

**COASTAL PERMIT CHECKLIST
OCTOBER 12, 2016**

PROJECT TITLE: CDP_2016-0022 (Heid & Malina, Guest Cottage)

PROJECT LOCATION: In the Coastal Zone, located on the south side of Navarro Ridge Road approximately 0.5 mile east of its intersection with Highway 1 at 33801 Navarro Ridge Road, Albion (APN 123-320-07).

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Robert LaPorte
Mendocino County Planning and Building Services
120 West Fir Street
Fort Bragg, California 95437
707-964-5379

GENERAL PLAN DESIGNATION: Rural Residential 5 (RR5) / Planned Development (PD)

ZONING DISTRICT Rural Residential 5 (RR5) / Planned Development (PD)

APPEALABLE AREA: No

PERMIT TYPE: Administrative Coastal Development Permit

TOTAL ACREAGE: 5.47 acres

EXISTING USES: Single Family Residential

ADJACENT ZONING: North: Rural Residential 5 acre minimum (RR5) / Planned Development (PD)
East: Rural Residential 5 acre minimum (RR5) / Planned Development (PD)
South: Rural Residential 5 acre minimum (RR5) / Planned Development (PD)
West: Rural Residential 5 acre minimum (RR5) / Planned Development (PD)

SURROUNDING LAND USES: North: Coastal Visitor Accommodations: Inn
East: Single Family Residential
South: Vacant
West: Single Family Residential

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt - 15303 Class 3(e) new construction of an accessory structure.

OTHER RELATED APPLICATIONS: BF_2001-0600 (Addition to SFR). ST26722 (Septic for guest cottage, on file but not an active permit).

PROJECT DESCRIPTION: Coastal Development Permit to: construct a two story accessory structure, with a 522 square-foot guest cottage on first floor with a 489 square-foot office on second floor; tie in plumbing and electric utilities to existing system; install a french drain. This new structure will be accessory to an existing single family residence and will be located in the rear yard approximately 100 feet northeast of the existing residence.

SITE CHARACTERISTICS: The 5.5 acre subject parcel is situated in the Coastal Zone approximately two miles south of Albion, located on the south side of Navarro Ridge Road approximately 0.5 mile east of its intersection with Highway 1. The site is surrounded by parcels of similar size that are greater than 5 acres but less than 10 acres. To the east and west are developed residential parcels and the lot to the south is undeveloped residential.

The Fensalden Inn is located on the adjacent parcel to the north. Existing development on the subject parcel is clustered on the southern portion of the lot and consists of a 1,981 square-foot single family residence, a 120 square-foot greenhouse, a 288 square-foot shed, 1,000 square feet of gravel driveway, well and water storage tank, septic, and two fenced garden areas.

The subject parcel is designated as a planned development area (combining district PD), which requires that a use permit is obtained for all development, other than a single family residence and accessory uses. Since this permit is authorizing construction of an accessory use to a single family home, a use permit is not required.

DETERMINATION: The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit**, pursuant to Section 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

| 20.532.095 Required Findings for All Coastal Development Permits | Inconsistent | Consistent (With Conditions of Approval) | Consistent (Without Conditions of Approval) | Not Applicable |
|--|--------------------------|--|---|--------------------------|
| (A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following: | | | | |
| (1) The proposed development is in conformity with the certified local coastal program. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

☒ *Consistent (without conditions of approval)*

The Local Coastal Program sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program serves as an element of the General Plan and includes Division II of Title 20 of the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

General Plan Land Use

The subject parcel is classified as Rural Residential by the Coastal Element of the Mendocino County General Plan, which 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” (MCC Section 20.376.05). The principally permitted use designated for the Rural Residential land use classification is “one dwelling unit per existing parcel and associated utilities, light agriculture and home occupation” (Chapter 2.2 of the County of Mendocino General Plan).

The proposed project consists of development of an accessory use to a single family residence, a principally permitted use, and is therefore consistent with the Rural Residential classification of the Coastal Element of the Mendocino County General Plan.

