

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

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Filed: July 8, 1996
60th Day: September 6, 1996
Staff: James Muth
Staff Report: July 26, 1996
Hearing Date: August 15, 1996
Commission Action:

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director
Steve Scholl, District Director
James Muth, Coastal Planner

SUBJECT: **LCP Amendment No. 3-96 (minor) to Del Norte County's certified Local Coastal Program, Clean-up amendment.** (for Commission review and action at its meeting of August 15, 1996 in Los Angeles).

1. LCP Amendment Description and Discussion.

The proposed LCP amendment is a County-wide, clean-up amendment that applies to both the coastal and non-coastal portions of the County's zoning ordinance. As indicated in Exhibit No. 2, the proposed text changes to Chapter 21.00 applies to the County's Coastal Zoning Code.

The proposed LCP makes eleven text changes to the County's zoning ordinance and/or local building code. In summary, the amendment: (1) clarifies that no permanent foundation is needed for a temporary manufactured home used for invalid care, (2) clarifies when use permits are required for manufactured homes and mobilehomes, (3) resolves an apparent conflict between the building and zoning code regarding the minimum distance between a primary building and an accessory building, (4) increases the maximum area coverage of an accessory building to 1,200 square feet, (5) adds disabled parking requirements, (6) clarifies the street side yard setback for a corner lot, and (7) requires an applicant or property owner proposing to set a structure within 25 feet of a property line, to mark the affected property line in the field in a manner that is sufficient to permit the building inspector to verify minimum building setbacks as part of the building permit review process. The full text of the proposed LCP amendment is shown in Exhibit No. 2.

A portion of this "clean-up" amendment is a follow-up to Del Norte County LCP Amendment No. 1-95 (major), which the Commission certified approved in June of 1996. This major LCP amendment made various revisions to the County's zoning ordinance for placing manufactured homes and mobile homes on a property and for expanding a use permit process to allow permanent second dwelling units and temporary second dwelling units for senior or invalid care on a property.

LCP Amendment No. 3-96 (minor) to Del Norte County's certified Local Coastal Program, Clean-up amendment.

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The text changes in the proposed minor LCP amendment add more clarity and specificity to the County's zoning ordinance and/or local building code. The proposed changes do not change the kind, location, intensity, or density of use that is presently allowed for any property in the County's LCP. Because the LCP amendment does not change the kind, location, intensity, or density of use, it will not result in any cumulative impacts and is thus consistent with Section 30250 of the Coastal Act. For the same reasons, the LCP amendment will not result in any adverse impacts to scenic or visual coastal resources, and is thus consistent with Section 30251 of the Coastal Act. Therefore, the Executive Director finds the proposed LCP amendment to be consistent with the Coastal Act and minor in nature.

2. Public Participation and Commission Review.

The proposed LCP amendment was the subject of local public hearings before the County Planning Commission and the Board of Supervisors. All of these public hearings were properly noticed to provide for adequate public participation. The LCP amendment submittal was filed as complete on July 8, 1996 and is consistent with Section 30514 of the Coastal Act and Section 13553 of Title 14 of the California Code of Regulations. A Board of Supervisor's Resolution and Ordinance are attached as Exhibits No. 1 and 2. Commission action must occur by September 6, 1996 (within 60 days of filing).

The Executive Director has determined that the proposed LCP amendment is "minor" in nature under Sections 13554 and 13555 of Title 14 of the California Code of Regulations, since the amendment will not result in a change to the kind, density, or intensity of use of the land on the subject parcels. The Executive Director informed all interested parties by mail of his determination on July 26, 1996. The Commission will consider the Executive Director's determination at the August 15, 1996 meeting in Los Angeles. At that time, the Executive Director will report to the Commission any objection to the determination which is received at this office within ten (10) days of the posting of this notice. Anyone wishing to register an objection to the proposed "minor" LCP amendment determination should contact James Muth at (415) 904-5260 at the Commission's North Coast Area Office in San Francisco by August 9, 1996.

