



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- COASTAL BOUNDRY LINE**

**APRIL 26, 2018
B_2017-0054**

SUMMARY

OWNERS/APPLICANTS: DEBORAH J SCHMALL
1234 DIAMOND ST
SAN FRANCISCO, CA 94114

RICHARD WORTLEY
6865 W MERCER WAY
MERCER ISLAND, WA 98040

AGENT: AARON R SMITH
1220 N DUTTON AVE
SANTA ROSA, CA 95401

REQUEST: Coastal Development Boundary Line Adjustment to transfer 0.96 acres from (APN: 142-140-10) to (APN: 142-140-06), resulting in new parcel configurations containing 17.68 acres and 11.04 acres.

LOCATION: 3± miles north of Anchor Bay, on the east side of Hwy. 1., 0.17± miles northeast of its intersection with Signal Port Creek Rd. (CR 520), located at 46500 Signal Port Rd., Gualala (APNs: 142-140-06 & 10).

TOTAL ACREAGE: *Schmall* (18.64→17.68 Acres)
Ranks LLC (10.03→11.04 Acres)

GENERAL PLAN: Remote Residential (RMR)

ZONING: Remote Residential (RMR40-R)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt – Class: 5a (Minor boundary line adjustment not resulting in the creation of any new parcel).

RECOMMENDATION: Approve Boundary Line Adjustment B_2018-0007 with Standard Conditions.

STAFF PLANNER: Jesse Davis

BACKGROUND

PROJECT DESCRIPTION: A Coastal Development Boundary Line Adjustment to transfer .96 acres from APN 142-140-10 (*Schmall*) to APN 142-140-06 (*Ranks LLC*), resulting in new parcel configurations containing 17.68 acres and 11.04 acres. This adjustment is taking place to facilitate planned driveway/access improvements to the driveway for APN 142-140-06 (*Ranks LLC*). Undertaking this adjustment will ensure that the project to improve this roadway takes place within the appropriate property. APN 142-140-10 (*Schmall*) is accessed via an existing unpaved road, and no improvements to this road or property are planned in conjunction with this lot line adjustment.

RELATED APPLICATIONS ON-SITE:

- Coastal Boundary Line Adjustment (**CDB 29-05**) created the current configuration of the subject parcels. **MS 59-89** was approved by the Planning Commission on September 7, 1989, creating the current legal parcel arrangement

Neighboring Property

- N/A

SITE CHARACTERISTICS: Both (APN: 142-140-10) (Schmall) and (APN: 142-140-06) (*Ranks LLC*) are developed properties. The area of the boundary line adjustment includes a steep, wooded area that roughly parallels Fox Gulch. The road that is to be repaired is roughly 10 feet in width and deteriorating. The proposed property line has been developed based upon the planned roadway improvements and ensures that the project and site work are within the adjusted boundary lines. The site is adjacent to a Timber Production Zone, and features a *Riverine* as classified by the FWS National Wetlands Inventory.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	FL 160	TP	40 A±	Residential
EAST	RMR 40	RMR 40	5 A±	Residential
SOUTH	RR 5 [RR 2]; RR 5-DL	RR 5 [RR 2]; RR 5-DL	8.05 A±; 1.15 A±; 2 A±	Residential
WEST	RMR 40	RMR 40		Residential

PUBLIC SERVICES:

Access: SIGNAL PORT CREEK ROAD (CR 520)
Fire District: CALFIRE/South Coast Fire District
Water District: NONE
Sewer District: NONE
School District: NONE

AGENCY COMMENTS: On March 1, 2018 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Planning-Fort Bragg	No Comment
Environmental Health-Fort Bragg	No Comment
Building Department-Fort Bragg	No Response
Department of Forestry-CALFIRE	No Comment
Coastal Commission	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The two lots involved in the proposed lot adjustment are classified RMR:40. Currently, both lots would be considered legal non-conforming, given their respective sizes acreages. This adjustment would transfer .98± acres from (APN: 142-140-10) (Schmall) to (APN: 142-140-06) (*Ranks LLC*), resulting in new parcel configurations of 17.68 acres and 11.04 acres. The resulting parcels would remain legal non-conforming. This proposal is in line with the district intent to “..be applied to lands with the Coastal Zone which have constraints for commercial agriculture, timber

production or grazing, but which are well-suited for small scale farming, light agriculture and low density residential uses...

2. Division of Land Regulations: This project is scheduled to be reviewed by the County Subdivision Committee on **April 12, 2018** at which time the Subdivision Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required findings in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

3. Environmental Protection: No flora or fauna requiring special protection have yet been identified as extant on the property, however the region is within the estimated habitat zone of the Sonoma tree vole (*Arborimus pomus*), and a natural/native occurrence was identified on lots within a 0.5 mile of the project site. Fox Gulch runs between the two parcels and its riparian area is classified as *Riverine* by the FWS National Wetlands Inventory. No impacts to this drainage are expected from the project. Future development will be subject to a Coastal Development Permit and all the associated review. No additional environmental concerns were identified and no environmental impacts are anticipated by this project.

COASTAL POLICY CONSISTENCY REVIEW: Staff reviewed the project relative to coastal issues and determined the following:

1. The boundary line adjustment will not result in a change in density. The proposed adjustment does not provide for future divisions beyond that which currently exist;
2. The boundary line adjustment will not create any new parcels;
3. No substandard lot will result from the adjustment. The non-conforming lot will increase in size, and the conforming lot will remain so.
4. The property subject to the adjustment is in an area designated CWR (Critical Water Resources) identified in the Mendocino County Groundwater Study, which states in part:

“Areas designated CWR (Critical Water Resources) shall have a minimum lot size of 5 acres and demonstration of “proof of water”. All lots less than 5 acre shall demonstrate “proof of water” and may require an environmental impact statement.”

5. The project is not located on property containing pygmy vegetation.
6. The project is not located within a designated “Highly Scenic” area.
7. Fox Creek runs through the southern portion of the parcels. 100 feet on either side of the creek are classified as Appeal Jurisdiction and may be subject to Coastal Commission appeal.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt – Class 5a. Therefore, no further environmental review is required.

COASTAL ELEMENT CONSISTENCY RECOMMENDATION: The proposed project is consistent with applicable goals and policies of the General Plan and Coastal Element.

RECOMMENDED MOTION: The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B_2018-0007, subject to the following conditions of approval, finding that the application and supporting documents and exhibits contain sufficient information and conditions to establish, as required by the Coastal Zoning Code, that:

1. The proposed boundary line adjustment is in conformance with the Coastal Element; and,
2. The proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities;

3. The proposed boundary line adjustment is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and
4. The proposed boundary line adjustment will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA);
5. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource;
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;
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. The proposed use is compatible with the long term protection of resource lands.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. This application is valid for 24 months from the effective date. No extensions can be granted.
2. That for each proposed adjusted parcel provides one perimeter description of each parcel. The new deed description submitted shall be prepared by, and bear the seal of, a Licensed Land Surveyor.
3. That each transfer of real property be by means of a quit claim deed containing the following wording to be contained within the legal description:

"Any and all lands and any and all interest thereto lying within the following described real property (perimeter description of the adjusted parcel(s))."

And,

"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B_2018-0007 and is intended to create no new parcel."

4. Per Mendocino County Code Section 17-17.5(l) (2):

"That the Treasurer-Tax Collector certifies that all taxes and assessments due on each parcel affected by the adjustment have been paid or cleared, and that a deposit to secure payment of the taxes and assessments which are due but not yet payable have been made."

The enclosed **Certificate of the Official Redeeming Officer form** must be certified by the Treasurer-Tax Collector and a copy returned to the Department of Planning and Building Services.

5. After you have been given clearance to record the new documents, you must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, you will receive a Completion Certificate.
6. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
7. A note shall be placed on the deeds and/or legal descriptions stating that *"Future development may require additional studies and/or may be subject to restrictions"* and that *"Future development shall*

be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."

8. A note shall be placed on the deeds and/or legal descriptions stating, "*The Boundary Line Adjustment shall not relinquish, remise, release or terminate any prior right, interest in rights-of-way, easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties.*"
9. All structures within the RMR district must maintain fifty (50) foot setbacks from property lines as required by Mendocino County Code Section 20.356.030. The existing structure within the RL district must maintain a twenty (20) foot setback as specified in section 20.368.035.

Once the deed(s) and/or instrument(s) have been prepared, please send a copy to the Department of Planning and Building Services. After we have reviewed the documents and accepted them as correct and all conditions of approval have been met, we will notify you. **DO NOT RECORD ANY DOCUMENTS UNTIL YOU HAVE RECEIVED APPROVAL OF THE DEED(S).**

PLEASE NOTE: Title must be transferred identical to the title now being held (all owners with their exact names).

