 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*.
"...nor will they diminish..."
"...one half mile north..."

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. this condition is antithetical to phasing; see suggested language in email
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

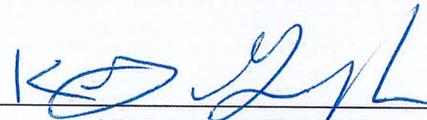
requirement may
have already been
met under CDU 32-2004

- 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. Prior to issuance of a Building Permit, 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:

1-10-2024

DATE



KEITH GRONENDYKE
PLANNER III

Appeal Period: 10 Days

Appeal Fee: \$2,674.00

ATTACHMENTS:

- | | |
|---|--|
| A. Location Map | P. Zoning Display Map |
| B. Aerial Map | Q. General Plan Classifications |
| C. Existing Site Plan | R. LCP Land Use Map 14: Beaver |
| D. Proposed Site Plan | S. LCP Land Capabilities & Natural Hazards |
| E. Existing Floor Plan and West Elevation | T. LCP Habitats & Resources |
| F. Existing Elevations | U. Post LCP Certification and Appeal
Jurisdiction |
| G. Existing East Elevation | V. Fire Hazards Zones & Responsibility Areas |
| H. Existing South Elevation | W. Wetlands |
| I. Existing North Elevation | X. Groundwater Resources |
| J. New Floor Plan | Y. Estimated Slopes |
| K. New North Elevation | Z. Western Soil Classifications |
| L. New South Elevation | AA. Farmland Classifications |
| M. New East Elevation | BB. Adjacent Parcels |
| N. New West Elevation | |
| O. Guest Cottage Floor Plan | |

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: <https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element>

(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: https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20_ZOOR_DIVIIMECOCOZOZO

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

Mendocino County Department of Planning & Building Services. June 2007. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed September 29, 2021, at: https://www.mendocinocounty.org/government/planning/Fire_Hazard_Severity_Map.pdf

Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed September 29, 2021, at: http://www.co.mendocino.ca.us/planning/pdf/12x36_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

SUSAN M. RANOCHAK

ASSESSOR-COUNTY CLERK-RECORDER

REGISTRAR OF VOTERS

COMMISSIONER OF
CIVIL MARRIAGES



COUNTY OF MENDOCINO

ASSESSOR
(707) 463-4311

OFFICE OF ASSESSOR
501 LOW GAP ROAD, RM. 1020
UKIAH, CALIFORNIA 95482
E-MAIL: www.co.mendocino.ca.us/acr

FAX COVER SHEET

TO: *WYNA COASTAL PLANNING* FROM:

COMPANY: DATE: *8-20-18*

FAX NUMBER: *964-2622* TOTAL NO. OF PAGES INCLUDING COVER:

PHONE NUMBER: SENDER'S FAX NUMBER:
(707) 463-6597

RE: CONTACT PHONE NUMBER:

URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

PLEASE RECYCLE

Notes/Comments:

copy of parcel card # 017-060-04

Fax # 964-2622

RESIDENTIAL BUILDING RECORD

ADDRESS

PARCEL 17-06-4
SHEET 2 OF 3 SHEETS

DESCRIPTION OF BUILDING

ISS & SHAPE	CONSTRUCTION	STRUCTURAL	EXTERIOR	ROOF		LIGHTING		AIR CONDITION		ROOMS		ROOM AND FINISH DETAIL											
				Frame	Pitch	Wiring	Heating	Cooling	B	I	FLOORS	FLOOR FINISH	TRIM	INTERIOR FINISH									
CHITECTURE	X Standard	2" x 4" - 2"	X Siding 1" x 8"	X Gable 3/4 1/4	X R.T. Conduit	X Heating Forced	X Cooling	X Rooms	X Bath	X Kitchen	X Living	X Dining	X Bed	X Hall	X Stair	X Porch	X Deck	X Garage	X Driveway	X Fences	X Pools	X Other	
1 Stories	Special	B.B. T.G.	Shingle	Shingle	Downers	Chang	Floor Unit	Zone Unit	Control	Ent Hall	Living	Dining	Bed	Bed	Bed	Bed	Bed	Bed	Bed	Bed	Bed	Bed	Bed
se Design	X Foundation	Adobe	Shingle	Shingle	X Roof 4" x 4" - 2"	X Gutter	X Dryer	X Stove	X W.D.U.	X Kitchen	X Living	X Dining	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed
angle	Concrete	X Floor Joist	Shingle	Shingle	X Gutter	X Dryer	X Stove	X W.D.U.	X Kitchen	X Living	X Dining	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed
Reinforced	Brick	2" x 4" - 2"	Shingle	Shingle	X Gutter	X Dryer	X Stove	X W.D.U.	X Kitchen	X Living	X Dining	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed
Brick	Wood	Sub-Floor	Shingle	Shingle	X Gutter	X Dryer	X Stove	X W.D.U.	X Kitchen	X Living	X Dining	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed
Part-Court	X Piers	Concrete Floor	Shingle	Shingle	X Gutter	X Dryer	X Stove	X W.D.U.	X Kitchen	X Living	X Dining	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed	X Bed
total																							

