

OCTOBER 4, 2019 CDP_2018-0020

SUMMARY

OWNER/APPLICANT:	RONI & ROBERT GRECO 358 BENICIA DR SANTA ROSA, CA 95409	
AGENT:	HOWARD CURTIS, ARCHITECT PO BOX 675 GUALALA, CA 95445	
REQUEST:	Administrative Coastal Development Permit request to construct a 2,283 sq. ft. single-family residence with loft, 700 sq. ft. attached garage/shop, and associated ancillary development.	
LOCATION:	In the Coastal Zone and the Irish Beach Subdivision, on the east side of Cypress Point Rd. (CR 576), 200± ft. north of its intersection with Sea Cypress Dr. (CR 568), located at 14765 Cypress Point Rd., Manchester (APN 132-073-02).	
TOTAL ACREAGE:	0.3± Acre	
GENERAL PLAN:	Coastal Element Chapter 4.11, General Plan Suburban Residential (RR 5-PD [SR-PD] (S:U))	
ZONING:	Mendocino County Coastal Zoning Code	

SUPERVISORIAL DISTRICT: 5th District Supervisor

ENVIRONMENTAL DETERMINATION: Class 3(e) Categorically Exemption

APPEALABLE: No

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

Suburban Residential (RR 5-PD [SR-PD])

PROJECT DESCRIPTION: An Administrative Coastal Development Permit request to construct a 2,283-square-foot single-family residence with loft, 700-square-foot attached garage and shop, fence, and install septage and leach fields, propane tank, and driveway.

APPLICANT'S STATEMENT: "Construct a 2283 SF plus 543 SF loft, single-family residence with 700 SF attached garage and shop. Screen fencing and propane enclosure. Standard septic system. Gravel drive and AC paved entry apron and cross culvert."

RELATED APPLICATIONS:

On-Site

Septic 1198-F and 5466

NEIGHBORING PROPERTY

To the South: SFD F6931

• To the East: Septic 6366-F and ST24593, CE 33-2006

SITE CHARACTERISTICS: The project site is located within the urban boundaries of the Irish Beach Subdivision, which is located on the east side of State Route 1 and north of Manchester (See attachments Location Map, Aerial Imagery, and Aerial Imagery). The site elevation is 200± feet above sea level (See attached Topographic Map). The land classification and zoning district is Suburban Residential (See attachments Zoning Display Map and General Plan Classifications). The surrounding lands are mapped non-prime agricultural lands with a Zone 3 natural hazard, e.g. beach deposits, stream alluvium, and terraces subject to intermediate shaking (See attachment LCP Land Capabilities & Natural Hazards). LCP Habitats & Resources mapping describes the surrounding lands as "barren" (See attachment). The project site is west of the "appeal jurisdiction," as shown on the Post LCP Certification Permit and Appeal Jurisdiction Map (See attachment Appealable Areas). The site is rated as a "High Fire Hazard" and would be served by the Redwood Coast Fire Protection District (See attached Fire Hazard Zones & Responsibility Areas). The site is mapped as "Medium Density Intermix" wildland-urban interface zone (See attachment). The area is mapped as a "Marginal Water Resource Area" (See attached Ground Water Resources). The Irish Beach Water District would provide access to ground water resources (See attached Water Districts). Mapped western soils type is #105 (See attached Local Soils).

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified as Suburban Residential.

Table 1. Surrounding lands, lot sizes, and land uses					
	GENERAL PLAN	ZONING	LOT SIZES	USES	
NORTH	RR 5-PD [SR-PD]	RR 5-PD [SR-PD]	0.36± acre	Residential	
EAST	RR 5-PD [SR-PD]	RR 5-PD [SR-PD]	0.35± acre	Residential	
SOUTH	RR 5-PD [SR-PD]	RR 5-PD [SR-PD]	0.38± acre	Residential	
WEST	RR 5-PD [SR-PD]	RR 5-PD [SR-PD]	0.32± acre	Residential	

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed single-family residence and ancillary development would be consistent with the goals and policies of the Local Coastal Program, as detailed below.