NOTE: APPLICANTS OR OTHER PERSONS WHO ARE DISSATISFIED WITH A DECISION OF THE COASTAL PERMIT ADMINISTRATOR FOR A COASTAL DEVELOPMENT PERMIT FOR A BOUNDARY LINE ADJUSTMENT MAY APPEAL THE ACTION TO THE BOARD OF SUPERVISORS. AN APPEAL MUST BE MADE IN WRITING ALONG WITH THE APPLICABLE FEE TO THE CLERK OF THE BOARD OF SUPERVISORS WITHIN TEN (10) DAYS OF THE COASTAL PERMIT ADMINISTRATOR'S DECISION. THE APPEAL ISSUE WILL BE PLACED ON THE NEXT AVAILABLE BOARD OF SUPERVISOR'S AGENDA FOR CONSIDERATION, AND THE APPELLANT WILL BE NOTIFIED OF THE TIME AND DATE. APPEALS TO THE BOARD OF SUPERVISORS DO NOT NECESSARILY GUARANTEE THAT THE COASTAL PERMIT ADMINISTRATOR'S DECISION WILL BE OVERTURNED. IN SOME CASES, THE BOARD OF SUPERVISORS MAY NOT HAVE THE LEGAL AUTHORITY TO OVERTURN THE DECISION OF THE ADMINISTRATOR.

04-11-2018

DATE



JESSE DAVIS
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Adjacent Owner Map
- F. Zoning Map
- G. General Plan/LCP Map
- H. Fire Hazards Map
- I. Soils Map
- J. Ground Water Resource Area
- K. Timber Production Map
- L. Wetlands
- M. LCP Land Use Map 30: Anchor Bay
- N. Habitats & Resources
- O. Land Capabilities & Natural Hazards
- P. Appealable Areas



SUBJECT PARCEL/S

FISH ROCK ROAD

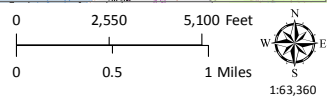
SH 1

Gualala



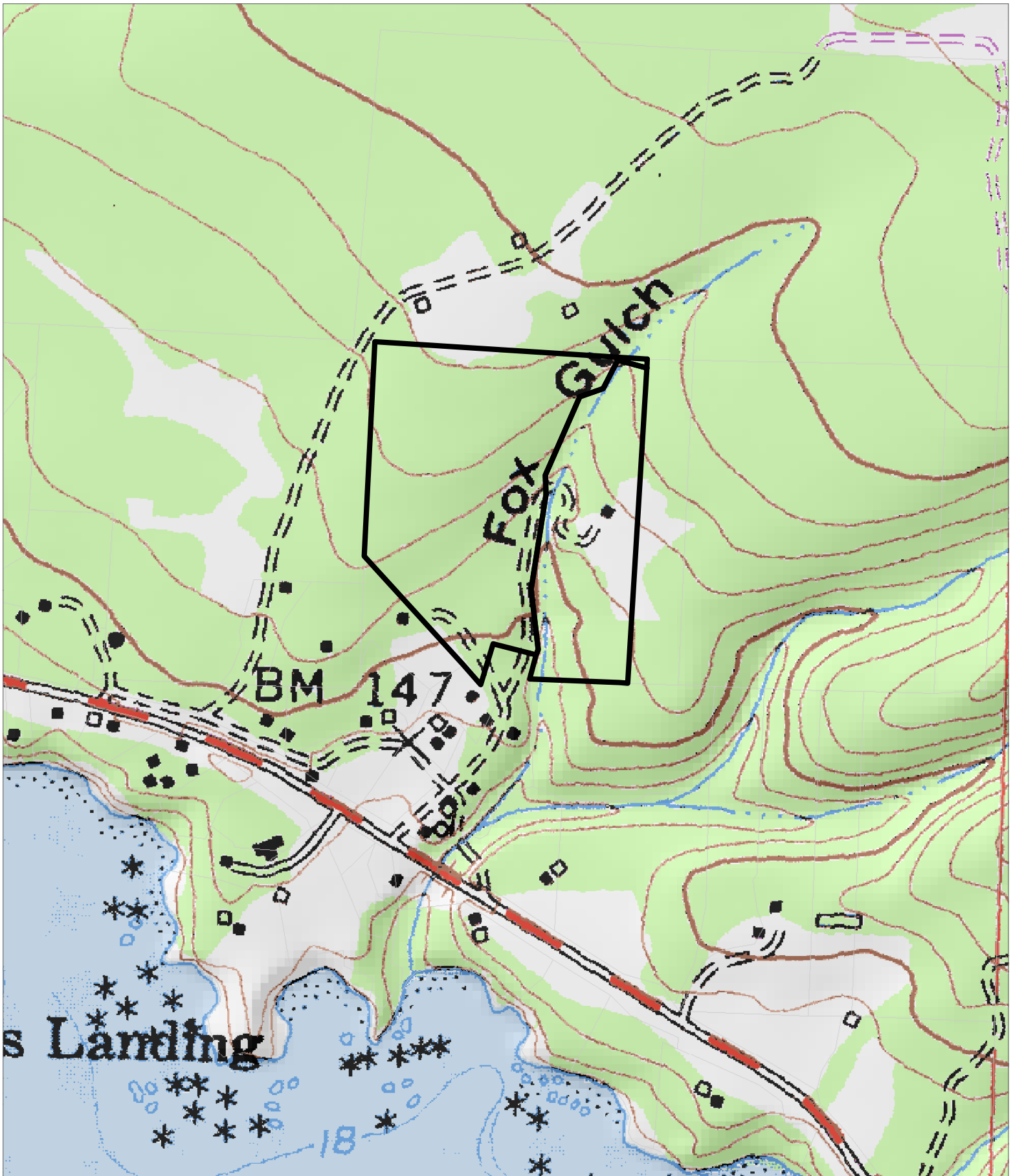
CASE: B 2018-0007
 OWNER: SCHMALL/Rank's Forest
 APN: 142-140-06, 10
 APLCT: Richard Wortley
 AGENT: Aaron Smith
 ADDRESS: 47000 Signal Port Creek Road, Point Arena

-  Major Towns & Places
-  Highways
-  California Counties
-  Major Roads
-  Major Rivers

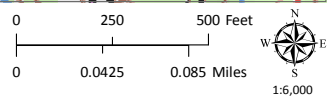


LOCATION MAP

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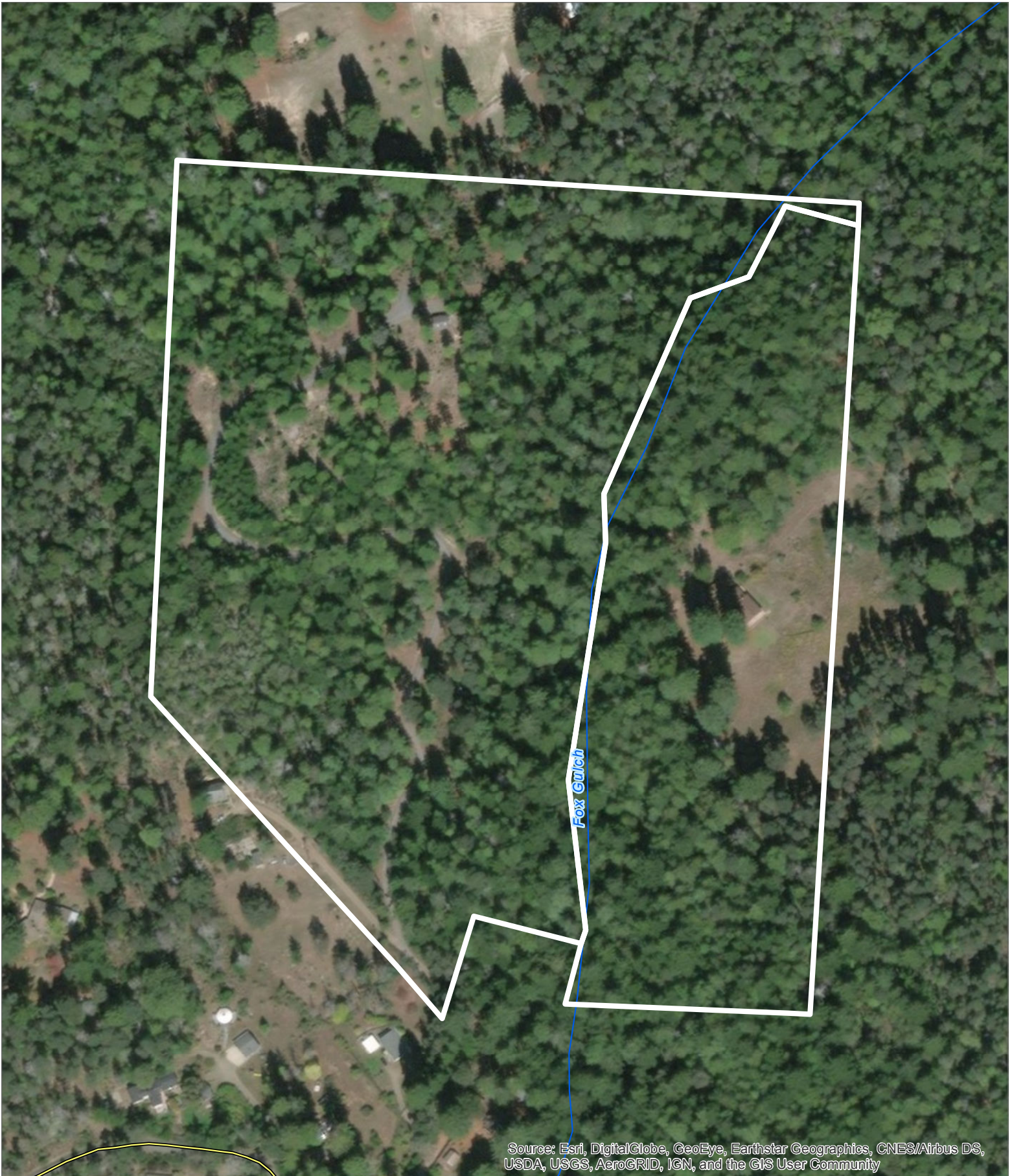