CONSTRUCTION RECORD				EFFECTIVE YEAR				APPROXIMATE YEAR				NORMAL % GOOD				RATING (E, G, A, F, P)												
Permit	For	Amount	Date	Year	Year	Year	Year	Age	Remaining Life	Table	%	Cond.	Arch. Aff.	Func. Plan	Con-Form	Storage Capab.	Space Clean	Work-Instk	Fl. No.	Floors	Walls	Recl. Job	Type	Grade	St. Detail	Finish	Shower	
			1942	1942	1971	1971	1971	11	23	33	R55	86	F	A	A	A	F	F	A	1	1	1	1	1	1	1	1	1

COMPUTATION				TOTAL				NORMAL % GOOD				RATING (E, G, A, F, P)																			
Unit	Area	Unit Cost	Cost	Unit	Area	Unit Cost	Cost	Unit	Area	Unit Cost	Cost	Unit	Area	Unit Cost	Cost	Unit	Area	Unit Cost	Cost	Unit	Area	Unit Cost	Cost	Unit	Area	Unit Cost	Cost	Unit	Area	Unit Cost	Cost
UPRISER	11-17-57	61102-16-41	8.52	5980	710	5006	8.52	5980	1020	8.52	8712	8.52	8712	8.52	8712	8.52	8712	8.52	8712	8.52	8712	8.52	8712	8.52	8712	8.52	8712	8.52	8712	8.52	8712
VC. SLAB	408	45	180	45	180	45	180	45	180	45	180	45	180	45	180	45	180	45	180	45	180	45	180	45	180	45	180	45	180	45	180
W.D.	120																														
TOTAL			4700		6030		7200		84		5060		5060		5060		5060		5060		5060		5060		5060		5060		5060		5060
NORMAL % GOOD			86		84		70		70		70		70		70		70		70		70		70		70		70		70		70
R.C.L.N.D.			4040		5060		5060		5060		5060		5060		5060		5060		5060		5060		5060		5060		5060		5060		5060

SPECIAL FEATURES			
Book Cases	Built-in Beds	Hot Tub	Veneer Blinds
		X	

Susan M. Ranochak, Clerk-Recorder
Mendocino County, CA
501 Low Gap Rd., Room 1020
Ukiah, Ca 95482

Receipt: 18-11993

Product	Name	Extended
OTH	Other Sales	\$5.00
	Received By	PC
Total		\$5.00
Tender (On Account (Charge or Prepay))		\$5.00
Account#	wynn	
Account Name	Wynn Coast Planning	
Balance	(\$161.40)	

Thank You!

Mon Aug 20 12:26:34 PDT 2018 patti



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
501 LOW GAP ROAD • ROOM 1440 • UKIAH • CALIFORNIA • 95482

RAYMOND HALL, DIRECTOR
Telephone 707-463-4281
FAX 707-463-5709
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

January 18, 2006

NOTICE OF FINAL ACTION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDU 32-2004

OWNER: ELENA SAVITCHEVA

AGENT: DAN DICKSON

REQUEST: Coastal Development Major Use Permit request to remodel and rebuild, with a 150 square foot addition, the 856 square foot primary residence and the legal non-conforming 975 square foot second residence with new decks, roof structure, siding, windows, spa installation. The maximum height of the structures would not exceed 18 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. Remodel existing 384 square foot workshop with an addition of 256 square feet to a guest cottage for a total of 640 square feet with a height of 18 feet from average natural grade. Construct 256 square foot storage building not to exceed 14 feet 6 inches from average natural grade. Demolish 180 square foot potting shed/garage due to substandard conditions. Underground the existing utilities, placement of a 250-gallon propane tank, new septic system installation, associated landscaping, placement of 6 foot tall redwood fencing, reconfiguration of existing parking with new automatic gates and the construction of 144 square feet of covered patio.

APPEALABLE AREA: Yes

LOCATION: In the coastal zone approximately .5 mile south of Fort Bragg, on the west side of Pacific Way (CR# 436A), .5 mile west of its intersection with Ocean Drive (CR# 436), located at 33625 Pacific Way; Assessor's Parcel Number 017-060-04.

PROJECT COORDINATOR: Paula Deeter

See attached documents for the findings and conditions in support of this decision.

