

**STAFF REPORT FOR
COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT**

**CDP# 4-2011 (Boward)
October 4, 2011
BOS-1**

OWNERS/APPLICANTS: Mike & Terissa Boward
7136 Agora Way
Eldorado Hills, CA 95762

AGENT: Diana Wiedemann
Po Box 395
Albion, CA 95410

REQUEST: Construct ~3,939 sq ft single family residence with ~1,066 sq. ft of decks and attached ~500 sq. ft two-car garage, for a total structural size of 5,505 sq. ft and a maximum height of 28' above average grade. Associated developments include: construction of a driveway and parking area, connection to utilities, underground propane tank, installation of septic system, and landscaping.

LOCATION: In the Coastal Zone, north of the Town of Mendocino in the Surfwood subdivision, on the east side of Highway 1, on the south side of Baywood Drive (Private) ~1200 ft south of its intersection with Rosewood Terrace (private), at 44761 Baywood Dr (APN: 118-330-41).

APPEALABLE AREA: No

PERMIT TYPE: Administrative

TOTAL ACREAGE: 1.04± acres

GENERAL PLAN: RR-5-PD [RR-1-PD]

ZONING: RR:L-5:PD [RR:PD]

EXISTING USES: Vacant

ADJACENT ZONING: North, east, south, & west: RR:L-5:PD [RR:PD]

SURROUNDING LAND USES: North, east, south, & west: Undeveloped & developed residential lots

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically exempt – Class 3(a)

OTHER RELATED APPLICATIONS: CDP 81-02 authorized the construction of a 4,115 sq. ft SFR including an attached garage with a maximum height of ~ 28 ft, but has since expired.

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PROJECT DESCRIPTION: The applicant proposes to construct ~3,939 sq. ft single family residence with ~1,066 sq. ft of decks and attached ~500 sq. ft two-car garage, for a total structural size of 5,505 sq. ft and a maximum height of 28' above average grade. Associated developments include: construction of a driveway and parking area, connection to utilities, underground propane tank, installation of septic system, and landscaping.

The project site is located in the Surfwood IV subdivision just north of the Town of Mendocino. This subdivision is largely built-out and is characterized by large single family residences, several of which are built on the hill slope to Jack Peters Creek.

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 parcel is classified on the Coastal Plan Map, and zoned, as Rural Residential-Five Acres Minimum-Planned Unit Development, with a One Acre Minimum subject to water availability. The proposed single family residence and associated development is a permitted use within the Rural Residential zoning district, and is consistent with the Rural Residential land use classification. The Planned Unit Development combining zone was applied to the property prior to the approval of Unit IV of Surfwood Subdivision, and was implemented through approval of subdivision design and location of building envelopes. The regulations for the PD combining zone exempts a single family residence from the requirement that a use permit application and development plan be submitted for development within a :PD zone. The proposed developments would be outside of the 100-year Flood Plain.

The residence and associated developments are located within the building envelope established for the lot when Unit IV of Surfwood Subdivision was approved, and the building envelope complies with required setbacks.

The maximum building height allowed in an RR zone not in a highly scenic area is 28 feet. The drawings submitted with the application show the building to be in compliance with a height of 28 feet above the average natural grade.

Maximum lot coverage allowed on a parcel less than 2 acres in size in an RR zone is 20%. Lot coverage is the percentage of the gross lot area covered by structures. The lot is approximately 1.04 acres, or 45,302 square feet. The Site Plan shows approximately 5,505 square feet of coverage, or roughly 12%. The project complies with lot coverage limits.

Public Access: The project site is located east of Highway 1 and public access to the shoreline is not an issue.

Hazards: The subject parcel generally consists of gentle to moderate slopes within the building envelope which borders a steep bluff down to Jack Peters Creek. The building envelope has an approximate slope of 33%, while the remaining parcel has a slope of about 1:1 to ½:1. The applicant retained the geotechnical consulting firm of Bauer & Associates to conduct a geotechnical engineering investigation of the site for the proposed residence. The firm's conclusions and recommendations are contained in a report dated October 12, 2010. The report did not find any raveling within the building area. The nearest raveling was reported to be approximately 120 feet down slope of the proposed development. A possible shallow landslide

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is located about 70 feet down slope of the project site. The report writers attempted to estimate bluff retreat, although review of past aerial photos did not show any evidence of appreciable bluff retreat. Bluff retreat was estimated at a rate of ~10-15 feet in 75 years. The report states that the site is suitable for the proposed development, and contains recommendations for site preparation and grading, building foundations, retaining walls, slab-on-grade construction, surface drainage, utility trench backfill, pavements, and review of foundation and grading plans. **Special Condition 1** is recommended to require that the Bauer & Associates recommendations are incorporated into the design and construction of the project. Senior Building Inspector, Michael Oliphant, commented that a soils report would be required with the building permit application.

The property is in an area that has a moderate fire hazard severity rating as determined by the California Department of Forestry and Fire Prevention. The Department of Forestry has submitted recommended conditions of approval (CDF# 9-2011) for address standards, and defensible space standards. Standard Condition Number 4 is recommended to achieve compliance with the fire safe standards recommended by the Department of Forestry.

There are no known faults in close proximity to the proposed development.

Grading, Erosion, & Runoff:

Sec. 20.492.010 Grading Standards of the Mendocino County Coastal Zone Code (MCCZC) states in pertinent part:

(A) Grading shall not significantly disrupt natural drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in surface runoff.

(B) Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum.

(C) Essential grading shall complement the natural land forms. At the intersection of a manufactured cut or fill slope and a natural slope, a gradual transition or rounding of contours shall be provided.

(F) Adjoining property shall be protected from excavation and filling operations and potential soil erosion.

(G) The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans. (Ord. No. 3785 (part), adopted 1991)

The project involves the grading of 50± cubic yards of soil in order to construct the drilled pier and grade beam foundation system and driveway. This amount of grading is significantly less than what was required to construct residences on adjacent properties as the subject proposal calls for drilled, cast in place pier foundation. However, this grading would be on steep terrain above Jack Peters Creek. An access driveway with a length of 40 feet would be installed from Baywood Drive to the garage. The proposed drilled, cast in place reinforced concrete piers

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foundation decreases the amount of grading and ground disturbance required to construct the proposed residence. A landscape plan is proposed which includes drought tolerant plant palette watered with a low flow drip irrigation system.

Regarding erosion control, Section 20.492.015 of the MCCZC states in pertinent part:

(A) The erosion rate shall not exceed the natural or existing level before development.