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TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

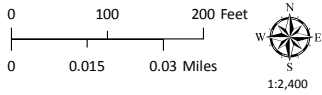
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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 Named Rivers
 Public Roads



AERIAL IMAGERY

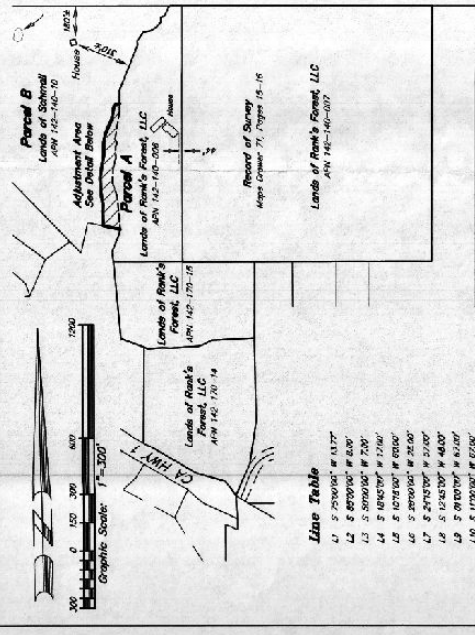
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Lot Line Adjustment Site Map

Lands Of Rank's Forest, LLC
 46500 Signal Port Creek Rd
 Chula Vista, CA 92014
 Assessor's Parcel Number 142-140-06

Lands Of Schmoll
 47000 Signal Port Creek Rd
 Point Arena, Ca 94957
 Assessor's Parcel Number 142-140-10

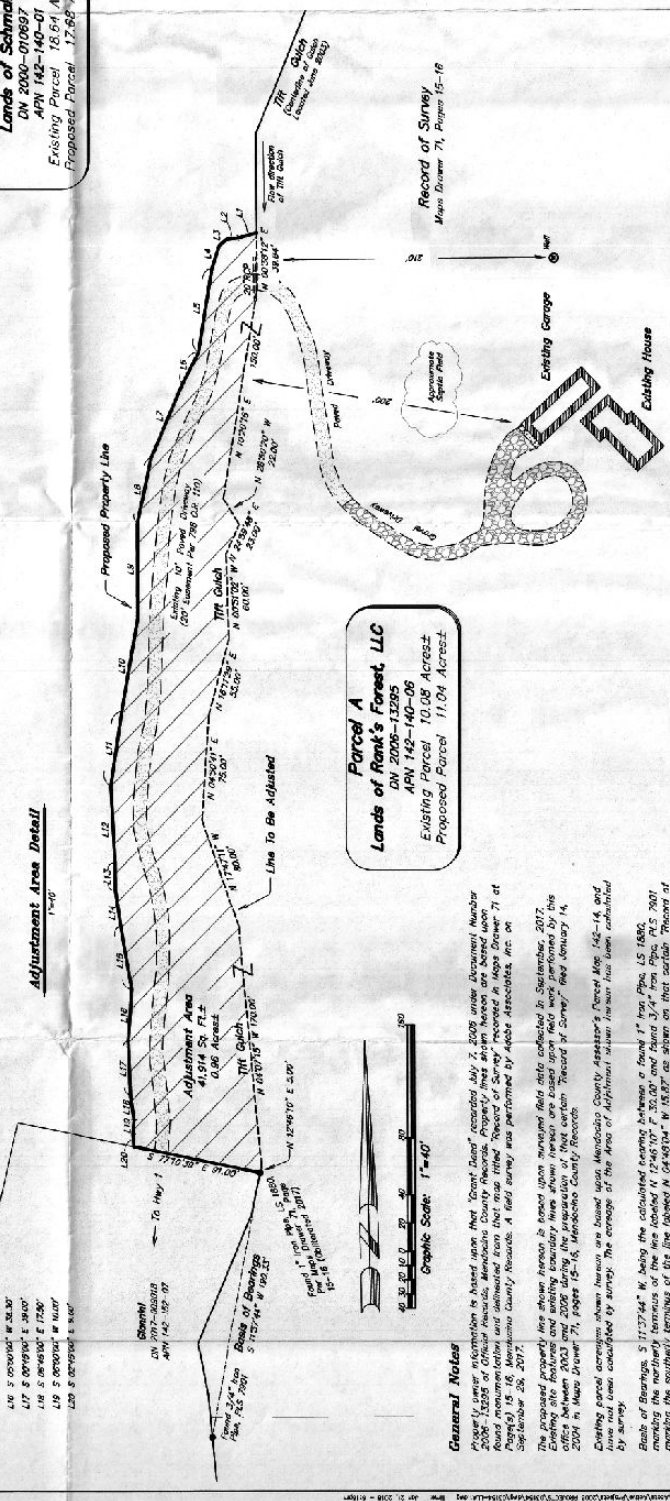
Approximate Location
 Signal Port Creek Rd



Parcel B
 Lands of Schmoll
 ON 2000-070897
 APN 142-140-01
 Existing Parcel 18.64 Acres
 Proposed Parcel 17.68 Acres

Parcel A
 Lands of Rank's Forest, LLC
 ON 2006-13295
 APN 142-140-06
 Existing Parcel 10.08 Acres
 Proposed Parcel 11.04 Acres

Adjustment Area Detail
 1"=40'



General Notes

1. Survey was conducted in accordance with the "Surveying Act" of the State of California, and the "Rules and Regulations" of the State Board of Surveying and Mapping.

2. The survey was conducted on July 2, 2009 under Instrument Number 2009-13295 of the State Board of Surveying and Mapping.

3. The survey was conducted in accordance with the "Surveying Act" of the State of California, and the "Rules and Regulations" of the State Board of Surveying and Mapping.

4. The survey was conducted in accordance with the "Surveying Act" of the State of California, and the "Rules and Regulations" of the State Board of Surveying and Mapping.

5. The survey was conducted in accordance with the "Surveying Act" of the State of California, and the "Rules and Regulations" of the State Board of Surveying and Mapping.

Legend

APN: Hatched Concrete Pipe
 Z: Dashed Line To Be Adjusted

OWNER/SUBDIVIDER:
 Richard Worley
 8805 W Maraca Way
 Menlo Park, CA 94025
 (415) 353-6480 phone

OWNER/SUBDIVIDER:
 Deborah Schmoll
 1220 N. Durfee Avenue
 San Francisco, CA 94131
 (415) 856-7005 phone

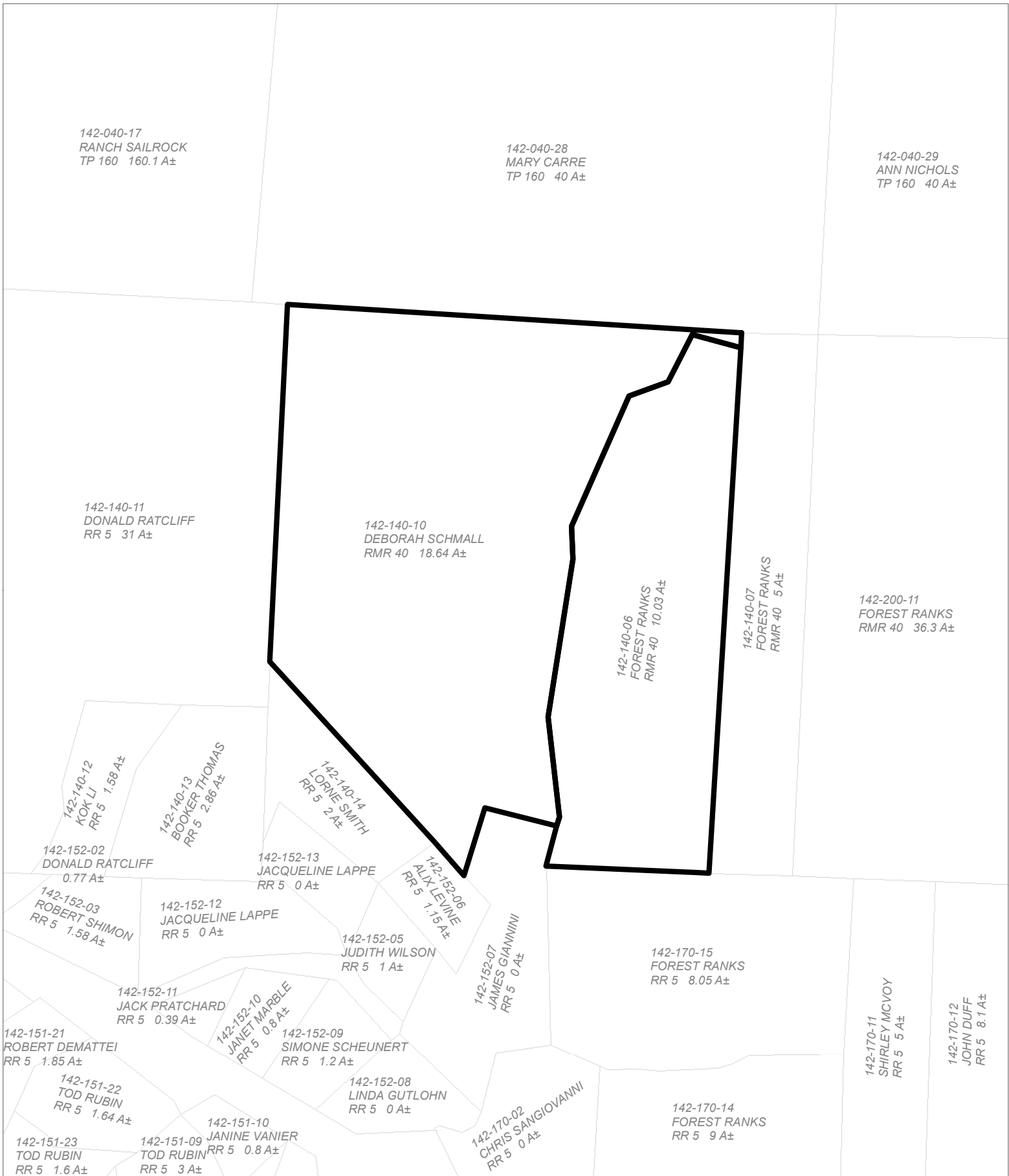
SURVEYOR/ENGINEER:
 ADOBE ASSOCIATES, INC.
 1220 N. Durfee Avenue
 Santa Rosa, CA 95401
 (707) 541-2300 phone
 (707) 541-2301 fax

