



**BOARD OF SUPERVISORS STAFF REPORT
ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT**

**MARCH 15, 2016
CDP_2015-0005**

OWNER/APPLICANT/AGENT: JOHN JR AND CHERYL SOARES
PO BOX 1558
GUALALA, CA 95445

REQUEST: Coastal Development Permit to construct a 2,880 square-foot single-family home and a production well on a 0.57-acre site.

DATE DEEMED COMPLETE: NOVEMBER 11, 2015

LOCATION: Within the Coastal Zone, the site is lying on the east side of Highway 1 approximately 600-feet north of its intersection with Big Gulch Drive. APN 145-125-12. 37901 MARINE VIEW DR, GUALALA

APPEALABLE AREA: NOT APPEALABLE

PERMIT TYPE: ADMINISTRATIVE

TOTAL ACREAGE: 0.57 ACRES

GENERAL PLAN: RR5(1)

ZONING: RR:5/NONE

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: A Class 3(a) categorical exemption for a residential structure located in a residential zoning district pursuant with Section 15303(a) of the Guidelines for the California Environmental Quality Act.

RECOMMENDATION: Approve with conditions

OTHER RELATED APPLICATIONS: CE-2015-0013 Test Well

PROJECT DESCRIPTION: The applicant, having a demonstrated a sufficient water supply, proposes to construct a 2,880 square-foot single-family home and install a production well on a 0.57-acre site. The ground floor will include a two-car garage, laundry room and storage area. The main floor (above the ground floor) includes two bedrooms, two bathrooms, kitchen, dining, and family room. The applicant has previously demonstrated that well-water is sufficient on-site. The residential land use will be served by an on-site well.

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

Land Use. The site and surrounding lands are designated Rural Residential (RR). The RR 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, micro-climate, slope, exposure, etc. The construction of a new residential structure is consistent with the existing land use classification.

Public Access: The project is located within the boundaries of the certified local coastal program and satisfies the policies of Chapter 4.6 of the Coastal Element, Mendocino County General Plan. Coastal Access Trails follow Highway 1, which is situated westerly of the project site.

Hazards

Seismic: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone. The site is approximately 2-miles westerly of the mapped Alquist-Priolo Earthquake Fault Zone. This project does not conflict with any state or local seismic hazard policy or plan.

Flood: The project site is not located within a flood zone; therefore no conditions are necessary to ensure consistency with flood policy. The project site is east of the Tsunami Planning Area mapped boundary.

Fire: The project is located in an area characterized by moderate fire hazard severity ratings. CalFire has reviewed the project and has requested specific conditions which are included in Condition #4 that reads: "That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction."

Groundwater Resources: The site is located within an area mapped as Critical Water Areas. A test well has demonstrated that the site has access to a sufficient water supply. The residential land use will not be connected to the North Gualala Water Company service.

Recommended condition: The residential land use will have access to potable water from an on-site well.

Zoning Requirements: The project complies with the zoning requirements for the Rural Residential District set forth in Section 20. 376.005, et.seq. and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code. The building will be 27.5-feet in height and situated beyond the required building setbacks. The proposal does not exceed lot coverage allowances. The Department of Transportation has requested an encroachment permit for construction of the driveway within the right-of-way.

AGENCY COMMENTS:

On October 21, 2015 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their recommended conditions of approval are listed at the end of this staff report. A summary of the submitted agency comments are listed below. Any comment that would trigger a special condition, a project modification, or project denial recommendation is discussed in full in the Key Issue Section of this report.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Planning - Ukiah			
Department of Transportation	Encroachment Permit	Comment	11-9-2015
Environmental Health-FB/Ukiah		No comment	10-27-2015
Building Services-FBPBS		No comment	
Assessor		No comment	
County Water Agency		No response	
Sonoma State University-NWIC		Comment	11-3-2015
Comment	Survey requested		
Archaeological Commission		Comment	12-24-2015

Comment	No cultural sites observed		
Dept. of Fish & Wildlife		No comment	
CalFire		Comment	10-26-2015
Comment	Adhere to CalFire 4290 regulations		
Department of Fish and Game			
Coastal Commission			
Gualala MAC		Comment	12-4-2015
Comment	Unanimously approved		
Point Arena School District			
Gualala CSD Sewer District		No comment	10-29-2015
North Gualala Water District		No comment	10-28-2015
South Coast Fire District			

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. The proposed development is in conformity with the certified Local Coastal Program. As proposed, the single-family residence is located within a Rural Residential Land Use designation, adjacent to Coastal Trails, and is not located in a mapped hazard area (seismic activity, flooding, or fire).
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The proposed project has access to sewer treatment by the Gualala Community Services District and a test well has demonstrated access to a sufficient water supply. The site is located within a residential subdivision.
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district. The construction of a new residential structure is consistent with the intent of the Rural Residential District.
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. One single-family residence in a residentially zoned district is suitable for a Class 3(a) categorical exemption from CEQA. The site has been surveyed for archaeological and sensitive habitat and no facts of concern have been established.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. The site has been surveyed for archaeological and paleontological resources. The Archaeological Commission has considered the project and site. No facts of concern have been established.
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. The site has access to a sufficient water supply and sewage treatment.

STANDARD CONDITIONS:

1. The permit shall become effective on or after March 15, 2016, and shall expire and become null and void at the expiration of two years after granting except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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.
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. That this permit be subject to the securing of 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 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 (1) or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) 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 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 resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. The residential land use will have access to potable water from an on-site well.

Staff Report Prepared By:

_____ Date

JULIANA CHERRY, PLANNER III
COASTAL PLANNER

Coastal Development Permit Approved By:

_____ Date

ANDY GUSTAVSON
COASTAL PERMIT ADMINISTRATOR

ATTACHMENTS

- A. Location Map
- B. Aerial Photo
- C. Google Street View
- D. Lower Level Floor Plan
- E. Main Level Floor Plan
- F. Elevations
- G. Adjacent Owners
- H. Zoning Map
- I. General Plan Map
- J. LCP Map
- K. Fire Hazard Zones Map
- L. Ground Water Map
- M. Highly Scenic & Tree Removal
- N. Water District Map