(C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily.

And Sec. 20.492.020 Sedimentation Standards of MCCZC states:

(A) Sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with initial grading operations and maintained through the development/construction process to remove sediment from runoff wastes that may drain from land undergoing development to environmentally sensitive areas.

(B) To prevent sedimentation of off-site areas, vegetation shall be maintained to the maximum extent possible on the development site. Where necessarily removed during construction, native vegetation shall be replanted to help control sedimentation.

(C) Temporary mechanical means of controlling sedimentation, such as hay baling or temporary berms around the site, may be used as part of an overall grading plan, subject to the approval of the Coastal Permit Administrator.

(D) Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection.

(E) The grading plan when required shall set forth a schedule for the construction and maintenance of any structure to be developed under this section, and shall include a statement designating who shall be responsible for the long-term management of the devices. (Ord. No. 3785 (part), adopted 1991)

A drainage plan was submitted with the subject application. **Special Condition 2** shall require a detailed grading and drainage plan to ensure construction activities will not impact the buffer area of Jack Peters Creek. The plan should specify the schedule, types, installation methods, and locations of erosion and sediment control Best Management Practices. Prior to any construction activities, erosion control Best Management Practices (BMPs) shall be properly installed. Fiber rolls shall be required below the proposed residence and installed up to and along the 140' contour to prevent erosion into the buffer zone, see Figure 1 for an example of a properly installed fiber roll.

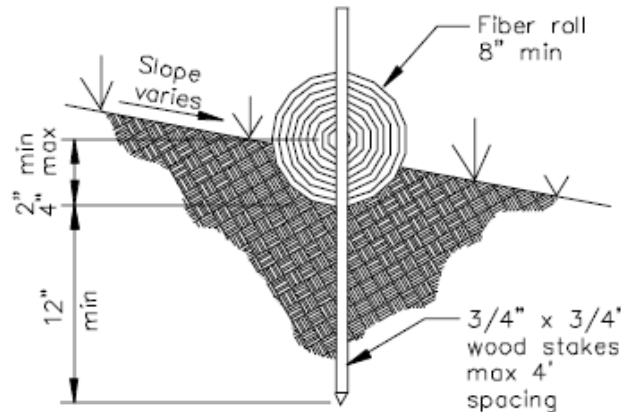


Figure 1 Example of a properly installed fiber roll

Regarding stormwater runoff, Section 20.492.025 of the MCCZC states in pertinent part:

(A) Water flows in excess of natural flows resulting from project development shall be mitigated.

(C) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipaters.

(D) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.

(E) Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.

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(K) All development that is within, or drains into, environmentally sensitive habitat, is a commercial or residential subdivision, is a service station or automotive repair facility or that includes commercial development or a parking lot, shall capture and infiltrate or treat, using relevant best management practices, including structural best management practices, all runoff from storms of a magnitude such that the runoff from eight-five (85) percent of storms is encaptured or treated.

The associated drainage plan required through Special Condition 2 shall require post construction BMPs to manage increased runoff associated proposed development. Suggested BMPs that could easily be incorporated into this proposed project design are:

1. Use of permeable pavement (or pavers) for the driveway. This decreases effective impervious surfaces, allows infiltration, and maintains natural hydrology.
2. Downspouts should convey roof runoff to a vegetated area. Bioretention cells, or rain gardens, are commonly used to infiltrate runoff and preserve natural hydrology of the site. Alternately, infiltration planters could be installed at the bottom of the downspouts. The concern is that the downspouts could concentrate runoff causing erosion and sedimentation in the buffer area.

Visual Resources. The project site is not located within a designated “highly scenic area.” Exterior colors are proposed as browns and tans and would blend with the natural environment. Color chips were provided with the project application. Exterior lighting will be provided by shielded downcast light fixtures recommended by the International Dark-Sky Association, and that comply with the exterior lighting regulations of Section 20.504.035 of MCC. The project complies with visual resource policies of the Coastal Plan.

Natural Resources. The Surfwood IV subdivision included building envelopes as a requirement of development. All of the proposed development is contained within the established building envelope. Jack Peters Creek forms the southerly boundary of the parcel, and a riparian buffer is shown on the Surfwood Subdivision Map. The proposed development does not encroach within the buffer area.

There are no known rare or endangered plant or animal species located on or in close proximity to the project site. There are no environmentally sensitive habitat areas located within 100' of the proposed development.

Archaeological/Cultural Resources. The project site is not located in an area where archaeological and/or cultural resources are likely to be found. Standard Condition Number 8 is recommended, advising the applicant of the requirements of the County's Archaeological Ordinance (Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Groundwater Resources. The site is located within an area mapped as Critical Water Resources (CWR). The proposed development will be served by the Surfwood Mutual Water Corporation and will not adversely affect groundwater resources.

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The proposed development will be served by the Surfwood IV community wastewater disposal system and will not adversely affect groundwater resources. No comments were received from the Surfwood Sewer District.

Transportation/Circulation. The project will contribute incrementally to 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. No adverse impacts are anticipated.

Zoning Requirements. The project complies with the zoning requirements for the RR:L-5:PD District set forth in Chapters 20.376 and 20.528, and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

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; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
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; and
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; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
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.

STANDARD CONDITIONS:

1. The permit shall become effective on or after October 4, 2011, 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.

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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 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

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of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. Design and construction of the residence shall be consistent with the recommendations contained in the Geotechnical Engineering Investigation Report dated October 12, 2010 prepared by Bauer & Associates.
2. Prior to issuance of the Coastal Development Permit, the applicant shall submit for review and approval by the Coastal Permit Administrator, a detailed grading and drainage control plan. The drainage plan, in addition to erosion control measures for construction activities, shall require post-construction Best Management Practices (BMPs) to manage increased runoff associated with the proposed residence (see discussion under Grading, erosion, and runoff section). The grading and drainage plan shall also be reviewed and approved by a geotechnical engineer. Prior to any construction activities, erosion control Best Management Practices (BMPs) shall be properly installed to prevent increased sedimentation into Jack Peters Creek. Fiber rolls, or equivalent BMP, shall be required below the proposed development and installed up to and along the 140' contour above the buffer area to prevent erosion into the buffer zone. See Figure 1 for an example of properly installed fiber rolls. All grading and site disturbance shall occur during the dry period of the year, typically Oct. 15 – April 30. No development is permitted outside of the established building envelope.

