



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

**MARCH 9, 2021
CDP_2020-0016**

SUMMARY:

OWNER/APPLICANT: SUSAN GARRETT
11588 BOTTLEROCK RD.
KELSEYVILLE, CA. 95451

AGENT: MARK MERTLE
489 S. HARRISON ST.
FORT BRAGG, CA. 95437

REQUEST: Administrative Coastal Development Permit for the remodel and expansion of a legal non-conforming second residential unit by 80± square feet. Additionally, the request includes phased-construction of a multi-story garage (576 sq. ft.) with an upstairs 'Game Room'.

LOCATION: In the Coastal Zone, 3.0± miles south of Fort Bragg City center, lying on the West side of Freitas Ln. (Private) 500± feet north of its intersection with Boice Lane. (CR 413), located at 17750 Freitas Ln. Fort Bragg; APN: 017-172-14. Disturb

TOTAL ACREAGE: 0.80 ± Acres

GENERAL PLAN: Coastal Element Chapter 4.12
Rural Residential [RR:5(1)]

ZONING: Mendocino County Coastal Zoning Code
Rural Residential Development Limitations (RR-5)

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

APPEALABLE: No

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: MATT GOINES

BACKGROUND

PROJECT DESCRIPTION: Administrative Coastal development permit to remodel an existing 1,128 sq. ft. legal nonconforming second residential unit. The remodel will include exterior and interior renovations. The bathroom and bedroom count will remain the same at two bedroom and two bathroom, the east side of the residence will accommodate a new set of stairs and the overall floor area will increase by an inconsequential 80± sq. ft. Additionally, the request includes phased-construction of a multi-story garage (576 sq. ft.) with an upstairs 'Game Room'.

APPLICANT'S STATEMENT: "Home remodel, existing pump house/well, existing septic system."

RELATED APPLICATIONS: BF_2020-0489 TRANSFER BF_2018-0143 TO CLASS K

SITE CHARACTERISTICS: The project site is located in the Coastal Zone, 3.0± miles south of Fort Bragg City center, lying on the West side of Freitas Ln. 500± feet north of its intersection with Boice Lane, as shown on the *Location* and *Aerial (Vicinity)* maps. The parcel is developed with 2 single family residences

and appurtenant structures, surrounded by developed properties within a residential neighborhood. The parcel is mostly barren with sparse trees around the property. The California Natural Diversity Data Base does not indicate any potential sensitive receptors. However, there may be potential Coastal Forest areas on or near the property as indicated on the *LCP habitats and resources map*. As such, there will be no trees removed for any of the requested items for this project. The parcel is relatively flat as shown on the *Topographic Map*, and is not identified to be in a flood plain or flood way.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR) see *General plan and zoning maps*. The proposed remodel will be consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential RR5(1)	Rural Residential RR5	1.0± Acre	Residential
EAST	Rural Residential RR5(1)	Rural Residential RR5	1.8± Acres	Residential
SOUTH	Rural Residential RR5(1)	Rural Residential RR5	0.79± Arce	Residential
WEST	Rural Residential RR5(1)	Rural Residential RR5	0.90± & 0.95± Acres	Residential

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed development is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Code, as detailed below:

Land Use: The project site is located within the boundaries of the Local Coastal Program (LCP) area, as shown on *LCP Land Use Map 17: Beaver*. The subject parcel is classified as Rural Residential (RR) by the Mendocino County General Plan, as shown on the *General Plan Classifications* map.

The Coastal Element Chapter 2.2 Rural Residential 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.”

The proposed development is consistent with the allowed accessory uses associated with residential development per Mendocino County Coastal Element Chapter 2.2.

Zoning: The zoning codes enforce the intent of the land use classification. This project site is located within a Rural Residential district and a Development Limitations combining district, as shown on the *Zoning Display* map.

The Rural Residential district, per Mendocino County Code (MCC) Section 20.376.005,

“... 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.”

The proposed project will not have an impact on the agricultural viability of the property or conflict with the uses within the Rural Residential District or the MCC Chapter 20.376 RR -- *Rural Residential District*. As currently proposed, the remodel and multi-story garage with an upstairs Game Room will comply with the development standards of MCC Chapter and 20.532. The site is already developed with a single-family residence and supporting infrastructure. This application seeks to remodel a legal nonconforming single family residence and construct a multi-story garage with an upstairs ‘Game Room. The project is found to

be consistent with the zoning and General Plan classification of Rural Residential as it will allow for the continuance of the existing legal or non-conforming use on the parcel. The proposed project will not be expanding the legal nonconforming use of the existing residence. The project would not impact or encroach on any property line setback requirement for the RR District per MCC Sec. 20.376.035.

Visual Resources: The parcel is not located within a designated highly scenic area, special communities, or special treatment area, additionally the remodel and construction of a multi-story garage with an upstairs Game Room will not change the visual impacts to the surrounding area as the applicant will be using conventional methods of construction, material, and colors that are appropriate for the area. The remodel and multi-story garage with an upstairs Game Room will not have visual impacts on the surrounding area and the proposed project will not conflict with Coastal Element 3.5, and complies with MCC Chapter 20.504 *Visual Resources and Special Treatment Areas*.

Hazard Management: The remodel and construction of a multi-story garage will have minimal to no impact on geologic, fire, and flood hazards. The site is rated as "Moderate Fire Hazard", and fire protection services are provided by Cal Fire and Fort Bragg Rural Fire Department, as shown on the *Fire Hazard Zones & Responsibility Areas* map. The parcel is not located in a flood hazard or flood way area. Given the location and minimal potential for impact or being impacted by any of the hazards in MCC 20.500, the proposed project will not conflict with Coastal Element 3.4, and complies with MCC Chapter 20.500 *Hazard Areas*, including geologic (faults, bluffs, tsunamis, landslides, and erosion), fire, and flood hazards.