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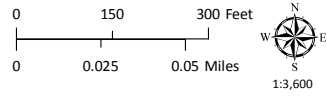
NO SCALE

SITE PLAN

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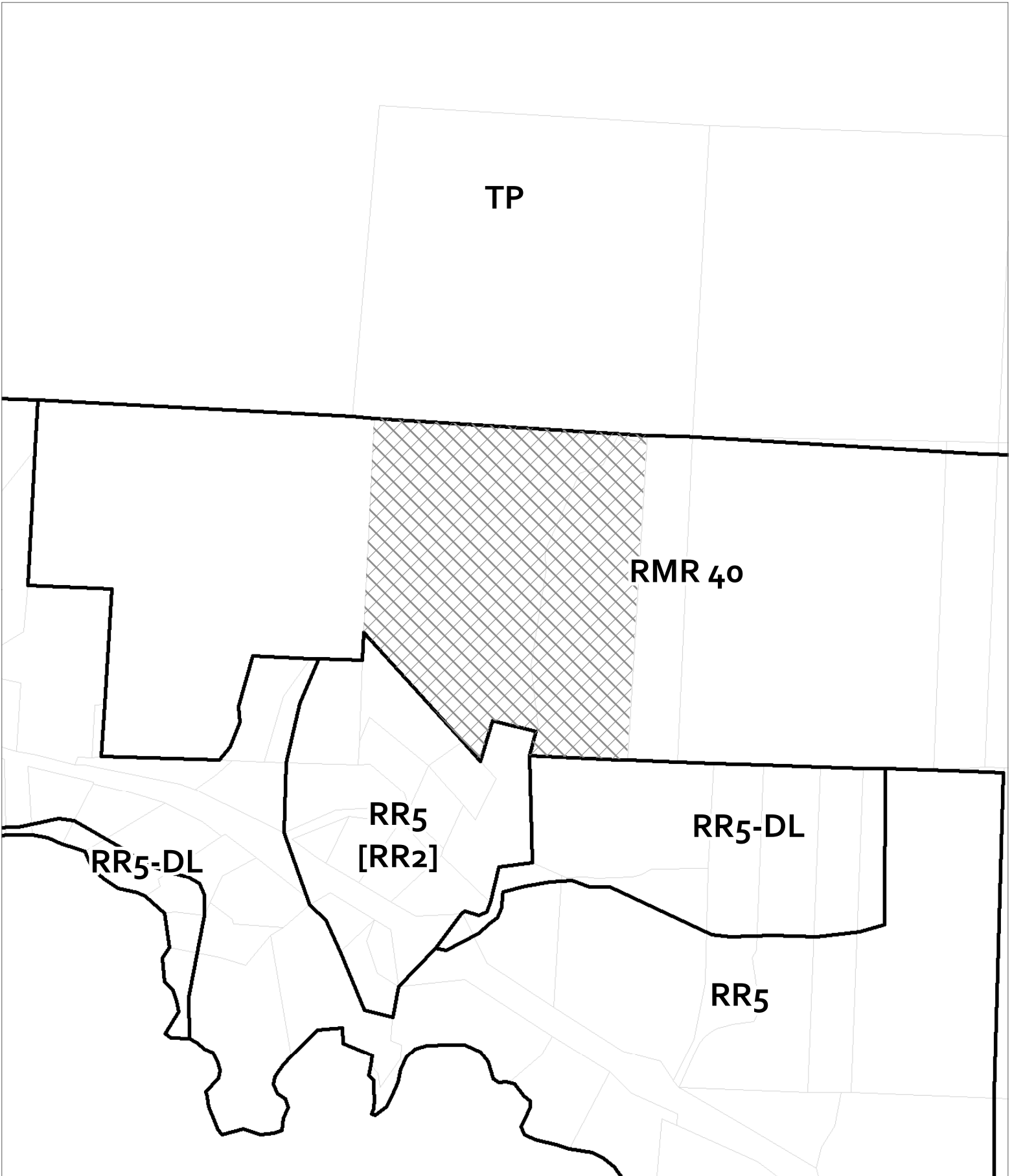


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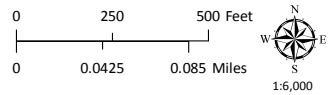
ADJACENT PARCELS

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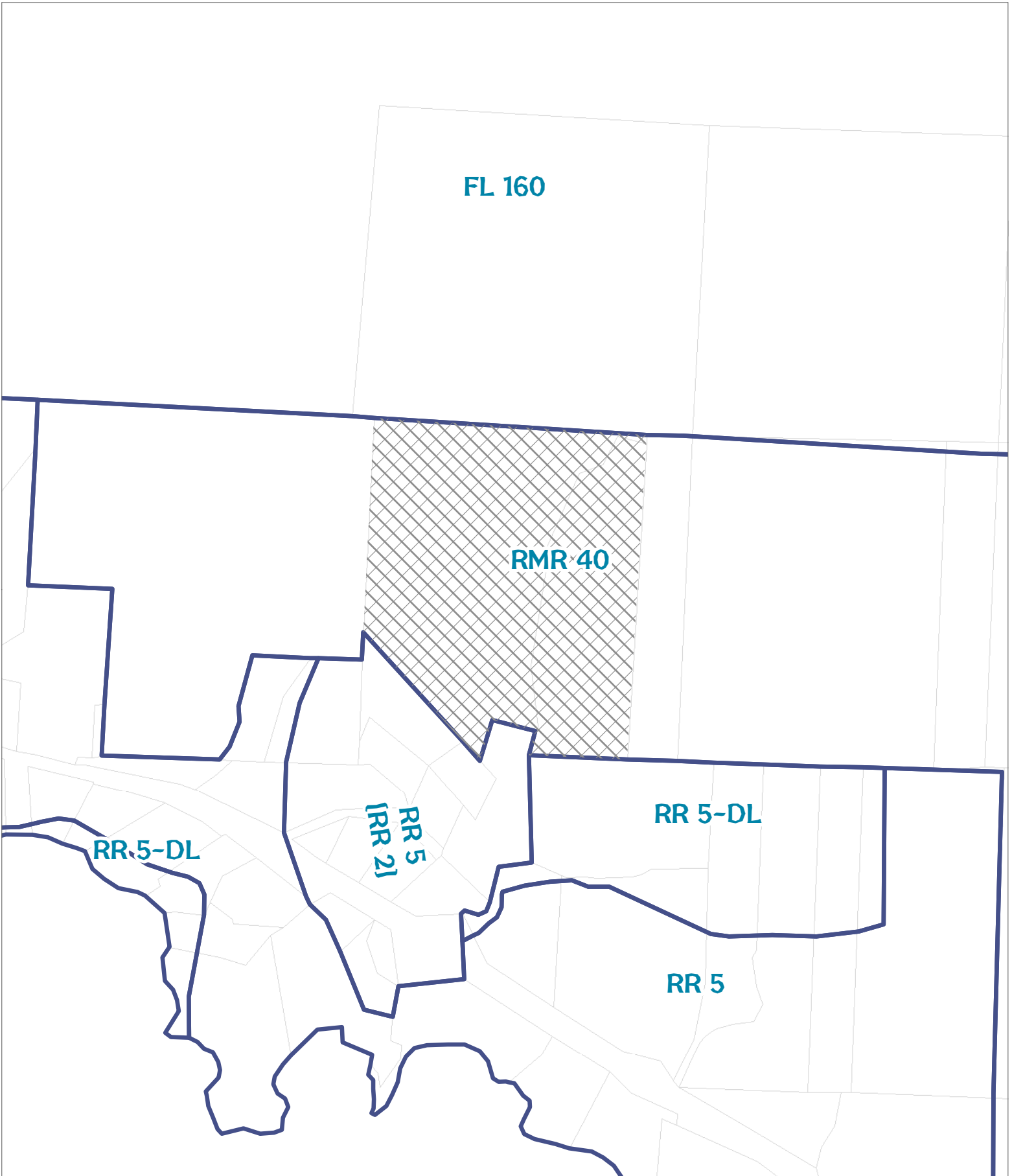
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 Zoning Districts