LAND USE: The proposed project is located within the boundaries of the Local Coastal Program (LCP) area and is shown on LCP Map 22: *Mallo Pass Creek.* The site is classified as Suburban Residential (SR). Coastal Element Chapter 2.2 describes the intent of the Suburban Residential classification as follows:

"The Suburban Residential classification is intended to be applied on lands adjacent to existing developed communities on the urban side of the Urban/Rural boundary, or to lands which are appropriate to accommodate future residential growth. Land within the Suburban Residential classification should have moderate to light constraints for residential development, should be served by the publicly-maintained road network, and should be located within utility service areas or the logical extensions thereof. Portions of lands within the Suburban Residential classification will be appropriate for development of residential subdivisions. Such areas should be developed as major subdivisions, not minor subdivisions."

Coastal Element Policy 3.8-10 establishes a policy for variable density, which would be applied to this project site and the General Plan Classification RR 5-PD [SR-PD].

"Policy 3.8-10: In order to be developed to the smaller parcel size, areas indicated on the map as having a variable density zoning classification shall be required to be served by a public water system which utilizes surface waters, and which does not impact upon the ground water resource, or by completion of a hydrological study which supports those greater densities."

The project site is located in the Irish Beach Subdivision, where lots are served by a public water system. MCC Section 20.516.015(B)(3) implements Coastal Element Policy 3.8-10 (See report section **GROUNDWATER RESOURCES**). The proposed land use is *Single-Family Residential*; this is a principally permitted use type in the SR Land Use Classification. As proposed, the residential development would be consistent with Coastal Element Policies including the intent of the Suburban Residential Classification and policies allowing for smaller parcel size.

ZONING: The zoning district for the subject parcel is Suburban Residential (SR), which is:

"This district is intended to be applied adjacent to existing developed communities on the urban side of the urban/rural boundary, or in areas suited for future residential growth. Lands within this district should be served by public roads and adjacent to or within a public service area."

Pursuant with MCC Section 20.384.010(A), Single-family Residential is a principally permitted use type in the SR District. Table 2 lists standards for development in the SR District and compares them to the proposed project.

Table 2: Comparison of SR Development Standards and Proposed Residential Use				
MCC CHAPTER 20.384	STANDARD	PROPOSED		
MINIMUM FRONT & REAR YARDS	20 FT	20 FT		
MINIMUM SIDE YARDS	6 FT	6 FT		
MAXIMUM BUILDING HEIGHT	35 FT	20 FT		
MAXIMUM LOT COVERAGE	50%	50%		

As proposed, the project would be consistent with MCC Chapter 20.384 Suburban Residential District and Coastal Element Policies for development.

GRADING, EROSION, AND RUNOFF AND MCC CHAPTER 20.492: The purpose of MCC Chapter 20.492 *Grading, Erosion, and Runoff* is:

"The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards should apply to specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts."

While a grading plan was not submitted with the application, the site plan shows potential areas of grading, including installing a 1,200-gallon concrete pump chamber, treatment tank, leachfield, underground propane tank, residential foundation, and 1,334± square-foot gravel driveway. Staff recommends a condition of project approval requiring a building permit, or grading permit exemption, for any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two cubic yards of material. Staff recommends a condition of project approval requiring any grading activity to demonstrate compliance with Chapter 20.492 (See condition #9). As conditioned, the project would be consistent with Chapter 20.492 *Grading, Erosion, and Runoff*, including specified standards for grading, erosion, sedimentation, and runoff.

HABITATS AND NATURAL RESOURCES: The regulations of MCC Chapter 20.496 are applied to all development proposed in the Coastal Zone, unless and until it can be demonstrated to the approving authority that the project will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. The project site is more than 100-feet from environmentally sensitive habitat and other resource areas as defined by MCC Section 20.496.010. On September 26, 2018, Gregory Schmidt of US Fish and Wildlife Service stated that he had conducted a PAMB, e.g. Point Arena Mountain Beaver, survey at 14765 Cypress Point Road and found the entire parcel unsuitable for PAMB. He found no evidence of PAMB. Ten-years in the future or on or about September 2028, a follow-up PAMB survey is recommended. As proposed, the project would satisfy Coastal Element Policy 3.1-1, MCC Chapter 20.496 regulations, and the project would ensure that environmentally sensitive habitat and other designated resources are protected for both the wildlife inhabiting them and the enjoyment of present and future populations.

HAZARD MANAGEMENT: The regulations within MCC Chapter 20.500 are applied to all development proposed in the Coastal Zone, unless and until it is determined by the Coastal Permit Administrator that the project is not subject to threats from geologic, fire, flood, or other hazards. The property is not identified with the following hazards: faults, bluffs and bluff erosion, tsunami, landslides, and flooding.

