



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

**FEBRUARY 24, 2020
CDP_2018-0009**

SUMMARY

OWNER: ADAM LEVY, TRUSTEE
7700 RICARDO COURT
EL CERRITO, CA 94530

APPLICANTS: ADAM LEVY & KEELY TONGATE
7700 RICARDO COURT
EL CERRITO, CA 94530

AGENT: BLAIR FOSTER, WYNN COASTAL PLANNING
703 NORTH MAIN STREET
FORT BRAGG, CA 95437

REQUEST: Administrative Coastal Development Permit for the construction of a 2,795 sq. ft. single-family residence with attached 456 sq. ft. garage, deck, septic system and leach fields, propane tanks, connection to existing utilities; construction of a 640 sq. ft. single-family residence to be converted in accordance to the zoning code upon issuance of certificate of occupancy for the larger residence; installation of a water tank; construction of a driveway; installation of roof-mount solar panels; and temporary occupancy of a travel trailer during construction of the smaller residence.

LOCATION: In the Coastal Zone, on the north and south sides of Zettler Road (private), 0.8± miles west of its intersection with Ten Mile Road (CR 506) at 44924 Zettler Rd., Point Arena (APN: 027-361-25).

TOTAL ACREAGE: 20.01± Acres

GENERAL PLAN: Remote Residential (RMR:20:R)

ZONING: Remote Residential (RMR-20)

SUPERVISORIAL DISTRICT: 5th (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 3(a)

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: EDUARDO HERNANDEZ

BACKGROUND

PROJECT DESCRIPTION: Administrative Coastal Development Permit (CDP) for the following: (1) construction of a 2,795 sq. ft. single-family residence with attached 456 sq. ft. garage and 704 sq. ft. deck; (2) installation of a septic system and leach fields; (3) installation of 2 propane tanks and connection to existing utilities; (4) construction of a 640 sq. ft. single-family residence to be converted in accordance to the zoning code upon issuance of certificate of occupancy for the larger residence; (5) installation of a 3,000 gal. water tank; (6) construction of an additional 2,204 sq. ft. of driveway areas; (7) installation of 1,526 sq. ft. of roof-mount solar panels (971 and 555 sq. ft. per SFR); and (8) temporary occupancy of a

travel trailer during construction. The buildings height would not exceed 28 ft. and development would be within the prescribed building envelopes.

The original project description, which was part of the agency referral process, included an additional structure 2,500 sq. ft. in size labeled as a “workshop and studio.” Upon further review and communication with the California Department of Fish and Wildlife (CDFW) and the California Coastal Commission (CCC), the Applicant decided to remove said structure from the Project request.

Furthermore, as the project description and request show, two residences and a trailer (dwelling units) are part of the project; however, this permit would not allow the occupancy of more than one (1) dwelling unit at a time. The project timeline involves the occupancy of the travel trailer while constructing the smaller residence, then the smaller residence would be ready to occupy and the travel trailer would be put in dead storage while constructing the larger residence, then prior to the occupancy of the larger residence the smaller residence would have to be converted into a guest cottage, per the current zoning code. In the scenario the zoning code changes to allow multiple residences, or a separate permit for temporary occupancy is approved, the timeline could be different than described above.

SITE CHARACTERISTICS: The site is located within the Coastal Zone and about 1.75± miles from the Ocean, it has Zettler Road (a private road) running across from west to east, Ten Mile Road (County Road #506) is 0.8± miles east of it.

The property consists of highly vegetated 20± acres of land, and is already minimally developed with a driveway, culvert, well, deck and a trailer.

SURROUNDING LAND USE AND ZONING: The surrounding parcels are similar to the subject one, as they too are developed, vegetated, and are also accessed only through private roads. Additionally, their

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RMR:20 (Remote Residential)	RMR-20 (Remote Residential)	76.84± acres	Residential
EAST	RMR:20 (Remote Residential)	RMR-20 (Remote Residential)	20.03± acres	Residential
SOUTH	RMR:20 (Remote Residential)	RMR-20 (Remote Residential)	33.7± acres	Residential
WEST	RMR:20 (Remote Residential)	RMR-20 (Remote Residential)	20.08± acres	Residential

land uses per the General Plan and Zoning Designations are the same, as shown in the table below:

PUBLIC SERVICES:

Access: From Ten Mile Road (CR 506) to Zettler Road (private)
Fire District: California Department of Forestry and Fire Protection (CalFire)
Water District: NONE
Sewer District: NONE
School District: NONE

AGENCY COMMENTS: On June 19, 2018, a request for comments was sent to the following responsible or trustee agencies with jurisdiction over the proposed Project. A summary of agency responses is listed in the table shown below. Where needed, agency comments are included in the discussion section of this report.

