JUNE 17, 2019 CDP_2018-0021

SUMMARY

OWNER/APPLICANT:	RICHARD P FEEHAN

10270 GARY LN

MENDOCINO, CA 95460

AGENT: BOBBY BURDICK

PO BOX 343

MENDOCINO, CA 95460

REQUEST: Administrative Coastal Development Permit to construct

a 2,027 square-foot house, accessory structures, and major vegetation removal to accommodate the proposed

development.

LOCATION: In the Coastal Zone, 1± miles north of the Town of

Mendocino, 0.5± miles east of the entrance to the Surfwood Subdivision off State Route 1, 500± feet north of the intersection of Woodstock Drive (Private) and Pinewood Road (Private), at 12171 Pinewood Road,

Mendocino (APN: 118-300-25).

TOTAL ACREAGE: 0.85± acres

GENERAL PLAN: Rural Residential, five acre minimum lot size or alternate

density of one acre minimum lot size (RR5(1))

ZONING: Rural Residential, five acre minimum lot size (RR:5)

SUPERVISORIAL DISTRICT: 5 (Supervisor Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 3

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: JULIA ACKER

BACKGROUND

PROJECT DESCRIPTION: Administrative Coastal Development Permit to construct a 2,027 square-foot house, accessory structures, and major vegetation removal to accommodate the proposed development. Associated development includes construction of a standard septic system, connection to Surfwood Mutual Water Corporation, construction of a residential driveway and the undergrounding of utilities.

<u>APPLICANT'S STATEMENT</u>: "Construction of a 3 bedroom, 2 bath 2,027 sq. ft. home. Install Standard Septic System designed by Carl Rittiman, mutual water provided by Surfwood Mutual Water District. Tree Removal, Septic, & Driveway. Underground PG&E will run within driveway. Culvert needs to be placed for driveway. Minimal grading to level house site."

SITE CHARACTERISTICS: The site is located within the Surfwood Estates Subdivision, 1± miles north of the Town of Mendocino, 0.5± miles east of the entrance to the Surfwood Subdivision off State Route 1, 500± feet north of the intersection of Woodstock Drive (Private) and Pinewood Road (Private), at 12171 Pinewood Road, Mendocino (APN 118-300-25). The parcel is vacant with vacant land to the east of the property but residential development on all other parcels on Pinewood Road (Private). To the north of the property is California State Parks owned land. There are no known rare or sensitive resources located on the parcel.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Open Space (OS-DPR)	Open Space (OS)	160± acres	Passive Recreation
EAST	Rural Residential (RR5)	Rural Residential (RR5)	1.6± acres	Residential
SOUTH	Rural Residential (RR5)	Rural Residential (RR5)	1.0± acre	Residential
WEST	Rural Residential (RR5)	Rural Residential (RR5)	1.12± acres	Residential

PUBLIC SERVICES:

Access: PINEWOOD RD (PRIVATE)
Fire District: MENDOCINO & CALFIRE
Water District: SURFWOOD MUTUAL

Sewer District: NONE

School District: MENDOCINO UNIFIED

AGENCY COMMENTS:

On April 1, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments is listed below. Any comments that would trigger a project modification or denial are discussed in full in the following section.

REFERRAL AGENCIES	COMMENT	
Department of Transportation	No Comment	
Planning – Ukiah	No Comment	
Environmental Health – Fort Bragg	Comments	
Building Services – Fort Bragg	No Response	
Assessor	No Comment	
CalFire – Prevention	No Response	
CalFire – Resource Management	No Response	
California Coastal Commission	No Response	
CA Department of Parks & Recreation	No Response	
Surfwood Mutual Water	No Response	
Mendocino Fire District	Comments	

LOCAL COASTAL PROGRAM CONSISTENCY: The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

<u>Land Use:</u> The parcel is classified as Rural Residential with a 5 acre minimum parcel size that may be reduced to 1 acre (RR5(1)) by the Mendocino County General Plan. The 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 project, which involves construction of a single-family residence and appurtenant structures and utilities, is consistent with the Rural Residential Land Use classification.

Zoning: The project site is located within a Rural Residential (RR) District, 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. The proposed project, which involves construction of a single-family residence, appurtenant structures, and utilities, is a principally permitted use within the Rural Residential District, pursuant to Mendocino County Code (MCC) Chapter 20.376 RR -- Rural Residential District.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT

The project would comply with the minimum front, rear, and side yard requirements for the RR District for a parcel of this size, which are 20 feet in the front and rear yards and 6 feet in the side yard. The maximum building height allowed in the RR District is 28 feet above the natural grade for non-Highly Scenic Areas. The maximum height of the proposed project components would be 28 feet in height. The project, as proposed, would result in lot coverage of less than 20 percent.