<u>Section 20.500.025 Fire Hazard.</u> The parcel is located in an area classified with a "High Fire Hazard" severity rating (See attachment Fire Hazard Zones & Responsibility Areas). Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Redwood Coast Fire Protection District (RCFPD). The project application was referred to CalFire and the RCFPD for input. No response has been received from RCFPD. CalFire File Number 371-18 includes fire safe standards for address, driveway, defensible space and maintaining defensible space. CalFire Staff noted their agreement with MCC Sections 20.048.035 and 20.048.040 that establishes a 20-foot minimum front yard and a 6-foot minimum side yard distance on less than one acre parcels.

As proposed the project would satisfy Coastal Element Policy 3.4-1 that requires review of all applications to determine threats from and impacts on geologic hazards arising from seismic events, tsunami run-up, landslides, beach erosion, expansive soils and subsidence; and Policy 3.4-13 that requires all new development to meet the requirements for fire protection and fire prevention as recommended by responsible fire agencies; and the project would be consistent with MCC Chapter 20.500.

VISUAL RESOURCES: The project site is not mapped as a *Highly Scenic Area* and is therefore not subject to the visual resource policies of Coastal Element Chapter 3.5 or MCC Chapter 20.504 *Hazard Areas*.

ARCHAEOLOGICAL/CULTURAL RESOURCES: On November 20, 2018, the Northwest Information Center of the California Historical Resources Information System recommended that a qualified archaeologist conduct further archival and field study to identify cultural resources. On May 8, 2019, the Archaeological Commission accepted a survey report prepared by Alex DeGeorgey dated March 28, 2019. The findings of the report were that no cultural, historical or archaeological sites were observed and that MCC Sec 22.12.090, known as the Discovery Clause, shall be adhered to (See recommended Condition #8). With the inclusion of the requested condition, the proposed project would be consistent with Coastal Element Policy 3.5-10 and the protection of paleontological and archaeological resources.

GROUNDWATER RESOURCES AND MCC CHAPTER 20.516: The purposes of MCC Chapter 20.516 *Transportation, Utilities, and Public Services* are:

"(A) That development occurs in areas where public services are available; (B) That where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development; and (C) That new and expanded public services are designed and limited to accommodate a level and type of development which is consistent with the Land Use Plan, provided that a reasonable capacity be reserved for potential industrial development as designated by the Coastal Element."

New development shall be approved subject to the availability of necessary public services and consistent with MCC Sections 20.5156.015(A) Septage and Leach Field and (B) Water Supply. On November 20, 2018, the Division of Environmental Health Staff commented that the septage and leach field design is compliant with ST801198. Lands in the Irish Beach Subdivision, where the proposed development would be located, are mapped as Marginal Water Resources (See attached *Ground Water Resources*). MCC Section 20.516.015(B)(3), allows for smaller parcel size in areas indicated on the Land Use Map as having a variable density zoning classification, e.g. RR 5-PD [SR-PD], and when the parcel is served by a public water system. The Irish Beach Water District would supply water to the proposed development (See attached *MISC*). As proposed, the project would be consistent with MCC Section 20.516.015(A) and (B).

TRANSPORTATION AND CIRCULATION: New development shall be approved consistent transportation system provisions, as specified by MCC Section 20.516.015(C). On November 27, 2018, Mendocino County Department of Transportation recommended approval with two conditions that would require construction of a residential driveway approach and an encroachment permit for work within County rights-of-way (See recommended Conditions #10 and #11). As proposed, the location of development would satisfy corridor preservation setback requirements. As conditioned, the project would be consistent with MCC Section 20.516.015(C).

PUBLIC ACCESS AND MCC CHAPTER 20.528: MCC Chapter 20.528 Coastal Access Regulations and Open Space Easements shall apply to all projects in the coastal zone which fall within the definition of development, pursuant with MCC Section 20.308.035(D). As shown on *LCP Map 22: Mallo Pass Creek* shoreline access is proposed along the northern portions of Manchester State Beach. This location is west of the project site. As proposed, the project would be consistent with MCC Chapter 20.528 and Coastal Element Chapter 3.6 Shoreline Access and Trail/Bikeway System Policies.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes of 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 was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under 15303(a) for new construction of residential structures.

