

STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

**CDP_2014-0044
JUNE 25, 2015
CPA - 1**

OWNER/APPLICANT: JESSE CISNEY
PO BOX 693
LAYTONVILLE, CA 95454

AGENT: KELLY GRIMES
PO BOX 598
LITTLE RIVER, CA 95456

REQUEST: Coastal Development Permit to add first and second floor decking to an existing single family residence.

LOCATION: In the Coastal Zone, on the west side of Highway 1, lying on the east side of Greenling Circle approximately 500 feet west of its intersection with Vega Drive. Located at 45452 Greenling Circle, Caspar; APN 118-390-08.

APPEALABLE: Yes – West of first public road

PERMIT TYPE: Standard Coastal Development Permit

TOTAL ACREAGE: 0.66 acres

GENERAL PLAN: Rural Residential (RR5(1))

ZONING: Rural Residential (RR:L-5(RR:1))

EXISTING USES: Residential (existing single family residence)

ADJACENT ZONING: North: Rural Residential (RR:L-5(RR:1))
East: Rural Residential (RR:L-5(RR:1))
South: Rural Residential (RR:L-5(RR:1))
West: Rural Residential (RR:L-5(RR:1))

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

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA – Class 3(e).

OTHER RELATED APPLICATIONS: Various building permits 1998 to 2014.

PROJECT DESCRIPTION: The project is to add an 80 square foot deck on the second floor of the west side of the residence and to add approximately 300 square feet of decking on the first floor of the west and south side of the residence. Dual glazed windows and a pair of French doors would replace existing single glazed units also on the west side. No grading and no exterior lighting is proposed.

DESCRIPTION AND SETTING: The 0.66 acre subject parcel is situated on the west side of Highway One in the Caspar South subdivision. There is an existing single family residence, detached garage,

landscaping and driveway on the property. The partially wooded parcel is approximately 380 feet from the ocean and is surrounded by single family residences on all sides.

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 Code (MCC). Attachment 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 Attachment 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.

General Plan Land Use – Rural Residential: The subject parcel is classified as Rural Residential by the Coastal Element of the Mendocino County General Plan, which 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 principal permitted use for the Rural Residential land use classification is “Residential and associated utilities, light agriculture, home occupation.”¹

A permitted single family residence currently exists on the parcel. This application proposes to add first and second floor decking the existing single family residence. The proposed decking is an addition to the principally permitted single family residential use, and therefore consistent with the Rural Residential classification of the Coastal Element of the Mendocino County General Plan.

Drainage: Drainage is subject to Section 20.492.025 of MCC, 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 add first and second floor decking to the existing single family residence. The decking would be built in an area where the ground has already been disturbed by past development from construction of the single family residence. 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.

¹ Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

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 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. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF #329-14) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the building permit, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
 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:

DATE

BILL KINSER
SENIOR PLANNER

BK/at
May 18, 2015

Categorically Exempt

Appeal Period: Ten (10) calendar days for the Mendocino County Board of Supervisors, followed by ten (10) working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$945 - For an appeal to the Mendocino County Board of Supervisors.

ATTACHMENTS

- A. Coastal Permit Approval Checklist
- B. Location Map
- C. Aerial Photo
- D. Topo Map
- E. CDP Exclusion Zones
- F. Adjacent Parcels
- G. General Plan Classification
- H. LCP Map
- I. Zoning Map
- J. Site Plan
- K. Floor Plan
- L. Existing Construction
- M. Proposed Construction

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	No response
Mendocino Department of Transportation	Recommend approval
Environmental Health – Fort Bragg	Maintain minimum setbacks to septic system (5 feet from tank, 8 feet from leach field).
Building Inspection – Fort Bragg	No comment
Assessor	No response
Department of Fish and Wildlife	No response
Department of Forestry / CalFire	Owner expected to adhere to CalFire 4290 regulations
Coastal Commission	No response