<u>Habitats and Natural Resources</u>: There are no known sensitive biological or botanical resources located on the subject parcel. At the time that staff made a site visit there was evidence of pooled water on the parcel but this was in an area where Surfwood Mutual Water had just recently (the week prior) repaired a leak to their water system. Additionally, this area was clearly a roadside ditch and there was no hydrological connectivity to any sensitive resources associated with the area of pooled water. Staff recommends a condition of approval related to the timing of construction activities given that there is tree removal associated with the project so that potential breeding birds are protected.

<u>Visual Resource and Special Treatment Areas:</u> The site is not designated as a Highly Scenic Area or Tree Removal Area. The proposed development is located adjacent to lands owned by California Department of Parks and Recreation and therefore has a Special Treatment Area located along the shared property boundary. Tree removal in a Special Treatment Area is subject to review by California Department of Parks and Recreation. The California Department of Parks and Recreation did not respond to the project referral and therefore it is assumed that they do not have concerns with the proposed project. In order to ensure future activities at the parcel are conducted in a manner in conformance with County Code, Staff has recommended a Condition of Approval requiring consultation with California Department of Parks and Recreation on any future tree removal activities at the parcel.

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 Department of Forestry and Fire Protection (CalFire) and the Mendocino Volunteer Fire Department (MVFD). The project application was referred to CalFire and the MVFD for input; both CalFire and MVFD responded with comments for the project. CalFire responded with a recommended condition to comply with the minimum fires safety standards for Hazardous Fire Areas, per the Public Resources Code. CalFire has submitted recommended conditions of approval (CDF# 231-18) for address standards, driveway standards, and defensible space standards. Condition of Approval 4 is recommended to achieve compliance with CalFire fire safe standards. MVFD provided comments for the proposed project stating concern related to the accessibility of the site by a type 2 fire suppression apparatus and recommended widening of the turn for accessibility. Staff has recommended Condition of Approval 12 that allows the applicant to work with MVFD to resolve the concern related to the accessibility. With the inclusion of the standard and recommended conditions, Staff finds the project to be consistent with Mendocino County policies for fire protection.

Grading, Erosion, and Run-Off: The project would require minimal grading to accommodate. Grading is primarily associated with construction of the driveway and leveling of the area for the residence. Approximately 200 cubic yards of fill will be required to accommodate the proposed development, primarily the driveway due to topography of the site. Tree removal is associated with the project but will be limited to the area of proposed development and fire clearance around the structure. A condition of approval is recommended to require best management practices be adhered to during construction.

<u>Archaeological/Cultural Resources</u>: Archaeological Resources were reviewed at the time the parcel was created. The proposed project is not located in an area known to contain any archaeological or cultural resources. Staff notes that a Standard Condition advises the applicant of the "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the standard condition of approval advising the Applicant about discovery of archaeological resources, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resource.

<u>Groundwater Resources</u>: The project site is located within a mapped Critical Water Resources Area. The proposed project is located within the service boundaries of the Surfwood Mutual Water Corporation who will provide water service to the proposed project. A septic system will be constructed on-site and the Mendocino County Division of Environmental Health responded to the referral for the project stating that there was an approved Site Evaluation Report on file for the project and that water service is provided by Surfwood Mutual. Staff finds the proposed project would not adversely affect groundwater resources.

<u>Transportation/Circulation</u>: The project would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. Mendocino County Department of Transportation had no comment on the proposed project.

CalFire has recommended address standards and driveway standards for the proposed project. Condition 4 requires compliance with these requirements.

A minimum of two parking spaces are required for the project per MCC Section 20.472.015. The proposed project is in conformance with the required parking standards. Staff finds the proposed project to be consistent with transportation and circulation requirements.

<u>Public Access</u>: The project site is located east of the first public road and is therefore not subject to public access criteria or findings.

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 Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3(a and e), Section 15303.

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:

- Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program. A single-family residence is a principally permitted use and additional appurtenant structures are permitted accessory uses within the Rural Residential land use classification and are consistent with the intent of the Rural Residential classification and all associated development criteria; 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 will be served by Surfwood Mutual Water Corporation and an on-site septic system, and are determined to be adequate to serve the proposed 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, and preserves the integrity of the Rural Residential zoning district. With compliance with the conditions of approval, the proposed single-family residence, appurtenant structures, and associated utilities would satisfy all development requirements for the district; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed single-family residence, 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. A single-family residence and appurtenant structures are categorically exempt pursuant to Sections 15303(a) and 15303(e); and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development 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 Standard 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 proposed development, as development of a single-family residence and associated utilities would not generate a significant amount of solid waste or significantly increase public roadway use beyond that existing today.