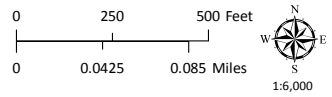
ZONING DISPLAY MAP

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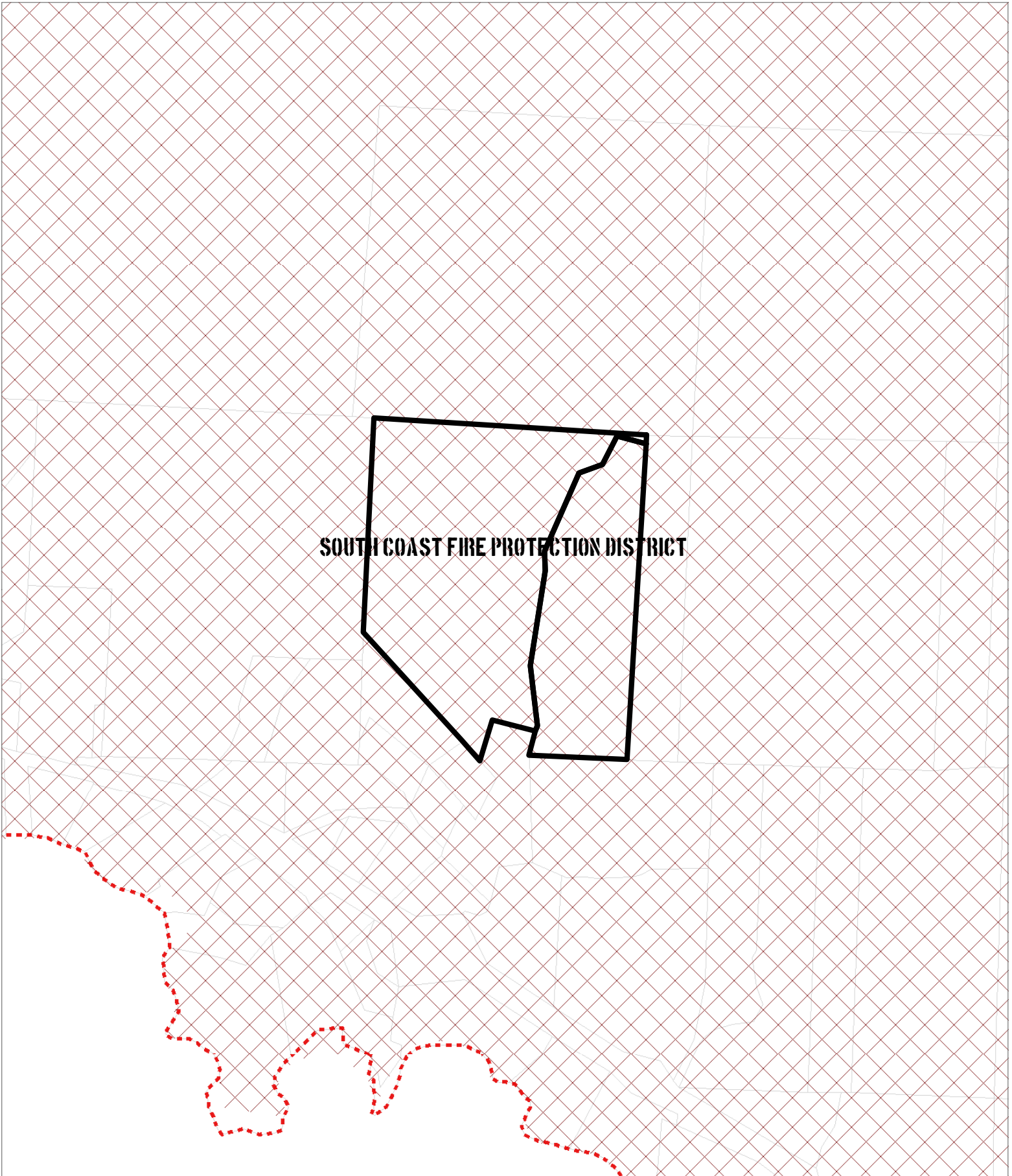
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 General Plan Classes





GENERAL PLAN CLASSIFICATIONS

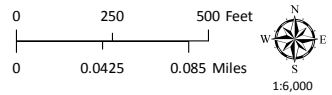
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SOUTH COAST FIRE PROTECTION DISTRICT

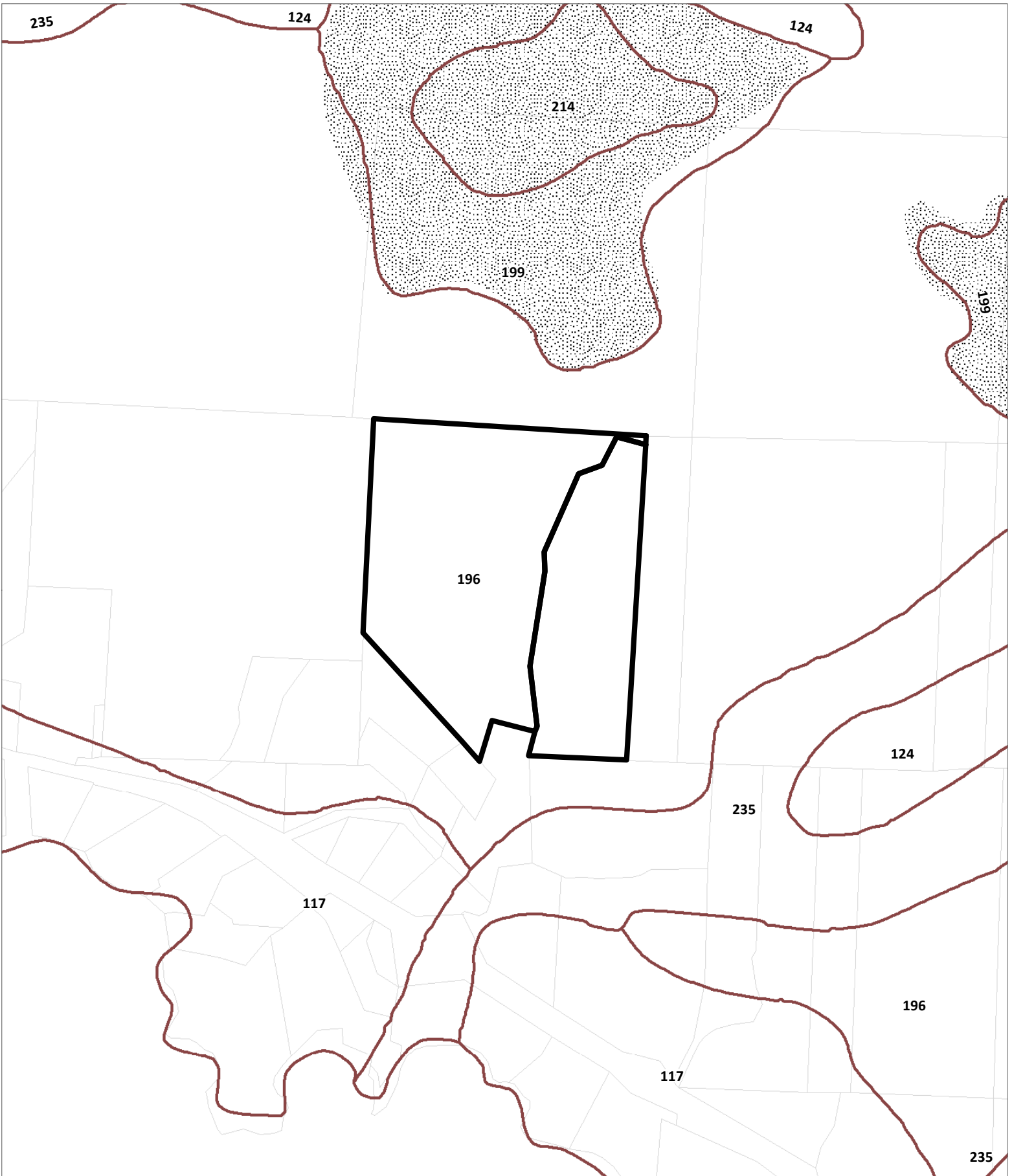
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-  County Fire Districts
-  High Fire Hazard