If one-third of the appointed members of the Commission so requests, the determination of a minor amendment shall not become effective and the amendment shall be processed as a "major" LCP amendment under Section 13555(b) of Title 14 of the California Code of Regulations. If the Commission concurs with the Executive Director's determination that the LCP amendment is minor in nature, then the amendment shall take effect ten (10) working days after the Commission meeting and notice to Del Norte County under Section 30514(C) of the Coastal Act.

3. Staff Recommendation.

Staff recommends that the Commission concur with the Executive Director's determination that the LCP amendment is minor.

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

RESOLUTION NO. 95-126

A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS SUBMITTING ORDINANCE NO. 95-17, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF DEL NORTE MAKING REVISION TO ORDINANCE REGULATING THE PLACEMENT OF TEMPORARY SECOND DWELLINGS, WHEN USE PERMITS ARE REQUIRED FOR THE PLACEMENT OF MANUFACTURED HOMES AND MOBILEHOMES, CLARIFYING THE CONFLICT BETWEEN BUILDING CODE AND ZONING CODE REGARDING THE MINIMUM DISTANCE BETWEEN A PRIMARY BUILDING AND AN ACCESSORY BUILDING, INCREASING THE ACCESSORY BUILDING THRESHOLD TO 1200 SQUARE FEET, ADDING DISABLED PARKING REQUIREMENTS, CLARIFYING THE STREET SIDE YARD SETBACK FOR A CORNER LOT, AND SETTING A THRESHOLD AS TO WHEN A PROPERTY LINE IS TO BE SHOWN IN THE FIELD, TO THE COASTAL COMMISSION FOR APPROVAL

WHEREAS, the County of Del Norte has adopted an ordinance amending the local Coastal Plan and Title 21 Coastal Zoning Ordinance; and

WHEREAS, the County has proposed zoning text amendments pursuant to the provision of the local General Plan and Title 21 Coastal Zoning Ordinance; and

WHEREAS, these amendments have been reviewed and processed pursuant to the provisions of the Local Coastal Plan and Title 21 (Coastal Zoning); and


WHEREAS, the project has been classified as categorically exempt Class 8 from the California Environmental Quality Act; and

WHEREAS, this ordinance is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Plan; and

WHEREAS, this amendment shall take effect and be enforced thirty (30) days after the date of the passage of the companion ordinance, and after approval of the amendment by the Coastal Commission, whichever is later.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Del Norte, State of California do hereby approve the changes as outlined by Ordinance No. 95-17 which is attached; and

BE IT FURTHER RESOLVED, that by submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendments be identified as requiring rapid and expeditious action.

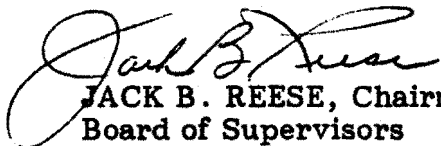
EXHIBIT NO. 1
APPLICATION NO. DNC LCP #3-96 minor
County Resolution
 California Coastal Commission

PASSED AND ADOPTED this 14th day of November, 1995, by the following
polled vote:

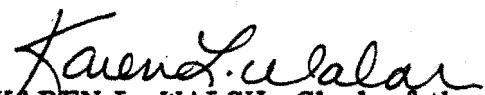
AYES: Supervisors Mellett, Clausen, Eller, Bark and Reese

NOES: None

ABSENT: None


JACK B. REESE, Chairman
Board of Supervisors

ATTEST:


KAREN L. WALSH, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

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EXHIBIT NO. 2

APPLICATION NO.