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. 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. Any future tree removal proposed within the two hundred foot Special Treatment Area to the State Park shall require either consultation with California State Parks on the proposed removal activities and evidence of such consultation shall be submitted to Planning and Building Services.
- 10. The clearing of vegetation and initiation of construction shall be done during the bird non-breeding season between September and January. If this cannot be accomplished then a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. The survey shall be submitted for review and approval by California Department of Fish and Wildlife staff. Any recommendations of California Department of Fish and Wildlife Staff as a result of review of that survey shall be adhered to.

- 11. The clearing of vegetation and initiation of construction shall be done between September 1 and October 31. If this cannot be accomplished then preconstruction surveys for potential bat roost sites shall be conducted and submitted for review and approval by the California Department of Fish and Wildlife.
- 12. The applicant shall work with the Mendocino Volunteer Fire Protection District to resolve concerns of the District and evidence of clearance for the project from their office shall be provided prior to issuance of any building permits in reliance of this Coastal Development Permit.

CHIEF PLANNER

BRENT SCHULTZ COASTAL PERMIT ADMINISTRATOR

Appeal Period: 10 Days Appeal Fee: \$1616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery (Vicinity)
- C. Aerial Imagery
- D. Topographic Map
- E. Site Plan
- F. Elevations (Front and Right Side)
- G. Elevations (Rear and Left Side)
- H. Main Floor Plan
- I. Building Sections
- J. Zoning Display Map
- K. General Plan Classifications
- L. LCP Land Use Map 15: Caspar
- M. LCP Land Capabilities & Natural Hazards
- N. LCP Habitats & Resources
- O. Adjacent Parcels
- P. Fire Hazard Zones & Responsibility Areas
- Q. Ground Water Resources
- R. Local Soils
- S. Water Districts
- T. Miscellaneous