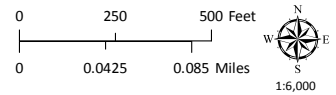
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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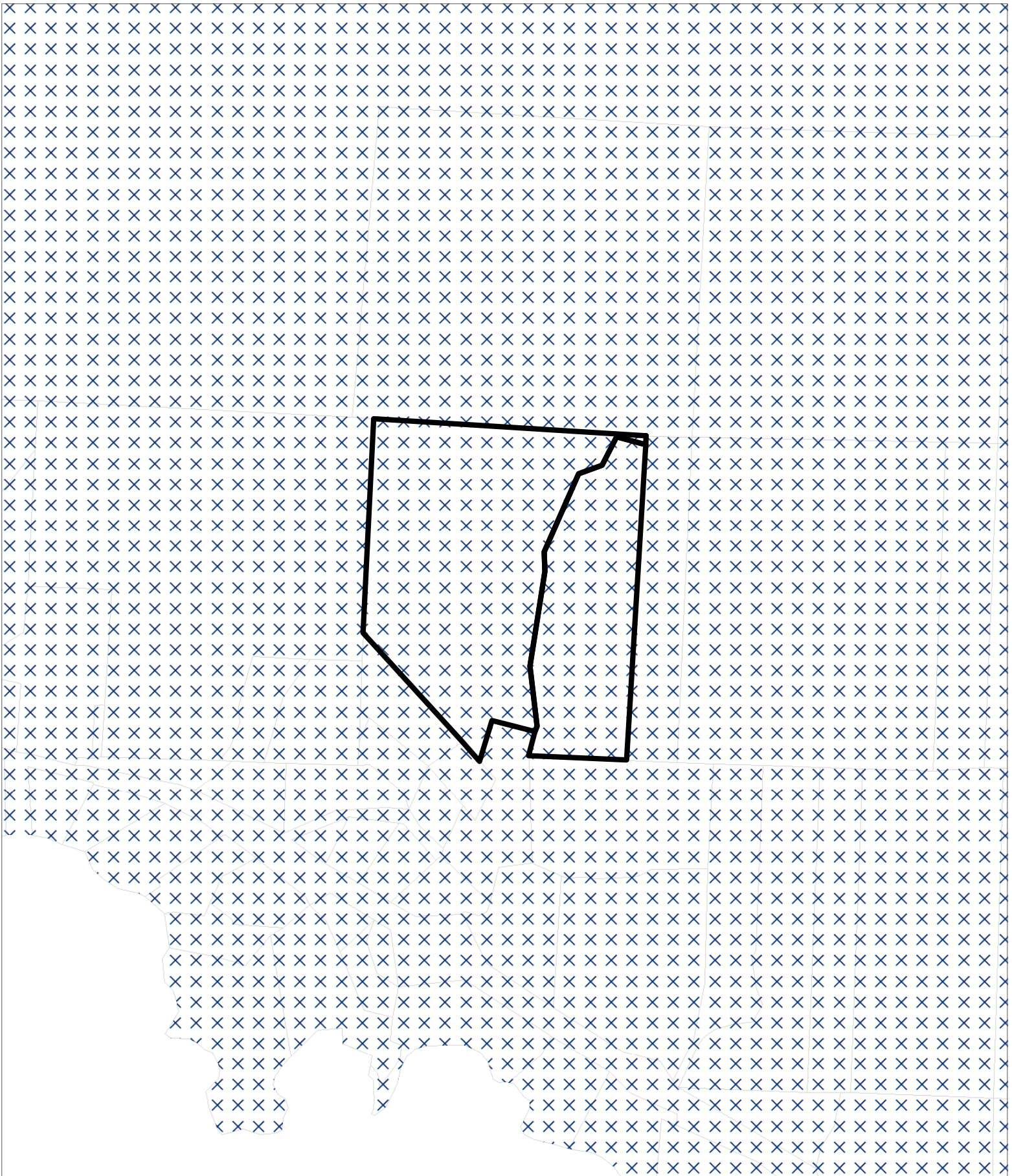
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 Western Soil Classes
 Shinglemill-Gibney Complex



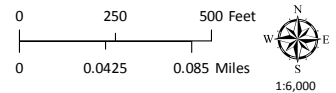
LOCAL SOILS

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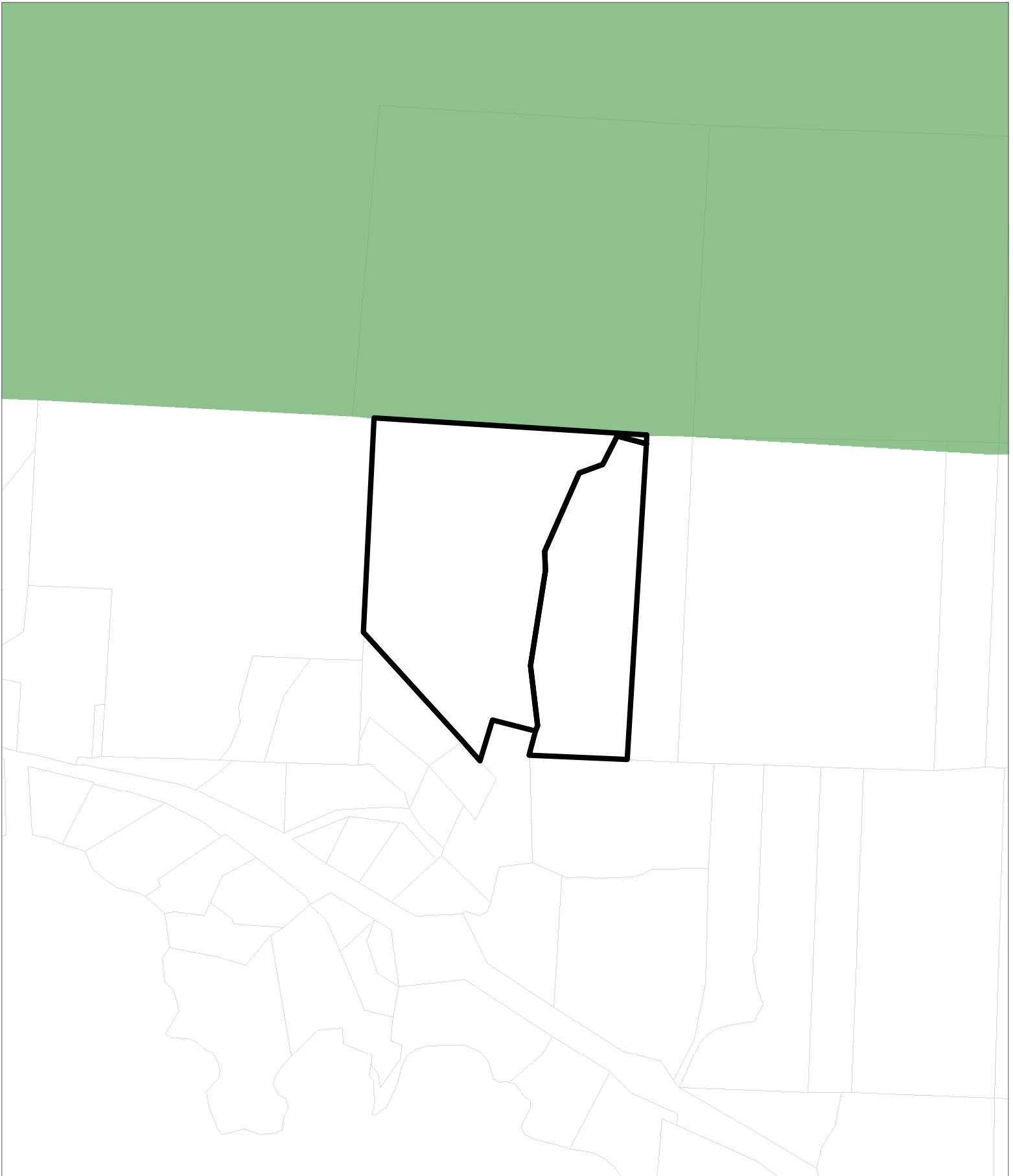
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X X > Critical Water Areas