Staff Report Prepared By:

Date

Abbey Stockwell
Planner

Coastal Development Permit Approved By:

Date

Roger Mobley
Coastal Permit Administrator

Attachments: Exhibit A Location Map
Exhibit B OrthoPhoto
Exhibit C Flood Hazard Map
Exhibit D Groundwater Map
Exhibit E Zoning Map
Exhibit F Site Plan

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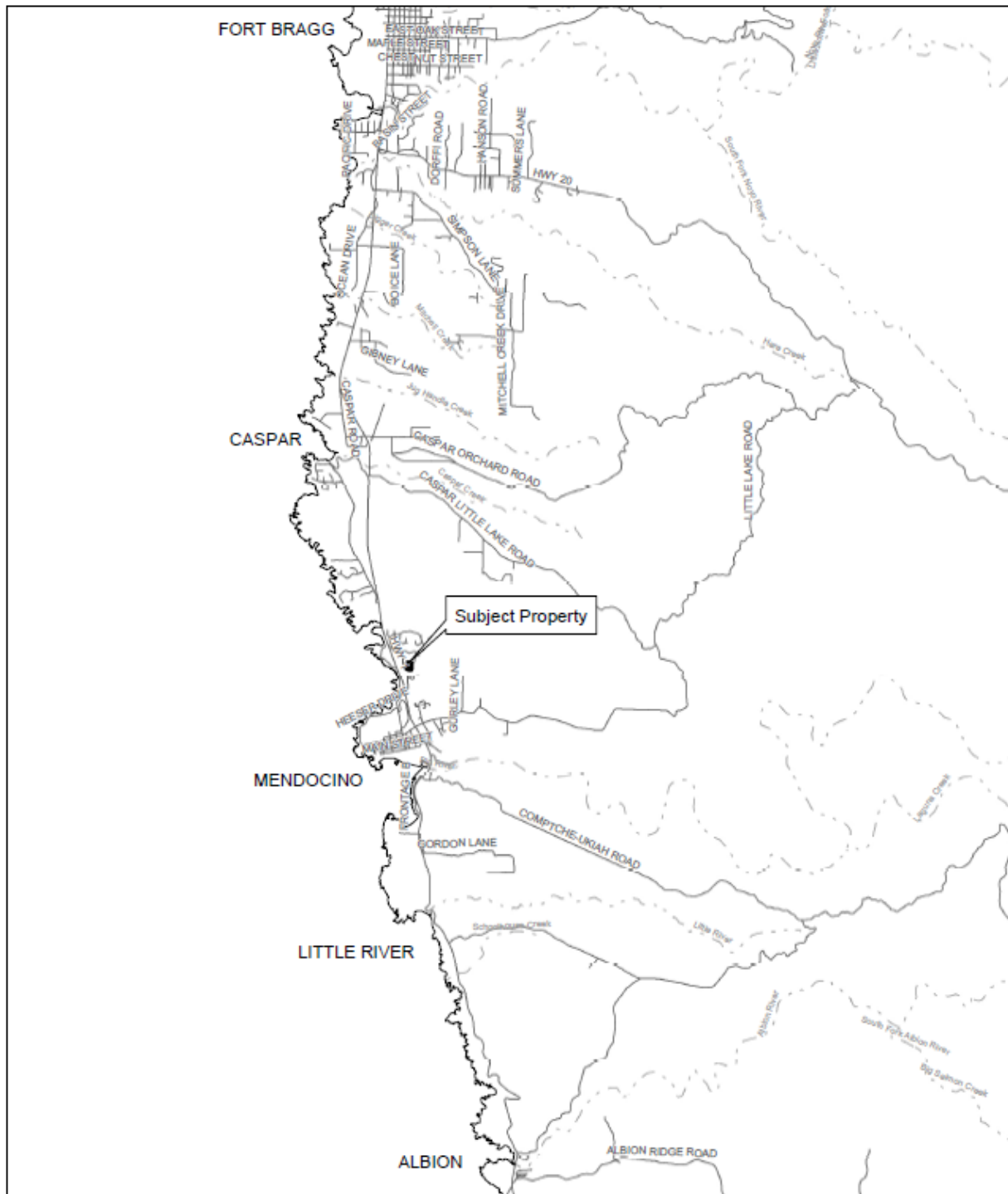
Exhibit G	Floor plans
Exhibit H	Elevations
Exhibit I	Elevations

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	Replace expired CDP 81-02.
Department of Transportation	No comment.
Environmental Health – Fort Bragg	approved by DEH, applicable comments from Surfwood sewer.
Building Inspection – Fort Bragg	Soils report required.
Assessor	No response.
Department of Fish & Game	No response.
Department of Parks and Rec.	No response.
Coastal Commission	No response.
Surfwood sewer district.	No response.
Mendocino Fire District	No response.
County Water Agency	No response.

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OWNER: BOWARD, Mike & Terissa
AGENT: WIEDERMANN, Diana
CASE: CDP 4-2011
APNs: 118-330-41

LOCATION MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off.

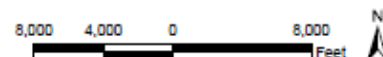


Exhibit A

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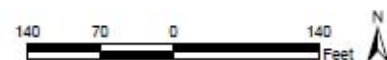


OWNER: BOWARD, Mike & Terissa
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APNs: 118-330-41