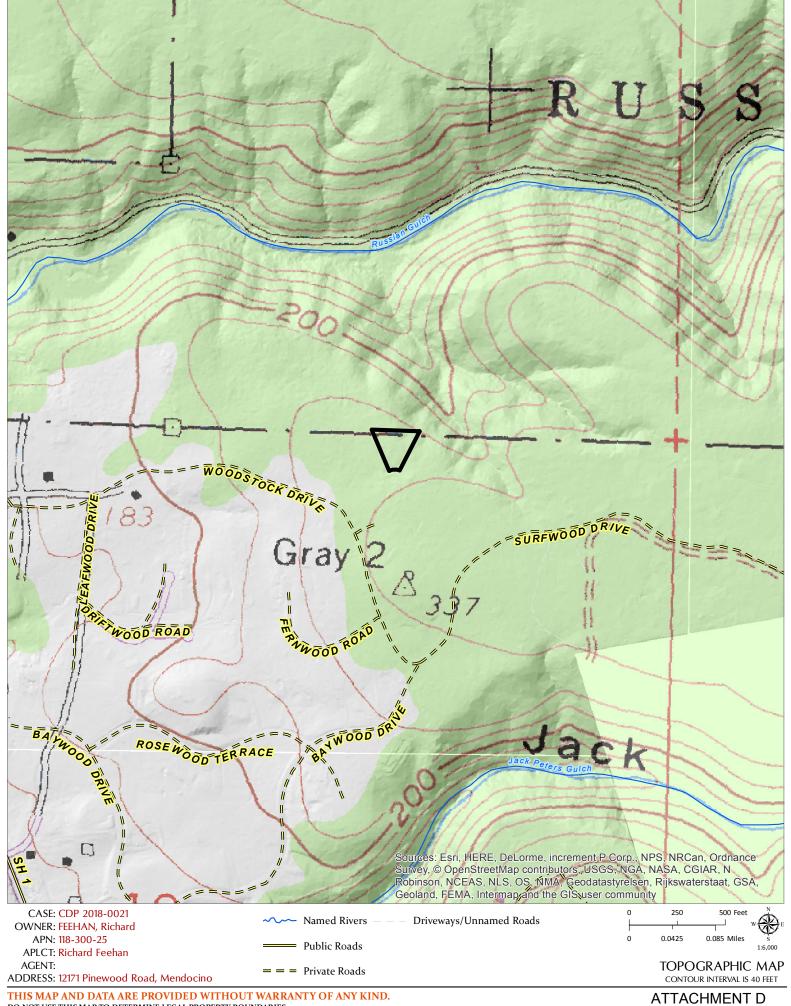


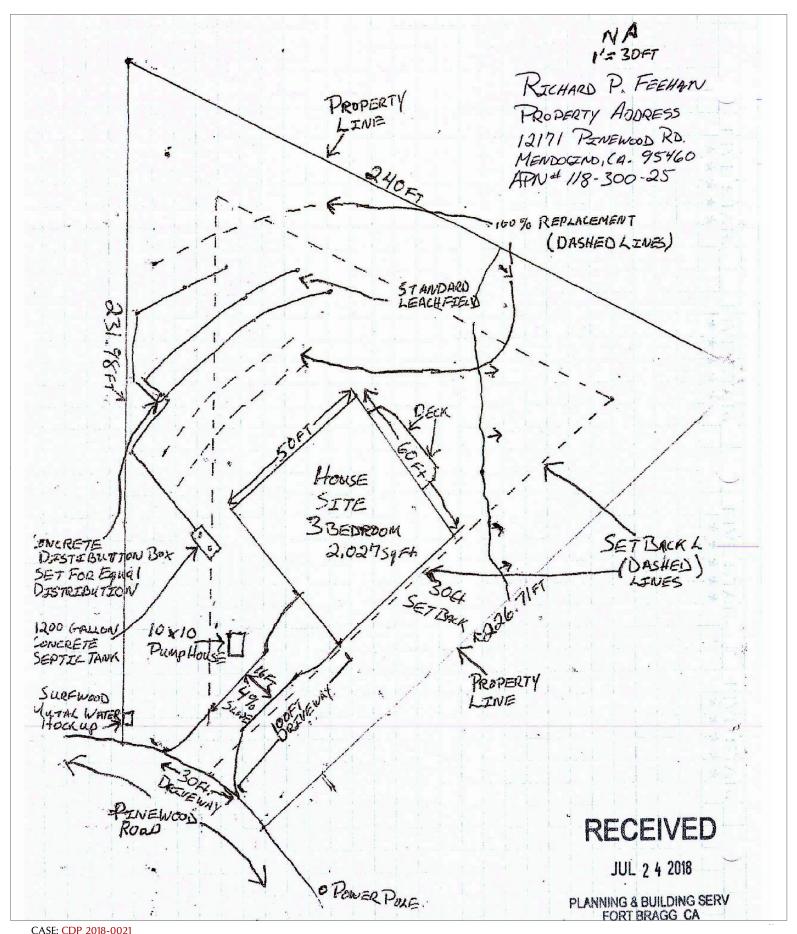


ADDRESS: 12171 Pinewood Road, Mendocino

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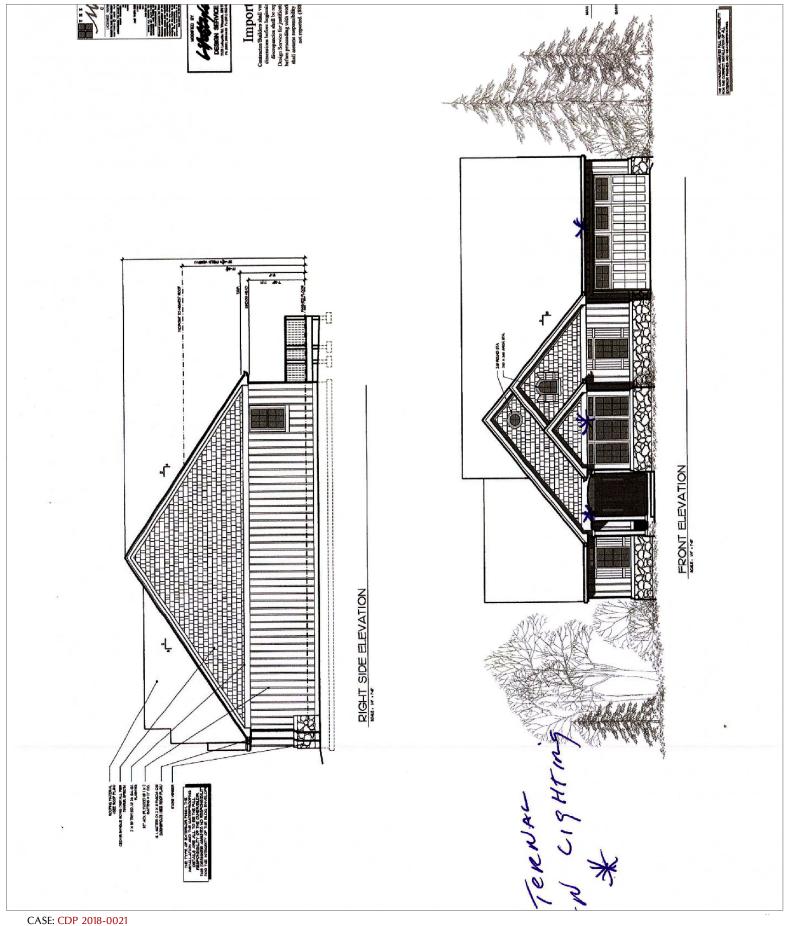
AERIAL IMAGERY