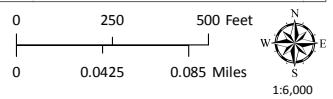
GROUND WATER RESOURCES

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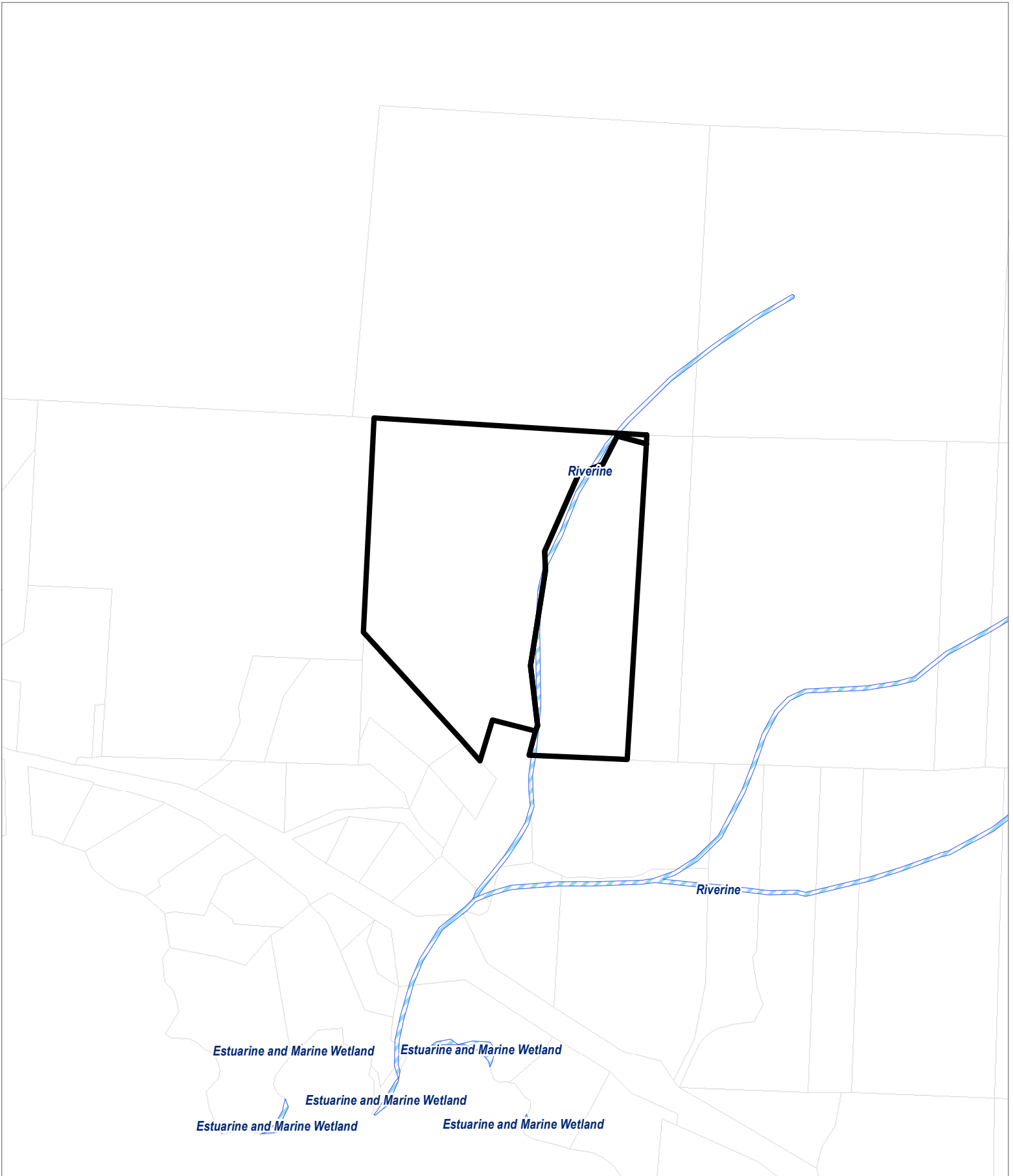
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 TPZ 2015



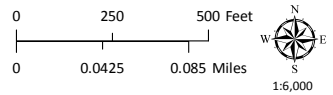
TIMBER PRODUCTION ZONES

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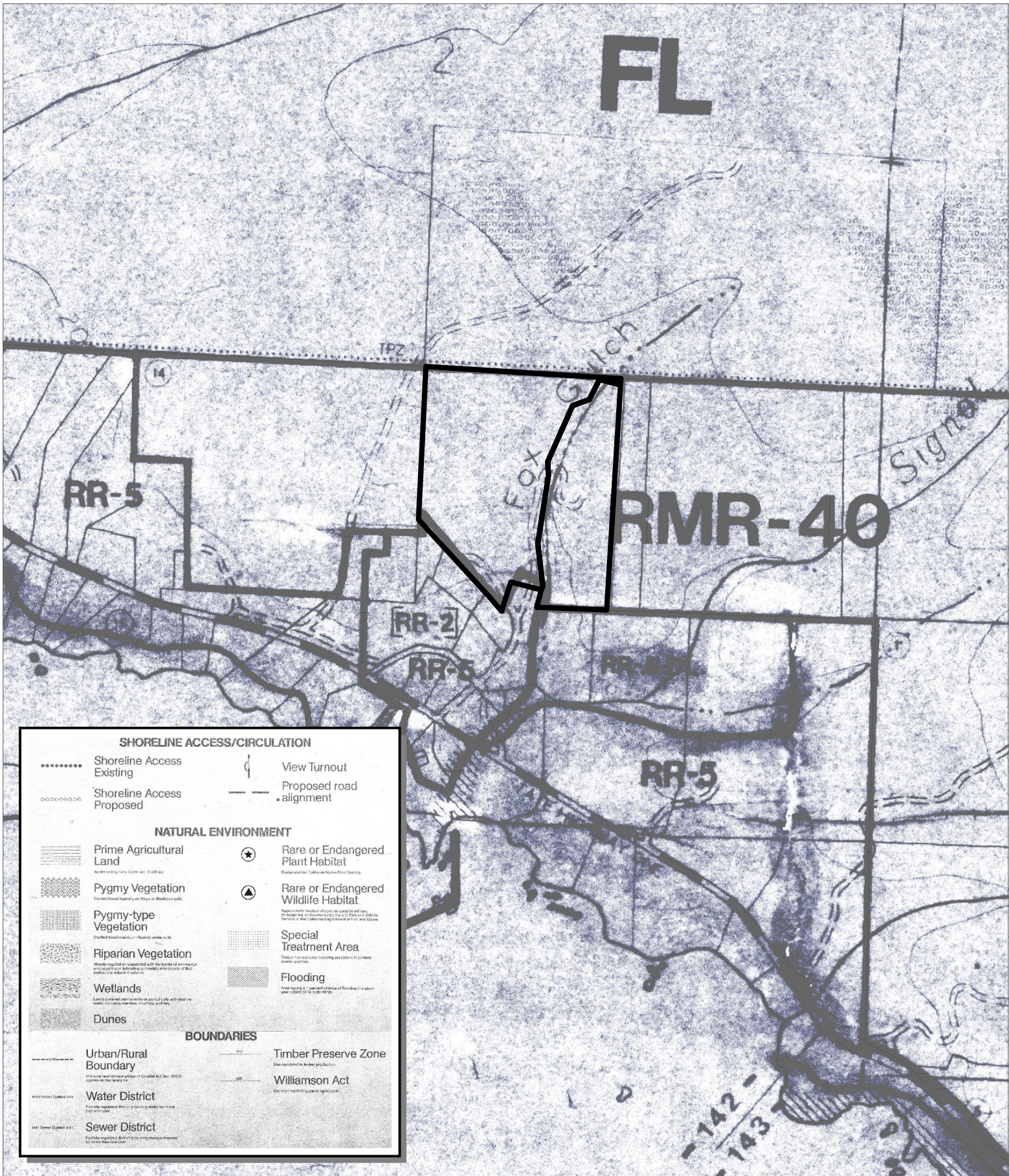
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 National Wetlands Inventory



WETLANDS

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SHORELINE ACCESS/CIRCULATION

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

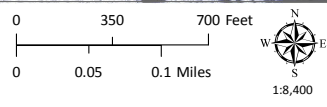
NATURAL ENVIRONMENT

- Prime Agricultural Land
- Pygmy Vegetation
- Pygmy-type Vegetation
- Riparian Vegetation
- Wetlands
- Dunes
- Rare or Endangered Plant Habitat
- Rare or Endangered Wildlife Habitat
- Special Treatment Area
- Flooding