RECOMMENDED FINDINGS AND CONDITIONS

Pursuant to the provisions of MCC Chapter 20.532 and MCC Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed residential development, 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 including Coastal Element Policies 3.4-13 and 3.8-10, and the intent of the Suburban Residential land use classification; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), as conditioned the residential land use is provided with adequate utilities, access roads, drainage and other necessary facilities and the Irish Beach Water District will provide access to water; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed *Single-Family Residential* land use is a principally permitted use in the Suburban Residential District; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), as proposed the project would meet the criteria for a Categorical Exemption from the California Environmental Quality Act; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities; 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 adopted conditions would ensure public services are adequate to serve the proposed development.

CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Code. CDP 2018-0020 shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. CDP 2018-0020 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. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code (MCC).
- 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 all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 5. The applicant shall secure all required Building Permits for the proposed project as required by the Building 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. CDP 2018-0020 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 applicant 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 Coastal Code.
- 9. In accordance with MCC Chapter 20.492, a building permit, or grading permit exemption, shall be required for any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two (2) cubic yards of material. The Coastal Permit Administrator, or their designee, shall review and approve grading permits to determine their consistency with MCC Chapter 20.492 regulations. Grading activities, including the maintaining driveway and parking areas, and any work associated with an Encroachment Permit, shall comply with MCC Chapter 20.492 regulations.

- 10. A residential driveway approach shall be constructed onto Cypress Point Road (CR 576) in accordance with Mendocino County Road and Development Standards No. A51A, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
- 11. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for work within County rights-of-way.

10-8-2019

DATE

10-8-19

DATE

JULIANA CHERRY

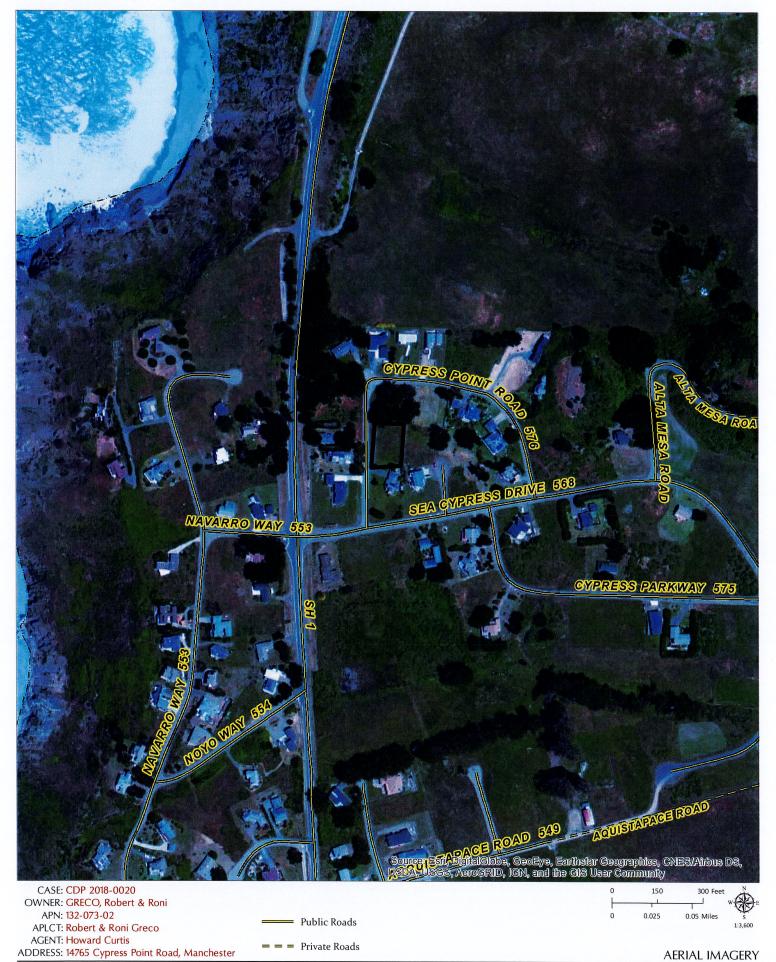
BRENT\SCHULTZ
COASTAL PERMIT ADMINISTRATOR