DNC LCP #3-96 minor

County Ordinance

 California Coastal Commission

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

ORDINANCE NO. 95-17

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF DEL NORTE MAKING REVISION TO ORDINANCES REGULATING THE PLACEMENT OF TEMPORARY SECOND DWELLINGS, WHEN USE PERMITS ARE REQUIRED FOR THE PLACEMENT OF MANUFACTURED HOMES AND MOBILEHOMES, CLARIFYING THE CONFLICT BETWEEN BUILDING CODE AND ZONING CODE REGARDING THE MINIMUM DISTANCE BETWEEN A PRIMARY BUILDING AND AN ACCESSORY BUILDING, INCREASING THE ACCESSORY BUILDING THRESHOLD TO 1200 SQUARE FEET, ADDING DISABLED PARKING REQUIREMENTS, CLARIFYING THE STREET SIDE YARD SETBACK FOR A CORNER LOT, AND SETTING A THRESHOLD AS TO WHEN A PROPERTY LINE IS TO BE SHOWN IN THE FIELD

The Board of Supervisors of the County of Del Norte does ordain that Chapter 21.00 of Del Norte County Coastal Code and Chapter 20.00 of Del Norte County Code (when common sections are referenced the non-coastal Chapter number shown in parenthesis) is hereby amended to read as follows:

SECTION 1

Section 21.00.050 (20.00.050) Invalid Family Care - Temporary Occupancy of a Manufactured Home for Invalid Family Care. Is hereby amended to read as follows:

D. The unit placement shall comply with all applicable Building, Zoning, Engineering, Health, and Fire Code requirements, and must comply with any applicable architectural standards which apply to the parent zoning district; except that density requirements and the requirement for a permanent foundation shall not apply due to the temporary nature of the placement.

SECTION 2

Amend Section 21.46.130 (20.48.130) General Provisions to read as follows:

21.46.130 (20.48.130) Installation of Manufactured Homes on Individual Lots.

The installation of manufactured homes on individual lots in areas zoned for single family residential dwellings (any R, RR, and FR zones) or in a zone which permits the placement of a manufactured home subject to the securing of a use permit (not including CT and TPZ zones), is permitted in compliance with the requirements of this section:

A. The manufactured home shall be subject to the same development standards to which a conventional single family

residential dwelling on the same lot would be subject, including but not limited to, building setback standards, side and rear yard requirements, standards for enclosure and access, vehicle parking, any applicable aesthetic requirements, and minimum square footage requirements.

- B. Pursuant to Section 65852.3 of California Government Code, the manufactured homes installed pursuant to this section shall conform to the following:
1. The unit shall be placed on a permanent foundation system pursuant to Section 18551 of the Health and Safety Code.
 2. The unit shall have a roof overhang of not less than four inches on any side, or portion thereof, and not less than six inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section.
 3. Roofing material must consist of composition or similar shingles or tile including a simulated tile.
 4. The exterior covering material shall be a wood base siding such as exterior plywood or masonite siding, or a horizontal lap aluminum or vinyl siding. Stucco may be approved subject to securement of use permit from the Planning Commission.
 5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation.
 6. The unit shall have a covered entryway and steps sufficient to provide access to the unit.
 7. The requirement for a permanent foundation shall not apply when a use permit has been granted by the Planning Commission for the temporary placement of a manufactured home.

SECTION 3

Amend individual sections of the agricultural coastal zoning districts deleting the requirement of a use permit for the placement of a manufactured home and adding a manufactured home in lieu of a conventional residential unit as a permitted use.

1. (AE) Section 21.08.020 The principal permitted use. The principal permitted agricultural exclusive use includes:

D. A one-family residence with appurtenant uses including home occupations, guest lodging and appurtenant accessory structures. A manufactured home may be placed in lieu of a conventional residential unit;

2. (AE) Section 21.08.030 Uses permitted with a use permit. Uses permitted with a use permit shall be as follows:

D. A mobilehome in lieu of a conventional residential unit or a manufactured home ;

3. (A) Section 21.09.020 The principal permitted use. The principal permitted agricultural general use includes:

D. A one-family residence with appurtenant uses including home occupations, guest lodging and appurtenant accessory structures. A manufactured home may be placed in lieu of a conventional residential unit;

4. (A) Section 21.09.030 Uses permitted with a use permit. Uses permitted with a use permit shall be as follows:

C. A mobilehome in lieu of a conventional residential unit or a manufactured home;

SECTION 4

Amend individual sections of the agricultural non-coastal zoning districts deleting the requirement of a use permit for the placement of a manufactured home and adding a manufactured home in lieu of a conventional residential unit as a permitted use.