ORTHOPHOTO - June 2010

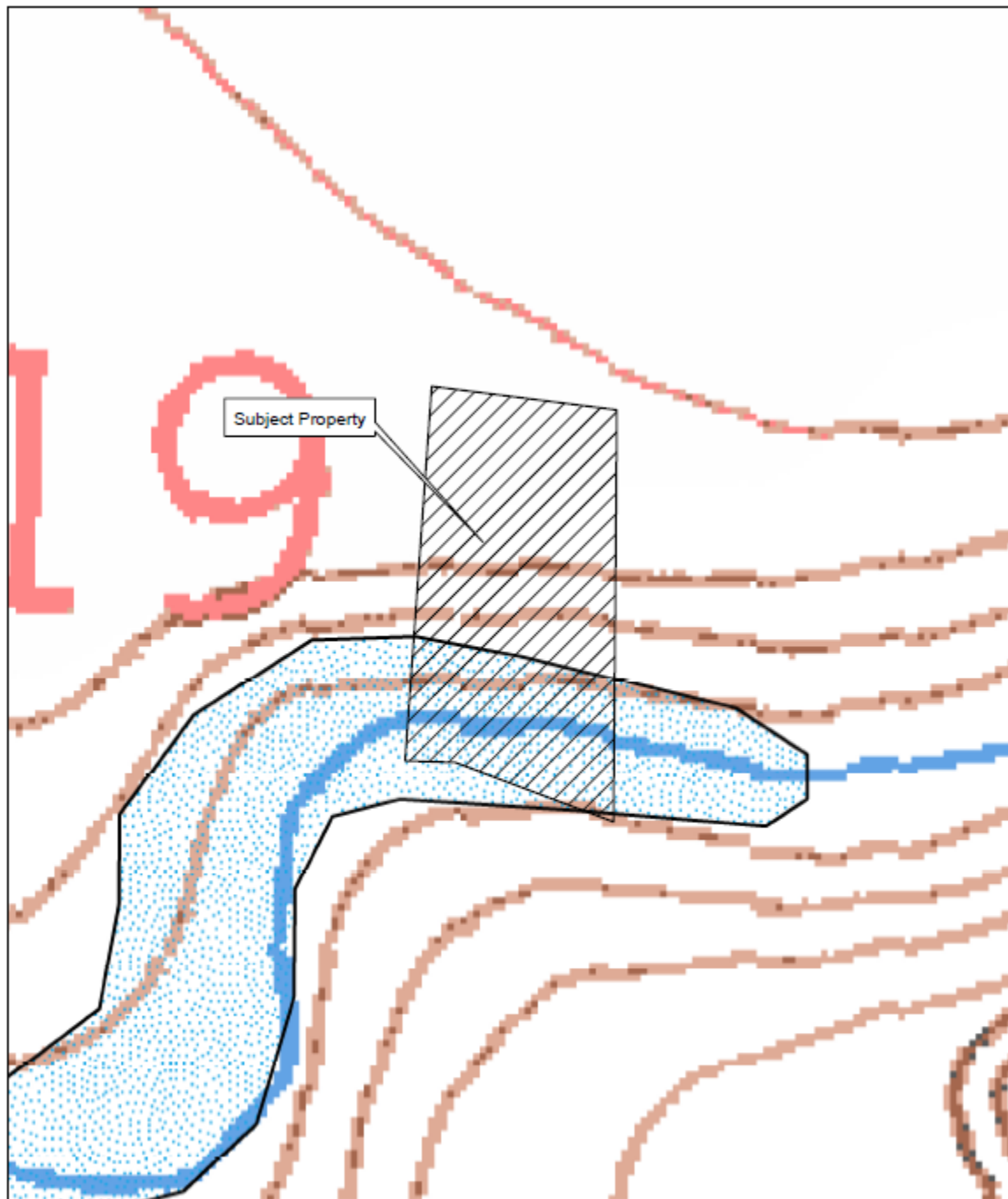
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Exhibit B




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OWNER: BOWARD, Mike & Terissa
AGENT: WIEDERMANN, Diana
CASE: CDP 4-2011
APNs: 118-330-41

 **100 YEAR FLOOD ZONE**

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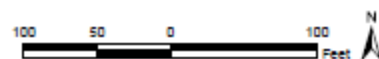
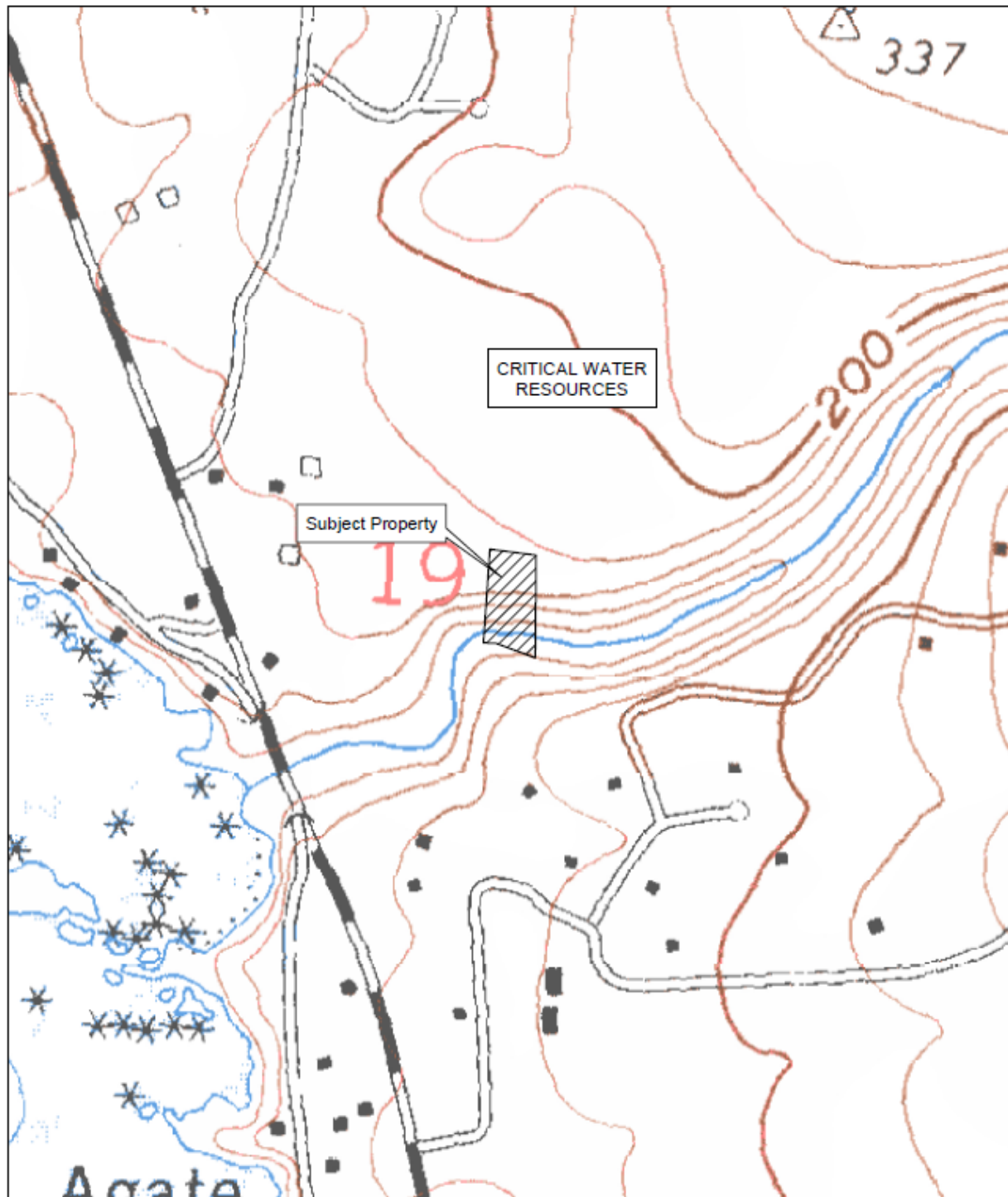