REFERRAL AGENCIES	COMMENT
Archaeological Commission	Comments
Assessor's Office	No Response
Building Division – Fort Bragg office	No Comments
California Coastal Commission	Comments
California Department of Fish and Wildlife	Comments
California Department of Forestry and Fire Protection (CalFire)	No Comments
Cloverdale Rancheria	No Response
Department of Transportation	No Comments
Environmental Health – Fort Bragg office	Comments
Manchester-Point Arena Tribe	No Comments
Redwood Coast Fire Protection District	No Response
Redwood Valley Rancheria	Comments
Sherwood Valley Rancheria	No Response
Sonoma State University - NWIC	Comments

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below:

LAND USE: The parcel is classified Remote Residential with a minimum parcel size of twenty (20) acres (RMR:20R). The Remote Residential classification is intended to be applied to lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses. The Project involves the construction of a couple dwellings, with no more than one dwelling occupancy at the time, and their related utilities and grading. The proposed Project is consistent with the Remote Residential Land Use classification.

ZONING: The Project is located within a Remote Residential (RMR) District. The Project, which involves construction of two dwellings with no more than one dwelling being occupied at any given time, accessory structures, and utilities, and temporary occupancy of a travel trailer while constructing the smaller residence; is a principally permitted use within the Remote Residential District, pursuant to Mendocino County Code (MCC) Chapter 20.380 RMR – Remote Residential District. The Project would comply with the minimum front, rear, and side yard requirements for the RMR District for a parcel of this size, which are 50 feet from all property lines. The project would also comply with the corridor preservation setback of 25 feet from the middle of Zettler Road, a private local road. The maximum building height allowed in the RMR District is 28 feet above the natural grade for non-Highly Scenic Areas east of Highway One (State Route 1). The maximum height of the Project's proposed structures will be not higher than 28 feet from the finished grade. The Project would result in less than 10 percent coverage of the lot area. The dwellings and associated developments would be located within the established building envelopes for the lot, and the building envelopes comply with the required property setbacks and corridor preservation setbacks. As discussed in the Project Description section of this report, the current dwelling occupancy limit is one (1) and therefore the travel trailer would be unoccupied and the smaller residence converted into a guest cottage when the dwelling next-in-line is prospected to be occupied; unless an Accessory Dwelling Unit (ADU) ordinance is approved for this site in the Coastal Zone, or a permit for a temporary occupancy is approved at this site.

HABITATS AND NATURAL RESOURCES: MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* (ESHAs) purpose is to ensure that environmentally sensitive habitat and other designated resource areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations. The agency hired by the Applicant "Wynn Coastal Planning and Biology" first provided a Biological Scoping and Botanical Survey prepared by Biologist Karen Youngblood and dated January 2, 2018. The aforementioned Biological document was shared with all those agencies mentioned in the June 19, 2018 referral process. The California Department of Fish and Wildlife (CDFW) and the California Coastal Commission (CCC) communicated some concerns based upon the initial referral. There was extensive communication between the County, those agencies, and the Project's

Agent including a site visit being performed to address some of the concerns. One area of concern was the proper classification of the three (3) streams running across the parcel, primarily due to the fact that the Project proposes to run a septic line inside the existing roadway that runs over two (2) culverted streams. Another area of concern was the Bishop Pine tree population on the property, which could be considered ESHAs. A modification of the Project, which included the removal of the originally proposed 2,500 sq. ft. workshop/ studio and an addendum from Biologist Asa B. Spade dated April 5, 2019, was provided to the County on May 15, 2019 which extended the discussion and alleviated the concerns previously discussed between County and State agencies. The classification of the streams determined that the septic line, or any other part of the Project, would not represent an issue; as well as that the separation of the development from the Bishop Pine trees was adequate, per communication with the CCC dated September 4, 2019.