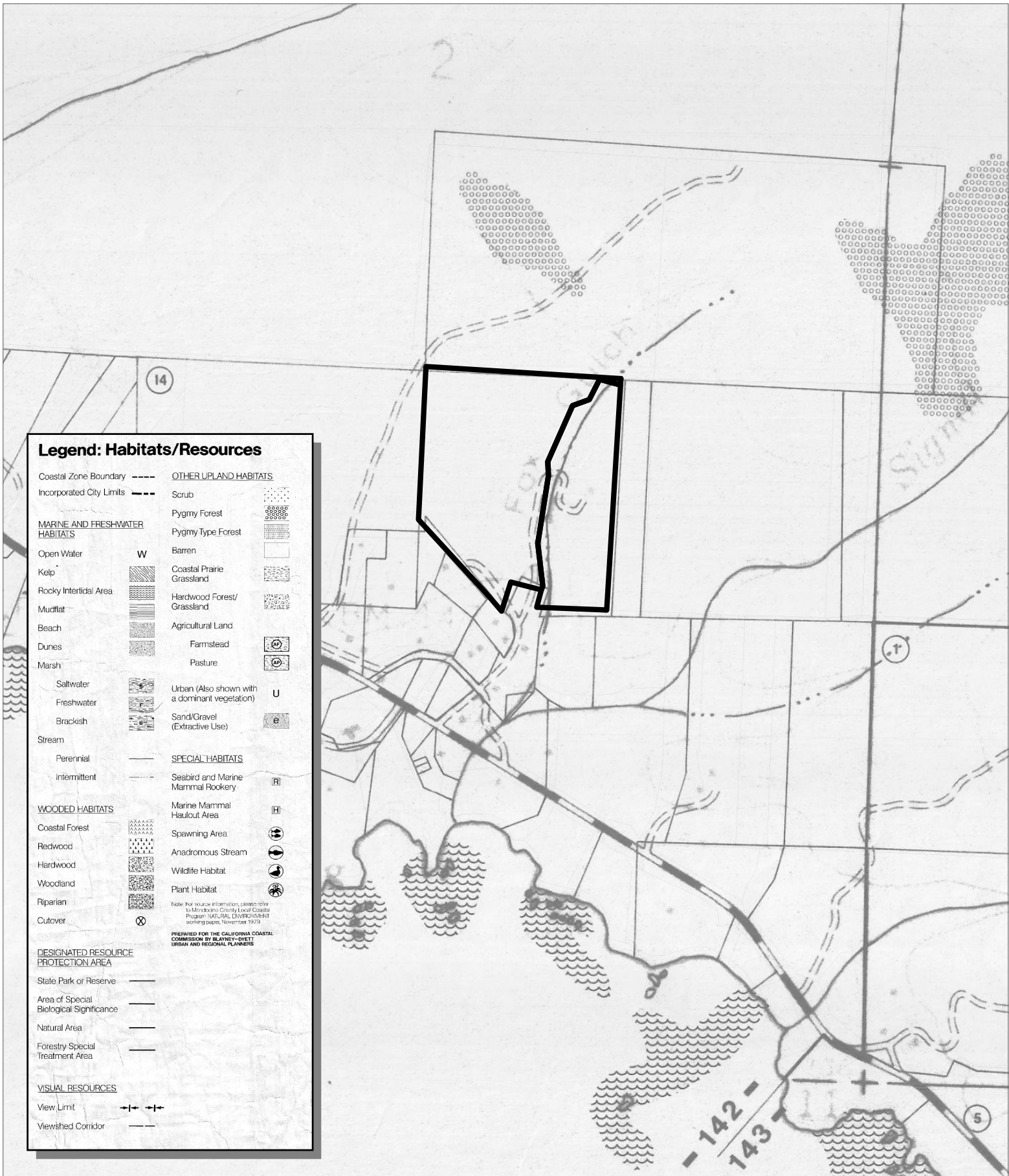
BOUNDARIES

- Urban/Rural Boundary
- Water District
- Sewer District
- Timber Preserve Zone
- Williamson Act

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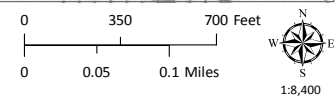
Legend: Habitats/Resources

Coastal Zone Boundary	---	OTHER UPLAND HABITATS	
Incorporated City Limits	---	Scrub	[Symbol]
MARINE AND FRESHWATER HABITATS		Pygmy Forest	[Symbol]
Open Water	W	Pygmy Type Forest	[Symbol]
Kelp	[Symbol]	Barren	[Symbol]
Rocky Intertidal Area	[Symbol]	Coastal Prairie Grassland	[Symbol]
Mudflat	[Symbol]	Hardwood Forest/Grassland	[Symbol]
Beach	[Symbol]	Agricultural Land	[Symbol]
Dunes	[Symbol]	Farmstead	[Symbol]
Marsh	[Symbol]	Pasture	[Symbol]
Saltwater	[Symbol]	Urban (Also shown with a dominant vegetation)	U
Freshwater	[Symbol]	Sand/Gravel (Extractive Use)	e
Brackish	[Symbol]		
Stream		SPECIAL HABITATS	
Perennial	---	Seabird and Marine Mammal Rookery	RI
Intermittent	---	Marine Mammal Haulout Area	HI
WOODED HABITATS		Spawning Area	[Symbol]
Coastal Forest	[Symbol]	Anadromous Stream	[Symbol]
Redwood	[Symbol]	Wildlife Habitat	[Symbol]
Hardwood	[Symbol]	Plant Habitat	[Symbol]
Woodland	[Symbol]		
Riparian	[Symbol]		
Cutover	[Symbol]		
DESIGNATED RESOURCE PROTECTION AREA			
State Park or Reserve	---		
Area of Special Biological Significance	---		
Natural Area	---		
Forestry Special Treatment Area	---		
VISUAL RESOURCES			
View Limit	---+---+---		
Viewshed Corridor	---		

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 19/13

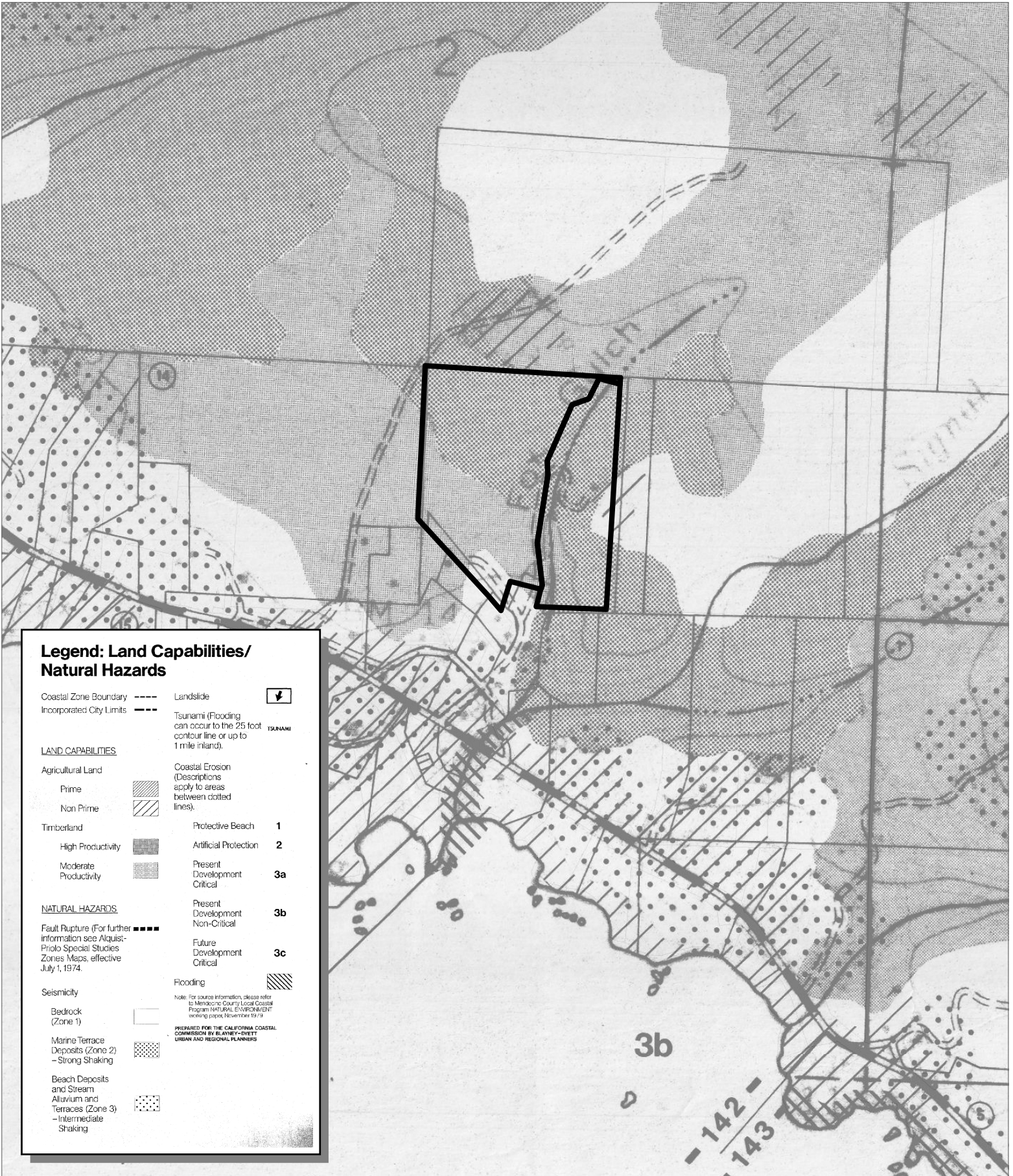
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DWETT URBAN AND REGIONAL PLANNERS

CASE: B 2018-0007
 OWNER: SCHMALL/Rank's Forest
 APN: 142-140-06, 10
 APLCT: Richard Wortley
 AGENT: Aaron Smith
 ADDRESS: 47000 Signal Port Creek Road, Point Arena



HABITATS & RESOURCES

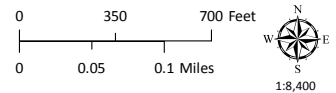
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**Legend: Land Capabilities/
Natural Hazards**

- Coastal Zone Boundary Landslide
 - Incorporated City Limits Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). TSUNAMI
- LAND CAPABILITIES**
- Agricultural Land
 - Prime
 - Non Prime
 - Timberland
 - High Productivity
 - Moderate Productivity
- NATURAL HAZARDS**
- Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974.
 - Seismicity
 - Bedrock (Zone 1)
 - Marine Terrace Deposits (Zone 2) - Strong Shaking
 - Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking
 - Coastal Erosion (Descriptions apply to areas between dotted lines).
 - Protective Beach **1**
 - Artificial Protection **2**
 - Present Development Critical **3a**
 - Present Development Non-Critical **3b**
 - Future Development Critical **3c**
 - Flooding
- Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979.
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY ELAINE DYETT URBAN AND REGIONAL PLANNERS

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LAND CAPABILITIES & NATURAL HAZARDS

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300' from bluff



**Post LCP Certification
Permit and Appeal Jurisdiction**
County of Mendocino



Permit Jurisdiction
This area includes only lands below the mean high tide line and lands where the public trust may exist.

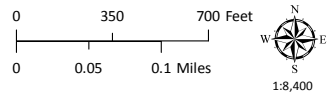
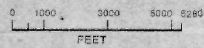


Appeal Jurisdiction
This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the landward extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 120' of streams and wetlands, and lands within 300' of the top of the seaward face of coastal bluffs.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.C. §301155) and §30030(a)(1) and (a)(2). In addition, developments may also be appropriate pursuant to P.C. §3060(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.



California Coastal Commission



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APPEALABLE AREAS

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