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July 26, 2019

# PUBLIC NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, August 22, 2019 in the Fort Bragg Public Library, 499 East Laurel Street, Fort Bragg, California, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

**CASE#**: CDP\_2019-0013 **DATE FILED**: 3/26/2019

OWNER/APPLICANT: LANDBANK PROPERTIES NO 2 LP

AGENT: AMY WYNN, WYNN COASTAL PLANNING

**REQUEST:** Administrative Coastal Development Permit to convert the second floor of an existing structure from a commercial use to a residential use. The first floor will remain commercial, and no modifications are requested to the exterior façade or footprint of the subject structure.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** In the Town of Mendocino, 0.02± miles east of the intersection of Kasten Street (CR 407L) and Main Street (CR 407E), located at 45094 Main St., Mendocino (APN: 119-238-21).

**SUPERVISORIAL DISTRICT:** 5 **STAFF PLANNER:** TIA SAR

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services

AUGUST 22, 2019 CDP\_2019-0013

### SUMMARY

OWNER:	LANDBANK PROPERTIES NO 2 LF	
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233 E. CARILLO STREET #C SANTA BARBARA, CA 93101

**AGENT:** AMY WYNN, WYNN COASTAL PLANNING &

**BIOLOGY** 

703 NORTH MAIN STREET FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit to convert the

second floor of an existing structure from a commercial use to a residential use. The first floor will remain commercial, and no modifications are requested to the exterior façade or footprint of the subject structure.

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In the Town of Mendocino, 0.02± miles east of the intersection of Kasten Street (CR 407L) and Main Street (CR 407E), located at 45094 Main St., Mendocino (APN:

119-238-21).

TOTAL ACREAGE: 0.10± Acres

**GENERAL PLAN:** General Plan, Coastal Element Chapter 4.13

Commercial (C:U)

**ZONING:** Mendocino Town Zoning Code

Mendocino Commercial (MC:12K)

SUPERVISORIAL DISTRICT: 5

LOCATION:

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

APPEALABLE: Yes, appeal jurisdiction and not a principally permitted

use type. See Mendocino Town Plan Policy TPA-5(c)

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** TIA SAR

#### **BACKGROUND**

**PROJECT DESCRIPTION:** A Standard Coastal Development Permit to convert the second floor of an existing structure from a commercial use to a residential use. The first floor will remain commercial, and no modifications are requested to the exterior façade or footprint of the subject structure. The conversion will result in 2,160 sq. ft. of residential space on the second floor (See attached: *New Residential Floor Plans* and *Residential Elevations*).

**APPLICANT'S STATEMENT:** "Convert second floor of building from 'Commercial' to 'Residential'. First Floor will remain 'Commercial'. No change to exterior or footprint of building. Proposed residential use is 4-bedroom dwelling."

# **RELATED APPLICATIONS ON-SITE:**

CE 19-12 ( Replace Well)

**SITE CHARACTERISTICS**: The property is less than a quarter-acre parcel located in the Town of Mendocino (See attached Location Map). The lot faces Main Street (CR 407E) (See attachment Location Map). The site is flat (See attachment Topographic Map), and similarly sized to adjacent parcels. The existing building is rented for commercial uses (e.g. Highlight Gallery), and is otherwise developed with accessory structures, including a pump-house, water-tanks, propane tanks, storage-shed, trashenclosure, horticultural landscaping, parking spaces, as well as a rear gate.

The property is accessed by two (2) public streets. Main Street (CR 407E) provides access to the front of the subject structure, while Albion Street (407 D) provides access to the rear of the subject structure, as well as the private parking area. The application indicates that there are two existing residential parking spaces, no additional spaces are proposed at this time. There are to be no changes to the exterior lighting.

The project site is located within the Mendocino City Community Services District and is provided with sewer services. The property is serviced by a domestic well, which was most recently replaced in 2012 (CE19-12). While mapped as a moderate fire hazard area, the property is within the Mendocino Fire Protection District service area. The site is underlain by beach deposits, stream alluvium and terraces (Zone 3), which are subject to intermediate shaking (See attachment LCP Land Capabilities & Natural Hazards Map).

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1, the surrounding lands are classified and zoned similarly to the project site, with the exception of the property immediately to the South (See attachments *Mendocino General Plan Classifications and Mendocino Zoning Districts*). The adjacent lots feature similar ground-floor commercial activities and businesses. Mendocino Headlands State Park is located on the opposite side of Main Street (CR 407E). Surrounding land uses consist of a mix of commercial and residential use types.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Commercial (C)	Mendocino Commercial (MC)	1.12 acre	Commercial
EAST	Commercial (C)	Mendocino Commercial (MC)	0.12 acre	Commercial
SOUTH	Open Space (OS)	Mendocino Open Space (MOS)	11.5 acres	Open Space
WEST	Commercial (C)	Mendocino Commercial (MC)	0.26 acre	Commercial

TABLE 1: SURROUNDING LAND USE AND ZONING

# **LOCAL COASTAL PROGRAM CONSISTENCY**

The proposal is to convert the second floor of an existing structure from a commercial use to a residential use. Currently, the property is developed with commercial uses. As conditioned, staff finds the proposed residential unit is consistent with the Mendocino Town Local Coastal Program, Coastal Element Chapter 4.13, and the Mendocino Town Zoning Code (MTZC), as follows.