Exhibit C

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OWNER: BOWARD, Mike & Terissa
AGENT: WIEDERMANN, Diana
CASE: CDP 4-2011
APNs: 118-330-41

COASTAL GROUND WATER RESOURCES

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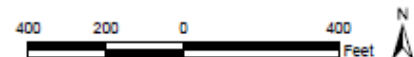
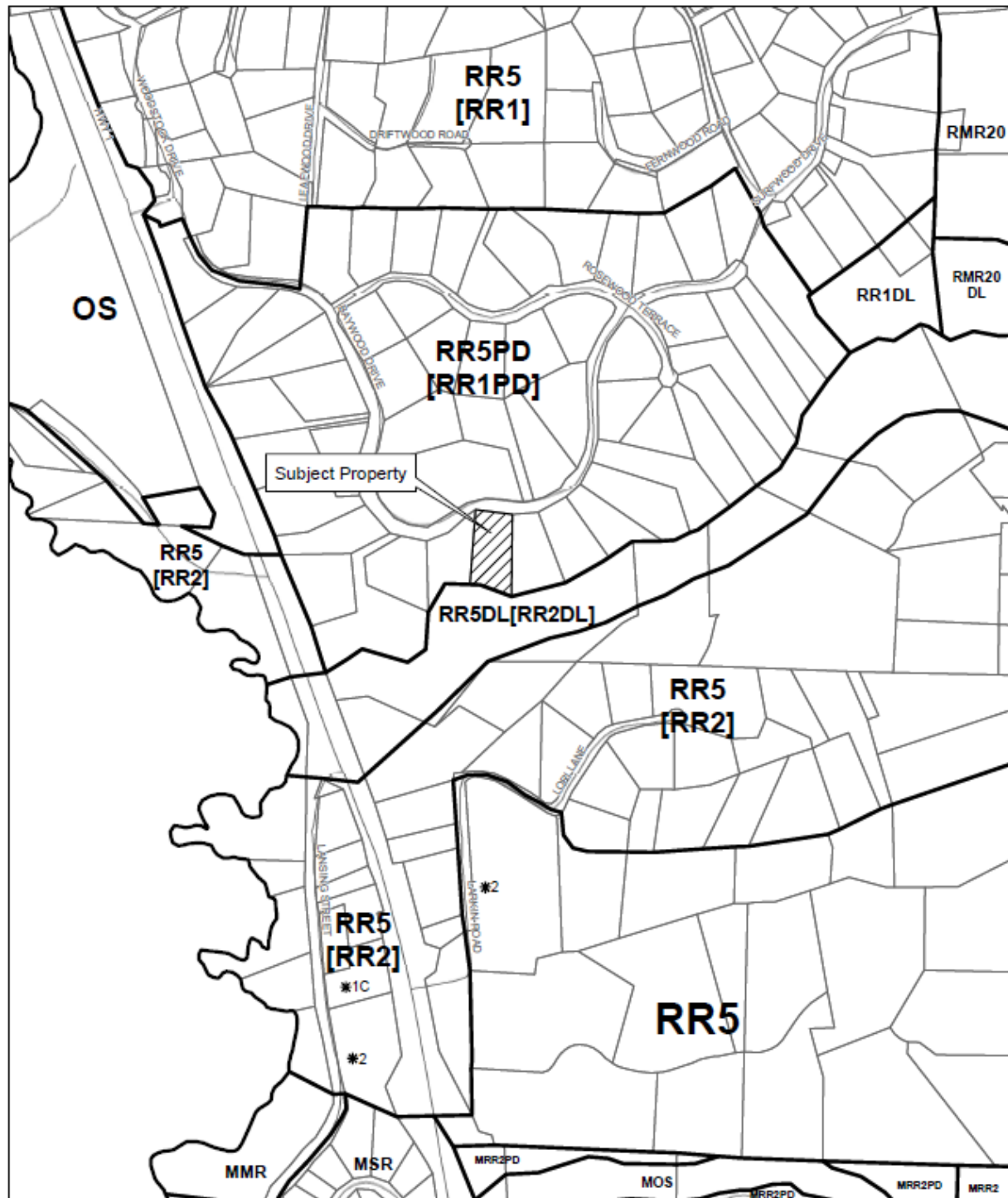


Exhibit D

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AGENT: WIEDERMANN, Diana
CASE: CDP 4-2011
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ZONING DISPLAY MAP

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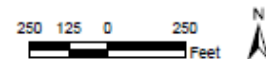


