IGNACIO 'NASH' GONZALEZ, INTERIM DIRECTOR

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January 26, 2021

PUBLIC NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

NOTICE IS HEREBY GIVEN THAT the Mendocino County Coastal Permit Administrator at their regular meeting on Thursday, February 11, 2021 at 11:00 a.m. will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally or via telecomment, in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing the Mendocino County YouTube on page. https://www.youtube.com/MendocinoCountyVideo.

CASE#: CDP 2017-0002 **DATE FILED:** 1/19/2017

OWNER/APPLICANT: BRUCE VAN DYKE

REQUEST: Standard Coastal Development Permit as follow-up to Emergency Permit EM 1-2014 for an emergency grease trap removal and relocation that was completed on November 5, 2015.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, in Little River, on the west side of State Route 1 (SR 1), 0.2± miles north of its intersection with Little River Airport Road (CR 404), located at 7746 N Hwy 1,

Little River: APN: 121-280-17. SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: SAM VANDY VANDEWATER

The staff report and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: https://www.mendocinocounty.org/government/planning-buildingservices/meeting-agendas/coastal-permit-administrator.

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.

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W. Fir Street, Fort Bragg, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by February 10, 2021 or orally via telecomment in lieu of attendance. Α request form to provide telecomment is https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas and must be received prior to 7:00 a.m. the morning of the meeting.

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.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 234-6650, Monday through Friday.

IGNACIO 'NASH' GONZALEZ, Interim Director of Planning and Building Services

FEBRUARY 11, 2021 CDP 2017-0002

SUMMARY

OWNER/APPLICANT: BRUCE VAN DYKE

3493 MEADOWLANDS LN SAN JOSE, CA 95135

REQUEST: Standard Coastal Development Permit as follow-up to

Emergency Permit EM 1-2014 for an emergency grease trap removal and relocation that was completed on

November 5, 2015.

LOCATION: In the Coastal Zone, in Little River, on the west side of

State Route 1 (SR 1), 0.2± miles north of its intersection with Little River Airport Road (CR 404), located at 7746

N Hwy 1, Little River; APN: 121-280-17.

TOTAL ACREAGE: 1.16± Acres

GENERAL PLAN: Commercial (C:R*)

ZONING: Commercial (C:40K)

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

Class 4, Section 15304: Repair and Replacement Class 11, Section 15311: Accessory Structures

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: SAM VANDY VANDEWATER

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit as follow-up to Emergency Permit EM 1-2014 for an emergency grease trap removal and relocation that was completed on November 5, 2015.

SITE CHARACTERISTICS:

The subject parcel is roughly one (1) acre in size and is located in the town of Little River, on the west side of State Route 1. Existing development includes a commercial structure that currently hosts a small grocery market, the Little River Post Office, and a restaurant, with which the grease trap is associated. The parcel is flat along State Route 1, but abuts coastal bluff topography, and vegetation is present mostly in the western portions of the parcel that are not adjacent to the highway.

PUBLIC SERVICES:

Access: State Route 1

Fire District: Mendocino Fire Protection District / CalFire

Water District: None Sewer District: None **SURROUNDING LAND USE AND ZONING:** The table below provides a summary of the General Plan Designations, Zoning Districts, lot sizes, and uses of the properties surrounding the subject parcel.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR)	Rural Residential (RR:5)	1± Acres	Vacant
EAST	Remote Residential (RMR)	Remote Residential (RMR:40)	1± A, 4.57± Acres	Commercial
SOUTH	Rural Residential (RR)	Rural Residential (RR:5)	5.3± Acres	Commercial
WEST	Open Space (OS)	Open Space (OS)	8± Acres	Recreation

AGENCY COMMENTS: On October 28, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project.

REFERRAL AGENCIES	COMMENT	
Department of Transportation	No Response	
Environmental Health	Comment	
Building Inspection (Fort Bragg)	No Response	
Assessor	No Response	
California Coastal Commission	No Response	
Department of Fish and Wildlife	No Response	
Regional Water Quality Control Board	No Response	
Air Quality Management District	No Response	
US Fish and Wildlife Services	No Response	
Westport MAC	No Response	
Westport Fire Protection District	No Response	
CalFire	No Response	

KEY ISSUES

Local Coastal Program Consistency: The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