**LAND USE:** The project site is classified as Commercial in Coastal Element Chapter 4.13 *Mendocino Town Plan* (See attachment *Mendocino General Plan Classifications*). The intent of this classification is "To provide an area within the Town suitable: for commercial development compatible with existing commercial uses;" Chapter 4.13, subsection 5.8 identifies single-family dwelling units as a principal permitted use.

The proposed development is consistent with the intent of the Commercial land classification. The proposed conversion would promote both uses for residential and commercial activities on site.

**ZONING:** The project site is located within the Mendocino Commercial (MC) District (See attachment Mendocino Town Zoning). Pursuant with MCC Chapter 20.664, "This district is intended to provide an area within the Town suitable for commercial development compatible with existing commercial uses to support existing visitor accommodations in the Visitor Serving Facilities Combining District on sites designated with an asterisk (\*) or asterisk-B (\*B) on the certified Town Plan Land Use and Zoning Maps."

The proposed conversion from commercial to residential is consistent with the permitted use type in the MC District of Division III, Sec 20.664. The project does not affect the existing height, footprint, and setbacks of the building.

**VISUAL RESOURCES:** Pursuant with MCC Section 20.504.020(A), the Town of Mendocino is the only recognized special community in the Coastal Element. Division III of Title 20 provides specific criteria for new development in Mendocino. The site is not mapped as a Highly Scenic Area in the special community called Town of Mendocino. The proposed would not change the exterior appearance of the existing buildings. As proposed, the project would be consistent with MCC Chapter 20.692.025, which refers to additional requirements for all districts, including MCC Chapter 20.504 *Visual Resource and Special Treatment Areas* and with MCC Section 20.720.035(A)(7).

**GRADING, EROSION AND RUN-OFF:** The Application Questionnaire, Question #8, states that no grading is planned; therefore, as proposed the project would not conflict with the grading, erosion, and run-off standards specified in

**HAZARDS MANAGEMENT:** Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazards (See attachment *LCP Land Capabilities & Natural Hazards*). MCC Section 20.500.025 *Fire Hazard*: The parcel is located in an area classified as a "Moderate Fire Hazard" (See attachment *Fire Hazard Zones & Responsibility Areas*). Fire protection services are provided by Mendocino Fire Protection District. On May 24, 2019, the project was referred to Mendocino Fire Protection District, California Department of Forestry and Fire Prevention (CalFire). On May 28, 2019, CalFire responded with a letter that the project as described does not require a review under State Fire Safe Regulations (PRC 4290).

On May 24, 2019, a referral was sent to Mendocino County Air Quality Management District (AQMD) for comments. A quick response list was returned by AQMD with items to complete prior to any county permit issuance.

**HABITATS AND NATURAL RESOURCES:** This parcel is not situated in a sensitive coastal resource area. The parcel is mapped as barren land (See attachment *LCP Habitat and Resources*). The proposed project would not affect sensitive coastal resources; therefore, the Department of Fish and Wildlife was not contacted when staff distributed the application to agencies for their comment.

**ARCHAEOLOGICAL/CULTURAL RESOURCES:** Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either the California Historic Resource Information Center (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and it was determined to be an appropriate guidance document for what projects would require archaeological review. As such, the proposed conversion (existing building) was not referred to the Archaeological Commission or Sonoma State University as proposed; the project would be consistent with MC policies.

On May 24, 2019, the project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; however, there are no comments at this time.

**GROUNDWATER RESOURCES:** The project site is located within a mapped Critical Water Resources Area (See attachment *Ground Water Resources*). Included with the filed application is an approved Mendocino City Community Service District (MCCSD) permit dated, March 28, 2019. On May 24, 2018, the application was referred to MCCSD and Mendocino County Department of Environmental Health (EH) for comment. EH commented that water and sewer would be referred to MCCSD on May 29, 2019. MCCSD responded that the property has access to sufficient groundwater and sewer connection. As proposed, the project would satisfy County policies for groundwater resources as implemented by MCC Chapter 20.744 *Ground Water Evaluation*.