1. (AE) Section 20.10.020 Uses permitted. Uses permitted include the following:

A. A one-family residence. A manufactured home may be placed in lieu of a conventional residential unit;

2. (AE) Section 20.10.030 Uses permitted with a use permit. Uses permitted with a use permit shall be as follows:

E. A mobilehome in lieu of a conventional residential unit or a manufactured home;

3. (A) Section 20.11.020 Permitted uses. Uses permitted shall be as follows:

A. A one-family residence. A manufactured home may be placed in lieu of a conventional residential unit;

4. (A) Section 20.11.030 Uses permitted with a use permit. Uses permitted with a use permit shall be as follows:

F. A mobilehome in lieu of a conventional residential unit or a manufactured home;

SECTION 5

Amend the Forest-Recreation zoning districts deleting the requirement of a use permit for the placement of a manufactured home and adding a manufactured home in lieu of a conventional residential unit as a permitted use.

1. (FR-2) Section 20.34.010 Uses permitted. Uses permitted include the following:

A. A one-family residence. A manufactured home may be placed in lieu of a conventional residential unit;

2. (FR-2) Section 20.34.020 Uses permitted with a use permit. Uses permitted with a use permit shall be as follows:

E. A mobilehome in lieu of a conventional residential unit or a manufactured home;

3. (FR-1) Section 20.35.020 Permitted uses. Uses permitted shall be as follows:

A. A one-family residence. A manufactured home may be placed in lieu of a conventional residential unit;

4. (FR-1) Section 20.35.030 Uses permitted with a use permit. Uses permitted with a use permit shall be as follows:

B. A mobilehome in lieu of a conventional residential unit or a manufactured home;

SECTION 6

Amend the Public Ownership zoning district providing for the placement of a manufactured home, deleting the reference to undefined guest cottage and adding a manufactured home in lieu of a conventional residential unit as a permitted use.

1. (PO) Section 20.08.010 Uses permitted. Uses permitted shall be as follows:

D. A one-family residence. A manufactured home may be placed in lieu of a conventional residential unit;

2. (PO) Section 20.08.020 Uses permitted on privately owned land with a use permit. Uses permitted with a use permit shall be as follows:

A. A mobilehome in lieu of a conventional residential unit or a manufactured home;

SECTION 7

Delete Sections 21.46.090(G) and 20.48.090(I) from the codes, alphabetize the affected sections appropriately, and clarify section 20.16.040 to permit an accessory building to be higher than 20 feet with a use permit as permitted in section 20.04.150(D). Additionally, these zoning sections mandate a minimum setback between buildings of not less than 10 feet. Current building code specifies the minimum distance between primary and accessory buildings by type and construction. Elimination of these sections will prevent further conflicts between zoning and building construction standards regarding setbacks between buildings. A new section is added to clarify the use of easements or right-of-way lines functioning as property lines.

1. Section 21.46.090(G) is hereby amended to read as follows:

A detached accessory building shall be located no less than five feet (5') from any point or portion of the main building or another accessory building. Any building located closer than five feet (5') from the main building shall be considered as an addition to the main building and therefore shall be attached in some manner to the main building and be subject to code requirements applicable to a main building.

2. Section 20.48.090(I) is hereby amended to read as follows:

A detached accessory building shall be located no less than five feet (5') from any point or portion of the main building or another accessory building. Any building located closer than five feet (5') from the main building shall be considered as an addition to the main building and shall therefore be deemed attached to the main building and be subject to code requirements applicable to a main building.

3. Section 20.16.040 is hereby amended to read as follows:

Building height limit shall be as follows:

Main buildings - thirty-five feet.

Accessory buildings - sixteen feet unless a use permit is first secured pursuant to section 20.16.040.

