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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT- CDP ADMINISTRATIVE**

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**JULY 23, 2018  
CDP\_2018-0008**

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**SUMMARY**

**OWNER:** TIMOTHY BROWN  
697 MANDANA BLVD  
OAKLAND, CA 94610

**APPLICANT/AGENT:** PETE SLUNAKER  
P.O. BOX 457  
GUALALA, CA 95445

**REQUEST:** Administrative Coastal Development Permit to replace over 50% of an existing single-family residence: including new siding, roofing, studs and partial new floor.

**LOCATION:** : In the Coastal Zone, on the east side of Hwy. 1, 1,300± ft. south of its intersection with Signal Point Creek Rd. (CR 520), located at 32521 S. Hwy. 1, Gualala (APN: 142-170-11).

**TOTAL ACREAGE:** 5.0± acres

**GENERAL PLAN:** Rural Residential, Development Limitations (RR5:R, RR5:R-DL)

**ZONING:** Rural Residential, Development Limitations (RR:5, RR:5-DL)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt per Section 15301 Class 1(d) restoration of deteriorated or damaged structures

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Robert Dostalek

**BACKGROUND**

**PROJECT DESCRIPTION:** The applicant proposes to replace over 50% of an existing single-family residence — including new siding, roofing, studs, and partial new floor for both the existing permitted water tower addition and original house.

**RELATED APPLICATIONS:**

- BF\_2018-0167 (Remodel existing single-family residence)
- 6493 – F (Septic)

The above building permit was issued to authorize the anticipated repair and maintenance activities to the existing residence. However, the applicant discovered significant termite damage to much of the residence while the repairs were being conducted. This resulted in the repair and replacement of over 50% of the existing single-family residence. This subsequently triggered the requirement to secure a Coastal Development Permit to authorize the development (see General Plan and Zoning Consistency Section below for additional information).

**SITE CHARACTERISTICS:** The site is occupied by an existing single-family residence — which includes a permitted habitable water tower addition — and a variety of accessory structures. The project site has a flag lot configuration and takes direct driveway access off South Highway 1. The northern two-thirds of the lot exhibits steep downward slopes toward Signal Port Creek (and its southern tributary) and are overlain by the Development Limitation (DL) Combining District. The existing residence is situated on the southernmost third of the lot which is relatively flat with surrounding cleared yard areas.

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
<b>NORTH</b>	RMR:40 (Remote Residential)	RMR-40 (Remote Residential)	36.3± acres	Residential
<b>EAST</b>	RR:5, DL (Rural Residential, Development Limitation)	RR-5, DL (Rural Residential, Development Limitation)	8.1± acres	Residential
<b>SOUTH</b>	RR:5 (Rural Residential)/Highway 1	RR-5 (Rural Residential)/Highway 1	2.0± and 2.5± acres/Highway 1	Highway/ Residential
<b>WEST</b>	RR:5, DL (Rural Residential, Development Limitation)	RR-5, DL (Rural Residential, Development Limitation)	8.05± and ±9.0 acres	Residential

**PUBLIC SERVICES:**

Access: South Highway 1  
 Fire District: South Coast  
 Water District: NONE  
 Sewer District: NONE  
 School District: NONE

**AGENCY COMMENTS:** On June 5, 2018, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution.

REFERRAL AGENCIES	COMMENT
Assessor	No Comment
Environmental Health-FB	Comment
Building Services-FBPBS	No Comment
Department of Transportation	Comment
Air Quality Management District	No Response
Coastal Commission	No Response
South Coast Fire District	No Response
CalTrans	Comment

**LOCAL COASTAL PROGRAM CONSISTENCY**

**Land Use:** The parcel is classified as Rural Residential (RR5:R) by the Mendocino County General Plan and the northern approximately two-thirds of the parcel has the Development Limitations (DL) Combining District designation due to the steep downward slopes toward Signal Port Creek and its southern tributary. The Rural Residential classification is intended to encourage local small scale food production 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 (Coastal Element Chapter 2.2). Single-family residential is a permitted use in the Rural Residential classification. Development within Mendocino County's Local Coastal Plan area is required to obtain a coastal development permit.



Zoning: The project site is located within a Rural Residential Zoning District (RR:5), and as discussed above, Development Limitation (DL) Combining District overlays the northern two thirds of the parcel. However, no development is proposed in the portion of the property with the DL designation.

Single-family residential development is permissible in the Rural Residential Zoning District pursuant to Chapter 20.376 of the Mendocino County Code (MCC). Section 20.532.020(A) of the MCC prescribes exemptions for repair and maintenance activities in the Coastal Zone. It states:

*"Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted..."*

Since the project does not involve an addition to or enlargement or expansion of the structure, the MCC provision defers to the California Administrative Code. Subchapter 7, Title 14, of the California Administrative Code identifies replacement activities that require a permit. Section 13252(b) of the California Administrative Code specifically states:

*"Unless destroyed by natural disaster, the replacement of 50% or more of a single-family residence..."*

Since the replacement of the single-family residence exceeds 50%, it is subject to a Coastal Development Permit. The existing single-family residence proposed for over 50% replacement has access to well water and the site is equipped with an individual wastewater treatment system. The proposed project complies with building height, building setback, lot coverage, and other development standards of MCC Chapter 20.376.

