

Morin Coastal Development Permit Modification

Record Number: PLN-2022-17644

Assessor's Parcel Number: 400-041-023

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

Find that the Zoning Administrator has considered project as Categorically Exempt from environmental review pursuant to Section 15301 and 15303 of the CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit and adopt the Resolution approving the Morin Coastal Development Permit Modification as recommended by staff subject to the recommended conditions.

Executive Summary: The project is a Modification to a previously approved Coastal Development Permit (CDP-05-03) for the addition of a sauna (approx. 9x10'), detached accessory storage shed (10'x12'), and 17' diameter dome residential greenhouse to the property. The sauna has plumbing connected to municipal water and sewer. This is an after the fact CDP, submitted by the new property owner to permit all structures and bring the property into compliance. No removal of trees, grading, or fill is proposed. These structures were existing when the property owner purchased the parcel. In CDP-05-03, it was identified that the existing residence was to be converted to a garage/storage in order for the current residence to be built. This did not happen, and the property owner has worked with the Planning and Building Department to remedy the conditions of the original CDP prior to pursuing the retroactive permitting of the proposed modifications. Additionally, the three sheds located on the southern property line were permitted under CDP-05-03.

The parcel is located within the Appeals Jurisdiction of the California Coastal Commission and therefore requires a public hearing. The Coastal Commission did provide comment on the project with concerns of neighboring wetlands and applicable setbacks to those wetlands. Staff acknowledges that the current structures are located within the 100-foot setback from wetlands and has identified that the as-built structures are located on gravel brought in as a part of CDP-05-03, existing cement foundations, or have been in existence in excess of a year. Removing these structures would contribute to further ground disturbance. The fence to the northern property boundary separates the subject parcel from potential wetlands located on the parcel to the north. If future development is proposed, a preliminary biological assessment will be required to address presence of flora/fauna and re-evaluate the current wetland buffer to ensure that no coastal resources are impacted.

The project is consistent with the Humboldt Bay Area Plan (HBAP) for the following reasons: 1) the after-the-fact development is authorized with the Modification as accessory to the permitted residential use in the Residential Single Family Zone; 2) the proposed development complies with applicable development standards of the zone, 3) All referral agencies have recommended approval or conditional approval of the project, and 4) There is no evidence that the proposed development will negatively impact the environment. The project is Categorically Exempt from environmental review pursuant to 15301 Existing facilities, and 15303(a) New Construction or Conversion of Small Structures of the CEQA Guidelines, because the project is for the after-the-fact permitting of small structures that are accessory to the residence.

Staff Recommendations: Based upon a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit Modification.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permit if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.