- 1. <u>Land Use</u>: The proposed project has a Commercial (C) Land Use Designation which is intended to be applied to "suitable locations within or contiguous to developed areas for commercial development appropriately located in and compatible with unincorporated and rural communities." The permitted uses for the Commercial designation include retail stores such as the existing grocery market and restaurant, as well as any accessory uses associated with retail businesses. Therefore, the proposed CDP is consistent with the Commercial Land Use Designation.
- 2. Zoning: The subject parcel is located within the Commercial (C) zoning district, which has the same verbatim intentions as the Commercial Land Use Designation defined in the Coastal Element of the General Plan. The existing development is compatible with the Commercial zoning district and the inclusion of a grease trap would be common for a restaurant or small deli market, both of which are permitted uses in the subject zoning district. The project complies with all other zoning requirements of Division II of Title 20 of the Mendocino County Code including lot coverage, building height, and property line setbacks.
- 3. <u>Visual Resources and Special Treatment Areas:</u> The subject parcel is located within an area designated as "Highly Scenic" per the Local Coastal Program Land Use Map. Mendocino County Coastal Zoning Code Section 20.504.015(C) provides for the development criteria for projects located in areas designated as "Highly Scenic." The development completed under the Emergency Permit is consistent with these regulations as the new grease trap was constructed below ground-level and is not visible from the California Coast Highway (State Route 1).

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

4. <u>Hazard Management:</u> The Emergency Work was performed to reduce potential hazards to those that use the existing structure as a post office, grocery market, and/or restaurant, as well as possible issues to traffic along State Route 1 and impacts to biological resources within the project vicinity. The grease trap previously used by the grocery market and restaurant was constructed underneath the existing structure which made cleaning the system difficult, if at all possible. Failure of the grease trap would have resulted in a backflow of dirty water and other materials resulting in topsoil flooding and contamination.

Besides the issues that could have potentially been caused by the failure of the replaced grease trap, the proposed project would not have any significant impacts on coastal resources as all work has been completed. The parcel is located in an area classified with a "High" fire hazard severity rating. Fire protection services are provided by the California Department of Forestry and Fire Prevention (CalFire). The project application was referred to CalFire for input but no response has been received at this time. There are no known faults, landslides, or other geologic hazards within close proximity to the project location, though the project is located near blufftop topography. No new construction is being proposed by this Coastal Development Permit and all emergency work was conducted more than three year prior to the writing of this report. Lastly, to ensure no impacts to visitors of the grocery market or restaurant, an agency response from the Mendocino County Department of Environmental Health received on October 22, 2020, requests a plan check be conducted by the Consumer Protection Division; a condition has been included for the applicant to complete said request.

5. <u>Habitats and Natural Resources:</u> A biological survey was completed by North Coast Resource Management on April 25, 2016, and submitted with the proposed Coastal Development Permit. The proposed project legalizes Emergency Work that was conducted entirely within non-native herbaceous vegetation and the Emergency Work was located just west of the paved parking area on the subject parcel. A site visit by County staff in August 2020 did not find any significant impacts.

Regarding ESHA setbacks, the emergency work was conducted within the one hundred (100) foot buffer to the Willow Scrub and riparian ESHA, but was greater than fifty (50) feet. The California Department of Fish and Wildlife agreed to an ESHA buffer reduction, pursuant to Mendocino County Code 20.496.020(A)(1), reducing the ESHA buffer from one hundred (100) feet down to fifty (50) feet; thus the emergency work is consistent with the ESHA regulations outlined in the Coastal Element and Chapter 20.496 of the Mendocino County Code. A condition has been included for the applicant to plant native vegetation and initiate the removal of invasive species.

- 6. <u>Archaeological/Cultural Resources</u>: Mendocino County Code Section 22.12 regulates archaeological and cultural resources within the County of Mendocino and establishes the Discovery Clause which requires development activities cease should archaeological resources or human remains become unearthed. As the Emergency Work has already been completed, Staff has determined the project to be in adherence with the Archaeological and Cultural Resource Policies of the Coastal Element and Chapter 22.12 of the Mendocino County Code. The Discovery Clause shall be applied to this permit as a Condition of Approval.
- 7. Grading, Erosion, and Run-Off: Grading and site preparation were required for the Emergency Work to remove the old grease trap from under the commercial building and for placing the new grease trap adjacent to the paved parking area. The terrain on which the Emergency Work was conducted is relatively flat and grading activities were subject to the use of best management practices during Emergency Work activities. Regarding the proposed project, no additional work is to be completed or approved by this Coastal Development Permit, and thus no issues regarding grading, erosion, or run-off are expected.
- 8. <u>Groundwater Resources:</u> The project site is located within a mapped "Marginal Water Resources." but no expansion of existing uses occurred, thus additional water studies are not required per MCC Section 20.516.015(B). Additionally, the completed Emergency Work did not require the use of groundwater resources. Staff finds the project would not adversely affect groundwater sources.

