



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

**JUNE 28, 2021
CDP_2021-0003**

SUMMARY

OWNER/APPLICANT: MARIUS & CARMEN CONSTANTIN
5713 RAINBOW HILL RD
AGOURA HILLS, CA 91301

REQUEST: Administrative Coastal Development Permit to authorize the conversion of an existing garage/guest cottage with an attached deck to a 1,320 square foot multi-story single family residence, with a maximum height of 20 feet above natural grade. The request includes the removal of the existing mobile home. There are no increases or changes to the well, septic system and utilities.

LOCATION: In the Coastal Zone, 0.77 miles southeast of Little River, on the east side of Little River Airport (CR 404); located at 44435 Little River Airport Rd.; APN 121-310-36.

TOTAL ACREAGE: 1.52± Acres

GENERAL PLAN: Rural Residential, five acre minimum lot size or alternate density of one acre minimum lot size (RR5(1))

ZONING: Division II, Rural Residential, five acre minimum lot size or alternate density of one acre minimum lot size & RR5(1)(AH)

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 3(a)

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: TIA SAR

BACKGROUND

PROJECT DESCRIPTION: Administrative Coastal Development Permit to authorize the conversion of an existing garage/guest cottage with an attached deck to a 1,320 square foot multi-story single family residence, with a maximum height of 20 feet above natural grade. There is an existing mobile home (constructed in 1982) and a detached garage/guest cottage (constructed in 1989) on the property. Both structures have attached decks. There is no proposed septic expansion for the garage/guest cottage conversion to a single family residence. The existing mobile home will be removed.

APPLICANT'S STATEMENT: "1. Demolish and remove Mobile Home 2. Convert Guest Cottage to Single Family Residence"

RELATED APPLICATIONS: In 1982, the California Coastal Commission issued a waiver permit for a single family residence (MH F-6359). A detached Garage/Guest Cottage was issued in 1989 (F6360-A) and Categorical Exclusion permit was issued for a well replacement (CE_2017-0007).

SITE CHARACTERISTICS: The site is located within the Coastal Zone, 0.77± miles southeast of Little River, on Little River Airport (CR 404). The proposed project site is relatively flat around the existing residence with vegetation's surrounding the entire parcel. The proposed residence will be the only

structure onsite with connections to existing well and septic. The properties to the north, east, and west, all fall under the same land use designation (see attached LCP Land Use Map 17).

SURROUNDING LAND USE AND ZONING: As listed on Table 1, the surrounding lands are classified and zoned similarly to the project site, with the exception of the property immediately to the South (See attachments General Plan Classifications and Zoning Districts).

TABLE 1: SURROUNDING LAND USE AND ZONING

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential 5[RR1]	Rural Residential 5[RR1]	1.21 ± Acres	Residential
EAST	Rural Residential 5[RR1]	Rural Residential 5[RR1]	1.47 ± Acres	Residential
SOUTH	Forrest Land 160	Timberland Production	14.90 ± Acres	Vacant
WEST	Rural Residential 5[RR1]	Rural Residential 5[RR1]	1.11 ± Acres	Residential

PUBLIC SERVICES:

Access: Little River Road (Private)
Fire District: Albion Little River Fire Protection District
Water District: Well
Sewer District: Septic
School District: Mendocino Unified School District

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 as Rural Residential with a five (5) acre minimum parcel size. 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, or other characteristics. The RR classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.”

The proposed conversion of an existing garage/guest cottage with an attached deck to a 1,320 square foot multi-story single family residence is a principally permitted use in the Rural Residential Land Use classification. The proposed single residence is consistent with density of the Coastal Element of the Land Use Plan, Chapter 2, Subsection 2.2, which allows one (1) dwelling per legally created parcel, or one dwelling unit per 40,000 sq. ft., 2 acres, 5 acres or 10 acres, as designated on the Land Use Maps.

Zoning: The project site is located within the Rural Residential (RR) and Airport Height Combining District, as shown on *Zoning Display and Airport Zone Map*. Mendocino County Code (MCC) Section 20.376.005, and Sec. 20.408.005, states:

“... this district is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.”

“...this district is intended to be applied in areas in close proximity to public or private airports where, for the purposes of safety, it is necessary to limit the height of structures.”

The proposed conversion of an existing garage/guest cottage with an attached deck to a 1,320 square foot multi-story single family residence is a principally permitted use within the Rural Residential District, pursuant to Mendocino County Code (MCC) Chapter 20.376. The project would comply with the minimum twenty (20) foot front, rear, and six (6) foot side yard setback requirements for the RR District for a parcel of this size. The maximum building height allowed in the RR District is twenty-eight (28) feet above the natural grade for non-Highly Scenic Areas. The maximum height of the proposed project components would be twenty-eight (28) feet in height.

The subject parcel is located within Airport Height, Zone "C" of the Little River Airport Zone. The maximum building height allowed in the ALUP District Zone "C" is thirty-five (35) feet, the proposed twenty-eight (28) feet above natural grade single family residence is consistent with the zone height restriction per the Mendocino County Airport Comprehensive Land Use Plan. A referral was sent to the Airport Land Use Commission and staff received no comment.

Visual Resources: The project site is not mapped as a Highly Scenic Area and is 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.

With the inclusion of the recommended condition, the proposed project would be 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."

Habitats and Natural Resources: LCP Habitats & Resources Map does not identify sensitive resource areas within 100 feet of the proposed single family residence location. The site is mapped as Urban (also shown with dominant vegetation) towards the north of the parcel and Coastal Forest on the rest of the parcel. This existing developed lot is regularly maintained throughout the year, including mowing and landscaping. As proposed, the project distance would ensure that any environmentally sensitive habitat and other designated resources in that area are not impacted (see attached *LCP Habitats & Resources and Wetlands maps*).

