



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

**SEPTEMBER 27, 2018
CDP_2017-0049**

SUMMARY

OWNER: TOM & PAMELA PITTS
1043 VIA NUEVA
LAFAYETTE, CA 94549

APPLICANT/AGENT: KELLY B. GRIMES
PO BOX 328
LITTLE RIVER, CA 95456

REQUEST: Administrative Coastal Development Permit for the construction of a 560 sq. ft. guest cottage, connection to water and electrical supply and extension of paved driveway to accommodate additional parking.

LOCATION: In the Coastal Zone, 2± miles southeast of the Town of Mendocino, 0.5± mile east of the intersection of Gordon Ln. (CR 404A) and Hwy. 1 (SH 1), located at 44470 Gordon Ln., Mendocino (APN: 119-420-39).

TOTAL ACREAGE: 5.0± acres

GENERAL PLAN: Rural Residential (RR5:R)

ZONING: Rural Residential (RR5:R)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt per Section 15303 Class 3(e)

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Jessie Waldman

BACKGROUND

PROJECT DESCRIPTION: The Applicant proposes to construct a single story 560 square foot guest cottage; tie in plumbing and electric utilities to existing system and extend paved driveway for additional parking. The new structure will be accessory to an existing single family residence and will be located in the side yard approximately 60 feet northeast of the existing residence.

RELATED APPLICATIONS:

- CE_2002_0116 (Test well)
- CDP_2006-0045 (Single-family residence)
- BF_2007-1014 (Single-family residence)

SITE CHARACTERISTICS: The 5 acre subject parcel is located 750 feet down a private road, on the north side of Gordon Lane, approximately 0.5 mile east of its intersection with Highway 1. Existing development on the subject parcel is clustered on the eastern portion of the lot and consists of a 1,986 square foot single family residence, 442 square foot attached garage, 474 square foot covered deck, a 3,000 gallon water storage tank, septic system and other accessory structures typical of a single family residence.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned similarly to the project site, Rural Residential. Parcels surrounding the subject parcel range in size from 1.4 acres to 7.1 acres. All of the surrounding lots are developed with single family residences. The proposed guest cottage is 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)	RR5	5.1± acres	Residential
EAST	Rural Residential (RR5)	RR5	5.9± acres	Residential
SOUTH	Rural Residential (RR5(2))	RR5(2)	1.4± acres	Residential
WEST	Rural Residential (RR5); Rural Residential (RR5);	RR5	4± acres; 7.1± acres	Residential

PUBLIC SERVICES:

Access: Gordon Lane (CR 404A)
Fire District: Mendocino Fire Protection District
Water District: NONE
Sewer District: NONE
School District: Mendocino Unified School District

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed project is consistent with the applicable goals and policies of the Local Coastal Program as described below.

Land Use: The parcel is classified as Rural Residential Five Acre Minimum (RR5:R) by the Mendocino County General Plan. Single-family residential and accessory structures, such as guest cottages, are permitted use types in the Rural Residential classification.

Zoning: The parcel is similarly zoned RR-5 [RR: 5]. Guest cottages are compatible with the Rural Residential zoning district and are designated as permitted accessory uses pursuant to Chapter 20.456 of the Mendocino County Coastal Zoning Code which states the following:

Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit, where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single family residence (pertinent part):

(G) Accessory Living Unit. Not more than one accessory living unit for each legal parcel.

An "Accessory Living Unit" as defined in Section 20.308.020 is as follows (pertinent part):

...a detached bedroom as defined in Section 20.308.035(B) or a guest cottage as defined in Section 20.308.050(I).

A "Guest Cottage" as defined in Section 20.308.050(I) is as follows (pertinent part):

...a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling.

The proposed guest cottage is 560 square feet. **Condition 12** is recommended to ensure the guest cottage will not have a kitchen or cooking facilities, will be clearly subordinate and incidental to the primary dwelling, and will not be separately rented, let, or leased whether compensation be direct or indirect.

The required yard setbacks are thirty feet each from front and rear property lines and thirty feet each for side yards. As shown on the Site Plan (Exhibit D), the structures comply with setbacks required by the County Zoning Code. The site is not within a designated highly scenic area; therefore the height limit is 28 feet above average natural grade. The subject structure is 15 feet 6 inches tall and complies with the height limit. The project, as proposed, would result in an increased lot coverage of 0.25 percent, which would not exceed the maximum allowed lot coverage of 20 percent for parcels of this size located within an RR District.

The proposed guest cottage is meets all regulations for Division II Rural Residential Zoning district, including yard setbacks, building height limitations and lot coverage.

Visual Resources: The parcel is not located in a designated Highly Scenic Area; therefore, it is not subject to the policies within the Coastal Element relating to visual resources, except for the following policy that applies to all parcels within the Coastal Zone:

Policy 3.5-1 of the Coastal Element states:

...The scenic and visual qualities of Mendocino County coastal areas shall be considered and projected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas...

The guest cottage would be finished in the following exterior materials and colors:

Table 2. Proposed exterior colors and materials.		
	Material	Color
Siding	Hardi-Panels	Dark Brown
Trim	Hardi-Trim	White
Roofing	Comp. shingles	Brown
Window Frames	Fiberglass	White
Doors	Hinged Patio and glass	Cherry Red

Staff finds that the proposed materials and colors would be visually compatible with the character of the surrounding area. **Condition 13** is recommended, to allow changes to exterior finishes with approval of the Coastal Permit Administrator.

Section 20.504.035 of the Coastal Zoning Code (Exterior Lighting Regulations) states:

- (A) *Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.*
- (2) *Where possible, 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.*
- (3) *Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas.*

Condition 10 is recommended to require exterior lighting to be kept to the minimum necessary for safety and security purposes and to be downcast and shielded, and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of Planning and Building Services.

Hazards: The property is in an area of “High” fire hazard severity ratings as determined by the California Department of Forestry and Fire Prevention (Cal Fire). A State Fire Safe Regulations Application Form for the project was submitted by the Applicant to CalFire, conditional approval was granted on November 30, 2017 (CalFire File 486-17). Conditions related to address, driveway, defensible space and maintain defensible space standard were recommended by CalFire. A standard condition requiring the Applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan would be addressed. With the inclusion of the standard condition, Staff finds the project to be consistent with Mendocino County policies for fire protection. The Mendocino Fire District was notified of the proposed project, no response was received.

The proposed structure is new construction and located in a relatively flat area. The development does not present any hazard issues relative to slope failure. There are no known faults, landslides or other geologic hazards in close proximity to the proposed development.

Habitats and Natural Resources: Coastal Forest wooded habitat exists on the majority of the parcel. However, the project site is in a previously cleared yard area and there are no environmentally sensitive habitat areas within 100 feet of the proposed development.

Archaeological/Cultural Resources: For small projects such as a guest cottage with associated improvements, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either the California Historic Resource Information Center (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 it was determined to be an appropriate guidance document for what projects would require archaeological review.

Staff notes that **Condition 8** advises the property owners of a “Discovery Clause,” which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As conditioned, Staff recommends the project as consistent with Mendocino County policies for the protection of the paleontological and archaeological resource.

The project was referred to three local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria. As of this date, no response has been received from the three local tribes.

Groundwater Resources: The site is located within an area designated as a Marginal Water Resources area (MWR) as shown in the 1982 Coastal Groundwater Study prepared by the Department of Water Resources. The subject parcel is served by an existing well. Septic is provided by the existing on-site septic system. The Department of Environmental Health responded that the proposed project has received clearance.

Grading, Erosion, and Run-Off: Site preparation, including grading, in the areas of development is required to accommodate the proposed development. Additionally, trenching would be required to install underground utilities and piping, which would extend to the new guest cottage from the existing well and septic system to be installed under the project. The project would be required to implement standard Best Management Practices (BMPs) to prevent erosion and run-off during project construction and revegetate any bare soil as soon as feasible after the construction phase is complete. Staff finds the project would not result in significant erosion or run-off impacts. **Condition 10** is recommended to achieve compliance with policies related to grading, erosion and run-off standards.

Transportation/Circulation: The project does not propose new encroachments. The project would not change the residential use of the property. 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. The Department of Transportation was notified of the proposed residence and responded with “no comment.”

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 42 (Mendocino). There will be no impacts to public access.

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, and the proposed residence and accessory structures meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3(e), Section 15303, which reads “the construction of small accessory structures.”

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, 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 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

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 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. The guest cottage shall not be used for permanent habitation, shall not have a kitchen, food preparation or cooking facilities, shall be limited to 640 square feet, shall be clearly subordinate and incidental to the primary dwelling and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by Section 20.308.050(I) of the Coastal Zoning Code.
10. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of Planning and Building Services.
11. Standard Best Management Practices (BMPs) to prevent erosion and run-off during project construction shall be implemented and any bare soil shall be revegetated as soon as feasible after the construction phase is complete.
12. Prior to issuance of any Building Permits in reliance of this Coastal Development Permit, the applicants shall execute and record a deed restriction stating that the guest cottage shall not contain facilities, either permanent or temporary and portable, for the cooking or preparation of food beyond those authorized for temporary construction support (as stated in Condition 9), shall not be used as an independent dwelling unit until such time as appropriate permits are obtained, shall be clearly incidental and subordinate to the primary dwelling on the parcel, and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by MCC Section 20.308.050(I).

13. Exterior finishes shall be consistent with and visually compatible with the character of the surrounding areas, in compliance with Section 20.504.010 of the Mendocino County Code, and to the satisfaction of the Coastal Permit Administrator.