As proposed, the Project is consistent with MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* and the intent of Coastal Element Chapter 3.1, with the inclusion of recommended conditions of approval.

VISUAL RESOURCE AND SPECIAL TREATMENT AREAS: The Project site is mapped as a Conditionally Highly Scenic Area where development is only subject to the Highly Scenic Area criteria if it is visible from State Route 1. Since this site is not visible from State Route 1 is considered to not be Highly Scenic and is therefore not subject to the regulations of Chapter 20.504 *Visual Resource and Special Treatment Areas*. Staff recommends a condition of project approval requiring the Project to comply with the exterior lighting requirements of MCC Section 20.504.035 (See recommended condition #10). With the inclusion of the recommended condition, the proposed Project is consistent with Coastal Element Policy 3.5-15, which reads in part, "...In any event no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible."

HAZARDS MANAGEMENT: The area proposed for development consists of sloped land and is between the 900 and 1,000 foot contour lines shown on the *Topographic Map* (See attached). There are no known faults, landslides or other geologic hazards in close proximity to the proposed development (See attached *LCP Land Capabilities & Natural Hazards*). The site is in an area classified "High Fire Hazard." On June 19, 2018, comments were requested from the California Department of Forestry and Fire Protection (CalFire) and the Redwood Coast Fire Protection District. A "no comments" response was received from CalFire and no response was received from the Redwood Coast Fire Protection District.

The application included a CalFire Preliminary Clearance application (See CalFire File # 55-18). This permit included fire safety standards for address, driveway, and defensible space. Therefore, Staff recommends inclusion of an often adopted conditions with the intent to establish that the proposed development would be required to secure all necessary permits from County, State, and Federal agencies having jurisdiction over the Project (See recommended condition #4). With the inclusion of the recommended condition, the Project would be consistent with Mendocino County policies for fire protection; the purpose of MCC Chapter 20.500 *Hazard Areas*, and consistent with Coastal Element Chapter 3.4.

GRADING, EROSION, AND RUN-OFF: The Project would require minimal grading to accommodate the dwelling units and associated structures. Grading would be primarily associated with construction of the driveways and establishing building pads or perimeter foundations. Development would follow the natural topography; thereby, soils, geology, hydrology, and other conditions existing on the site would be nominally affected. Recommended conditions of approval for Best Management Practices will ensure the Project is consistent with MCC Chapter 20.492 *Grading, Erosion, and Runoff*.

ARCHAEOLOGICAL/CULTURAL RESOURCES: Archaeological Resources were reviewed by the Archaeological Commission on August 8, 2018. The Commissioners agreed an Archaeological Survey was not required for this Project, and the "Discovery Clause" per MCC Section 22.12.090 was recommended. Said clause prescribes the procedures subsequent to the discovery of any cultural resources during construction of the Project (See recommended condition #8). As conditioned, the Project would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources.

GROUNDWATER RESOURCES: The site is located within a mapped Critical Water Resources Bedrock Area (See attached *Ground Water Resources* map). The site is not located within a community water district nor sewage system service area. On June 19, 2018, comments were requested from the County's Division of Environmental Health (DEH) and a response was received on June 28, 2018. The project has an existing water well, and septic system and leach fields are proposed; there were no concerns raised by DEH. As proposed, the Project would be consistent with MCC Section 20.516.015 which requires new development to be approved subject to the availability of necessary public services.

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. On June 19, 2018, comments from the County's Department of Transportation (DOT) were requested and a "no comments" response was received, as the Project is not in the immediate proximity of a publicly-maintained road. As proposed, the Project does not affect Transportation or Circulation, per the Mendocino County Code.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes or projects have been determined to not have a significant effect on the environment, and are therefore exempt from the requirement for the preparation of environmental documents. The proposed development meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3(a), Section 15300.2.