**TRANSPORTATION/CIRCULATION:** The project would contribute to minimal traffic on local and regional roadways. The cumulative effects of traffic resulting from the existing gallery and the proposed residential use were considered when the Coastal Element land use classifications were assigned. Staff

recommends the project would not affect transportation or circulation and would be provided with adequate access. On May 24, 2019, the application was distributed to Mendocino County Department of Transportation (MCDOT) for their comment. On June 3, 2019, MCDOT responded that they have no comment at this time.

Pursuant with MCC Section 20.664.055(A), "On-site Parking: One and one-half (1½) on-site parking spaces for each dwelling unit, and one (1) off-street parking space for each four hundred (400) square feet of non-residential gross floor area." The site has 11 existing uncovered parking spaces. The proposed residential conversion will result in decreasing the amount of required parking from 11 to 6.5 parking spaces. There are 2 existing onsite parking for the new residential or existing commercial use. No additional parking is required. As conditioned, the project would satisfy County policies for transportation circulation and MCC Chapter 20.714.

**PUBLIC ACCESS:** The project site is located in the Mendocino Town Local Coastal Plan (See attachment *Mendocino Town Land Use*). The site is on Main St. designated as a public access trail location. As shown on an *LCP Map Mendocino*, existing public access to the shore is located along Main Street and throughout Mendocino Headlands State Park. As proposed, the project would be consistent with Public Access and Recreation Policies of the Mendocino Town Plan, including PAR-8.

# **ENVIRONMENTAL DETERMINATION**

The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. The conversion of the second floor from a commercial use to a residential use would meet the criteria for a Categorical Exemption under the California Environmental Quality Act (CEQA). Section 15303 of Article 19 (Class 3) states: "The conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

## **FINDINGS AND CONDITIONS**

Pursuant to the provisions of Chapter 20.720 of the Mendocino Town Zoning Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions.

## FINDINGS:

- 1. Pursuant with MCC Section 20.720.035(A)(1), the proposed second floor conversion from commercial to residential at the Highlight Gallery is in conformity with the goals and policies of the Coastal Element Chapter 4.13 Mendocino Town Plan, and the land use is intended for the classification in which it is proposed; and
- 2. Pursuant with MCC Section 20.720.035(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. MCCSD states that the commercial lot has access to sufficient ground water and sewer connection; and
- 3. Pursuant with MCC Section 20.720.035(A)(3), the proposed second floor conversion from commercial to residential at the Highlight Gallery is consistent with the purpose and intent of the Mendocino Commercial District, as well as all other provisions of Division III of Title 20 of the Mendocino County Code, and
- 4. Pursuant with MCC Section 20.720.035(A)(4), the proposed 2nd floor conversion to residential at the Highlight Gallery, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
- 5. Pursuant with MCC Section 20.720.035(A)(5), the proposed second floor conversion from commercial to residential would not have any adverse impact on any known archaeological or paleontological resources and Condition 8 is in place when archaeological sites or artifacts are discovered; and
- 6. Pursuant with MCC Section 20.720.035(A)(6), other public services, including but not limited to, solid

waste and public roadway capacity have been considered and are adequate to serve the site. The proposed residential conversion would not affect demands on public services and existing onsite parking; and

7. Pursuant with MCC Section 20.720.035(A)(7), the proposed second floor conversion from commercial to residential at the Highlight Gallery is in conformance with the design standards of Section 20.760.050. This project will be included on the agenda for the Mendocino Historical Review Board (MHRB) Hearing on August 5, 2019, for any comment. Staff will update board comments after the MHRB meeting.

## **CONDITIONS OF APPROVAL:**

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.720.045 (E) 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. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
- 2. To remain valid, progress towards completion of the project must be continuous. The property owner(s) have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date
- 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. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 5. The Property Owner(s) 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 or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or 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 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 property owner shall cease and desist from all further excavation and disturbances within 100 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 of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

- 9. Pursuant with MCC Section 20.714.015(A) and (B), the development may meet the parking requirements through project design, recorded off-site parking agreements with third parties, or participation in an in-lieu fee parking program. Where no off-street parking is feasible in otherwise permitted development, the development applicant shall pay an in-lieu fee to the County, or to an entity acceptable to the County, provided that such fees shall be proportionate to the cost of parking construction and maintenance, and shall be used solely in the Town of Mendocino for street and public parking improvements within existing public street rights-of-way or on other publicly owned land.
- 10. The use of a "Single Unit Rentals or Vacation Home Rentals", per Chapter 20.628, are not authorized.
- 11. Required by Mendocino County Air Quality Management District Regulation 1, Rule 492; National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Asbestos.
  - Prior to receiving a Demolition/ Renovation Permit from the Planning & Building Agency the Applicant is required to:
    - (1) Have an Asbestos Survey conducted by a licensed Asbestos contractor for the presence of asbestos containing materials,
    - (2) Submit a completed Asbestos Demolition/Renovation form, all test results and applicable Notification fees to the District at least 10 days prior to beginning the project,
    - (3) Have any Asbestos containing materials abated by a licensed abatement contractor prior to beginning any demolition or renovation activities.
    - (4) Obtain written authorization from the District indicating that all requirements have been met prior to receiving.