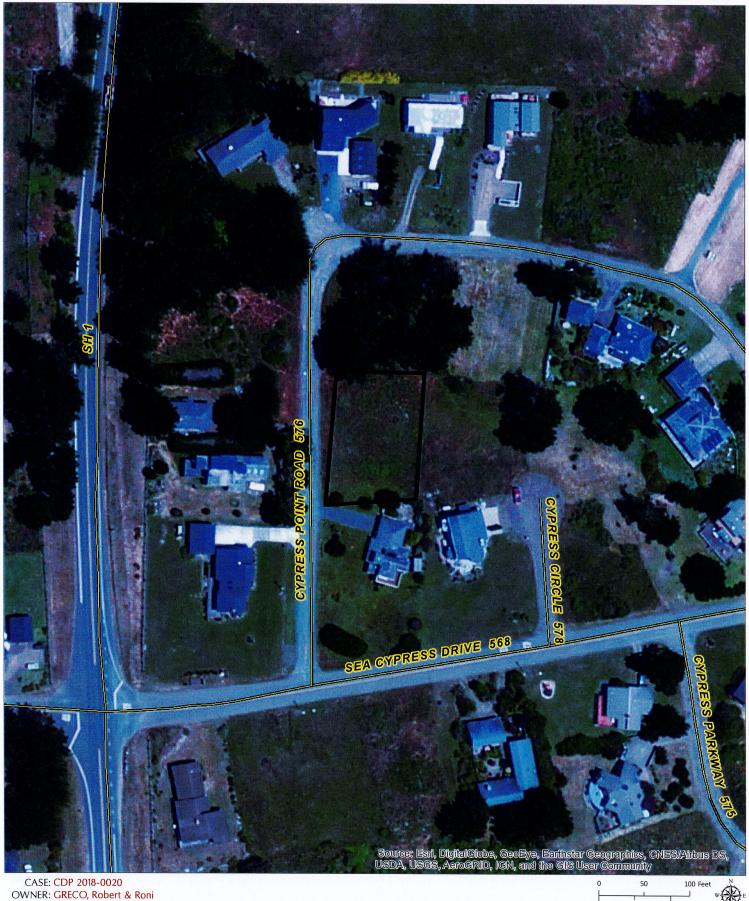
Appeal Period: 10 Days Appeal Fee: \$1610.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery
- C. Aerial Imagery
- D. Topographic Map
- E. Revised Site Plan
- F. Revised Elevations
- G. Revised Floor Plan
- H. Zoning Display Map
- I. General Plan Classifications
- J. LCP Land Use Map 22 Mallo Pass Creek
- K. LCP Land Capabilities & Natural Hazards
- L. LCP Habitats & Resources
- M. Appealable Areas
- N. Adjacent Parcels
- O. Fire Hazard Zones & Responsibility Areas
- P. Wildland-Urban Interface Zones
- Q. Ground Water Resources
- R. Local Soils
- S. Water Districts







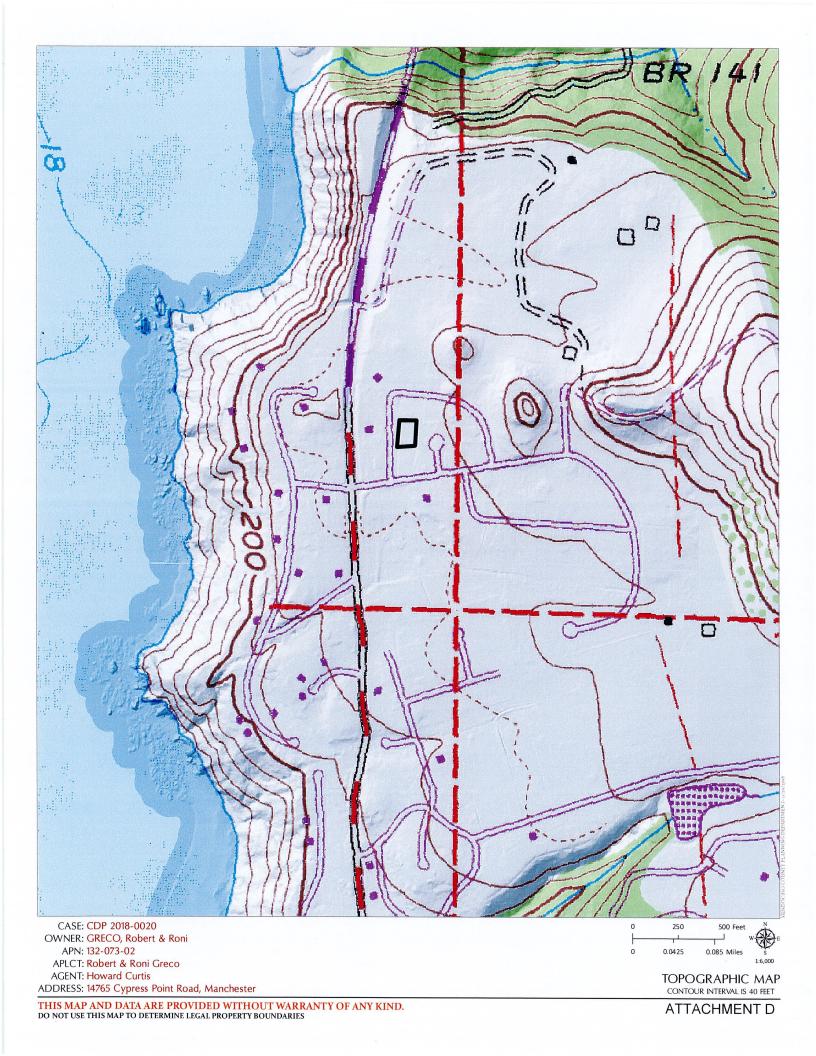
APLCT: Robert & Roni Greco **AGENT: Howard Curtis** Public Roads ADDRESS: 14765 Cypress Point Road, Manchester