The project was referred to various agencies, adjacent property owners were duly noticed, and it was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

Attachments

cc: Elena Savitcheva
Dan Dickson, Architect
Coastal Commission
Assessor

FINAL FINDINGS AND CONDITIONS OF APPROVAL
CDU 32-2004 – SAVITCHEVA
DECEMBER 15, 2005

Upon motion by Commissioner Warner, seconded by Commissioner Moser, and unanimously carried by the following roll-call vote (6-0, Edwards absent), IT IS ORDERED the Planning Commission approves CDU 32-2004, referencing the December 15, 2005 letter from Daniel Dickson, which clarified the project description, noting within that description that the repair/replacement of the redwood property line fence at three locations would occur, if approved by both property owners, making the following findings and subject to the following conditions:

The project, as conditioned, complies with all of the zoning requirements of Division II of Title 20 of the Mendocino County Code.

General Plan Consistency Finding: As discussed in the staff report, and with the inclusion of the recommended conditions, the proposed project is consistent with applicable goals and policies of the General Plan.

Environmental Findings: The Planning Commission finds that the project is categorically exempt under CEQA (Section 15301, California Code of Regulations, Class 3, change in use of an existing small structure).

Department of Fish and Game Findings: Projects that are categorically exempt under CEQA are not subject to Fish and Game fees required by Section 711.4 of the Fish and Game Code.

Coastal Development Permit Findings: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Planning Commission approve the proposed project, and adopts the following findings and conditions:

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Divisions II and III, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed 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
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
7. Other public services, including but not limited to, solid waste and public roadway capacity and proof of an adequate water supply have been considered and are adequate to serve the proposed development; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

Project Determination: The Planning Commission, making the above findings, approves CDU 32-2004 subject to the conditions of approval recommended in the staff report.

STANDARD CONDITIONS:

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 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.
To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
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. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit is subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
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 such permit was granted have been violated.
 - c. The use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or is 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 applicant shall cease and desist from all further excavation and disturbances within one hundred 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.

SPECIAL CONDITIONS:

1. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Planning Commission, which shall provide that:
 - g) The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards;
 - h) 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;
 - i) The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - j) The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
 - k) 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 before they can be removed from the blufftop, 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;
 - l) 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.
2. All exterior lighting shall be downcast and shielded. Any change to the approved exterior lighting plan shall be subject to the review and approval of the Planning Commission for the life of the project.
3. The guest cottage shall not be used for permanent habitation, shall not have a kitchen, food preparation or cooking facilities, shall be clearly subordinate and incidental to the primary dwelling and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by Section 20.308.050(l) of the Coastal Zoning Code.
4. All exterior building materials and finishes shall match those specified in the coastal development permit application. Any change to the exterior materials or colors shall be subject to the review and approval of the Planning Commission for the life of the project.

5. An emergency lock box shall be provided at an obvious point on the exterior of the access gate for the use of emergency service providers. A letter shall be provided from the Fort Bragg Rural Fire District, approving the location and type of box.

AYES: CALVERT, LIPMANSON, NELSON, MOSER, WARNER, LITTLE
NOES: NONE
ABSENT: EDWARDS



PROPOSAL ABSTRACT:

This parcel is located in Fort Bragg, off of Pacific Way. The parcel is a bluff top lot. The site currently supports several structures. There exists a two-bedroom residence (SFR) and a one-bedroom residence (SRU). Several (3) outbuildings also exist on the parcel. The water for this parcel comes from a well located on a neighboring parcel 300+ feet north of this lot. The two-bedroom residence is located on the western portion of the parcel and is served by a 1,200 gallon septic tank and approximately 115 lineal feet of leachline. The one-bedroom house is served by a very small (300 gallons, approximately) septic tank and appears to also be served by the leachfield near the two-bedroom residence. The leachfield is functioning satisfactorily at this time.

The new owner of this parcel wishes to remodel both residences. No increase in the number of bedrooms will take place in either structure. The owner also will convert one of the outbuildings to a studio, which will contain a convenience bathroom. It is proposed that a new septic tank be installed to serve the one-bedroom house (the 300 gallon tank will be abandoned) and the studio. No leachfield expansion will take place. A replacement area has been identified.

*originally heard on 12/1/05
but was continued...*

**MENDOCINO COUNTY PLANNING COMMISSION
MINUTES**

**DECEMBER 15, 2005
PAGE 9**

RECESS: 10:20 – 10:38 a.m.

4d. CDU 32-2004 – Elena Savitcheva – South of Fort Bragg

Request: Remodel & rebuild the existing primary residence and the existing second residence with new decks, roof structure, siding, windows and spa installation. The primary residence is to be converted from a 2-bedroom to a 1-bedroom residence. Remodel and add to the existing workshop/shed to convert it to a guest cottage. Construct a new 256 square foot storage building. Demolish an existing potting shed and garage. Underground the existing utilities. Install a new 250-gallon propane tank. Install a new septic system. Convert existing unused concrete perimeter foundation to gravel garden with fountain. Install 6' high split redwood fence. Supplement existing plantings with new landscaping. Relocate the existing driveway and install a parking area with automatic gates.