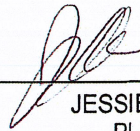
Staff Report prepared by:

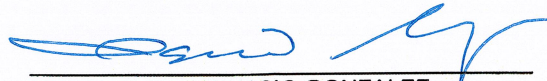
9-26-2018

DATE

9-26-2018

DATE


JESSIE WALDMAN
PLANNER I


IGNACIO GONZALEZ
COASTAL PERMIT ADMINISTRATOR

ATTACHMENTS:

- | | |
|------------------------------------|---------------------------------------------------------|
| A. Location Map | K. LCP Land Capabilities & Natural Hazards |
| B. Topographic Map | L. LCP Land Use Map 17: Mendocino |
| C. Aerial Image | M. Adjacent Parcels |
| D. Site Plan | N. Fire Hazard Zones & Responsibility Areas |
| E. Floor Plan and South Elevation | O. Wildland-Urban Interface Zones: Low Density Intermix |
| F. East, North and West Elevations | P. Ground Water Resources: Marginal |
| G. Zoning Designations | Q. Highly Scenic & Tree Removal Areas: Conditionally |
| H. General Plan Classifications | R. Local Soils |
| I. Appealable Areas | S. Important Farmland: Mixed |
| J. LCP Habitat & Resources | |

AGENCY COMMENTS:

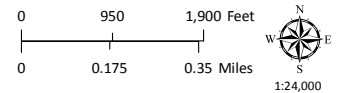
SUMMARY OF REFERRAL AGENCIES COMMENTS:

Air Quality Management District	No Response
Assessors	No Response
Building Inspection (FB)	No Response
California Coastal Commission	No Response
Caltrans	No Response
Cloverdale Rancheria	No Response
California Department of Fish & Wildlife	No Comment
CalFire	No Comment
Department of Transportation	No Comment
Environmental Health (FB)	Comment
Mendocino City Community Services District	Comment
Mendocino Fire District	No Response
Mendocino School District	No Response
Planning (Ukiah)	Comment
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	No Response
Sonoma State University	Comment
US Fish & Wildlife	No Response



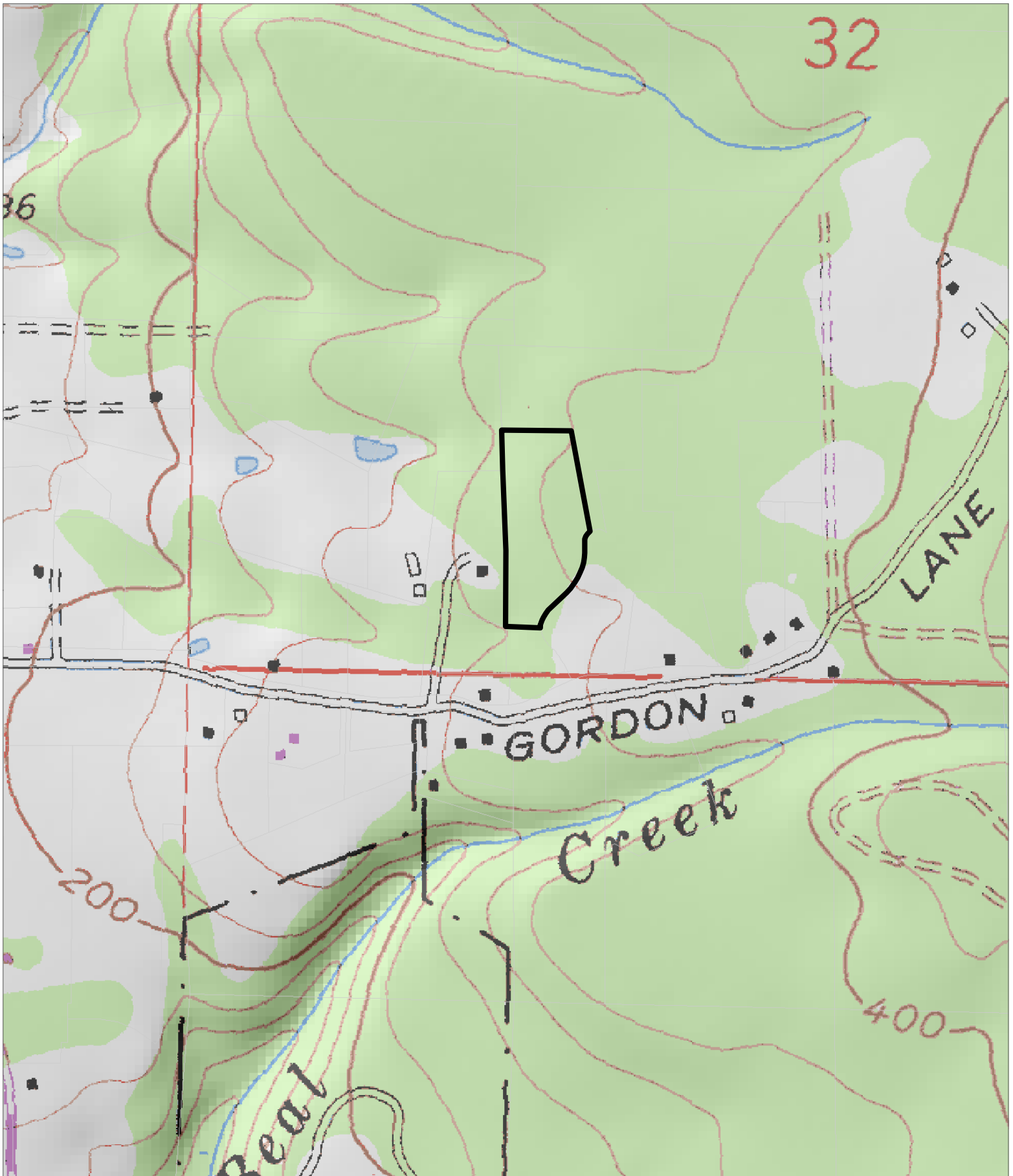
CASE: CDP 2017-0049
 OWNER: PITTS, Pamela
 APN: 119-420-39
 APLCT: Tom & Pam Pitts
 AGENT: Kelly B. Grimes
 ADDRESS: 44470 Gordon Lane, Mendocino

- Major Towns & Places
- Major Roads
- Major Rivers
- Highways

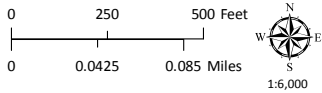


LOCATION MAP

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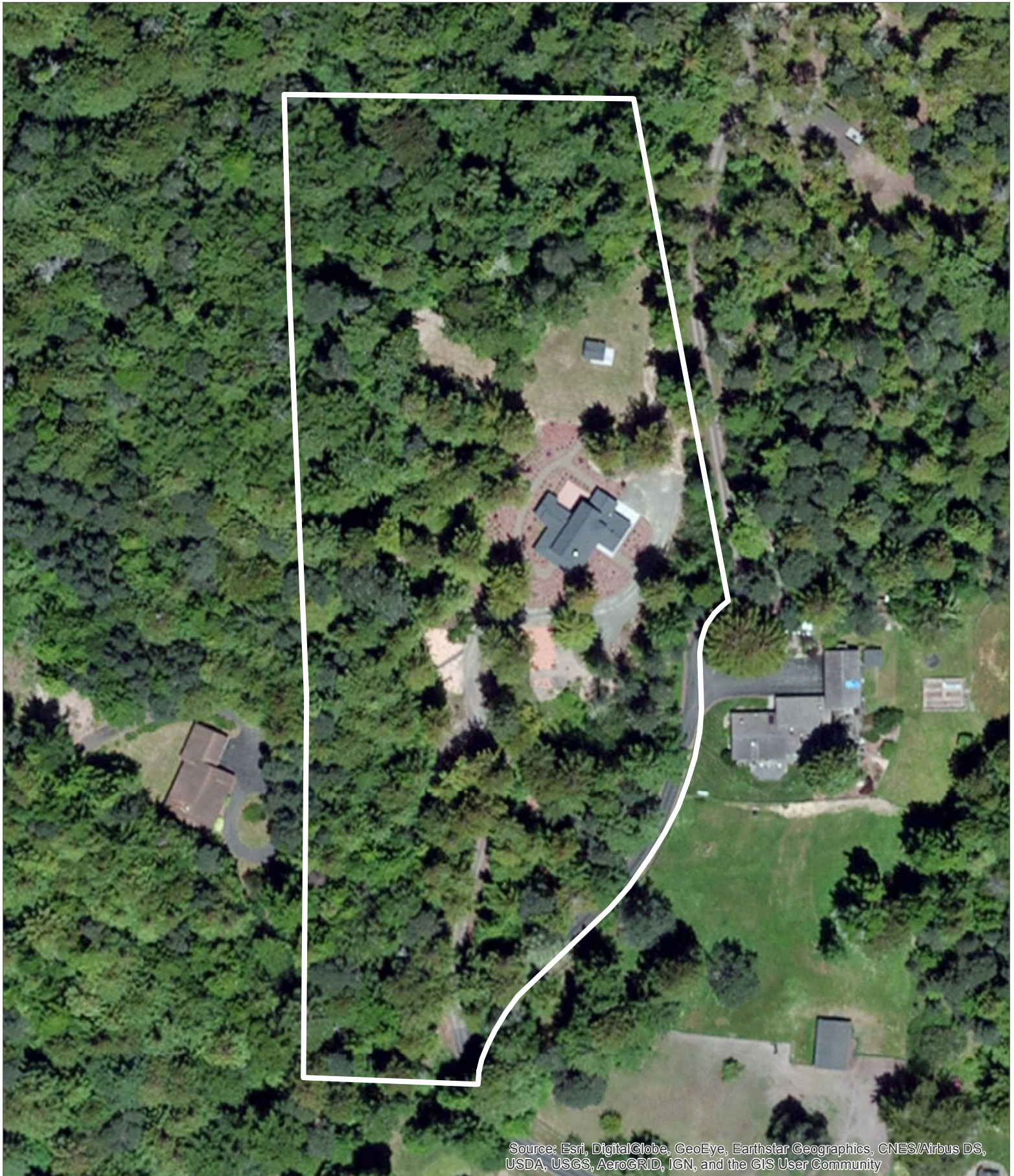