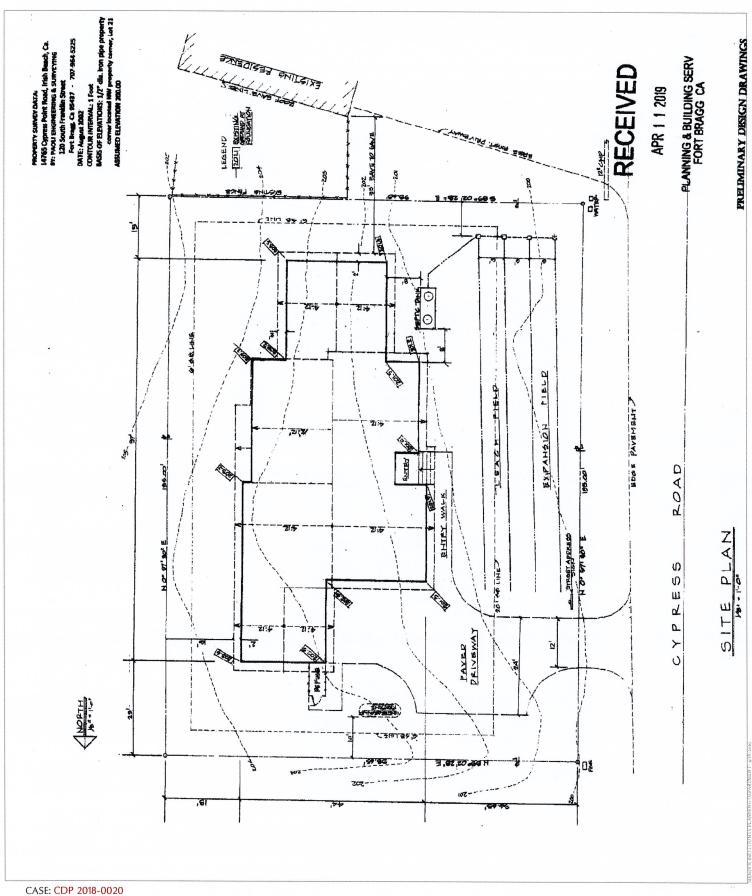
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AERIAL IMAGERY