Mr. Lynch reviewed the staff report and commented on concerns raised at the previous Planning Commission meeting. He advised that Scott Miller, Environmental Health, was present to further discuss the water requirements applicable to this application

Daniel Dickson, agent and architect for the project, stated that Environmental Health had no written requirement(s) relating to water for this project, but the owner had paid for a water quantity/quality study; the study, performed by Carl Ritterman, was submitted into the record.

Scott Miller, Environment Health stated there was historical evidence that the project well was adequate and that his office did not require a water study.

Mr. Dickson stated the applicant had made corrections and revisions to their application, specifically the turnaround. He provided new maps to the Commissioners, as well as neighboring parcel owners who were present in the audience. In reply to Commissioner Little, Mr. Dickson pointed out on the map, where service vehicles will be able to turn around.

The public hearing was declared open.

Francis Sullivan stated that he objected to receiving materials, referring to the new maps, at the hearing. He stated that he did not want the applicant to make changes to his fencing. He questioned what resource material(s) Mr. Ritterman referred to when assessing and sizing the leach fields.

Judith Kehoe asked for clarification about who would be staying on the property.

Mr. Dickson stated that Mr. Ritterman's report contained the information about the leach fields. In reply to Chair Little, he advised the applicant proposed a hammerhead turnaround. He further advised, it was his understanding, that the property would be "owner occupied."

The Commission continued to discuss the proposed subdivision, with staff, the agent and Mr. Kageyama from the Department of Transportation.

Commissioner Lipmanson suggested that an emergency lock box, to open the driveway gate, be installed for emergency services.

Upon motion by Commissioner Warner, seconded by Commissioner Moser, and unanimously carried by the following roll-call vote (6-0, Edwards absent), IT IS ORDERED the Planning Commission approves CDU 32-2004, referencing the December 15, 2005 letter from Daniel Dickson, which clarified the project description, noting within that description that the repair/replacement of the redwood property line fence at three locations would occur, if approved by both property owners, making the following findings and subject to the following conditions:

The project, as conditioned, complies with all of the zoning requirements of Division II of Title 20 of the Mendocino County Code.

General Plan Consistency Finding: As discussed in the staff report, and with the inclusion of the recommended conditions, the proposed project is consistent with applicable goals and policies of the General Plan.

Environmental Findings: The Planning Commission finds that the project is categorically exempt under CEQA (Section 15301, California Code of Regulations, Class 3, change in use of an existing small structure).

Department of Fish and Game Findings: Projects that are categorically exempt under CEQA are not subject to Fish and Game fees required by Section 711.4 of the Fish and Game Code.

Coastal Development Permit Findings: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Planning Commission approve the proposed project, and adopts the following findings and conditions:

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Divisions II and III, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed 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
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity and proof of an adequate water supply have been considered and are adequate to serve the proposed development; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

Project Determination: The Planning Commission, making the above findings, approves CDU 32-2004 subject to the conditions of approval recommended in the staff report.

STANDARD CONDITIONS:

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 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.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit is subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
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 such permit was granted have been violated.
 - c. The use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or is 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 applicant shall cease and desist from all further excavation and disturbances within one hundred 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.

SPECIAL CONDITIONS:

1. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Planning Commission, 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;

- 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;
 - c) The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d) The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
 - 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 before they can be removed from the blufftop, 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;
 - 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.
2. All exterior lighting shall be downcast and shielded. Any change to the approved exterior lighting plan shall be subject to the review and approval of the Planning Commission for the life of the project.
3. The guest cottage shall not be used for permanent habitation, shall not have a kitchen, food preparation or cooking facilities, shall be clearly subordinate and incidental to the primary dwelling and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by Section 20.308.050(l) of the Coastal Zoning Code.
4. All exterior building materials and finishes shall match those specified in the coastal development permit application. Any change to the exterior materials or colors shall be subject to the review and approval of the Planning Commission for the life of the project.
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AYES: CALVERT, LIPMANSON, NELSON, MOSER, WARNER, LITTLE
NOES: NONE
ABSENT: EDWARDS

4e. U 13-2005 – JOHN & ARLANE KOLBERG – North of Willits

REQUEST: Use Permit to authorize construction and operation of a wireless telecommunication facility to support two wireless providers, (Verizon Wireless and Edge Wireless), consisting of one 125-foot tall monopole, 24 8-foot long panel antennas, four GPS antennas, three 6-foot diameter microwave dishes,