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 development is in conformity with the certified Local Coastal Program. A single-family residence and its accessory development is a principally permitted use within the Remote Residential land use classification, proposed temporary occupancy is permissible with the obtainment of this permit, and the proposed project is in conformity with all other requirements of the Local Coastal Program; and
2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site will be served by an existing water well, proposed septic system and associated leach fields, existing private road, and driveways; and
3. Pursuant to MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Remote Residential zoning district, as well as the provisions of Division II of Title 20 of the Mendocino County Code, and preserves the integrity of the Remote Residential zoning district; and
4. Pursuant to MCC Section 20.532.095(A)(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, as the Project is categorically exempt pursuant to Section 15300.2; and
5. Pursuant to MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the established development footprints of the subject site and a "discovery clause" condition is in place for when archaeological sites or artifacts are discovered; and

6. Pursuant to 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.

CONDITIONS OF APPROVAL:

1. This action shall become final and effective 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 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 the Title 20 of the Mendocino County Code including, but not limited, to the dwelling occupancy limits which currently is one (1). The occupancy of the travel trailer shall be allowed while constructing the 640 sq. ft. residence and its accompanied development. The use of the travel trailer shall be abandoned and put in dead storage prior to the occupancy of the 640 sq. ft. residence. The 640 sq. ft. residence shall be converted to a guest cottage prior to the occupancy of the 2,795 sq. ft. residence. The 640 sq. ft. residence may be preserved only if an Accessory Dwelling Unit (ADU) Ordinance has been adopted at the time of the need to convert the structure to a guest cottage but only with obtainment of all required permits.
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 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 judgement 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. CDP_2018-0009 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.

9. In accordance with Chapter 20.492 of the Mendocino County Code (MCC), a building permit, or grading permit exemption, shall be required for any grading, including but not limited to, any excavation of filling or combination thereof involving transfer of more than two (2) cubic yards of material. The Coastal Permit Administrator, or their designee, shall review and approve grading permits to determine their consistency with MCC Chapters 20.492, 20.496, and 20.500 regulations. Grading activities, including the maintenance of the driveway and parking areas, shall comply with MCC Chapters 20.492, 20.496, and 20.500 regulations.
10. Pursuant with MCC Section 20.504.035, exterior lighting requirements are:
 - a. No light or light standard shall be erected in a manner that exceeds wither the height limit designated in this Division for the zoning district in which the light is located or the height of the closest building on the subject property, whichever is the lesser.
 - b. All lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.
 - c. Minor additions to existing night lighting for safety purposes shall be exempt from a coastal development permit.
 - d. No lights shall be installed so that they distract motorists.
11. In accordance with the Biological Scoping and Botanical Report dated January 2, 2018 and prepared by Karen Youngblood, Biologist; conditions are placed to protect the habitats and natural resources surrounding the project site. These conditions shall be fully-enforced, unless any or all of them are modified or removed upon consultation with the California Department of Fish and Wildlife and/or other trusted agencies tasked with the protection of the identified species:
 - a. No development shall occur within 50 feet of the Bishop Pine Forest.
 - b. If construction is to occur between February and August (breeding season), a pre-construction survey shall be conducted prior to construction in order to ensure that no nesting birds will be disturbed during development. A survey report shall be provided to the Department of Planning and Building Services prior to commencement of construction and the staging of the construction equipment. Should evidence of nesting birds be found, measures shall be taken in accordance with the survey report recommendations and consultation with the trusted agencies.
 - c. If active special-status bird nests are observed, no ground disturbance activities shall occur within a minimum of 100-foot exclusion zone during the months of February to August.
 - d. If construction is to occur between November and September, a pre-construction survey shall be conducted to determine the presence or absence of special status bats. A survey report provided to the Department of Planning and Building Services prior to construction. Should evidence of special status bats be found, measures shall be taken, in accordance with the survey report recommendations and consultation with the trusted agencies.

2-24-2020

DATE



EDUARDO HERNANDEZ
PLANNER II

2-24-2020

DATE



BRENT SCHULTZ
COASTAL PERMIT ADMINISTRATOR

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery (Vicinity)
- C. Aerial Imagery (Detail)
- D. Topographical Map
- E. Tentative Maps (Site Plan and Drawings)
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resources
- K. Appealable Areas
- L. Adjacent Parcels
- M. Fire Hazard Zones & Responsibilities Areas
- N. Wildland-Urban Interface Zones
- O. Ground Water Resources
- P. Highly Scenic/Tree Removal
- Q. Local Soils