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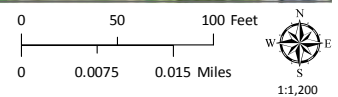
TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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AERIAL IMAGERY

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PARCEL 2
5.03 ACRES

EAST
289.28'

PARCEL 3
5.06 ACRES

(E) GARDEN SHED

(N) GUEST COTTAGE

(E) GRAVEL PARKING &
DRIVEWAY HAMMERHEAD
STYLE TURNAROUND

(E) RESIDENCE

(E) TURNOUT

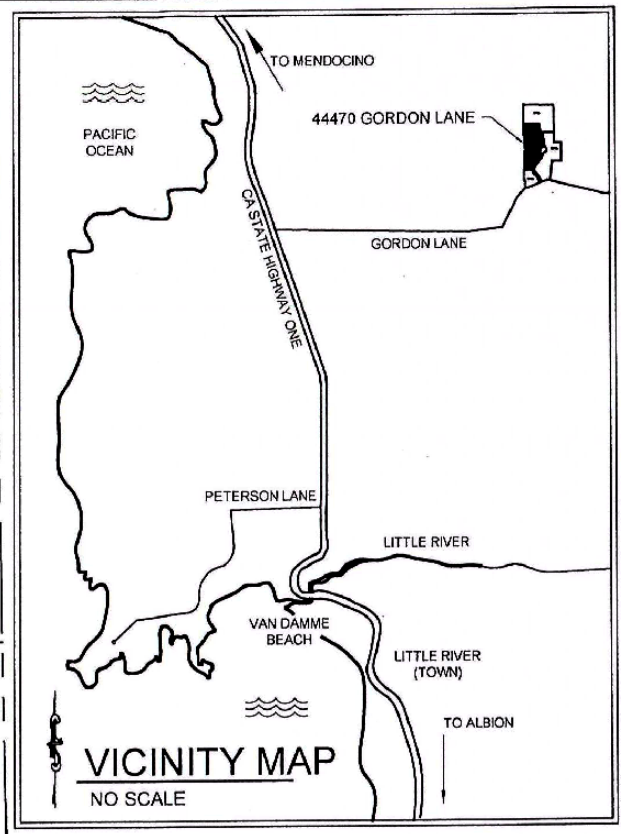
(E) PUMPHOUSE
AND 3000 GALLON
H2O STORAGE TANK

(E) GATE

PARCEL 1
M.C.2, DR 23, PG 52
M.C.R.

EXTEND EXISTING GRAVEL
DRIVEWAY TO PROVIDE
PARKING SPOT FOR GUEST
COTTAGE VEHICLE

PARCEL 1
5.88 ACRES



A New Guest Cottage for:

Tom & Pam Pitts
44470 Gordon Lane
Mendocino, California
95460

A.P. # 119-420-39

SITE PLAN

SCALE: 1" = 150'-0"



50' 100' 200'

A NEW GUEST COTTAGE FOR:

TOM & PAM PITTS
44470 GORDON LANE
MENDOCINO, CA 95460

GORDON LANE C.R. 404A

A.P. # 119-420-39

NOTES

SHEET NAME:

SITE PLAN

DATE: DECEMBER 12, 2017
SCALE: AS NOTED
DRAWN BY: KGG
JOB: PITTS
SHEET NO: **A1** of 3

Kelly B. Grimes, Architect
P.O. Box 598
Little River, CA 95456
707-937-2904

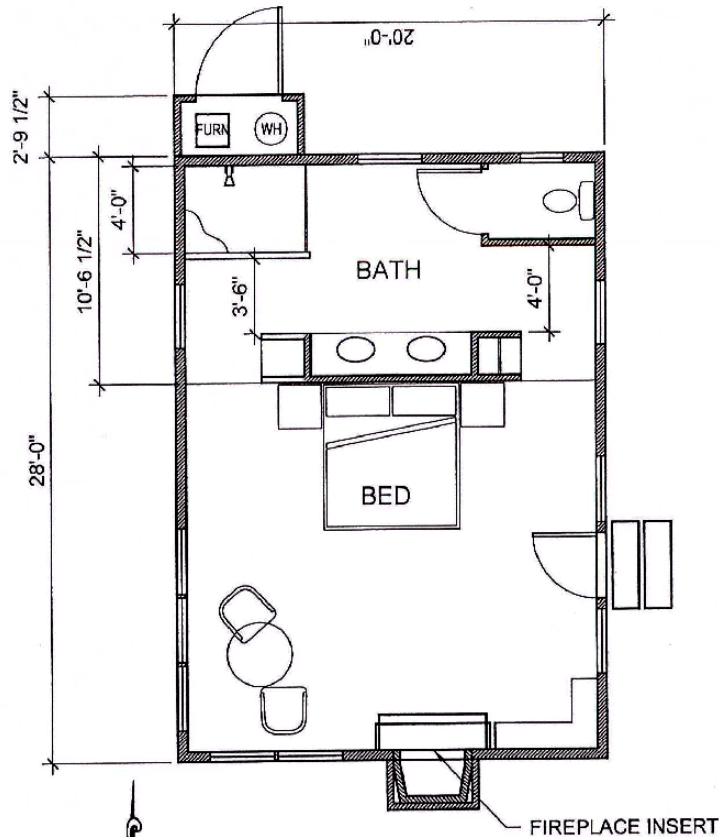


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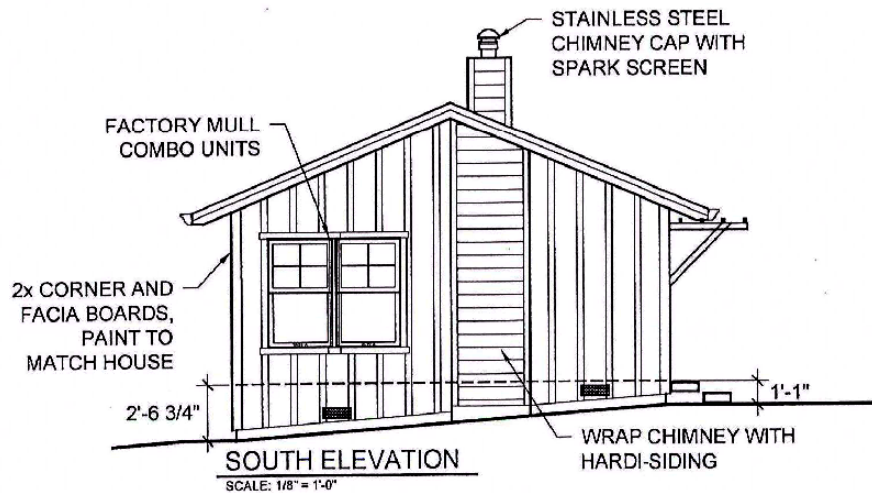
NO SCALE

SITE PLAN

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PLAN A
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

A NEW GUEST COTTAGE FOR:

TOM & PAM PITTS

44470 GORDON LANE
MENDOCINO, CA 95460

A.P. # 119-420-39

NOTES

SHEET NAME:

