

**STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP\_2014-0032  
MAY 28, 2015  
CPA - 1**

**OWNER/APPLICANT:** ALICE NG  
2083 GARDEN LANE  
COSTA MESA, CA 92627

**AGENT:** AMY WYNN, WYNN COASTAL PLANNING  
703 NORTH MAIN STREET  
FORT BRAGG, CA 95437

**REQUEST:** Standard Coastal Development Permit to replace existing unpermitted wooden retaining wall with a concrete retaining wall topped with stainless steel cable rail to match existing rail at house. Length of wall is 69 foot, height of wall ranges from 3 foot to 8 foot maximum from above ground level with 42 inch railing. Installation of LED low voltage lights at base of rail. During construction Erosion Control Best Management Practices will be implemented.

**LOCATION:** In the Coastal Zone, lying on the east side of Overton Drive, 0.5± miles west of its intersection with Point Cabrillo Drive, located at 45601 Overton Drive, Mendocino; APN 118-180-38.

**APPEALABLE:** Yes – West of first public road

**PERMIT TYPE:** Standard Coastal Development Permit

**TOTAL ACREAGE:** 1 ± acre

**GENERAL PLAN:** Rural Residential (RR5(1))

**ZONING:** Rural Residential (RR:L-5(RR))

**EXISTING USES:** Residential (existing single family residence)

**ADJACENT ZONING:** North: Rural Residential (RR:L-5(RR))  
East: Rural Residential (RR:L-5(RR))  
South: Rural Residential (RR:L-5(RR))  
West: Rural Residential (RR:L-5(RR))

**SURROUNDING LAND USES:** North: Residential  
East: Residential  
South: Residential  
West: Vacant

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL REVIEW:** Categorically Exempt from CEQA – Class 3

**OTHER RELATED APPLICATIONS:** BC\_2014-0005, unpermitted construction, grading and stairs.

**PROJECT DESCRIPTION:** The project is to replace an existing unpermitted wooden retaining wall with a concrete retaining wall topped with a 42 inch stainless steel cable rail to match the existing rail at the residence. The 42 inch cable rail that will run along the top of concrete retaining wall is a necessary safety feature; the retaining wall creates a three (3) to eight (8) foot drop-off from the driveway to the lawn area. The length of the proposed wall is 69 feet and the height of the wall ranges from three (3) to eight (8) feet maximum above ground level. Low voltage LED lights would be installed at the base of the rail. During construction Erosion Control Best Management Practices would be implemented. Grading will be necessary, normally associated with and incidental to the construction of the retaining wall. No vegetation removal or planting is proposed with this application, other than that which will be removed by the necessary grading associated with construction. Approximately eighty-one (81) cubic yards of undocumented fill material were used to construct the existing retaining wall. This material would be removed, salvaged and recompacted and topped with a four (4) inch layer of aggregate base rock.

*[Note. The subject CDP would correct the unpermitted construction associated with retaining wall to southwest of house but would not correct the construction of the retaining wall and stairs on the north side of the existing residence within the sideyard setback. The applicant and the neighbor to the north of the subject property have not agreed to the removal and replacement of the stairs and retaining wall on the north side of the structure. Permission from the neighbor to the north is needed to remove these structures because they encroach on the neighbor's property.]*

**DESCRIPTION AND SETTING:** The 1.0 acre subject parcel is situated in the Ocean View Terrace Subdivision west of Highway 1, on the east side of Overton Drive 0.5± miles west of its intersection with Point Cabrillo Drive. The site is surrounded by residential development. The subject parcel is currently developed with an existing single family residence with attached carport, well and septic system, landscaping and paved access.

The triangular-shaped parcel slopes down toward the southwest boundary. The residence is located in the north central portion of the property at an elevation of approximately 101 feet. The proposed retaining wall would be located southwest of the residence.

**KEY ISSUES:** Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Coastal Zoning Code (MCCZC). **APPENDIX A** of this report individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project.

The issues listed below are drawn from **APPENDIX A** and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

➤ Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by Chapter 20.504 of the MCCZC.

The project is not located in an area that is designated Highly Scenic by the Local Coastal Program. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas.

MCCZC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not exceed the boundaries of the parcel.

Low voltage LED foot lights, spaced at six (6) foot intervals, are proposed for near the top of the west side of retaining wall, below the cable rail. **Condition 8** is recommended to ensure that any exterior lighting will comply with MCCZC lighting standards, which states:

**Condition 8:** Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code.

➤ Drainage

Drainage is subject to Section 20.492.025 of MCCZC, and provides regulations mitigating the impact of stormwater runoff and erosion. The applicant has submitted an Erosion Control Plan with this application. **Condition 9** is recommended to reduce impacts from altering land forms (grading) and redirecting stormwater flows, and to ensure the development is provided with adequate drainage, which states:

**Condition 9:** Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit for approval by Planning and Building staff a drainage and erosion control plan. The plan shall detail erosion and sediment control Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary.

➤ Cultural Resources

The project would replace an existing retaining wall and would occur in an area where the ground has already been disturbed by past development from construction of the retaining wall, the driveway and the single family residence on the property. Therefore the proposed development was not referred to California Historic Resource Information System (CHRIS).

Recommended **Condition 10** advises the applicant of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause" which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

**Condition 10:** If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

**RECOMMENDED FINDINGS AND CONDITIONS:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, Planning and Building Services recommends the Coastal Permit Administrator approve the proposed project, and adopt the following findings and conditions.

**REQUIRED FINDINGS FOR THIS COASTAL DEVELOPMENT PERMIT:**

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 Division II, 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 have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

**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 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 (2) 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. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The 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 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. Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the

exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code.

9. Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit for approval by Planning and Building staff a drainage and erosion control plan. The plan shall detail erosion and sediment control Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary. Roof down spouts shall be directed to landscaped areas and avoid discharging off the parcel.
10. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

Staff Report Prepared By:

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DATE

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BILL KINSER  
SENIOR PLANNER

## APPENDIX A

Coastal Permit Approval Checklist

### ATTACHMENTS

- A. Location Map
- B. Aerial Photo
- C. Topo Map
- D. Site Plan
- E. Adjacent Parcels
- F. Zoning Map
- G. General Plan Classification
- H. LCP Map
- I. Estimated Slopes
- J. Local Soils
- K. Topography
- L. Erosion Control Plan
- M. Profiles
- N. Foundation and Framing
- O. Typical Detail

### SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	No response
Mendocino Department of Transportation	No response

Environmental Health – Fort Bragg

DEH can approve this CDP. All construction must maintain minimum required setbacks to septic system components: 5' to septic tank and 8' to septic leachfield area.

Building Inspection – Fort Bragg  
Assessor

No comment  
No response

Department of Forestry / CALFIRE  
Coastal Commission

No comment at this time  
No response