Hazards

The Coastal Act mandates that new development shall reduce potential risks and avoid substantial alteration of natural landforms. Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone and MCC Section 20.500 (Hazard Areas) provides regulations for those areas. The following is a discussion of the major environmental hazards in the Coastal Zone and potential impacts with the subject project.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone (Department of Conservation, California Geological Survey). The San Andreas fault is located approximately six miles to the west of the project site. The site, as with the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

Landslides: There are no translational/rotational or debris slides mapped on the subject parcel (Department of Conservation, California Geological Survey).

Erosion: The proposed guest cottage and office structure is located on a slope with an approximate 15% grade. Minimal ground disturbance will occur as a result of this project, and therefore there are no concerns regarding potential for erosion.

Flooding: There is no mapped floodplain on the subject parcel; therefore, no conditions are necessary to ensure consistency with flood policy (Federal Emergency Management Agency 2011).

Fire: The project is located in an area that has a high fire hazard severity rating, as shown on the Fire Hazard Zones and Responsibility Areas map. The project application was referred to the California Department of Forestry and Fire Protection (CalFire) for driveway, address and defensible space standards. CalFire had no comment on the proposed project.

Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504.

The project is not located in a designated Highly Scenic Area and is located east of Highway 1. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas.

MCC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel.

The proposed exterior lighting fixtures are downcast and shielded. The project is therefore consistent with the exterior lighting regulations set forth in MCC Section 20.504.025.

Without any conditions of approval, the proposed development is in conformity with the certified local coastal program.

- **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

☒ *Consistent (without conditions of approval)*

Chapter 3.8 of the Mendocino County General Plan Coastal Element addresses Transportation, Utilities and Public Services within the Coastal Zone. Coastal Element Policy 3.8-1 provides general guidelines for all development in the coastal zone, requiring that:

Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.

Utilities: The proposed development will be served by existing well, power, gas and septic system. The site is located within an area designated as a Critical Water Resources area (CWR) as shown in the 1982 Coastal Groundwater Study prepared by the Department of Water Resources. The Division of Environmental Health reviewed the application. Environmental Health commented that a permit for a replacement septic system was on file. A replacement septic system is not required to approve the proposed development. The proposed project is therefore provided with adequate utilities.

Access Roads: The parcel is accessed by a private driveway (Nonella Lane) off of Navarro Ridge Road (CR 518), and no additional access is proposed. Mendocino Department of Transportation reviewed the application and had no comment. The proposed project does not directly impact a County road and the existing access is adequate to serve the proposed use.

Drainage: Drainage is subject to MCC Section 20.492.025, and provides regulations mitigating the impact of stormwater runoff and erosion.

The proposed guest cottage and office structure is located on a slope with an approximate 15% grade. A swale will be installed upslope of the structure and collect drainage in a four inch french drain. The drainage feature daylight on the subject property, approximately 200 feet from the southern property boundary. The drainage feature is designed to protect the new structure and is not anticipated to negatively impact any other structures on the property or adjacent properties.

Without any conditions of approval, the proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

☒ *Consistent (with conditions of approval)*

Zoning District Consistency

Intent: The subject parcel is zoned Rural Residential as shown on the Zoning Display Map. The intent of the Rural Residential zoning district is "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" (MCC Section 20.376.05). The existing residential use and proposed guest cottage and office are consistent with the intent of the Rural Residential zoning district.

Use: The proposed development is to construct a two story accessory structure, with a 522 square-foot guest cottage on first floor and a 489 square-foot office on second floor. Accessory uses are permitted in the Rural Residential zoning district, subject to the Accessory Use Regulations of MCC Section 20.456. Guest cottages are specifically included in the definition of permitted accessory structures. An office is a non-residential structure which is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principle residential use. Typically, at this location within the coastal zone, the development of a structure accessory to a single family residence would not require a coastal development permit. However, guest houses or

self-contained residential units are specifically not exempt from a coastal development permit (Subchapter 6 - 13250 of Public Resources Code Section 30610(a)). The proposed improvements and existing use of the parcel are consistent with the uses allowable within the Rural Residential Zoning District.