FLOOR PLAN & SOUTH ELEVATION

DATE: DECEMBER 12, 2017

SCALE: AS NOTED

DRAWN BY: KBO

JOB: PITTS

SHEET NO: **A2** of 3

Kelly B. Grimes, Architect

P.O. Box 598
Little River, CA 95456
707-937-2904



CASE: CDP 2017-0049

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AGENT: Kelly B. Grimes

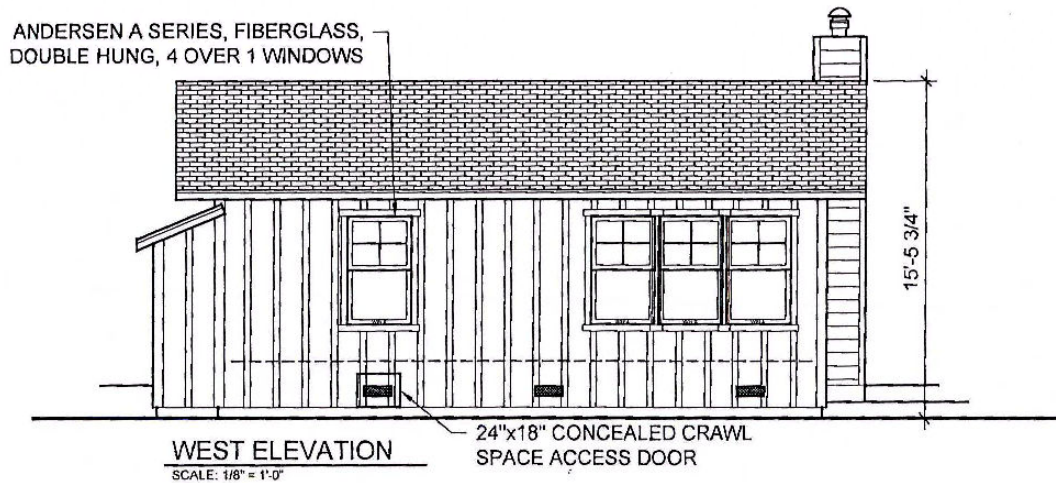
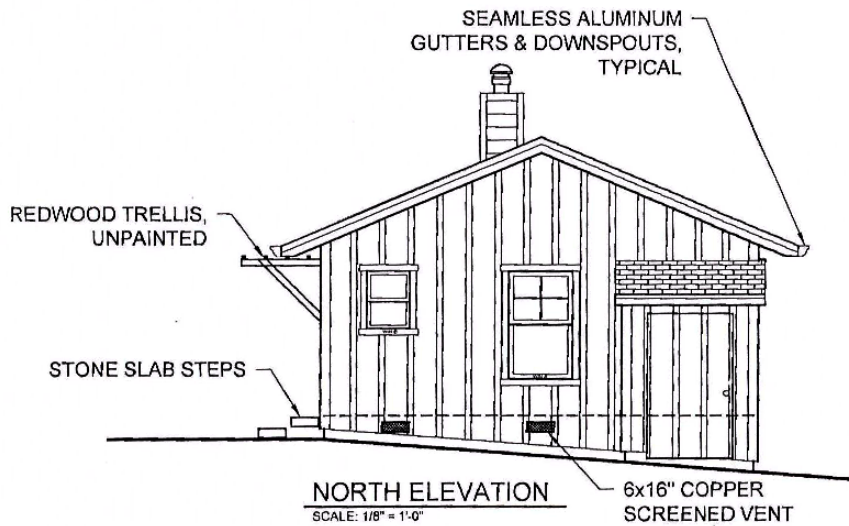
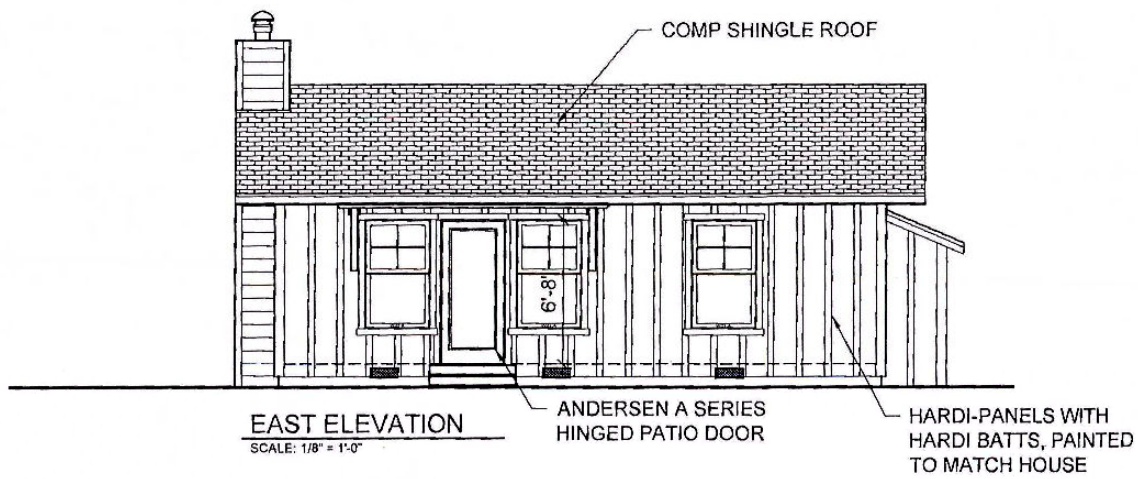
ADDRESS: 44470 Gordon Lane, Mendocino

NO SCALE

FLOOR PLAN

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A NEW GUEST COTTAGE FOR:

TOM & PAM PITTS

44470 GORDON LANE
MENDOCINO, CA 95460

A.P. # 119-420-39

NOTES

SHEET NAME:

NORTH, EAST & WEST ELEVATIONS

DATE: DECEMBER 12, 2017

SCALE: AS NOTED

DRAWN BY: KBG

JOB: PITTS

SHEET NO: A3 of 3

Kelly B. Grimes, Architect

P.O. Box 598
Little River, CA 95456
707-937-2904

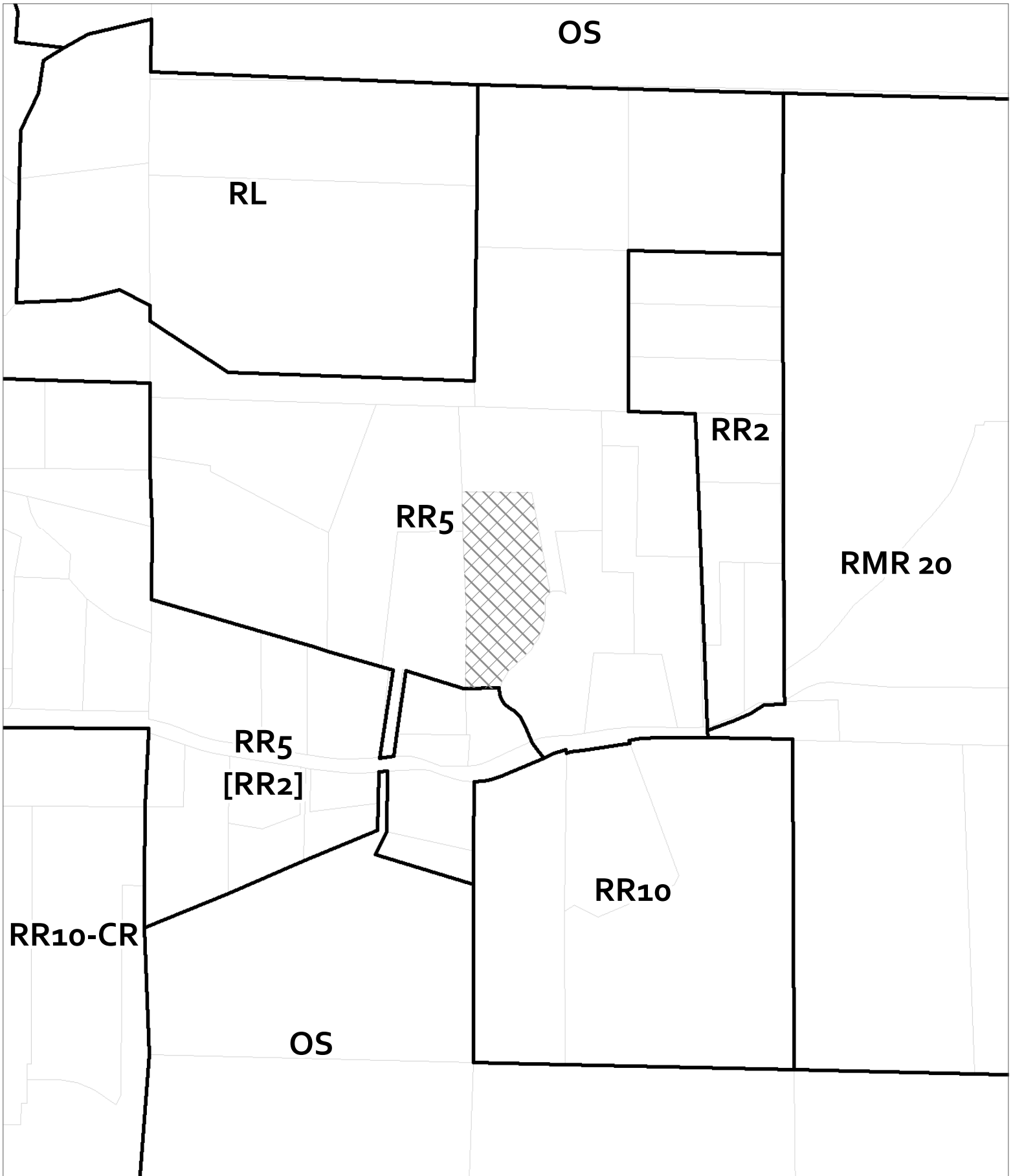


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NO SCALE

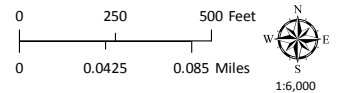
ELEVATIONS

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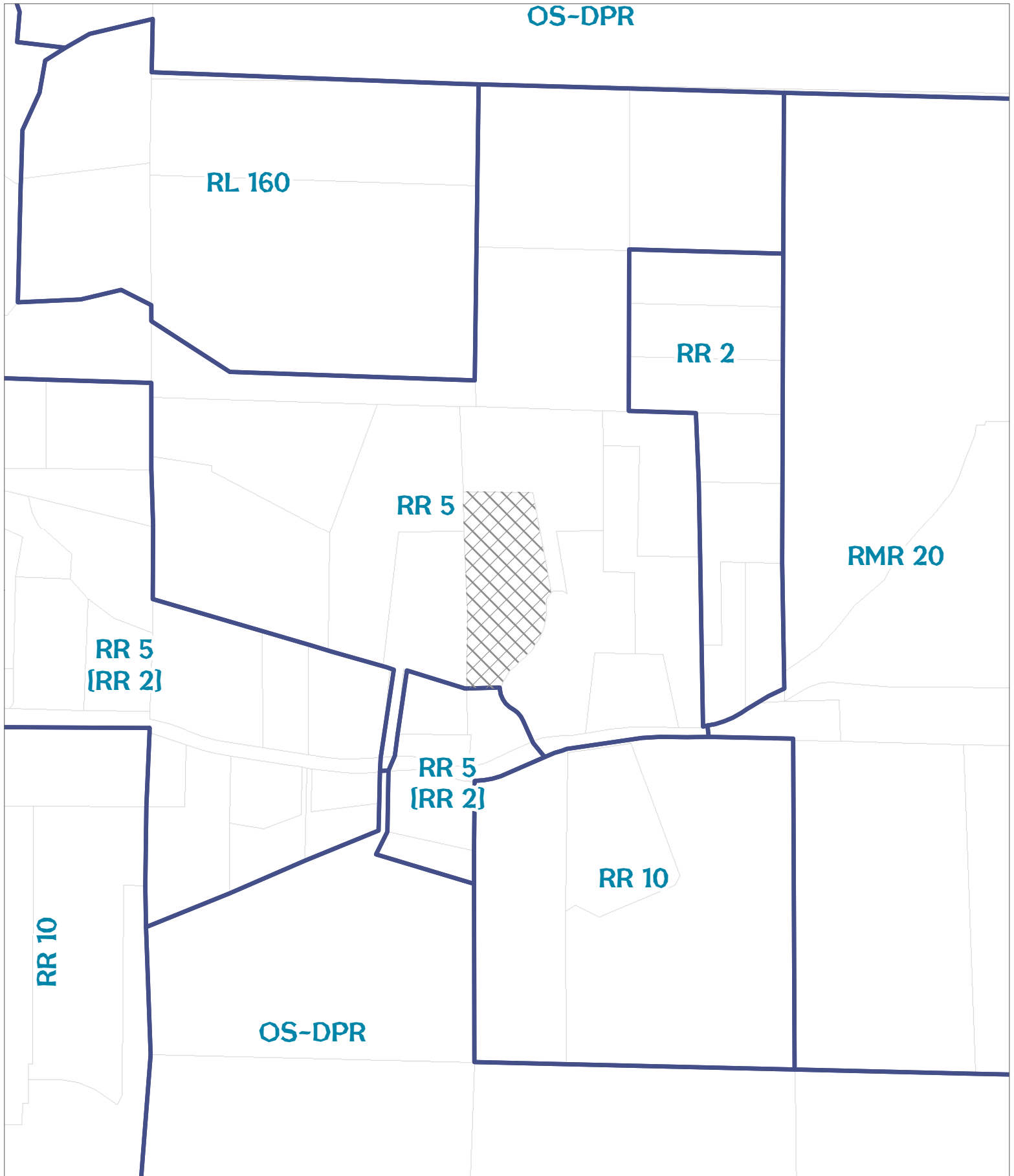
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 Zoning Districts