4. Section 21.46.090(A)6 (20.48.090(A)6) is added to read as follows:

6. When a right-of-way or access easement is not designated, the limit of the prescriptive use/easement shall be reasonably identified in the field and used as the lot line from which the setback shall be determined.

SECTION 8

Amend the definition of accessory buildings to permit standardized sizing dimensions to dictate when a use permit is required. The following amended sections will permit the use of even dimensions in construction and the use of "canned" construction plans.

1. Section 21.04.140A (20.04.150A) is hereby amended to read as follows:

A. No single accessory building shall exceed twelve hundred (1,200) square feet in area coverage.

SECTION 9

Amend the current parking standards to reflect state and federal standards for disabled access and parking and to reflect the requirement for delineated spaces and paved surfaces in urban areas.

1. Section 21.44.020M (20.46.020M) is hereby amended to read as follows:

M. Medical, dental, veterinary clinics and/or similar facilities: seven (7) spaces for each physician, dentist, or primary care giver.

2. Section ²¹~~22~~.44.040 (20.46.040) is hereby amended to read as follows:

Parking spaces--Width, length, compact cars and aisle clearances. Parking areas shall comply with the applicable provisions of the Americans with Disabilities Act. Each off-street parking space shall have a standard minimum width of not less than nine (9) feet and a length of not less than twenty (20) feet except that those spaces designated as handicapped spaces shall conform to the dimensions required for handicapped spaces. Up to twenty (20) percent of the number of spaces required by this chapter may be for compact cars. Spaces provided in excess of the number required by this chapter may be either standard or compact size. Each compact space shall have a width of not less than nine (9) feet and a length of not less than sixteen (16) feet.

Access aisles (drives) shall provide a clearance of not less than twenty (20) feet behind each parking space. Spaces serving multi-family, commercial, industrial, public, or similar uses shall not use public roadways as access aisles.

Except for single family dwellings and duplexes, all parking spaces and aisles shall be clearly delineated by striping or other means of permanent demarkation. Within areas designated as urban land uses by the General Plan, parking and access aisles shall be finished in an all weather surface consisting of asphalt concrete, concrete, or an equivalent.

SECTION 10

Add Section 21.46.090P (20.48.090P), General Provisions, clarification as to the side yard requirements on a corner lot other than a key lot.

1. Section 21.46.090 P (20.48.090P) is added to read as follows:

When a residence or an accessory building is proposed to be placed on a corner lot not adjacent to a key lot, in all R and FR zones, the street side setback shall be equal to one-half of the required front yard setback, but in no case less than 10 feet.

SECTION 11

Add to Section 14.04.020B, Local Building Code, a standard as to when the property owner is to identify property lines as part of the building permit review.

1. Section 14.04.020B Local Building Code 13 is hereby added to read as follows:

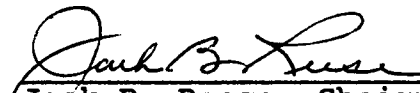
13. Property Lines. Any applicant proposing to set a structure within twenty-five feet (25') of a property line or easement or right-of-way functioning as a property/lot line, shall identify the affected property line, easement, or right-of-way line in the field. Such identification shall include marking in the field the subject property line(s) sufficient to permit the building inspector to verify building setbacks. The accuracy of the property line identification is the responsibility of the applicant.

PASSED AND ADOPTED by the Board of Supervisors, County of Del Norte, State of California, this 14 th day of November , 1995, by the following polled vote:

AYES: Supervisors Mellett, Clausen, Eller, Bark and Reese

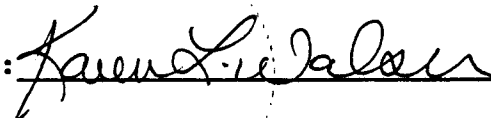
NOES: None

ABSENT: None



Jack B. Reese, Chairman
Board of Supervisors

ATTEST: KAREN L. WALSH, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

BY:  _____