Exhibit E

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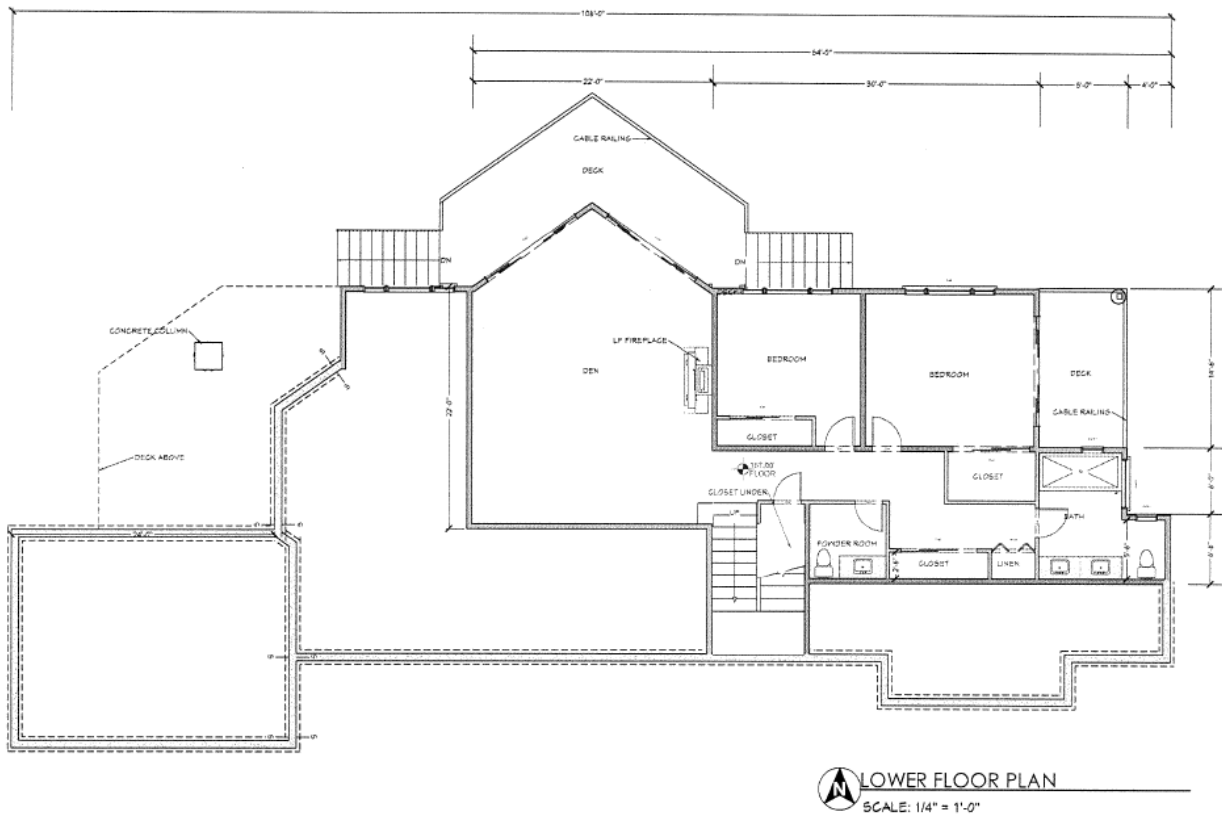
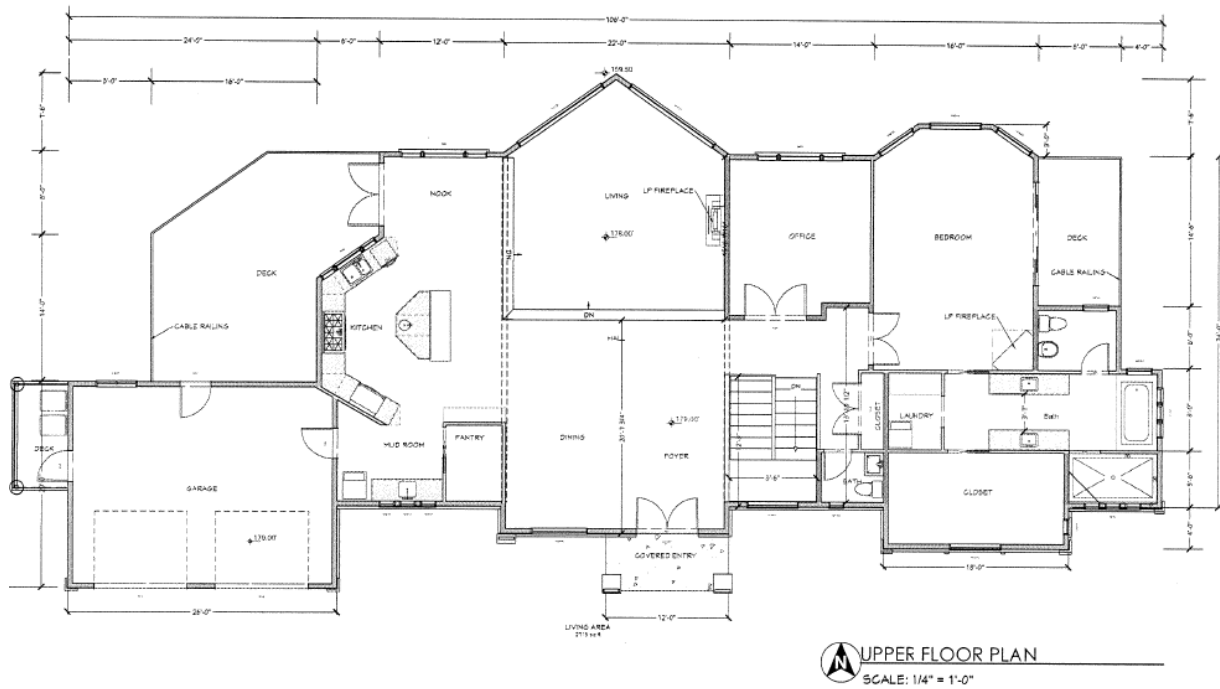


