

MEETING DATE: June 10, 2015

PREPARED BY: S. O'Rourke

PRESENTED BY: S. O'Rourke

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit 3-15 (CDP 3-15); 3-19-15

APPLICANT: Scott J. Smith

PROPERTY OWNER: Scott J. Smith

REQUEST: Coastal Development Permit to construct a new single family dwelling with attached garage.

LOCATION: 130 Snug Harbor Place, Fort Bragg, CA 95437

APN: 018-440-66

ZONING: Medium Density Residential in the Coastal Zone

LOT SIZE: 11,200 SF

ENVIRONMENTAL DETERMINATION: Project is Categorically Exempt from CEQA, Section 15303(a), one single family residence in a residential zone.

SURROUNDING LAND USES:
NORTH: Residential in Mendocino County
EAST: Vacant Land – Medium Residential Density (RM)
SOUTH: College of the Redwoods – Public Facilities (PF)
WEST: Vacant Parcel in Subdivision – Medium Residential Density (RM)

APPEALABLE PROJECT: **Can be appealed to City Council**
 Can be appealed to California Coastal Commission

PROJECT HISTORY

CDP 10-08 and DIV 2-8. In 2009, a Coastal Development Permit (CDP 10-08) and Minor Subdivision (DIV 2-08) was approved by the Planning Commission which created four (4) parcels from an existing 45,000 square foot parcel. As part of the approval of the subdivision, the subdivision applicant installed sidewalk along Ocean View Drive, a 22 foot wide cul de sac roadway, curbs and gutters, fire hydrant, infrastructure including water, sewer, power for each parcel, and fencing around the perimeter of the subdivision.

As part of the subdivision approval, a Declaration of Covenants, Conditions, and Restrictions (CCR's) was recorded. These CCR's further restrict the development of the four parcels "to enhance and protect the value, attractiveness, and desirability" of the subdivision. The CCR's included a reduction in the overall height of structures compared with the City's standards. The CCR's also require that Parcel 2 (110 Snug Harbor Place) and Parcel 4 (130 Snug Harbor Place) each be built out with a minimum of two (2) separate, detached, single family dwelling units in order for the project to achieve the minimum density of the zoning district, which is 6 units per acre.

PROJECT DESCRIPTION

The applicant proposes to construct a new single family dwelling on an existing vacant parcel located at 130 Snug Harbor Place (previously 400 Ocean View Drive #4). The proposed two-story dwelling with attached garage has a maximum height of 24 feet consistent with the height restrictions of 28 feet in the recorded CCR's for the subdivision. Both the first and second stories are 1,252 square feet (SF). The applicant is proposing to use 8 inch fiber cement horizontal lap siding for the exterior cladding. Proposed colors for the exterior are "billowy down" (creamy white) for the trim and "sterling" (light gray) for the body (see exterior color samples Attachment 3). Roofing materials are composition shingles in "estate gray" (see roof sample Attachment 4).

CONSISTENCY WITH PLANNING POLICIES

Land Use. Land use in the City of Fort Bragg's Coastal Zone is regulated by the Coastal General Plan and Title 17 of the Fort Bragg Municipal Code referred to as the Coastal Land Use and Development Code (CLUDC). The proposed project is consistent with both documents as discussed below.

General Plan Consistency. The parcel is located within the Medium Density (RM) Residential Zoning District as described in the Fort Bragg Coastal General Plan. This designation is intended for a variety of housing types including, but not limited to, duplexes, triplexes, town houses, and apartments with densities of 6 to 12 dwelling units per acre. The proposed single family dwelling is consistent with the General Plan Land Use designation.

Coastal Land Use and Development Code. The property is zoned Medium Density (RM) Residential Zoning in the Coastal Land Use and Development Code (CLUDC) which allows single family dwellings as a permitted use. A minimum density of six dwelling units per acre must be achieved as a result of the build out of the subdivision. Since four parcels were created in the subdivision process, the minimum density was ensured through the recorded CCR's which required that Parcel 2 (110 Snug Harbor Place) and Parcel 4 (130 Snug Harbor Place) each be built out in the future with a minimum of two (2) separate, detached, single family dwelling units.

Consistent with the CCR's and minimum density requirements, **Special Condition 1** is included to ensure that a second, detached, single family dwelling unit is constructed on the parcel in the future.

Special Condition 1: Consistent with the Declaration of Covenants, Conditions, and Restrictions (CCR's) recorded for the subdivision, the property owner shall construct a second separate, detached, single family dwelling unit on the parcel in the future. This dwelling unit shall comply with all requirements of the City's Coastal General Plan, Coastal Land Use and Development Code, and the recorded CCR's.