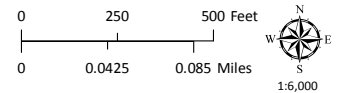
ZONING DISPLAY MAP

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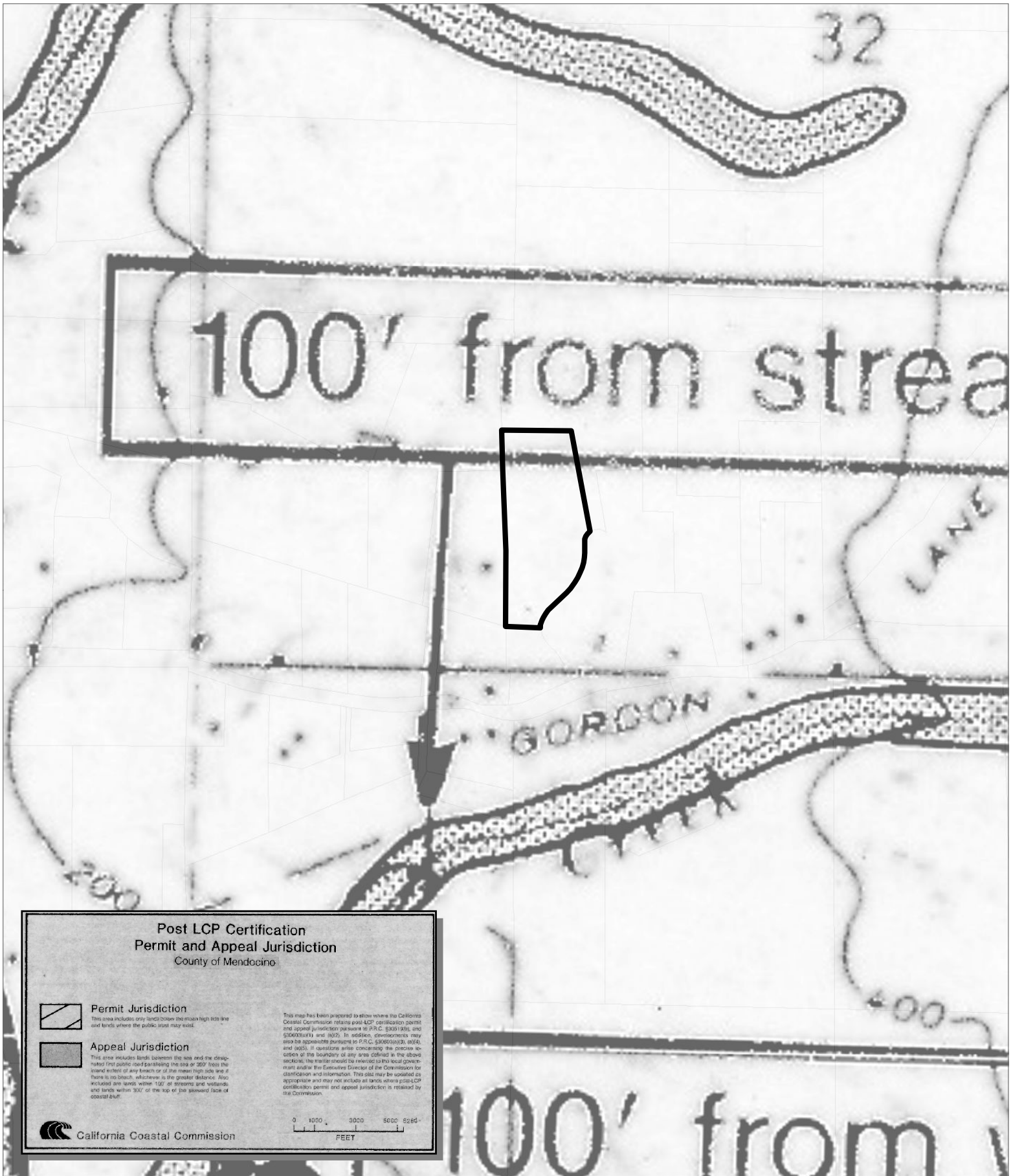
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 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

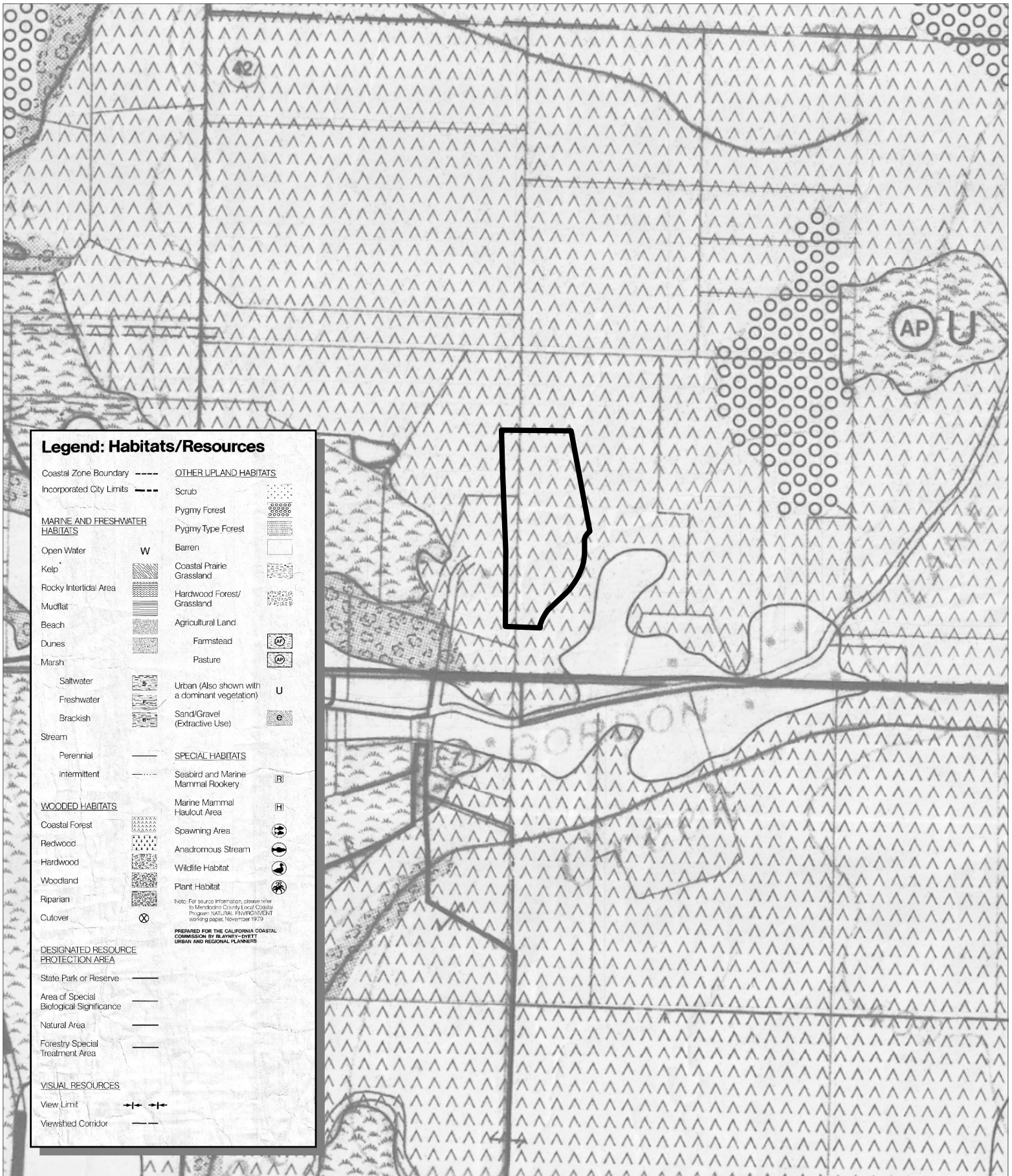
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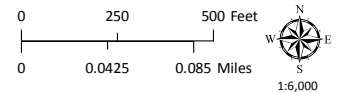
CASE: CDP 2017-0049
 OWNER: PITTS, Pamela
 APN: 119-420-39
 APLCT: Tom & Pam Pitts
 AGENT: Kelly B. Grimes
 ADDRESS: 44470 Gordon Lane, Mendocino

