

**MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES**

**STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP\_2015-0012  
SEPTEMBER 24, 2015  
PAGE CPA-1**

**OWNER/APPLICANT:** SUSAN TUBBESING  
45360 SOUTH CASPAR DRIVE  
MENDOCINO, CA 95460

**AGENT:** DIANA WIEDEMANN  
PO BOX 395  
ALBION, CA 95410

**REQUEST:** Standard Coastal Development permit for a 508 square foot addition to an existing 1,900 square foot home and relocation of an existing propane tank.

**DATE DEEMED COMPLETE:** June 26, 2015

**LOCATION:** The site is located on the north side of South Caspar Drive 0.5± miles west of its intersection with Point Cabrillo Drive in Caspar, located at 45360 South Caspar Drive; APN 118-360-21.

**TOTAL ACREAGE:** 0.95 Acres

**GENERAL PLAN:** RR5(1)

**ZONING:** RR

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt Class 1(e)

**RECOMMENDATION:** Approve with conditions

**PROJECT DESCRIPTION:** The applicant proposes to add 508 square foot addition to an existing 1,900 square foot single family house, as well as relocating an existing propane tank. The new addition, which adds a bedroom and bathroom, will be located at the rear of the existing house and will be 14 feet tall. It will be constructed from materials that match the existing house. Upon completion, the residential structure will be 2,408 square feet. The propane tank, which is currently located in the rear yard, will be moved to the side yard and be sited 25 feet from the property line.

**LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION:** The proposed project is consistent with the applicable goals and policies of the Local Coastal Program, as described below.

Land Use. The site and surrounding lands are designated Rural Residential (RR). The RR 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. Residential and associated utilities, light agriculture, home occupation, are the permitted use in the RR Land Use Classification.

While the proposed residential addition is not intended to encourage small scale food production, it would have a minimal impact on farming activity in the area.

Coastal Element Chapter 4.6 identifies access to the coast that skirts the subdivision where the proposed project is located. Designated access points, trails and recreation areas are not associated with the subject property. The site is also excluded from the highly scenic area.

Zoning Requirements This proposed project meets the requirements stated in Chapter 20.376 *RR Rural Residential District*. As shown in Table 1, the proposal satisfies RR yard, height, and lot coverage regulations. The project site development includes a single family residence, off-street parking, and a small green house.

<b>Table 1: RR Development Regulations and Highway Corridor Setback</b>		
MCC SECTION	STANDARD	PROPOSAL
20.376.040 Minimum Front and Rear Yards	20 feet	35 feet nonconforming
20.376.040 Minimum Side Yard	20 feet	50 feet or more
20.376.045 Building Height Limit	28 feet	19.5 feet nonconforming
20.376.065 Maximum Lot Coverage	10%	3.25%

Visual Resources. Although the site is situated between the first public road and the shore, the project site and its surrounding residential subdivision are excluded from the Highly Scenic Area designation.

Environmental Determination. The proposed project is Categorically Exempt from the provisions of CEQA, pursuant to a Class 1(e) exception from Section 15303 of Article 19 of the California Environmental Quality Act. The Class 3 exemption states that the construction of “accessory structures including garages, carports, patios, swimming pools, and fences”, meeting the criteria of Section 15303(e), has been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1(e) provides an exemption for one single family residence, or a second dwelling unit in a residential zone. The proposed development meets the criteria of Section 15303(e), and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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

**FINDINGS:**

1. The proposed residential addition is in conformity with the certified local coastal program as it satisfies the policies of Chapter 4.6 *Jug Handle Creek to Russian Gulch Planning Area* or the Coastal Element, of the General Plan.
2. The proposed development has shown to have adequate utilities, access roads, drainage and other necessary facilities for the addition to an existing residential structure; and
3. The proposed development is consistent with the purpose and intent of a Rural Residential District, as residential structures are a permitted land use; as well as all other provisions of Division II of Title 20 of the Mendocino County Code, including development standards; and preserves the integrity of this district by not deviating from the applicable zoning regulations; and

4. The proposed addition to an existing single family home is determined to not have any significant adverse impacts on the environment pursuant with the California Environmental Quality Act Section 15303(e); 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 have been determined adequate to serve the proposed development.
7. The proposed addition is located on property that is not designated as a Highly Scenic Area, but is situated between the first public road and the sea; the proposed addition is in conformity with Chapter 3 Policies of the California Coastal Act, because adjacent, existing public access trails are designated along Point Cabrillo Drive and public recreation areas are identified by the Mendocino County Local Coastal Program, Coastal Element Chapter 4.6 Policies 4.6-4 through 4.6-14 of the General Plan.

**STANDARD CONDITIONS:**

1. This action shall become final on the 11<sup>th</sup> 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.

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 therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. That this permit 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 (1) or more of the following:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) 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 (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.

DATE

JULIANA CHERRY  
PLANNER III

JC/at  
August 19, 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.

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Planning- Ukiah		X	
Department of Transportation		X	
Environmental Health			X
Building Inspection (FB)		X	
Assessor	X		
Farm Advisor	X		
Agriculture Commissioner	X		
Forestry Advisor	X		
Air Quality Management District	X		
US Fish & Wildlife Service	X		
Native Plant Society	X		
Caltrans	X		
CalFire			X
Department of Fish and Wildlife	X		
California Coastal Commission	X		
RWQCB	X		
Army Corps of Engineers	X		
Fort Bragg School District	X		
Fort Bragg Fire District	X		

**ATTACHMENTS**

- A. Location Map
- B. Topographic Map
- C. Google Earth Imagery
- D. Site Plan
- E. House Remodel and Addition Elevations
- F. Floor Plan, Door and Window Schedules
- G. North Elevation
- H. West Elevation
- I. Site photo
- J. Site photo 2
- K. Plot Plan
- L. Zoning Display Map
- M. General Plan Classification
- N. LCP Maps 15
- O. Adjacent Parcels
- P. Fire Hazard Zones & Responsibility Areas
- Q. Coastal Ground Water Resource Areas