The proposed single family dwelling is consistent with the CLUDC regulations for the Medium Density Residential zoning district.

Zoning Standards. The proposed development complies with the RM zoning standards and the subdivision as outlined in the table below.

Development Standard	RM Zoning District Requirement	Subdivision Covenants, Conditions, and Restrictions	Proposed Project	Compliance
Front Setback	20 feet, but no closer than 25 feet to a City street.	N/A	20 feet from the front porch to Snug Harbor Place, a private road.	Yes
Side – Interior	5 feet.	N/A	5 feet.	Yes
Side – Street Side	10 feet.	N/A	75 feet to alley.	Yes
Rear	10 feet.	N/A	54 feet.	Yes
Garage	5 feet back from street-facing façade of primary structure.	N/A	5 feet back from Snug Harbor Place, a private road.	Yes
Site Coverage	50% or 5,600 SF	N/A	11% or 1,264 SF	Yes
Height Limit	35 feet	28 feet	24 feet	Yes

Parking. Table 3-7 of the Coastal Land Use and Development Code requires two (2) off-street parking spaces for the proposed single family dwelling. The project includes one (1) parking space in the attached garage and one (1) parking space in the driveway in tandem style which complies with the CLDUC parking requirements.

Drainage and Stormwater Management. Program OS-2.2.2 of the Coastal General Plan requires that development in the Todd Point area continue to allow for the maximum infiltration of stormwater runoff such that the aquifer receives as much groundwater recharge as possible. The construction of the proposed single family dwelling and associated infrastructure will create new impervious surfaces.

In order to ensure that the same amount of groundwater recharge occurs post-development as occurs in the current state, staff recommends **Special Condition 2** consistent with the approved requirements of the subdivision and to ensure no net loss in groundwater recharge in conjunction with the parcel's development.

Special Condition 2: The onsite stormwater management system shall maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels. This includes the construction of an infiltration swale consistent with the requirements of the approved subdivision, designed by a licensed civil engineer, and taking into account the specific project and the maximum permissible lot coverage for the development. All storm water management and erosion control shall comply with the requirements of Title 17 of the City of Fort Bragg Coastal Land Use and Development Code.

Landscaping. Per Section 17.34.020(A) of the CLUDC, a landscaping plan is required only for new nonresidential and multi-family residential projects. Therefore, no landscaping plan was submitted as part of the application. However, to ensure that any future landscaping on the parcel is climate and drought appropriate, staff recommends **Special Condition 3**.

Special Condition 3: All plantings shall consist of drought tolerant plant species native to northern California coastal habitats and shall be obtained from local genetic stocks. The installation of any irrigation systems shall utilize water efficient drip or microspray irrigation systems. Lawns shall not be installed.

Coastal Development Permit Analysis

Cultural Resources. As part of CDP 10-08 and Minor Subdivision (DIV 2-08), an archaeological survey was conducted by Thad Van Bueren, M.A., with a report dated May 3, 2008. In that report, Mr. Van Bueren stated that no archaeological resources were identified. However, according to his research, the potential for prehistoric resources being present is moderate to high and thus, Mr. Van Bueren recommended that the following clause be added as a special condition of any development:

Special Condition 4: If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate actions in consultation with stakeholders.

The above clause has been included as **Special Condition 4**.

Public Access. The project is in an area considered to be “west of the first public road” and, thus, requires analysis of the project’s potential impact to public access to coastal resources. There is no public access to coastal resources across this parcel and, therefore, its development will not negatively impact public access.

Adequacy of water supply, sewage disposal, solid waste, and public roadway capacity. The Public Works Director has determined that the proposed single family dwelling can be adequately served by existing water, sewer, and roadway infrastructure without detrimental effect to existing or proposed land uses, including those of a visitor serving nature. The City currently has no moratorium on water connections, and there is sufficient capacity to support this project.

As part of the subdivision process, infrastructure improvements including power, water, and sewer (including a sewer lift station on parcels 1 and 3) have been provided on-site. The property owner will need to pay appropriate connection and capacity fees and connect to the utilities. The property owner will be responsible for removing solid waste, either by subscribing to curbside pick-up by the City’s solid waste hauler or by self-haul.

Geologic, Flood, and Fire Hazard. The site is located approximately 1,300 feet inland from the closest coastal bluff and therefore, is not subject to hazards associated with coastal bluff erosion. Any hazards associated with earthquakes will be addressed by the building permitting process under the authority of the California Building Code.