APPEALABLE AREAS

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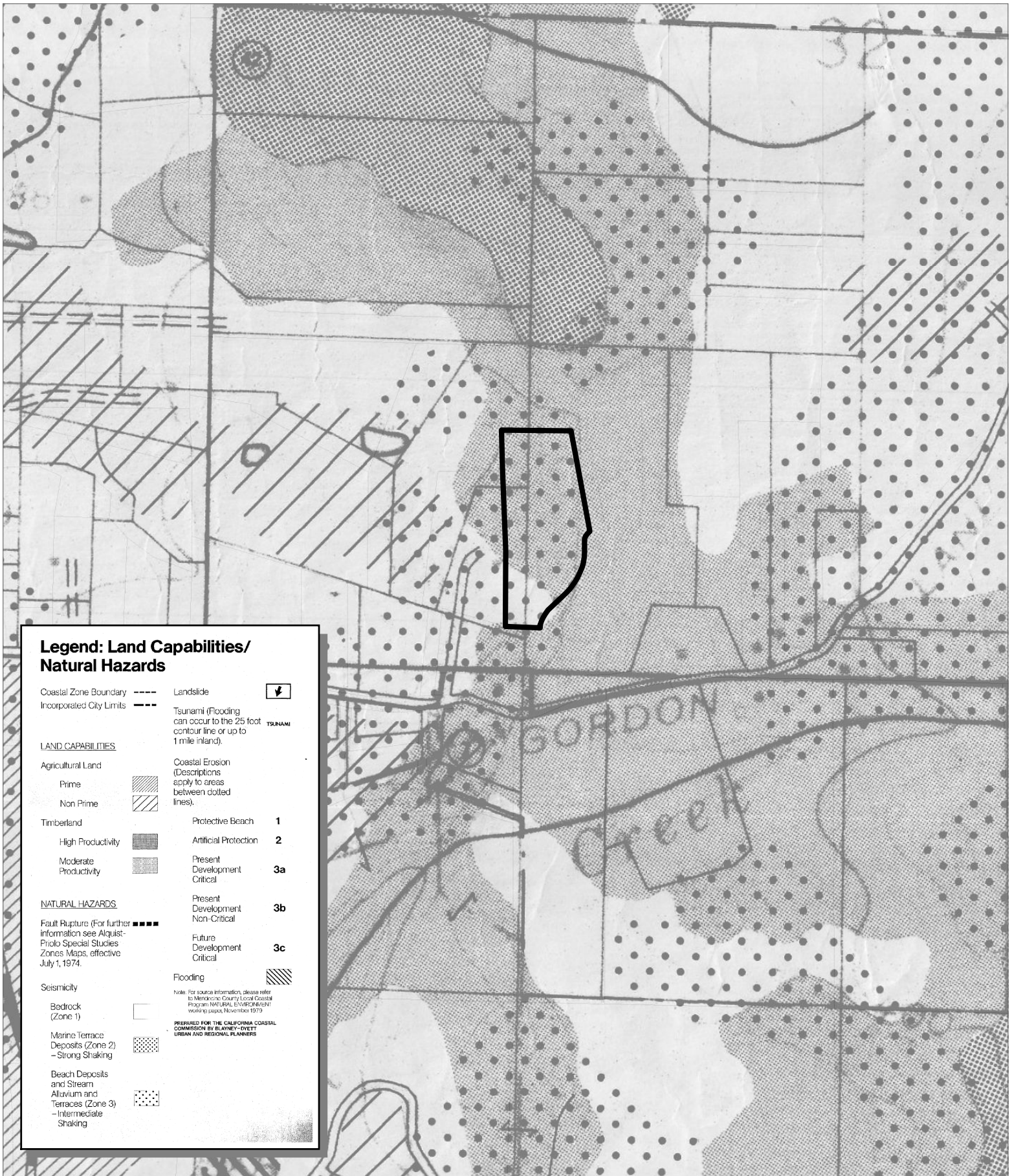


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LCP HABITATS & RESOURCES

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LCP LAND CAPABILITIES & NATURAL HAZARDS

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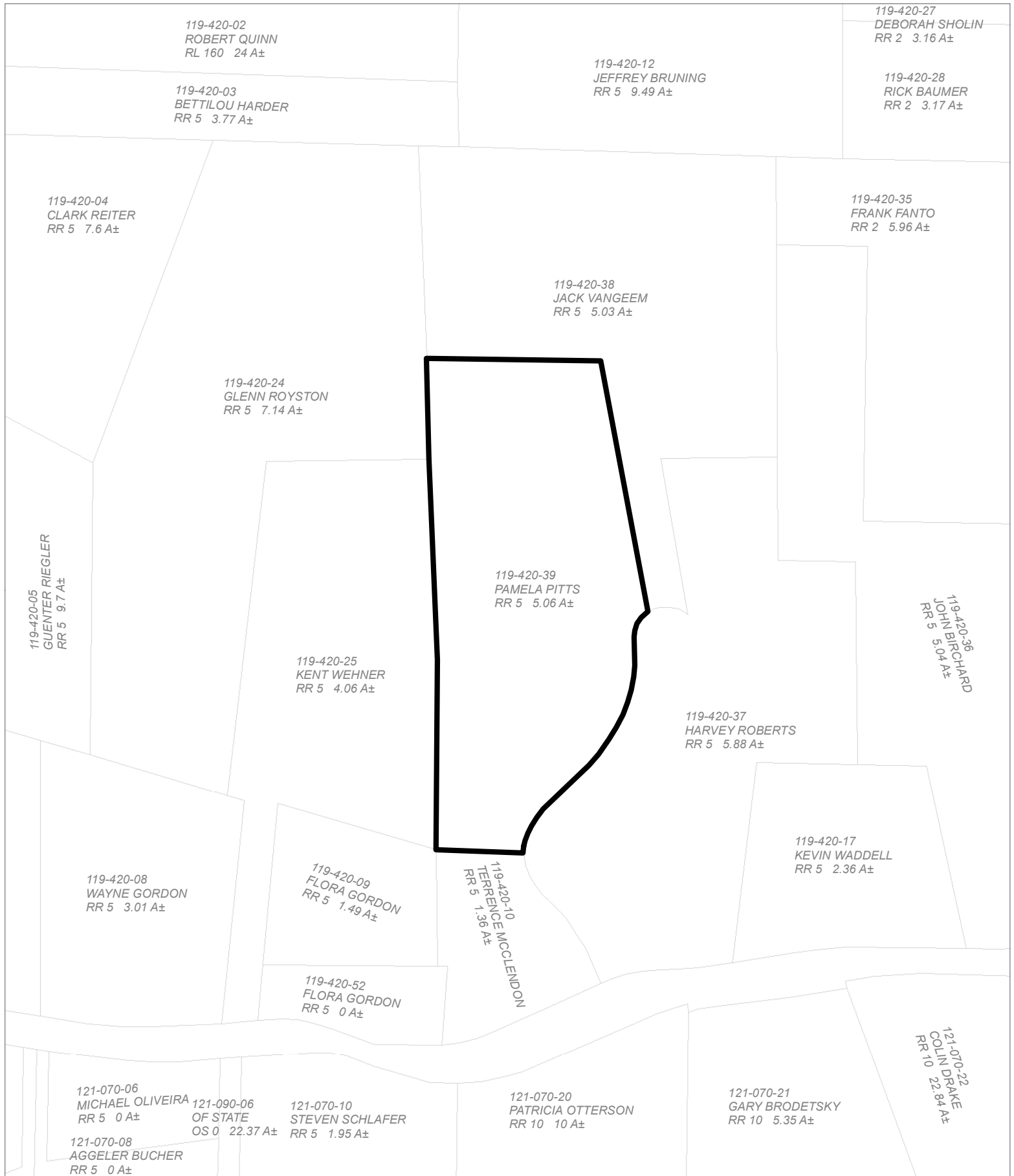


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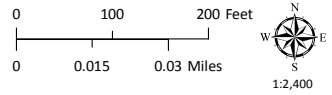