Visual Resources: The project site is not located in a designated or conditional Highly Scenic Area.

Hazards Management: Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazards.

MCC Section 20.500.025 *Fire Hazard* -- The parcel is located in an area classified as a "High Fire Hazard" (See exhibit Fire Hazard Zones & Responsibility Areas). Fire protection services are provided by the South Coast Fire Protection District (SCFPD). The project application was referred to SCFPD for input; however, no response was received.

Habitats and Natural Resources: Signal Port Creek (a blue line watercourse) along with its southern tributary traverse the northern one third of the parcel. However, the project site contains pre-existing cleared yard areas and there are no environmentally sensitive habitat areas within 100 ft. of the proposed development.

Archaeological/Cultural Resources: For small projects, such as remodels, additions, small outbuildings (projects with minimal earthwork) Mendocino County Department of Planning and Building Services (PBS) procedure is to not refer these types of projects to either California Historic Resource Information System (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and was determined to be an appropriate guidance document for what projects should require archaeological review. The proposed project consists of replacement of portions of an existing single-family residence. County staff determined that due to the small scale of the proposed development and lack of ground disturbance, no archaeological review would be required.

The applicant is advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended Condition 8 similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

Groundwater Resources: The project site is located within a mapped Critical Water Resources Area. The existing and proposed development would have access to an existing on-site well and a septic system permitted by the Mendocino County Division of Environmental Health.



Grading, Erosion, and Run-Off: No grading is proposed.

Transportation/Circulation: The cumulative effects of traffic resulting from residential land uses and its associated development were considered when the Coastal Element land use designations were assigned. Staff recommends the project would not impact transportation or circulation and would be provided with adequate access. The project site gains access directly off South Highway 1. On June 27, 2018, the California Department of Transportation (CalTrans) responded to a request for comments with the following:

***“The existing driveway at this location does not meet our current standards and we were unable to locate a valid encroachment permit for this location. We request the County recommend the applicant obtain an approved Caltrans encroachment permit which identifies the current owner(s) responsible for the driveway within the state's right of way.***

***Any work within the state right of way requires an approved encroachment permit. Encroachment permit applications are reviewed for consistency with State standards and are subject to Department approval...”***

As such, Condition 9 is added to ensure the driveway approach is upgraded to current California Department of Transportation standards (see CalTrans letter attached).

Public Access: The project site is located east of Highway 1 and is not designated as an existing or potential public access trail location per LCP Map 30 (Anchor Bay).

### **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 and adopts the following findings and conditions.

#### **FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed residential development is in conformity with the certified Local Coastal Program, as the land use is intended for the district in which it is proposed; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site was previously developed with a single family home. The site has a well, electrical service, and other ancillary development; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed residential development is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, including building height, setback from property boundary, and lot coverage; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed residential development, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed residential development would not have any adverse impact on any known archaeological or paleontological resources and Condition 8 is in place when archaeological sites or artifacts are discovered; 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 site. The proposed residence would not affect demands on public services; and

7. Pursuant with MCC Section 20.532.095(B), the proposed residential development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The nearest coastal access point follows the east-west orientation of Albion Ridge Road; and

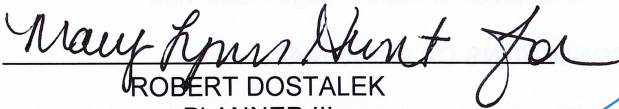
**CONDITIONS OF APPROVAL:**

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. 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
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 Applicants 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. 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. Prior to the final building inspection and/or occupancy for Building Permit BF 2018-0167, whichever occurs first, the applicant shall secure an encroachment permit from the California Department of Transportation (CalTrans) to upgrade the existing driveway approach to current standards (per Caltrans letter dated June 27, 2018).

Staff Report prepared by:

7/23/2018

DATE

  
ROBERT DOSTALEK  
PLANNER III

7/23/2018

DATE



IGNACIO GONZALEZ  
COASTAL PERMIT ADMINISTRATOR

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Image
- C. Topographic Map
- D. Site Plan
- E. First Floor Plan
- F. Second Floor Plan
- G. East Elevation
- H. North Elevation
- I. South Elevation
- J. West Elevation
- K. Zoning Designations
- L. General Plan Classifications
- M. LCP Land Use Map 30: Anchor Bay
- N. LCP Habitat & Resources
- O. LCP Land Capabilities & Natural Hazards
- P. Appealable Areas
- Q. Adjacent Parcels
- R. Fire Hazard Zones & Responsibility Areas
- S. Ground Water Resources
- T. Local Soils
- U. Important Farmland
- V. Wetlands
- W. CalTrans letter dated Jun 27, 2018