To ensure the guest cottage is used according to its intended use, and is not converted into a second dwelling unit, which cannot be allowed, **Condition 9** is recommended.

Condition 9: Prior to issuance of the Coastal Development Permit, the applicants shall execute and record a deed restriction with the following conditions:

- a. Any proposed modification of the guest cottage shall require an amendment to the coastal development permit.
- b. The accessory structure shall not contain facilities, either permanent or temporary and portable, for the cooking or preparation of food, and shall not be used as an independent dwelling unit until such a time as appropriate permits are obtained.

Density: The maximum dwelling density in the Rural Residential zoning district is one single family dwelling per ten (10) acres. The proposed development does not conflict with the dwelling density standards of the Rural Residential zoning district.

Yards: The minimum required front, side, and rear yards in the Rural Residential zoning district for a parcel of this size are fifty (50) feet from the front, rear, and side yards (MCC Section 20.376.030 through Section 20.376.035). The proposed development is consistent with the yard setback requirements of the Rural Residential zoning district.

Height: The maximum permitted building height for the guest cottage accessory structure is twenty-eight (28) feet above natural grade (MCC Section 20.376.045). The proposed two story guest cottage and office structure has a maximum height of twenty-one feet above natural grade. The proposed development is therefore consistent with the height requirements for the zoning district.

Lot Coverage: The maximum permitted lot coverage in the Rural Residential zoning district is ten (10) percent for a parcel of this size (MCC Section 20.376.065). The parcel is approximately 238,273 square feet, allowing for a maximum permitted lot coverage of approximately 23,827 square feet. Including the existing residence, driveway, existing accessory structures, and the proposed improvements, the lot coverage on the parcel would be approximately 6,784 square feet for a lot coverage percentage of less than three percent. The proposed development is therefore consistent with the lot coverage requirements of the Rural Residential zoning district.

With the recommended condition of approval, the proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

☒ *Consistent (without conditions of approval)*

The proposed project is Categorically Exempt from the provisions of CEQA, pursuant to Class 3 of Article 19 of the California Environmental Quality Act Guidelines. The Class 3 (e) exemption finds that an "accessory (appurtenant) structures", meeting the criteria of Section 15303, has "been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA."

The proposed development meets the criteria of Section 15303, and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

☒ *Consistent (with conditions of approval)*

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 the construction of an accessory building with a 523 square-foot footprint which would have minimal ground disturbance. 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 still 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, and states:

Condition 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the recommended condition of approval, the proposed development will not have any adverse impacts on any known archaeological or paleontological resource.

➤ **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.**

☒ *Consistent (without conditions of approval)*

Chapter 3.8 of the Mendocino County General Plan Coastal Element addresses Transportation, Utilities and Public Services within the Coastal Zone. Coastal Element Policy 3.8-1 provides general guidelines for all development in the coastal zone, requiring that:

Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.

Solid Waste: The Albion Transfer Station is located approximately five road miles from the project site, providing for the disposal of solid waste resulting from the existing residential uses on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. The development of a guest cottage and office will not generate any significant additional solid waste at the site. Solid waste disposal is adequate to serve the proposed and existing development.

Roadway Capacity: The increase in traffic volume associated with the development proposed in the application will be negligible. Mendocino Department of Transportation reviewed the application and did not state concerns relating to access. The existing roadways and private access are adequate to serve the proposed development.

Without conditions of approval, other public services, including but not limited to, solid waste and public roadway capacity are adequate to serve the proposed development.

References

Landslide Inventory (Beta) 2015. State of California, Department of Conservation, California Geological Survey.

Mendocino County, Planning and Building Services, Planning Division. *Mendocino County Coastal Zoning Code*. 1992. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.