- 9. <u>Transportation/Circulation:</u> The Emergency Work did not impact any public transportation or circulation systems as the parking area was available for staging and use by those conducting the emergency repairs. There are no Coastal Element policies or Coastal Zoning Code regulations with which the proposed project would conflict. Staff finds the proposed project to be consistent with the transportation and circulation requirements of the Coastal Zone.
- 10. <u>Public Access:</u> The subject parcel does not have access to the shoreline. Additionally, *Attachment H LCP Land Use Map 17: Mendocino* does not indicate that shoreline accesses is prescribed for the subject parcel, and thus the proposed project is consistent with Public Access regulations.

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 Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Sections 15304 and 15311. Project entails the formal permitting of Emergency Work on the subject parcel for a grease trap that is accessory to the on-site restaurant and grocery store.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions.

FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), the proposed project is in conformity with the certified Local Coastal Program. The existing commercial activities are compatible with the Commercial Land Use Designation and therefore the grease trap, in association with the restaurant and market, is consistent with the Local Coastal Program; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the proposed project would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed project permits Emergency Work to replace a failing grease trap and does not impact existing utilities or access to the subject parcel; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the Commercial Zoning District, as well as all other provisions of Division II Zoning Ordinance, Title 20 of the Mendocino County Code, and preserves the integrity of the Commercial Zoning District and Division II of Title 20 of the Mendocino County Code. The existing commercial activities are permitted uses in the Commercial zoning district, and thus the replacement grease trap is consistent with the commercial development and zoning district; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed project, if conducted 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 The Emergency Work, and this subsequent Coastal Development Permit, adhere to Categorical Exemption 15304 and 15311 under CEQA for repair and replacements, and accessory structures, respectively; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed project would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site. Additionally, there were no archaeological resources found during the Emergency Work and no findings were reported to the County pursuant to Mendocino County Code Chapter 22.12; and
- 6. Pursuant with MCC Section 20.532.095(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 proposed development. Upon completion of the Emergency Work, site conditions were restored to pre-disturbance levels and the activities have not impacted solid waste or public roadway capacity; and

- 7. Pursuant with MCC Section 20.532.095(B), the proposed project would not diminish access to Mendocino County coastal areas as the project only entails removal and replacement of a failing grease trap by means of constructing the new grease trap in a more accessible location; and
- 8. Pursuant with MCC Section 20.532.100(A), the proposed project would not significantly degrade any ESHA resources and best management practices were utilized to reduce any additional impacts to the site during Emergency Work. A condition has been included to ensure native vegetation restoration at the time of the next discretionary permit.

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. 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.
- To remain valid, progress towards completion of the project must be continuous. The Applicants 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 Applicants 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 applicant shall cease and desist from all further excavation and disturbances within one hundred (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. The applicant shall comply with the requirements of the Department of Environmental Health including the necessary plan check by the Consumer Protection Division.
- 10. Within one (1) year of the approval of this permit, the applicant shall plant at least ten (10) native shrubs, flowers, grasses, or other native vegetation in areas identified by the April 25, 2016, North Coast Resource Management (NCRM) Biological Scoping Survey as "non-native grassland" and "non-native herbaceous."
- 11. Any future applicant shall include native vegetation restoration as part of any development request at the time of the next submission of a discretionary permit (i.e. coastal development permit, use permit, etc.).