LCP LAND USE MAP 17: MENDOCINO

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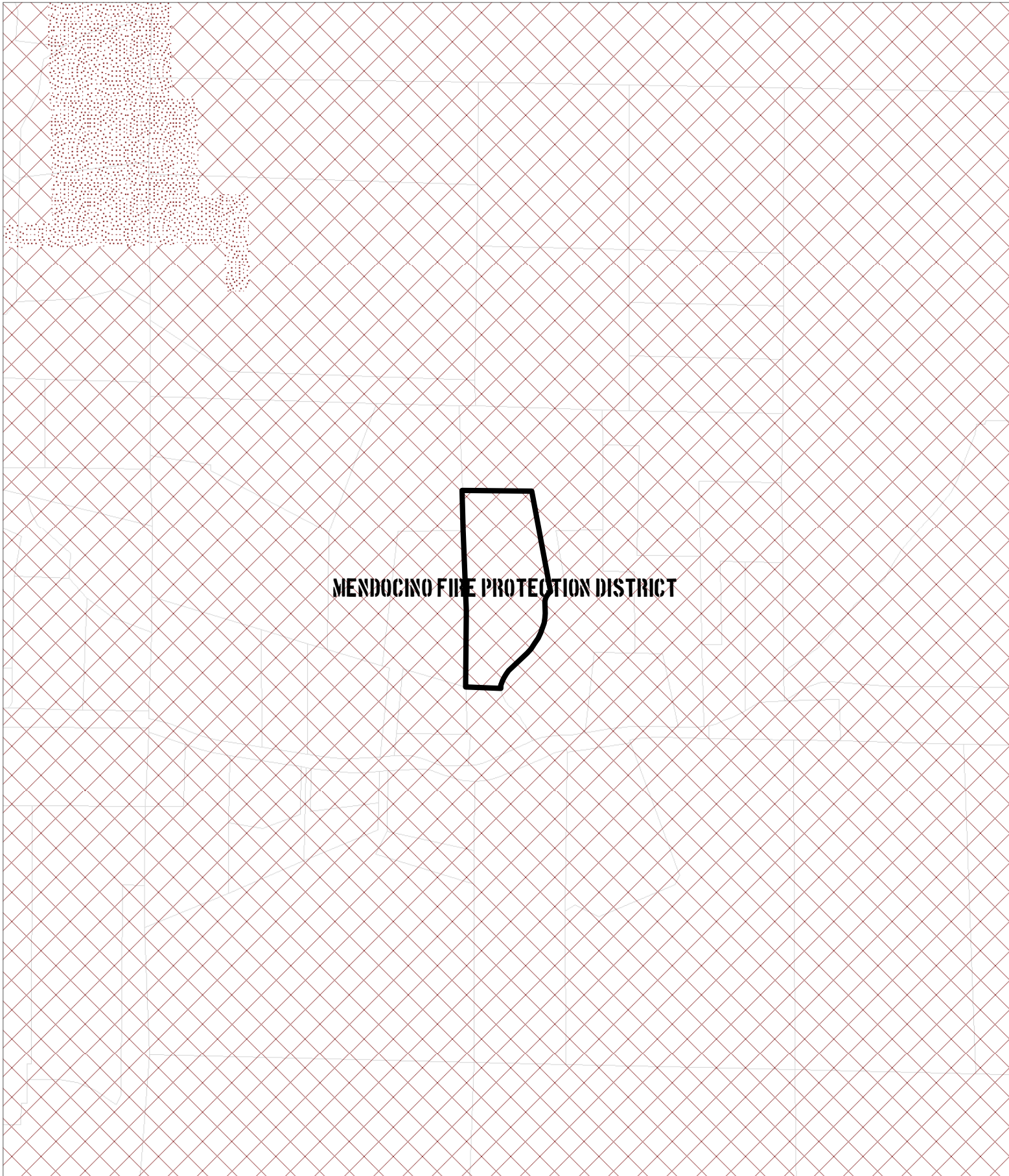


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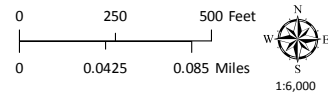
ADJACENT PARCELS

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-  County Fire Districts
-  Very High Fire Hazard
-  High Fire Hazard

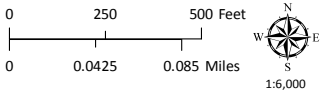


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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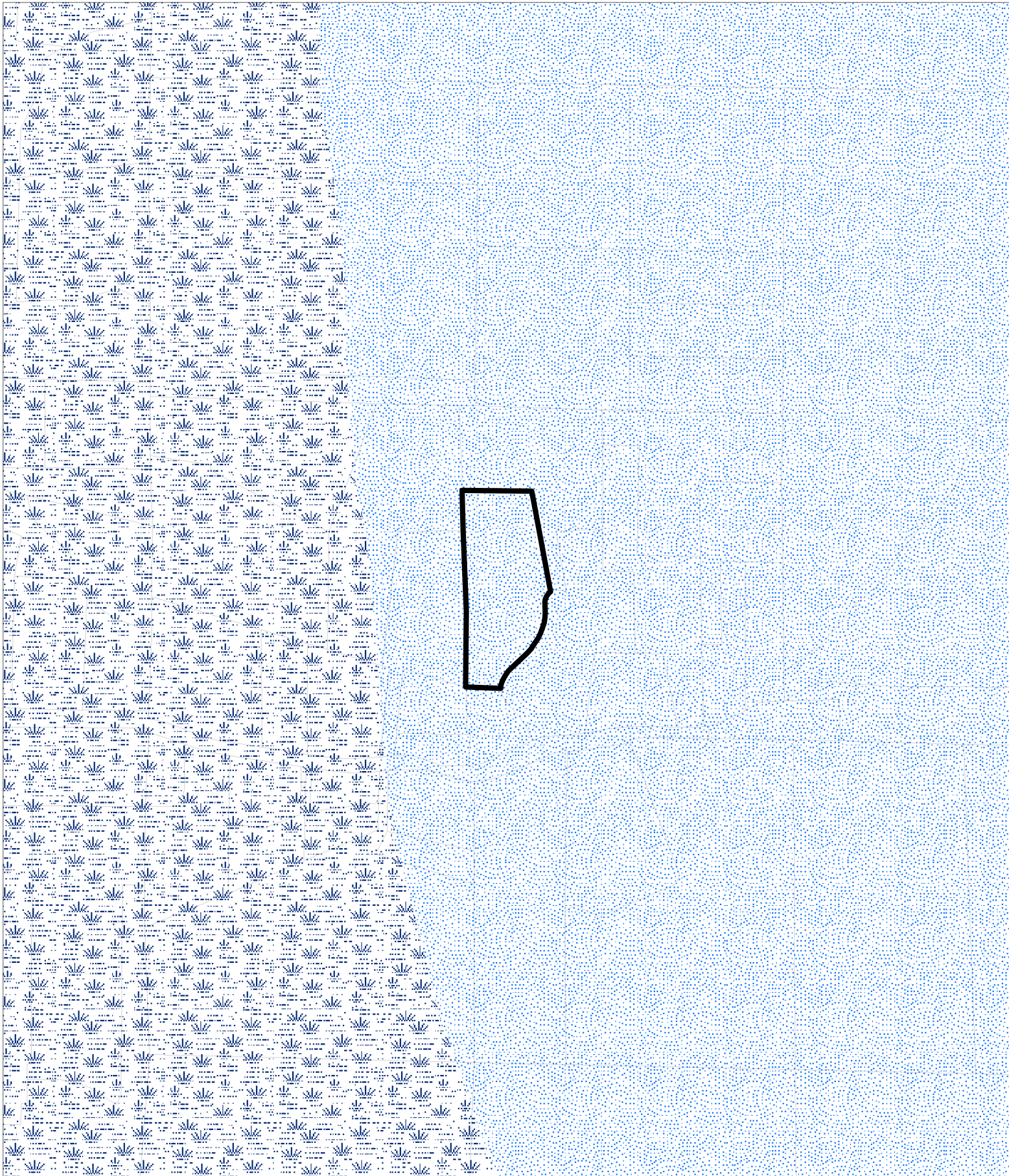


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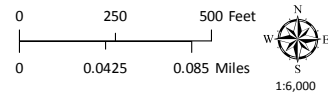
WILDLAND-URBAN INTERFACE ZONES