The project is not located in area of great fire danger, and therefore, no special measures are required beyond those of the building permit process and compliance with any of the Fire Marshal’s requirements. As part of the subdivision process, a fire hydrant was installed at the front of the development along Ocean View Drive. The cul de sac design has been determined by the City Fire Marshal to be adequate for emergency vehicle access and turn around.

According to Department of Homeland Security, Federal Emergency Management Agency (FEMA) FIRM community panel 060184 0005 C, revised June 16, 1992, the project site is located in a Zone X area determined to be outside the 500-year flood plains associated with the Noyo River and Hare Creek. As such, no flooding concerns are raised relative to the project.

Environmentally Sensitive Habitat Areas. As part of CDP 10-08 and DIV 2-08, a full floristic botanical study dated August 2008 was prepared for the subject property, and no rare plants or environmentally sensitive habitat area were found on the property. Since the completion of the study, infrastructure improvements including a new roadway have been installed on-site as well as annual mowing which has further limited the potential for rare plants or environmentally sensitive habitat areas. Therefore, the construction of the new single family dwelling will not impact any environmentally sensitive habitat areas or rare plants.

Visual Analysis. Visual Analysis as a part of the Coastal Development Review process is required for all projects located in “Potential Scenic Views Toward the Ocean or the Noyo River,” as shown in Map CD-1 of the Coastal General Plan. As indicated on Map CD-1, the subject parcel is located in such an area. Consistent with the visual analysis requirements, the applicant submitted a photo-simulation of the new single family dwelling and constructed story poles on site that shows that the visual impact of the new dwelling will be negligible and in character with surrounding development which includes ranch style homes and two-story residential buildings. The proposed single family dwelling would be similar to the existing, surrounding development of the area and as evidenced by the submitted visual analysis, no public views of the sea will be diminished in quality by development of the project.

In order to ensure that any new lighting proposed for the dwelling minimizes visual impacts to the surrounding area, staff recommends **Special Condition 5** which is also consistent with the subdivision CCR's.

Special Condition 5: All exterior lighting shall utilize energy-efficient fixtures that shall be shielded or recessed and directed downward and away from adjoining properties ensuring that the light source is not visible from off the site.

Environmental Determination. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) Section 15303(a), one single family residence in a residential zone.

PLANNING COMMISSION ACTION

1. Hold a hearing on the Coastal Development Permit, close the hearing, deliberate, and make a decision regarding the permit at this Planning Commission meeting.

ALTERNATIVE ACTION

2. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
3. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain, the Commission may then deliberate and make a decision.

4. Deny the Coastal Development Permit.

RECOMMENDATION

Staff recommends approval of Coastal Development Permit 3-15 (CDP 3-15) for the project based on the following findings and subject to the conditions cited below:

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the Medium Density Residential Zoning District, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code, and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and
4. For the purposes of the environmental determination, the project has been found to be exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303(a), one single family residence in a residential zone.

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. The proposed use is consistent with the purposes of the zone in which the site is located;
4. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
5. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
6. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;

7. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;
8. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;
9. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity; and
10. The resource as identified will not be significantly degraded by the proposed development.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to Coastal Land Use and Development Code Chapter 17.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the Coastal Land Use and Development Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. This permit shall be subject to revocation or modification upon a finding of any one 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 or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
7. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070(B).

SPECIAL CONDITIONS

1. Consistent with the Declaration of Covenants, Conditions, and Restrictions (CCR's) recorded for the subdivision, the property owner shall construct a second separate, detached, single family dwelling unit on the parcel in the future. This dwelling unit shall comply with all requirements of the City's Coastal General Plan, Coastal Land Use and Development Code, and the recorded CCR's.
2. The onsite stormwater management system shall maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels. This includes the construction of an infiltration swale consistent with the requirements of the approved subdivision, designed by a licensed civil engineer, and taking into account the specific project and the maximum permissible lot coverage for the development. All storm water management and erosion control shall comply with the requirements Title 17 of the City of Fort Bragg Coastal Land Use and Development Code.
3. All plantings shall consist of drought tolerant plant species native to northern California coastal habitats and shall be obtained from local genetic stocks. The installation of any irrigation systems shall utilize water efficient drip or microspray irrigation systems. Lawns shall not be installed.
4. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: a) cease and desist from all further excavation and disturbances within 25 feet of the discovery; b) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and c) retain a professional archaeologist to determine appropriate actions in consultation with stakeholders.
5. All exterior lighting shall utilize energy-efficient fixtures that shall be shielded or recessed and directed downward and away from adjoining properties ensuring that the light source is not visible from off the site.

ATTACHMENTS

1. Site Location Map
2. Site Plan and Elevations
3. Exterior Color Samples
4. Roofing Material and Color
5. Visual Analysis
6. Story Pole Photos