TIA SAR PLANNER I

Staff Report prepared by:

DATE

Appeal Period: 10 days Appeal Fee: \$1616.00

#### **ATTACHMENTS:**

- A. Location
- B. Aerial Imagery
- C. Topographic Map
- D. Site Plan
- E. Floor Plans (Existing & Proposed)
- F. Elevations Plan
- G. Mendocino Town Plan Zoning
- H. Mendocino Town Plan Land Use
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitat & Resources
- K. Appealable Areas
- L. Adjacent Parcels
- M. Fire Hazard Zones & Responsibility Areas
- N. Ground Water Resources
- O. Local Soils

#### **SUMMARY OF REFERRAL AGENCY COMMENTS:**

### LOCAL

Air Quality Management District

Assessor's Office

Building Division (Fort Bragg)

Department of Transportation (DOT)

Comment

No Comment

No Comment

Environmental Health (Fort Bragg) No Comment (MCSD)

Mendocino Fire District
Mendocino School District
Mendocino Community Service District
Planning Division (Fort Bragg)

No Response
No Comment
Comment
Comment

**STATE** 

CALFIRE (Land Use) No Response (Exemption Letter)

California Coastal Commission No Response

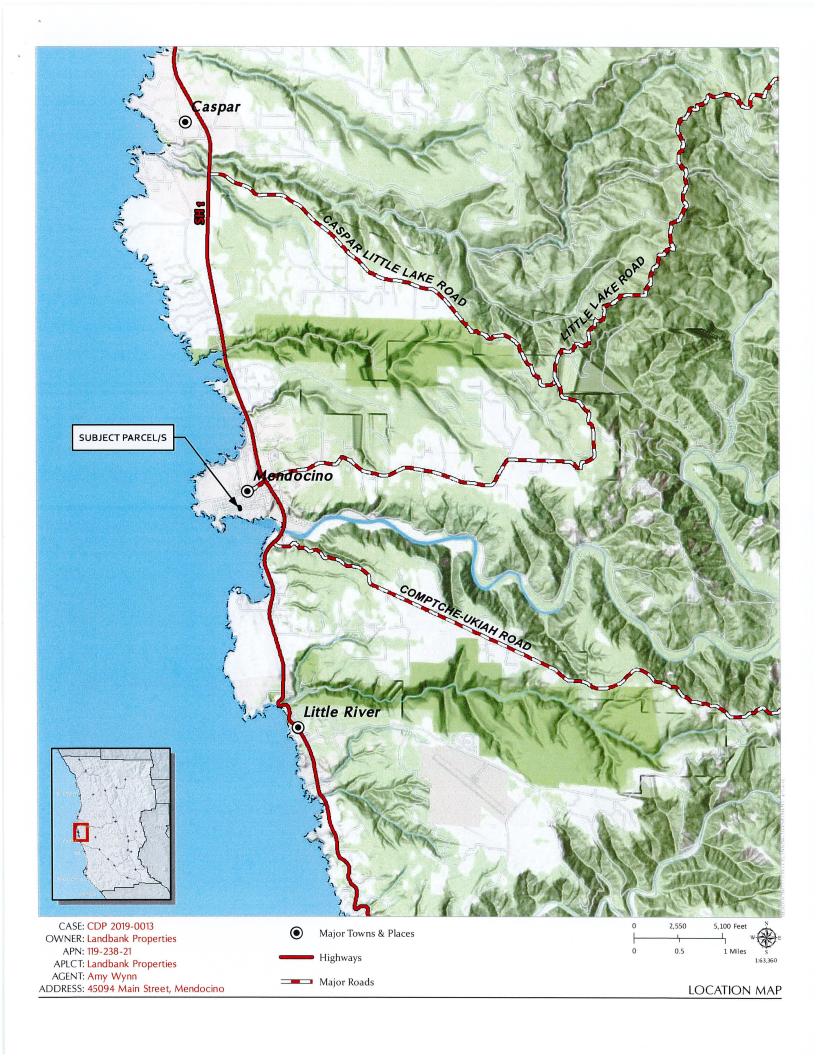
**TRIBAL** 

Cloverdale Rancheria No Response Redwood Valley Rancheria No Response Sherwood Valley Band of Pomo Indians No Response

#### **REFERENCES:**

Coastal Element Chapter 4.13 Mendocino Town Plan. Mendocino County, Planning and Building Services, Planning Division. County of Mendocino General Plan. 2017. Ukiah, CA.