APN: 132-073-02





OWNER: GRECO, Robert & Roni

APN: 132-073-02

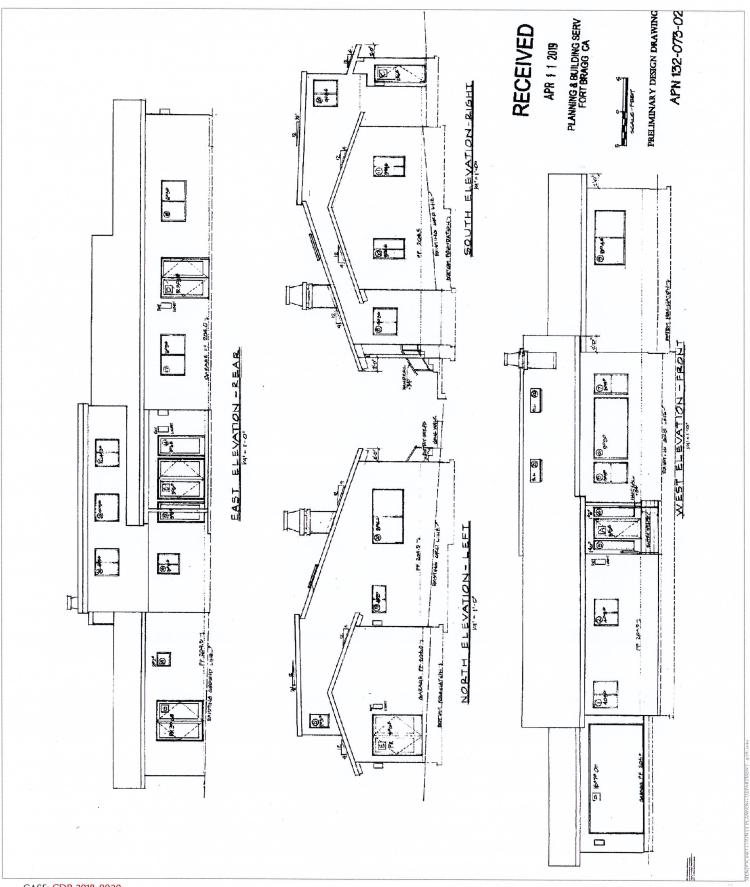
APLCT: Robert & Roni Greco

AGENT: Howard Curtis

ADDRESS: 14765 Cypress Point Road, Manchester

NO SCALE

REVISED SITE PLAN



CASE: CDP 2018-0020

OWNER: GRECO, Robert & Roni

APN: 132-073-02

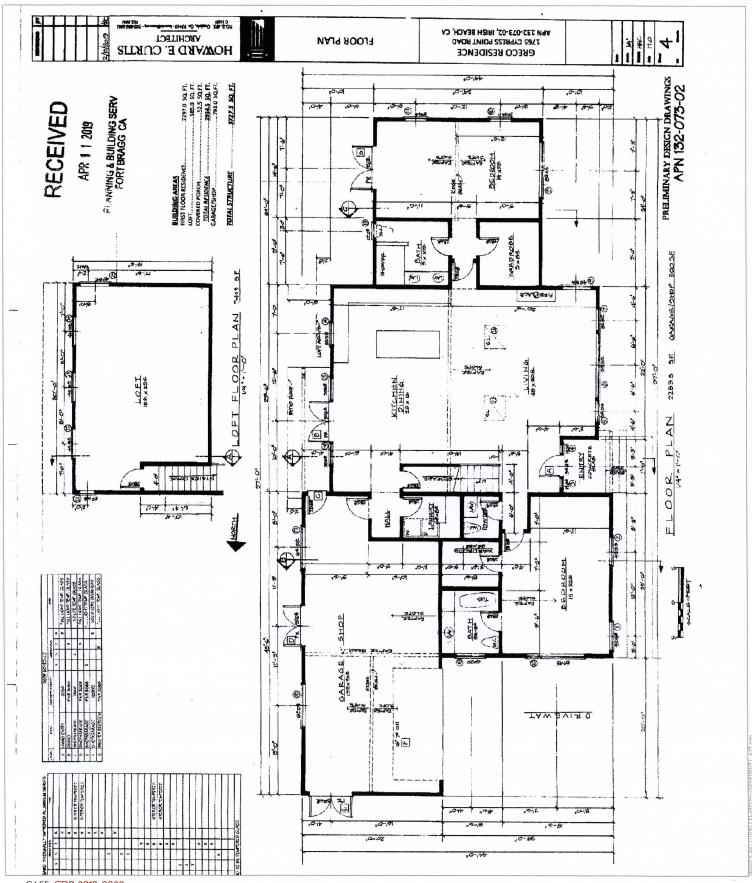
APLCT: Robert & Roni Greco

AGENT: Howard Curtis

ADDRESS: 14765 Cypress Point Road, Manchester

NO SCALE

REVISED ELEVATIONS



CASE: CDP 2018-0020

OWNER: GRECO, Robert & Roni

APN: 132-073-02

APLCT: Robert & Roni Greco

AGENT: Howard Curtis

ADDRESS: 14765 Cypress Point Road, Manchester

NO SCALE

REVISED FLOOR PLAN