OWNER: FEEHAN, Richard APN: 118-300-25 **APLCT: Richard Feehan** AGENT:

NO SCALE

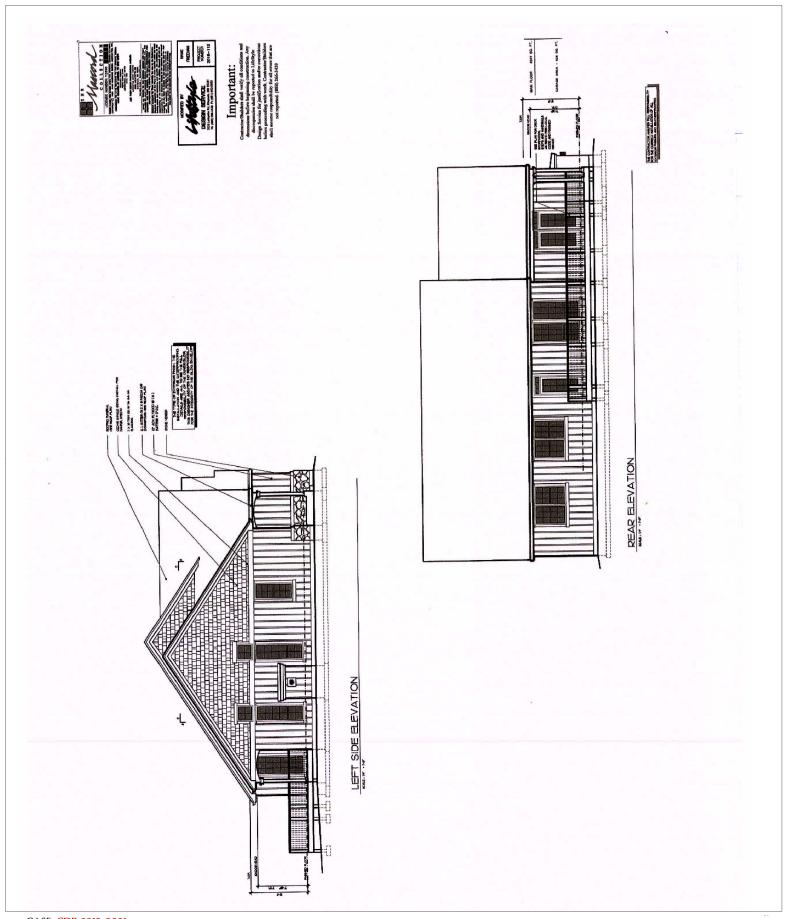


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NO SCALE

AGENT:

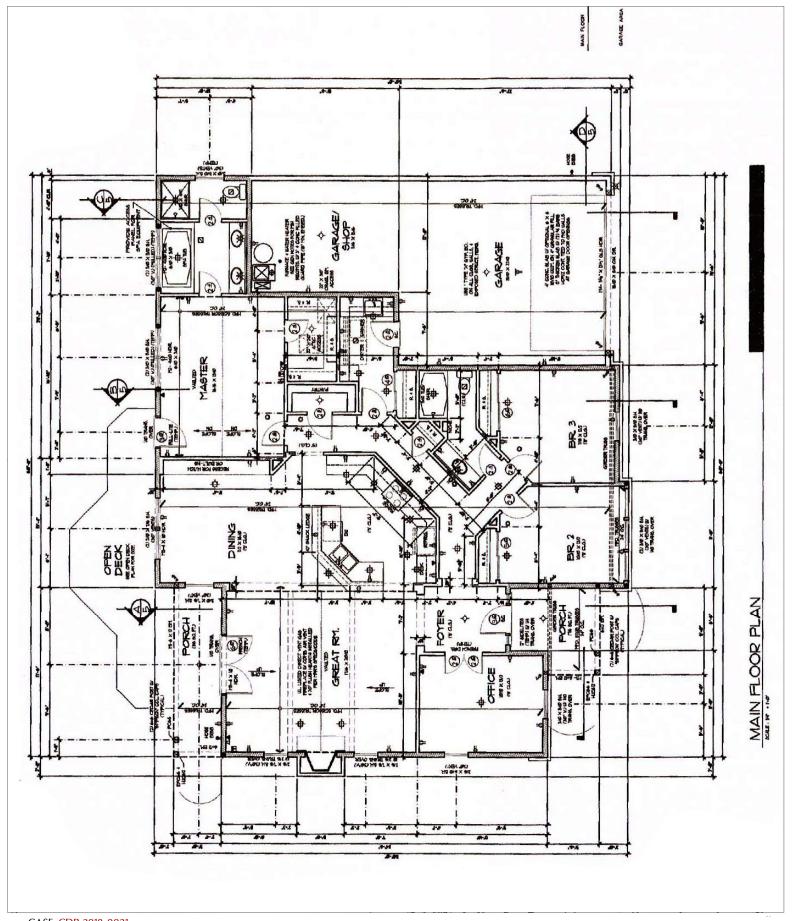
ADDRESS: 12171 Pinewood Road, Mendocino



CASE: CDP 2018-0021 OWNER: FEEHAN, Richard APN: 118-300-25 APLCT: Richard Feehan AGENT:

NO SCALE

ADDRESS: 12171 Pinewood Road, Mendocino



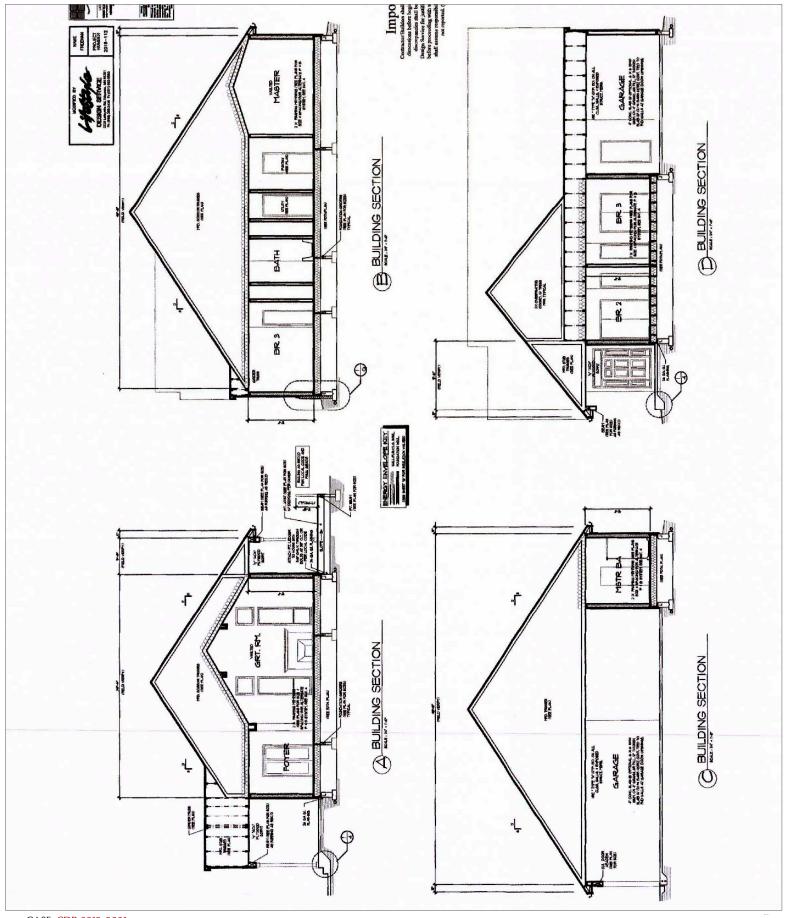
CASE: CDP 2018-0021 OWNER: FEEHAN, Richard APN: 118-300-25 APLCT: Richard Feehan

NO SCALE

AGENT:

ADDRESS: 12171 Pinewood Road, Mendocino

MAIN FLOOR PLAN

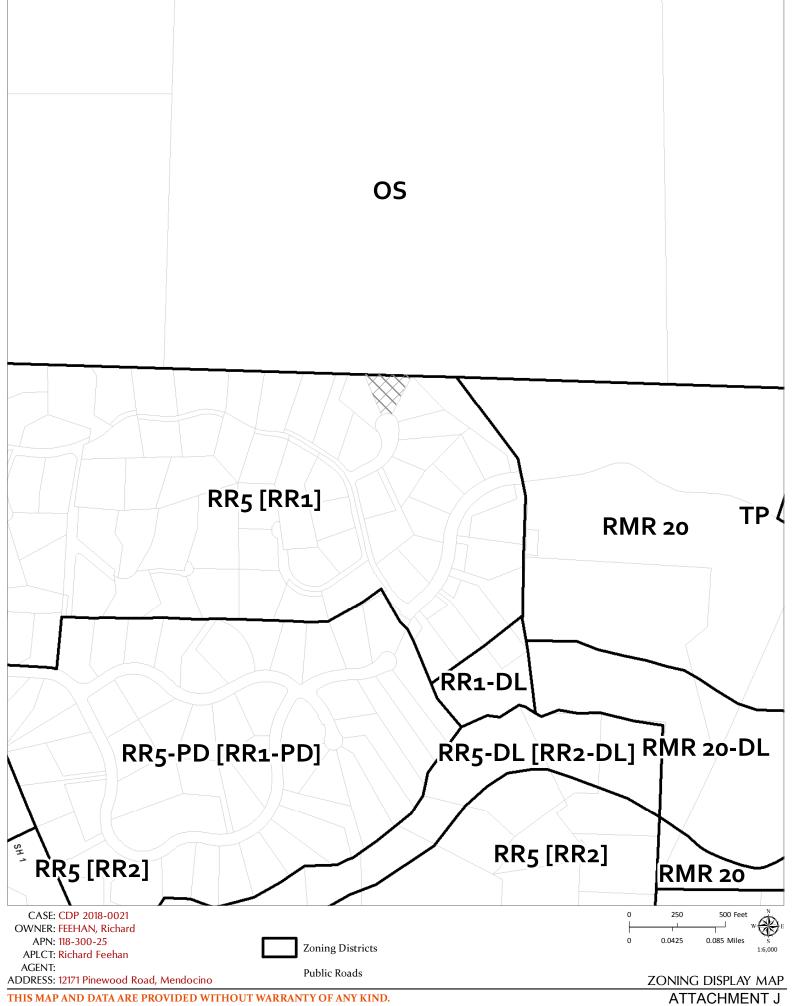


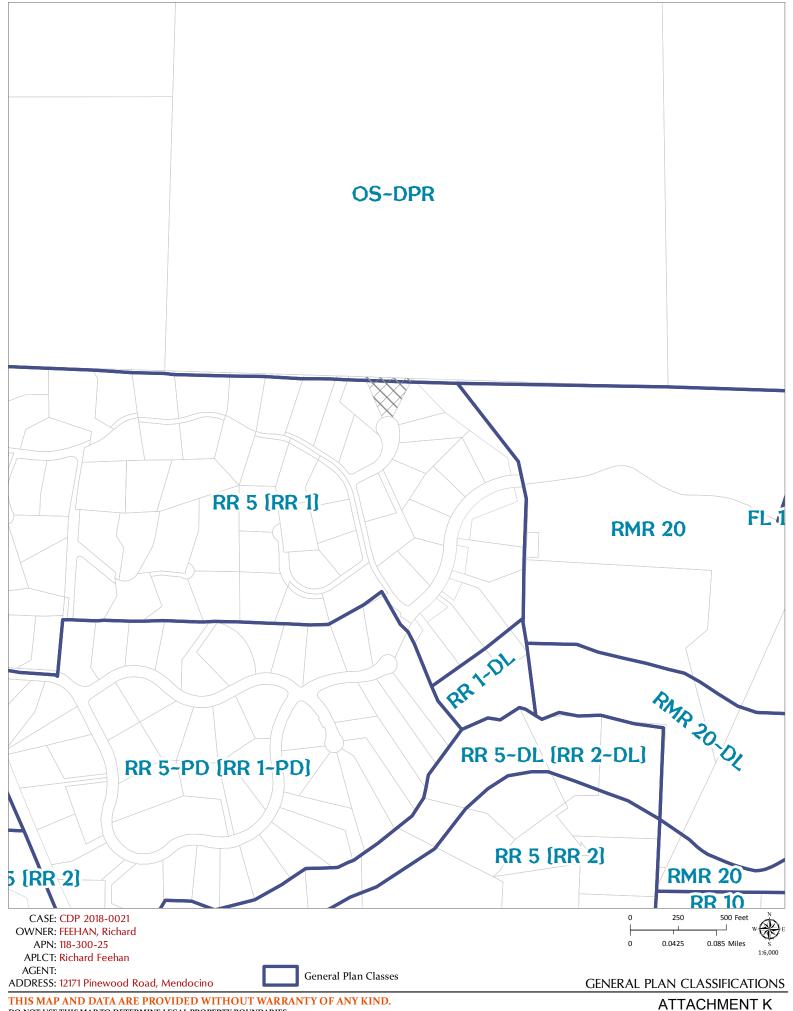
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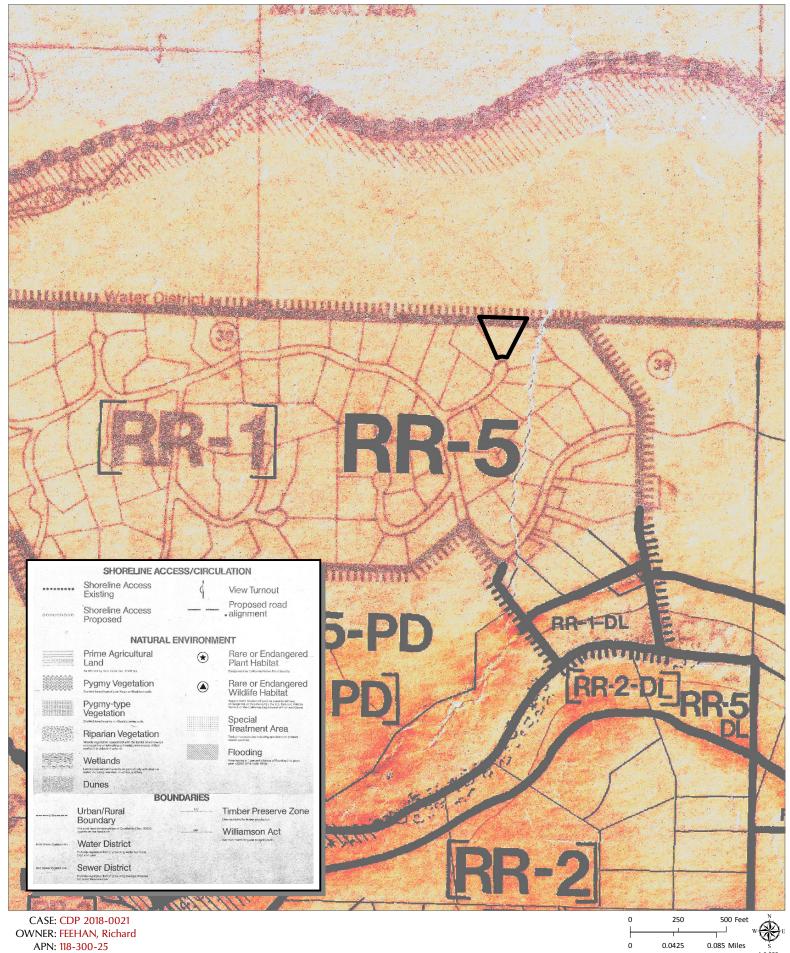
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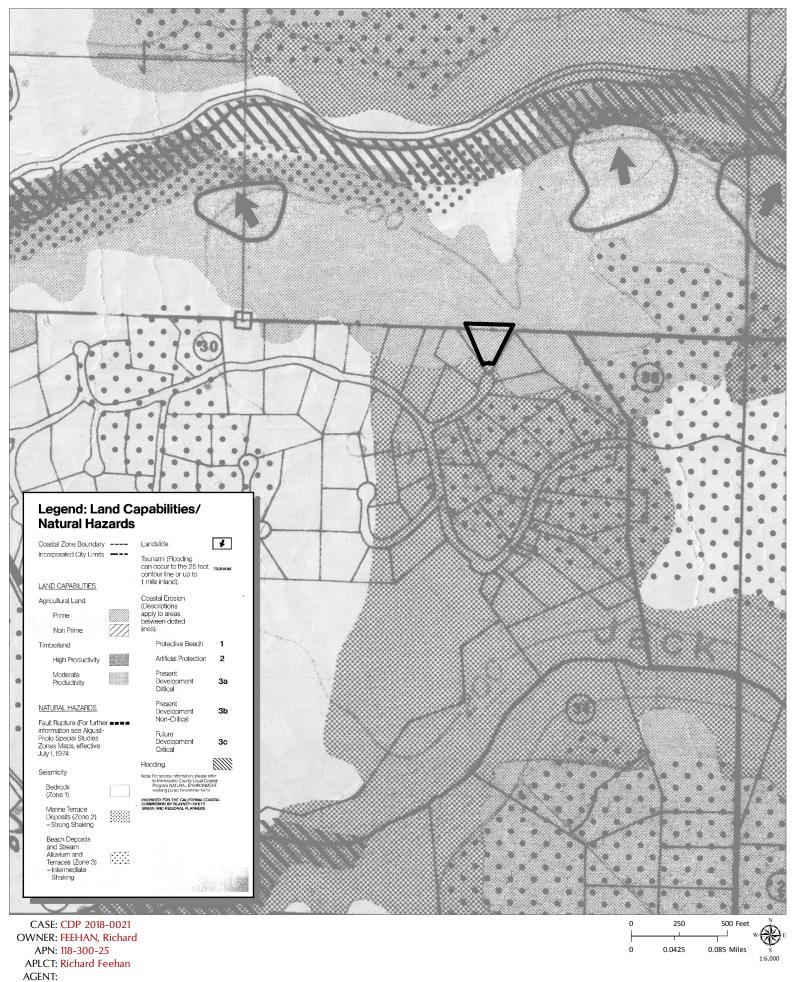


APLCT: Richard Feehan

AGENT:

ADDRESS: 12171 Pinewood Road, Mendocino

LCP LAND USE MAP 15: CASPAR



ADDRESS: 12171 Pinewood Road, Mendocino

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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

LCP LAND CAPABILITIES & NATURAL HAZARDS