Habitats and Natural Resources: Even though the property has potential to be in a Coastal Forest area as indicated on the *LCP habitats and resources map*. The site has very sparse vegetation and the project will have little to no impact on the surrounding potential resources. The California Department of Fish and Wildlife did not respond to the agency referral request, as such, no botanical or biological survey is being requested as the remodel will have little to no impact on sensitive resource areas. The proposed project will not conflict with Coastal Element 3.1, and complies with MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*.

Grading, Erosion and Run Off: The proposed project requires minimal ground disturbance for the remodel. No grading permit is required by the Mendocino County Planning and Building Department, Best Management Practices are to be used if any significant rain fall is to occur during the time of exterior remodeling or construction of the multi-story garage. The remodel and multi-story garage with an upstairs Game Room will not significantly alter the original elevation, compaction, or the agricultural viability of the property. The proposed project complies with MCC Chapter 20.492 *Grading, Erosion, and Runoff* and MCC Section 18.70.027 *Grading as "Development" in the Coastal Zone*.

Groundwater Resources: The site is designated as having marginal water resources by the Mendocino County Coastal *Groundwater Study*, as shown on the *Ground Water Resources* map. The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts that may occur in regards to water and septic developments; where Environmental Health responded with no Comment other than there is nothing in the EH file for a well or septic. It should be noted that the two residential units have been there since the 1940's according to the Mendocino County Assessors Office. As such, the project does not propose to expand or intensify the use of the residence. The proposed project complies with MCC Section 20.516.015 (B)(1) *Water Supply*.

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. No agency referral request was sent to the Northwest Information Center at Sonoma State University or Archeological Commission as no substantially new development or ground disturbance will occur. The proposed garage is a principally permitted use and normally associated with a single family residence, however the game room is not normally associated with a single family residence, but because the game room is above the garage and no additional ground disturbance is to occur outside of the principally permitted garage, staff did not refer this project to CHRIS or the Mendocino County Archaeological Commission. Staff notes that **Condition 8** advises the property owners and contractor of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project. Comments were requested from the following tribes: Redwood Valley Rancheria, Sherwood Valley Band of Pomo Indians, and Cloverdale Rancheria, where only Redwood Valley Rancheria responded with no comments.

No other responses were received. With the adherence of **Condition 8**, the proposed project complies with MCC Sections 22.12.090 *Discoveries* and 22.12.100 *Discoveries of Human Remains*.

Transportation/Circulation: The project would not contribute new sources of traffic on local and regional roadways. The project would not impact transportation or circulation and will be provided with adequate access for existing residential use of the parcel. The project was referred to Mendocino County Department of Transportation (DOT) for input. DOT did not respond the agency referral request. The proposed project complies with MCC Section 20.516.015 (C) (2) *Transportation Systems*.

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 to be Categorically Exempt from the California Environmental Quality Act. Per Section 15302, class 2 Replacement or Reconstructions and 15303 Class 3, new construction.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 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 remodel and multi-story garage with an upstairs Game Room complies with the certified Local Coastal Program. The proposed project is not in conflict with the Rural Residential land use classification, and the remodels support continued residential use of the site, which is consistent with the intent of the Rural Residential Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the remodel and multi-story garage with an upstairs Game Room will not affect the existing utilities, access roads, drainage, and other necessary facilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), the remodel and multi-story garage with an upstairs Game Room is consistent with the purpose and intent of the Rural Residential District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code.
4. Pursuant with MCC Section 20.532.095(A)(4), the remodel and multi-story garage with an upstairs Game Room, if completed 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 is determined to be Categorically Exempt from further environmental review; and
5. Pursuant with MCC Section 20.532.095(A)(5), the remodel and multi-story garage with an upstairs Game Room will 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 site is currently undeveloped and the remodels will not affect demands on public services.

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 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 remodel and multi-story garage with an upstairs Game Room from County, State, and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed projects 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.

2/22/21

DATE

Matt Goines

MATT GOINES
PLANNER I

2-22-2021

DATE

Ignacio 'Nash' Gonzalez

IGNACIO 'NASH' GONZALEZ
INTERIM DIRECTOR

ATTACHMENTS:

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| A. Location Map | J. LCP Habitats & Resources |
| B. Aerial Map Imagery | K. Appealable Areas |
| C. Aerial Map Imagery | L. Adjacent Parcels |
| D. Site Plan | M. Fire Hazard Zones & Responsibility Areas |
| E. Topographical Map | N. Ground Water Resources |
| F. Zoning Display Map | O. Slopes |
| G. General Plan Classifications | P. Local Soils |
| H. LCP Land Use Map 17: Beaver | Q. Farmland Classifications |
| I. LCP Land Capabilities & Natural Hazards | |

SUMMARY OF REFERRAL AGENCIES COMMENTS:

Assessor	No Response
Building Services Division	No Comment
California Department of Forestry and Fire Protection (Land Use)	No Response
California Department of Transportation	No Response
Cloverdale Rancheria	No Response
California Coastal Commission	No Response
California Department of Fish & Wildlife	No Response
Department of Transportation (DOT)	No Response
Department of Environmental Health (DEH)	No Comment
Fort Bragg Rural Fire District	No Response
Planning Division (Ukiah)	No Comment
Redwood Valley Rancheria	No Comment
Sherwood Valley Band of Pomo Indians	No Response