Division III of Title 20 of the Mendocino County Code. Mendocino County, Planning and Building Services, Planning Division. 2017. Ukiah, CA.





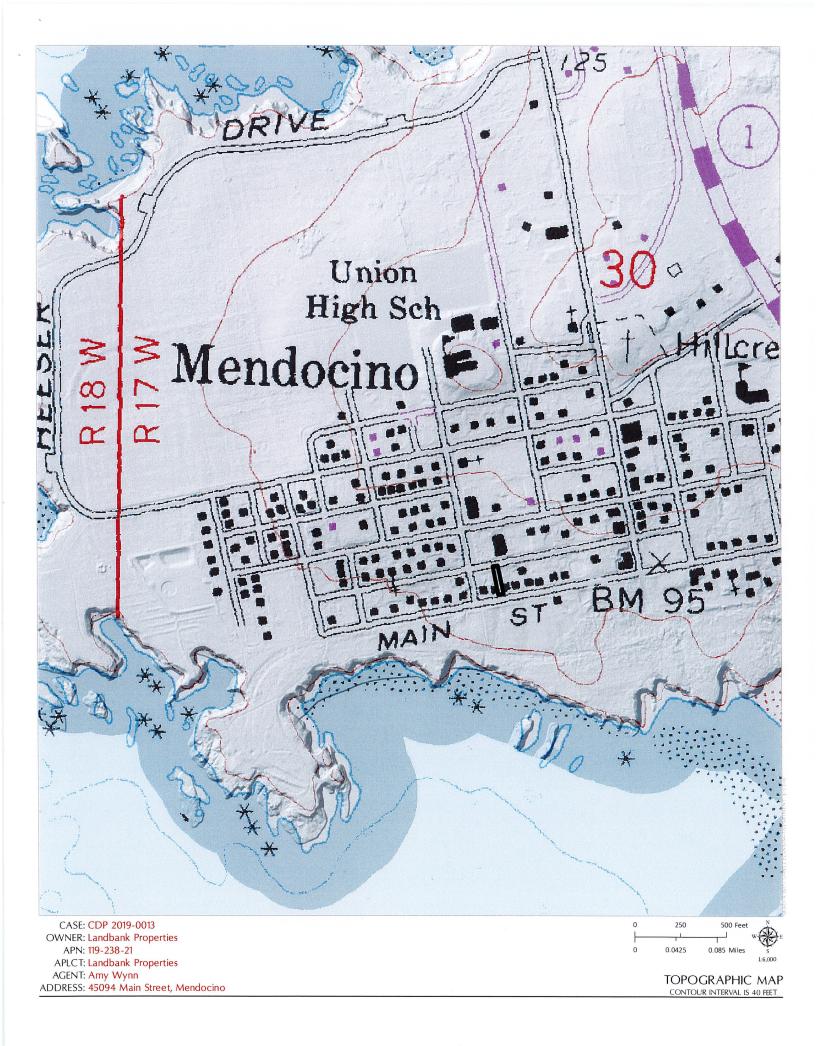
CASE: CDP 2019-0013
OWNER: Landbank Properties
APN: 119-238-21