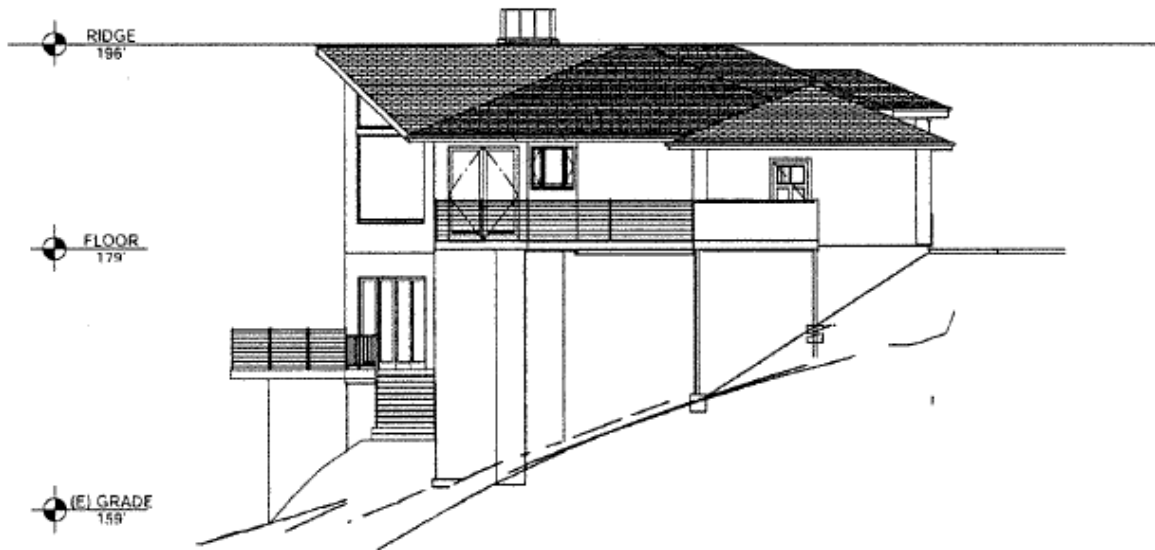
Exhibit G

Not to scale

Floor Plans

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EAST ELEVATION



SOUTH ELEVATION

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NORTH ELEVATION

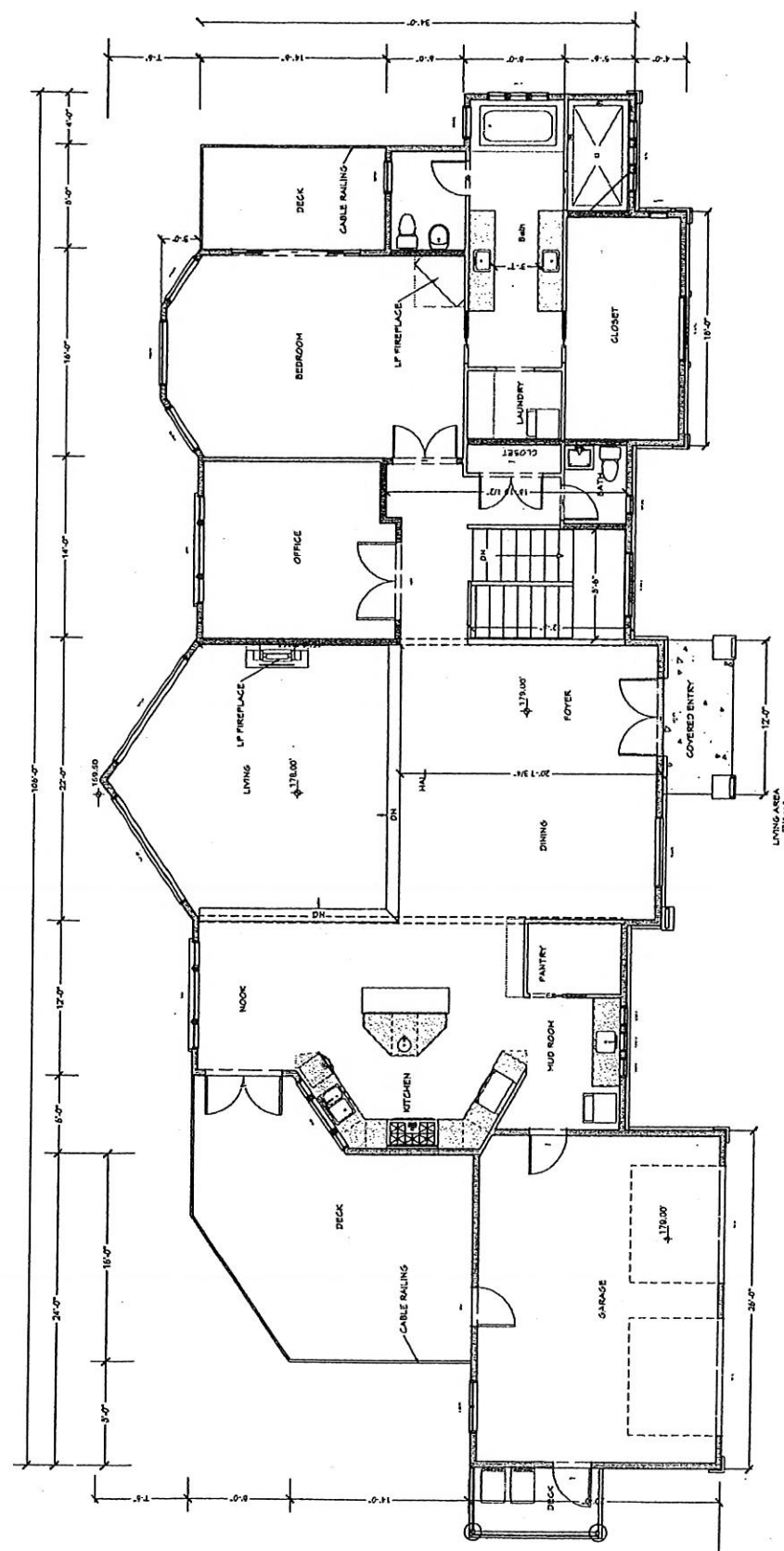


WEST ELEVATION

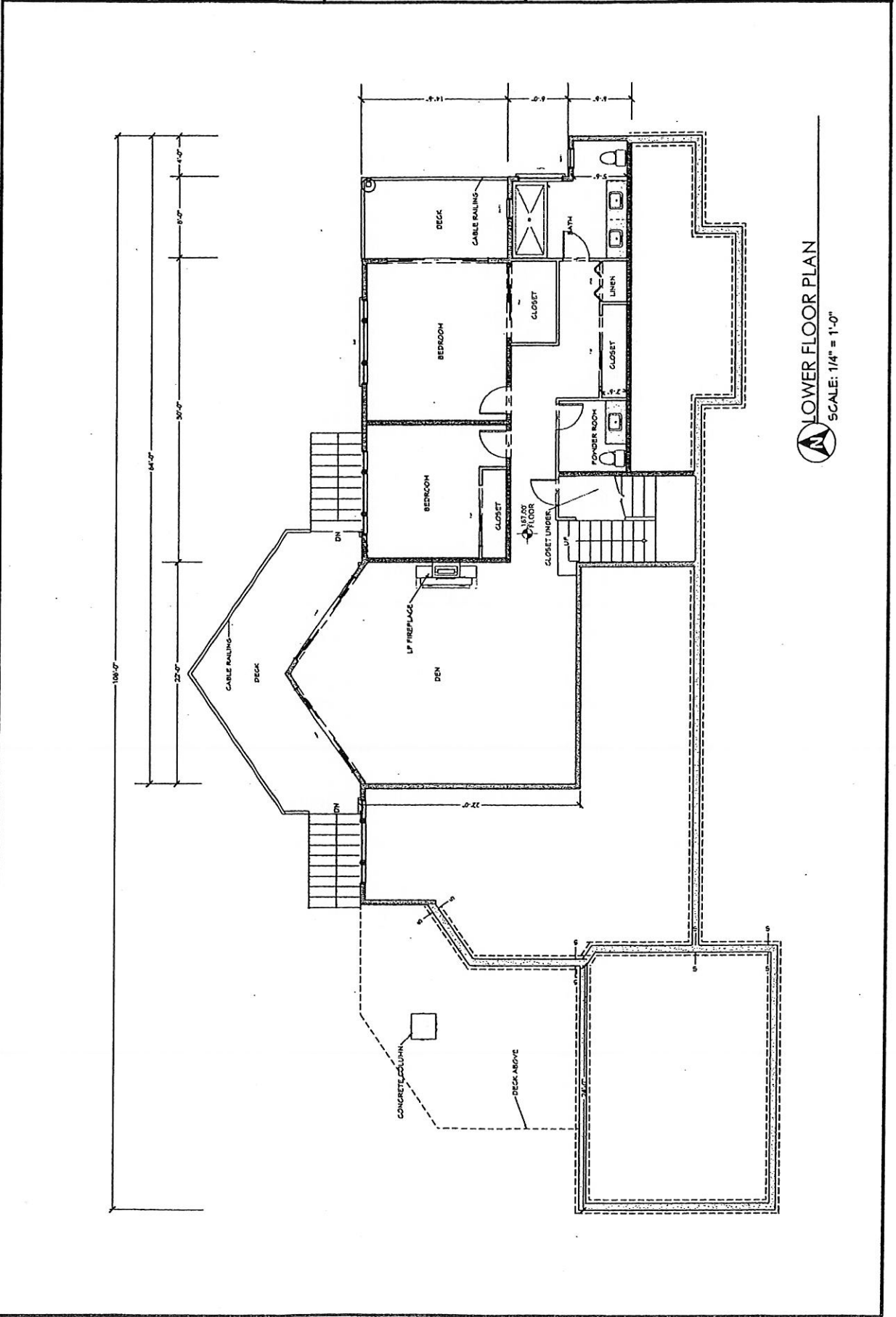
Exhibit I

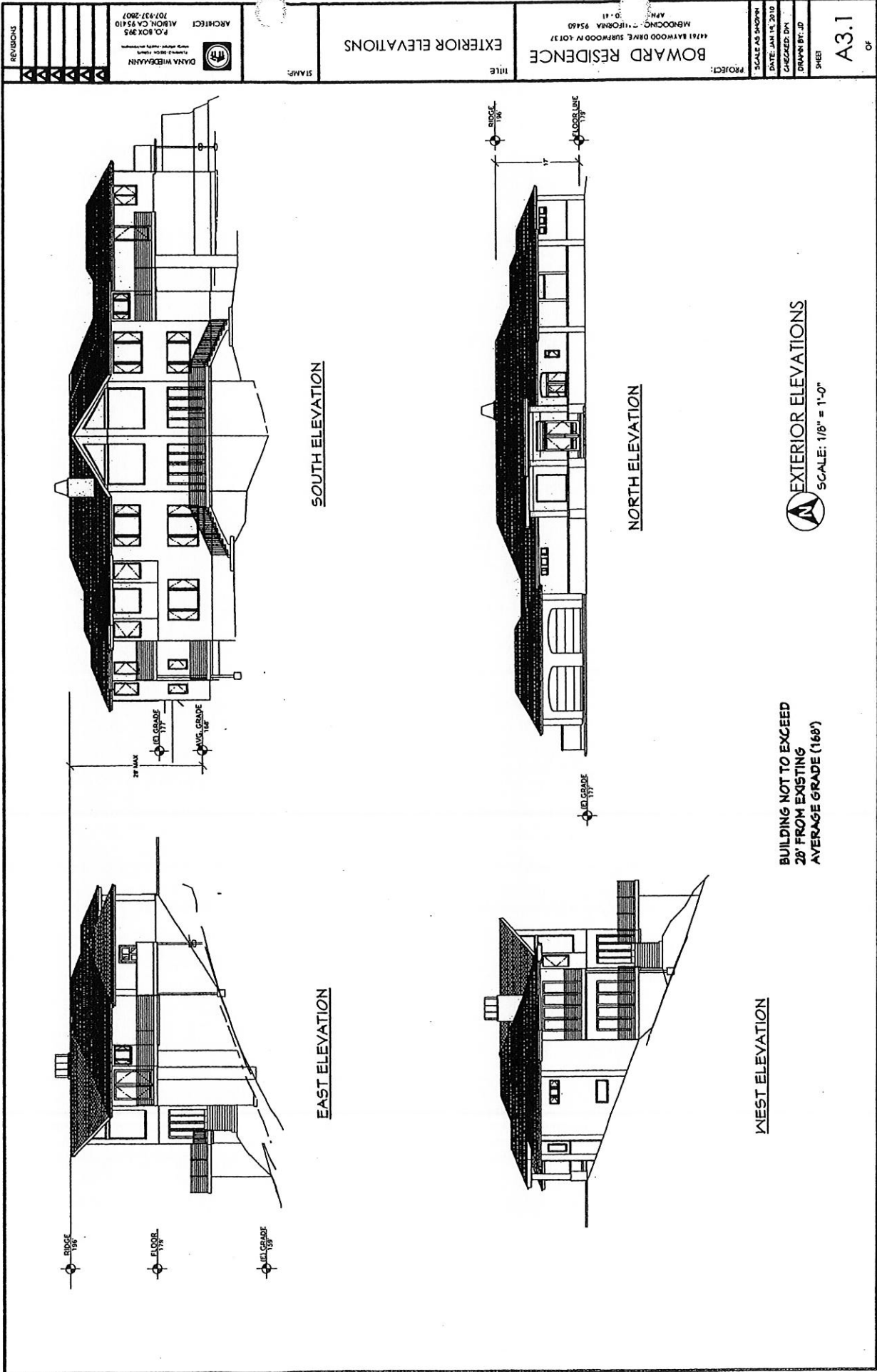
Not to scale

Elevations



UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"





A3.1

OF

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

EXTERIOR ELEVATIONS

BUILDING NOT TO EXCEED
28' FROM EXISTING
AVERAGE GRADE (168')

WEST ELEVATION

NORTH ELEVATION

SOUTH ELEVATION

EAST ELEVATION

PROJECT: BOWARD RESIDENCE
44161 BAYWOOD DRIVE, SHERWOOD, CA 95465
ARCHITECT: DANA WIEBMAIER
ALBION, CA 95410
707/937-2803

TITLE: EXTERIOR ELEVATIONS

STAMP:

ARCHITECT: DANA WIEBMAIER
ALBION, CA 95410
707/937-2803

REVISIONS