Hazards Management: The parcel is located in an area classified with a "Moderate Fire Hazard" severity rating. Fire protection services are provided by the California Fire Protection (CalFire) and Albion Little River Fire Protection District. The project application was referred to CalFire on April 5, 2021. Our department received CalFire comments dated April 9, 2021, the recommend conditional of approval states any construction within the State Responsibility Area (SRA) shall conform to the applicable sections.

Grading, Erosion, and Run-Off: Site preparation, including grading, in the areas of development is not required to accommodate the proposed project. On April 5, 2021, a referral was sent to Air Quality Management, our office received no comments.

Archaeological/Cultural Resources: The County of Mendocino regulates cultural resources under Section 22.12 of the County Code which requires projects to be reviewed by the Northwest Information Center at Sonoma State University. The proposed project was referred to Sonoma State University, who responded with comments on April 5, 2021 and was scheduled for a hearing with the Mendocino County Archaeological Commission on June 9, 2021, where it was determined that a survey was required. However, on April 28, 2021, our office received a follow up email from the Northwest Information Center at Sonoma State University that a survey is not required due to the lack of ground disturbance. The Discovery Clause is included as a recommended condition.

Groundwater Resources: The site is located within a mapped Marginal Water Resources Area (see attached *Ground Water Resources*). On April 5, 2021 a referral was sent to Division of Environmental Health; our department received comments on May 5, 2021. The comment is included as a recommended condition.

Transportation/Circulation: The project would not contribute a significant amount of new 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. Additionally, there are surrounding parcels that have already been developed and have homes that are occupied; therefore, a single family residence is not anticipated to generate a significant amount of additional traffic beyond what presently exists. The project application was referred to the Mendocino County Department of Transportation (MCDOT) for input. Our department received “no comment” from MCDOT.

Public Access: The project site is located east of the first public road and is not specified or indicated as a location for public access to the shore (See attached *LCP Land Use Map 17: Mendocino*). As proposed the project would be consistent with MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements*.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes’ or projects have been determined not to have a significant effect on the environment, and are therefore exempt from the requirement for the preparation of environmental documents. The Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3, Section 15303 (a), which reads, “In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.”

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 conversion of an existing garage/guest cottage with an attached deck to a 1,320 square foot multi-story single family residence is in conformity with the entire certified Local Coastal Program. The construction of a residence is a permitted use within the Rural Residential land use classification and is consistent with the intent of the RR Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed project would be provided with adequate utilities, access roads, drainage, and other necessary facilities. Under the proposed project, the residence will continue access the existing driveway. The Department of Environmental Health cleared the residence to connect to the existing well and septic system; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of District II of Title 20 of the Mendocino County Code, including development criteria for Environmentally Sensitive Habitat Areas and non-Highly Scenic Areas, and preserves the integrity of the Rural Residential Zoning District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed project, 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. The Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3, Section 15303 (a), which reads, in urbanized areas, up to three single-family residences may be constructed or converted under this exemption; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed project would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site and Condition 8 is in place when archaeological sites or artifacts are discovered. As proposed, there is to be no ground disturbance, further study for archaeological resources is not recommended at this time. Should the description of this project change, Northwest Information Center

of Sonoma State, recommends a further review for the possibility of identifying Native American and historic-period archaeological resources.

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 proposed development. The conversion of an existing garage/guest cottage with an attached deck to a 1,320 square foot multi-story single family residence are not anticipated to significantly affect demands on public services.

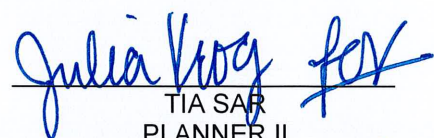
CONDITIONS OF APPROVAL:

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 Coastal Code. CDP_2021-0003 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. In the event of further mitigation processes needed regarding this project, 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. Ground disturbing activity within one hundred (100) feet of any cultural resource is prohibited.

11. The Applicant shall comply with CalFire conditions of approval:
 - a. Any construction within the State Responsibility Area (SRA) shall conform to the applicable sections of the State Fire Safe Regulations found in Title of the California Code of Regulations, Division 1.5, Chapter 7, and Sub-Chapter 2.
12. Conformance with Environmental Health recommendations is required:
 - a. Any future development will require discovery information for the septic system.

6/28/2021
 DATE

6-28-2021
 DATE


 TIA SAR
 PLANNER II


 IGNACIO GONZALEZ
 INTERIM DIRECTOR

ATTACHMENTS:

- | | |
|---|---------------------------------------|
| A. Location Map | L. Adjacent Owner Map |
| B. Aerial Map (Vicinity) | M. Fire Hazards Map |
| C. Aerial Map | N. Wildland-Urban Interface |
| D. Topographical Map | O. Coastal Ground Water Resource Area |
| E. Site & Floor Plan, Elevation | P. Highly Scenic |
| F. Zoning Map | Q. Slope Map |
| G. General Plan | R. Soils Map |
| H. LCP Map Land Use | S. Farmland |
| I. LCP Land Capabilities & Natural Hazard | T. Airport Zone |
| J. LCP Habitats & Resources | |
| K. Appealable area Map | |

SUMMARY OF REFERRAL AGENCIES COMMENTS:	
Air Quality Management District	No Response
Airport Zone District	No Comment
Archaeological Commission	Comments
Assessor's Office	No Response
Building Division (FB)	No Response
County Addresser	No Comment
Department of Transportation (DOT)	No Comment
Environmental Health (FB)	Comments
Planning Division (FB)	No Comment
Sonoma State University	Comments
CALFIRE (Land Use)	Comments
California Coastal Commission	No Response
California Dept. of Fish & Wildlife	No Response
California Dept. of Parks and Recreation	No Response
CALTRANS	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response