APLCT: Landbank Properties AGENT: Amy Wynn

ADDRESS: 45094 Main Street, Mendocino

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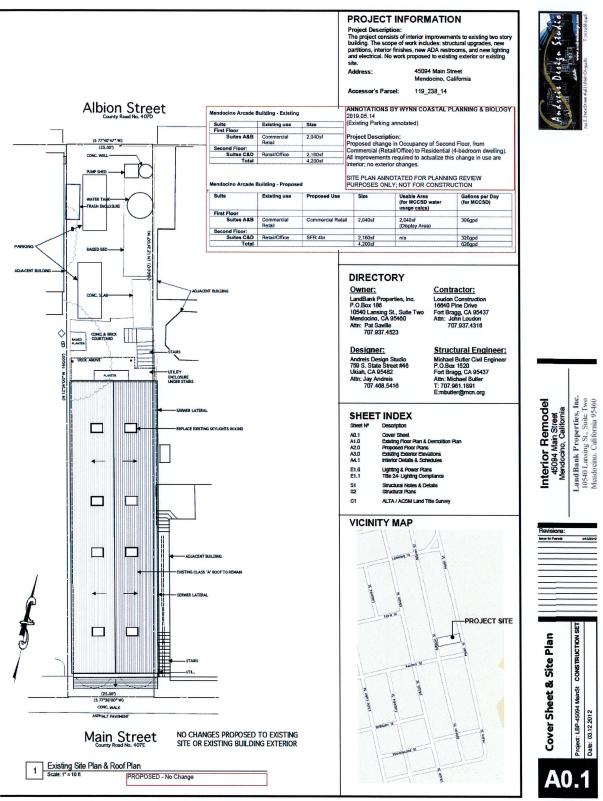
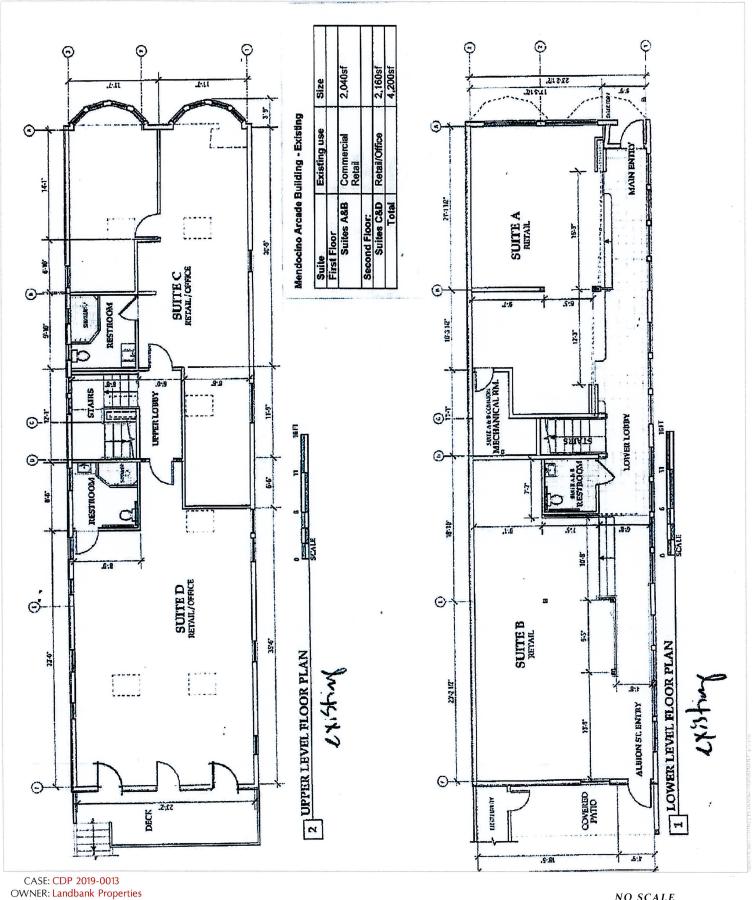


Figure 2. LandBank Site Plan A0.1, detail, submitted with application materials; illustrates two existing on-site parking spaces.