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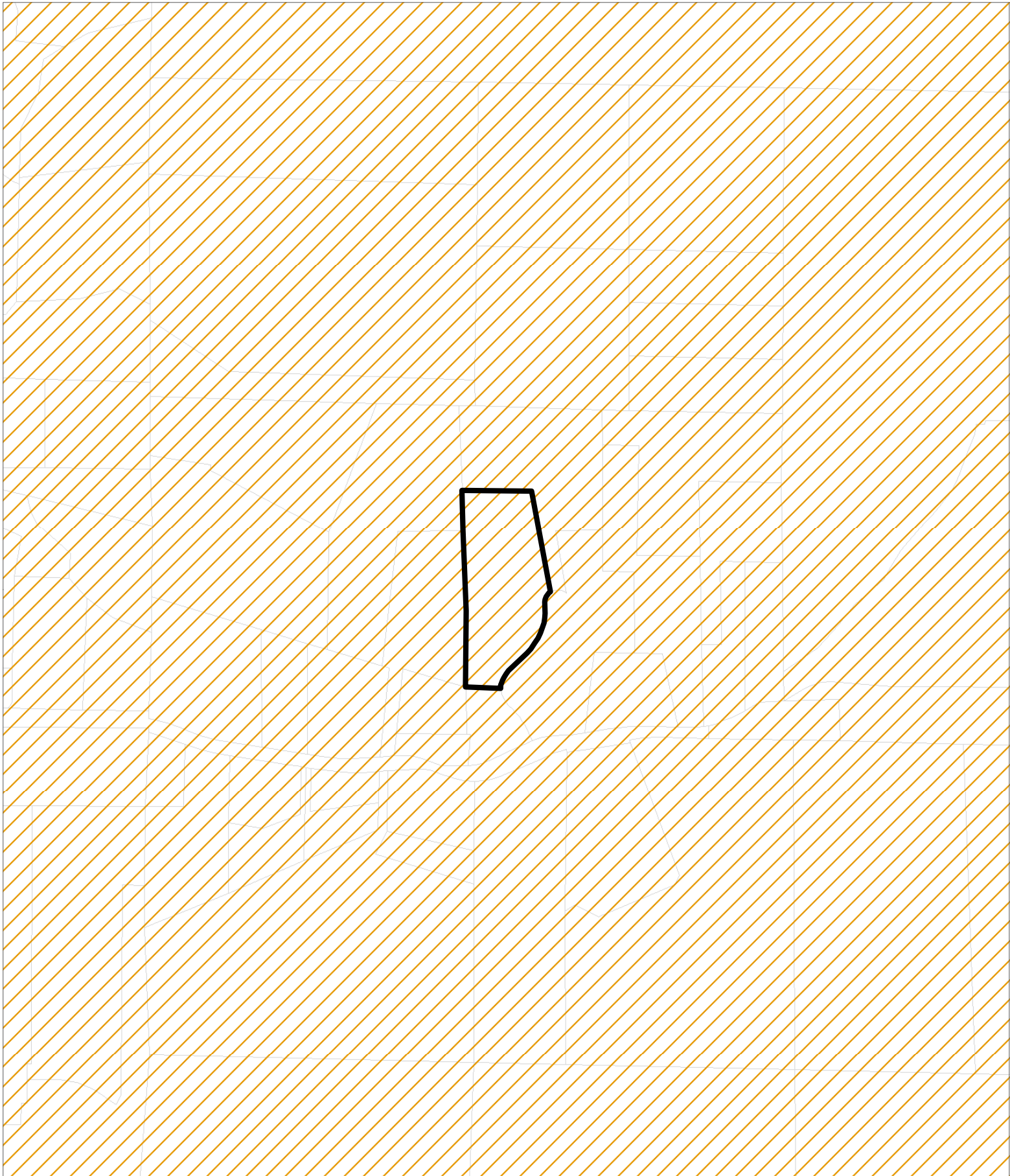
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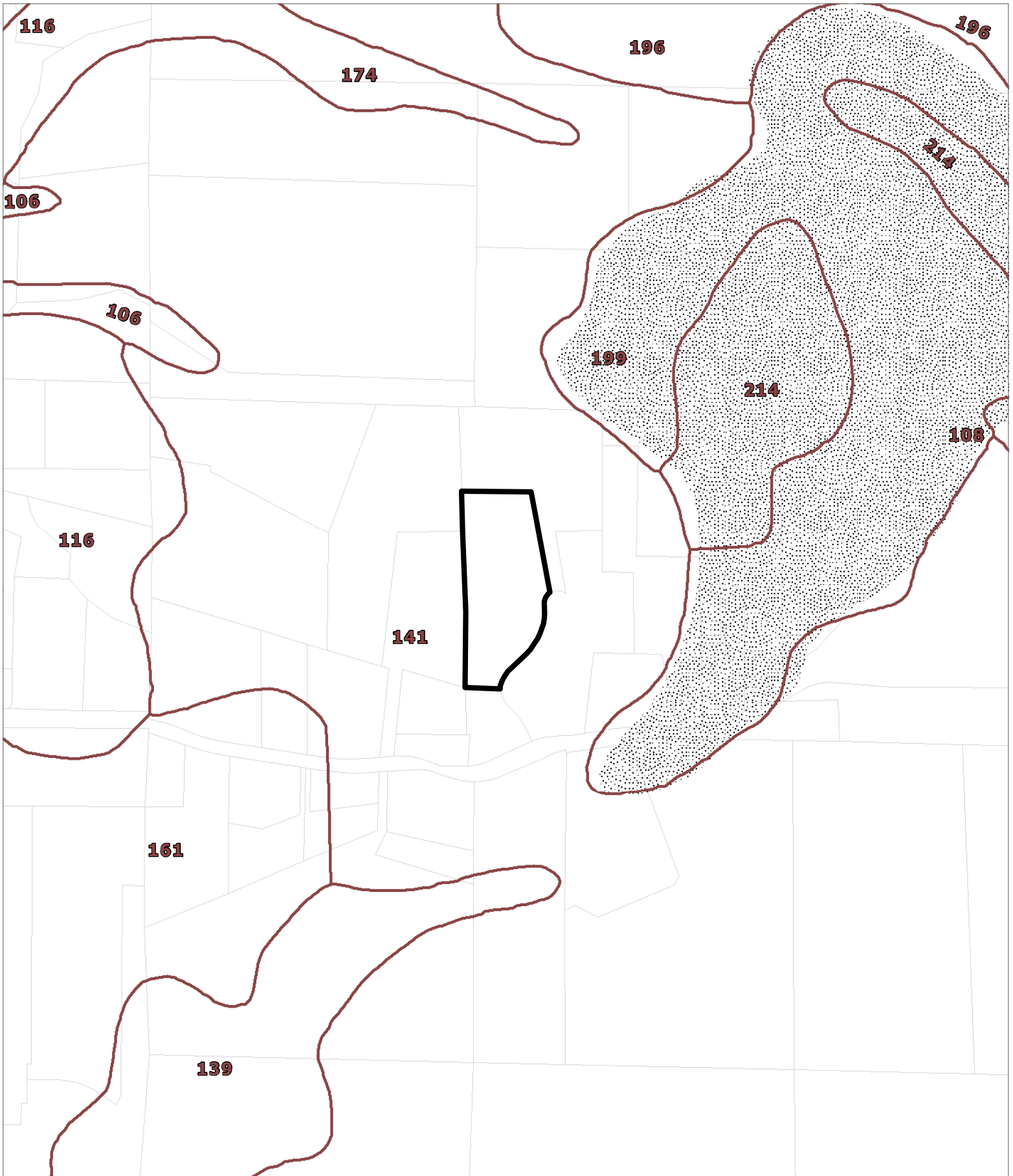
 Sufficient Water Resources
 Marginal Water Resources






GROUND WATER RESOURCES

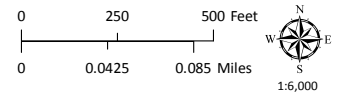
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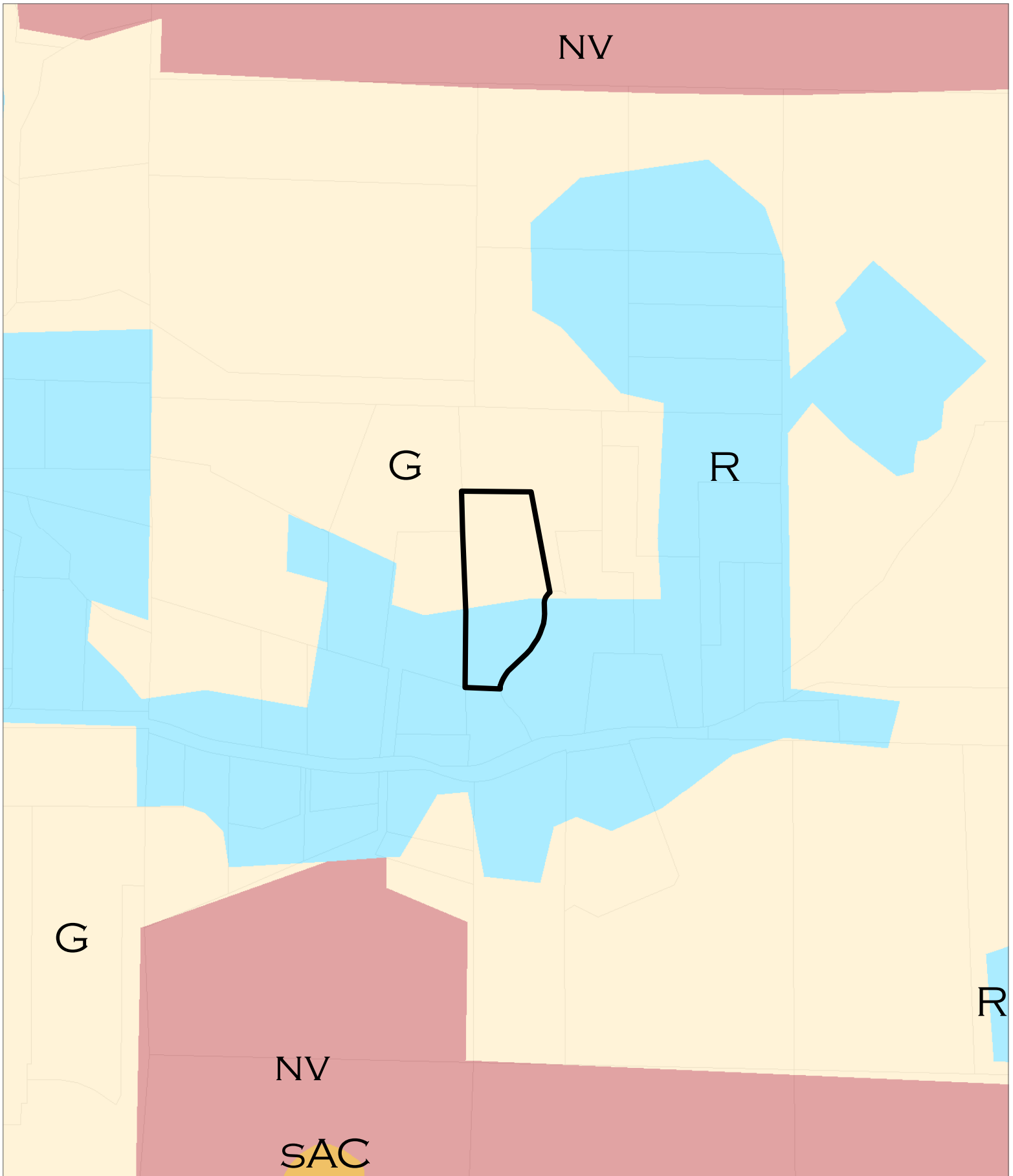
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-  Western Soil Classes
-  Blacklock & Aborigine
-  Shinglemill-Gibney Complex



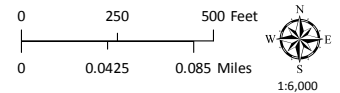
LOCAL SOILS

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- Non-Ag & Natural Vegetation (nv)
- Rural Residential & Rural Commercial (R)
- Semi-Ag & Rural Commercial (sAC)



IMPORTANT FARMLAND

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