APN: 119-238-21

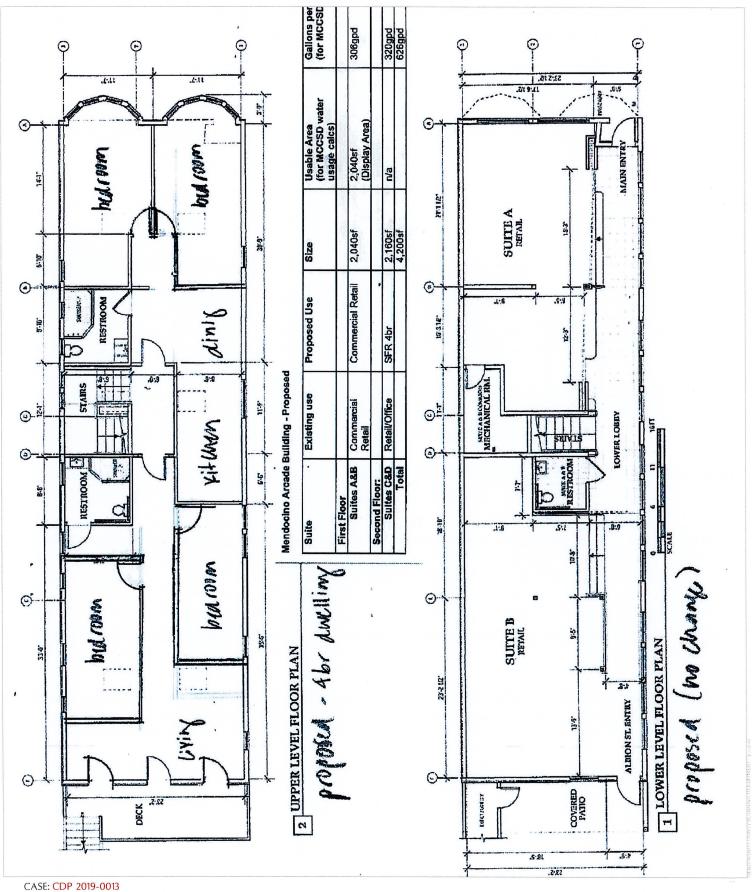
APLCT: Landbank Properties

AGENT: Amy Wynn

ADDRESS: 45094 Main Street, Mendocino

NO SCALE

**EXISTING FLOOR PLAN** 



OWNER: Landbank Properties

APN: 119-238-21

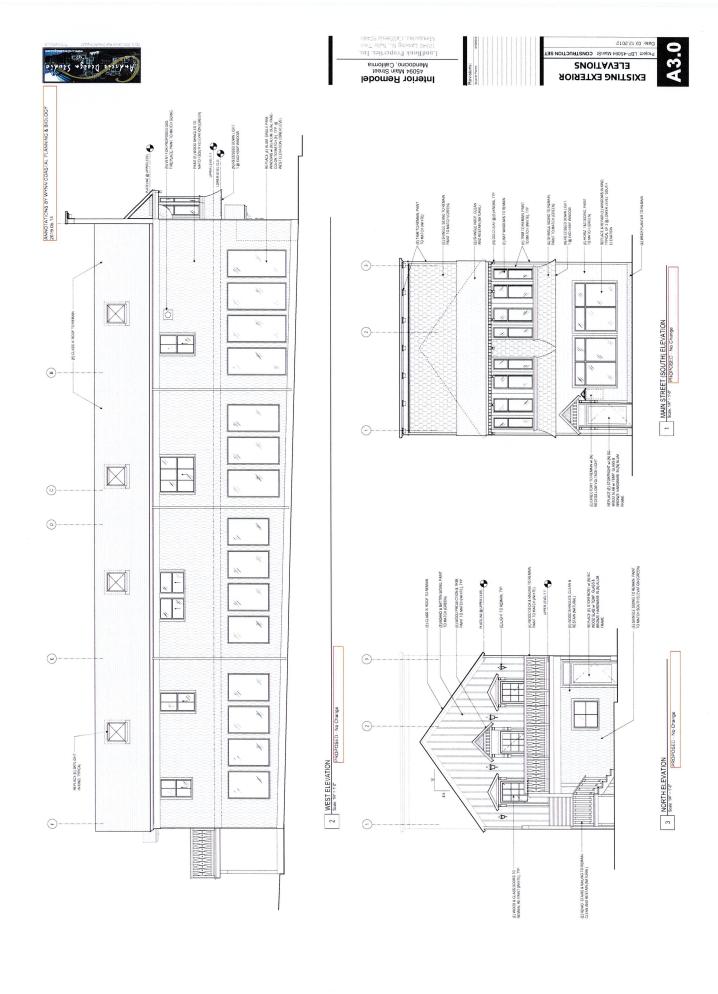
APLCT: Landbank Properties

AGENT: Amy Wynn

ADDRESS: 45094 Main Street, Mendocino

NO SCALE

PROPOSED FLOOR PLAN



Interior Remodel 45094 Main Street Mendocino, California LaudBank Properties, Inc 10540 Laising St., Sude Two Mendocino, California 95460

Revisions:

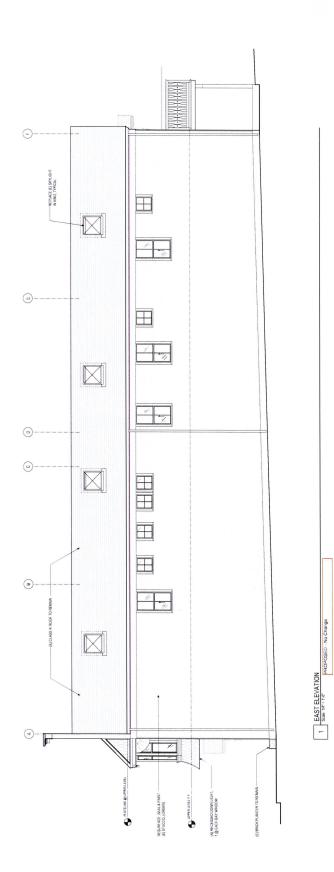
EXISTING EXTERIOR

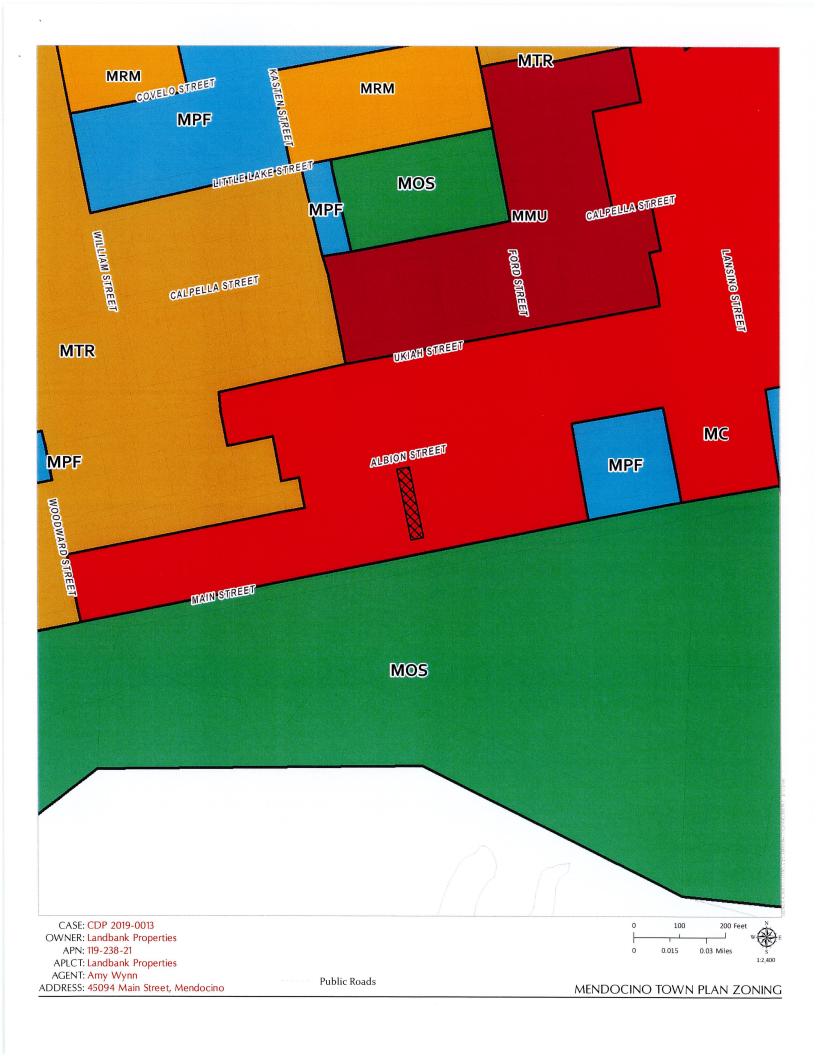
ELEVATIONS

Project LEP-45094 MainSI CONSTRUCTION SET

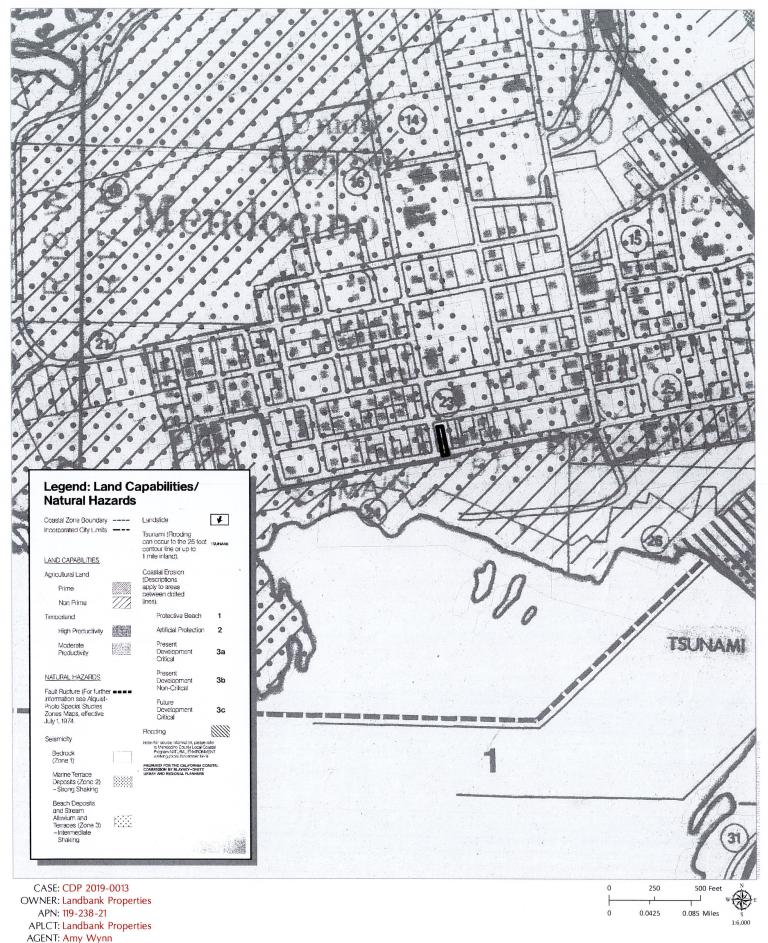
ejord Dated

ANNOTATIONS BY WYNN COASTAL PLANNING & BIOLOGY 2019 05:14









ADDRESS: 45094 Main Street, Mendocino