DATE

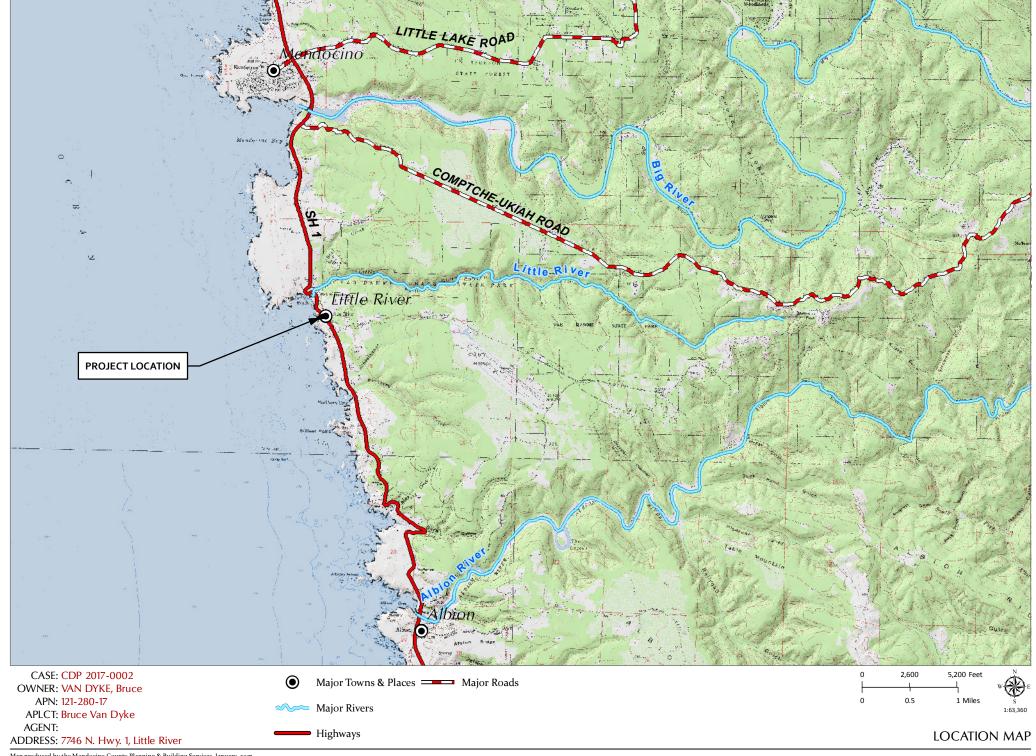
SAM VANDY VANDEWATER PLANNER III

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

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery
- C. Site Plan
- D. Site Plan
- E. Site Plan
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 17: Mendocino
- I. LCP Land Capabilities & Natural Hazards

- J. LCP Habitats & Resources
- K. Appealable Areas
- L. Adjacent Owner Map
- M. Fire Hazard Zones & Responsibility Areas
- N. FEMA Flood Zone
- O. Classified Wetlands
- P. Ground Water Resources
- Q. Highly Scenic & Tree Removal Areas



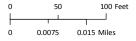


CASE: CDP 2017-0002 OWNER: VAN DYKE, Bruce APN: 121-280-17

APLCT: Bruce Van Dyke

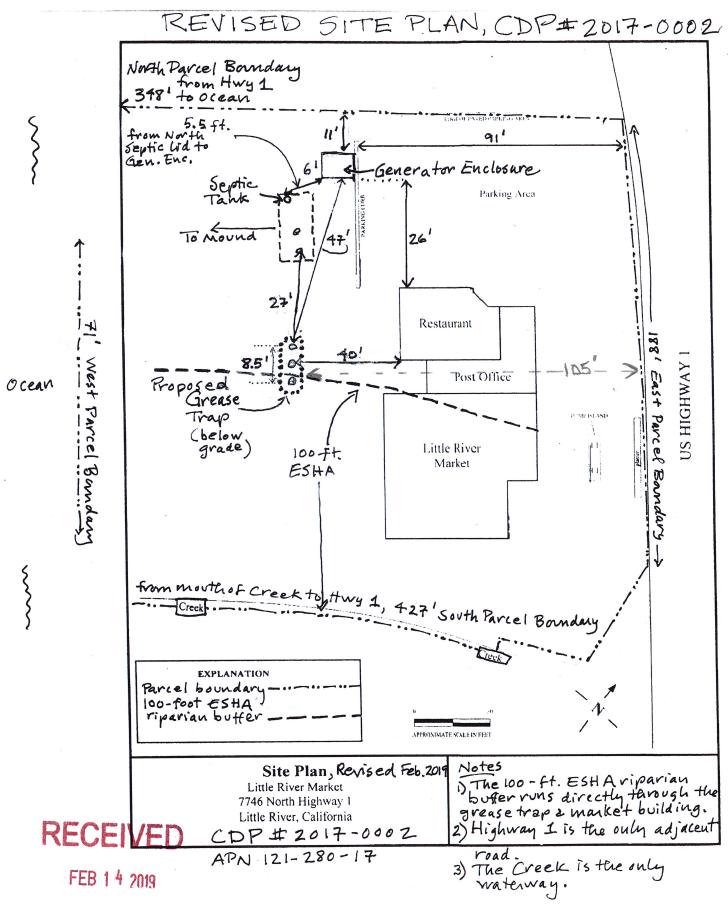
AGENT:

ADDRESS: 7746 N. Hwy. 1, Little River



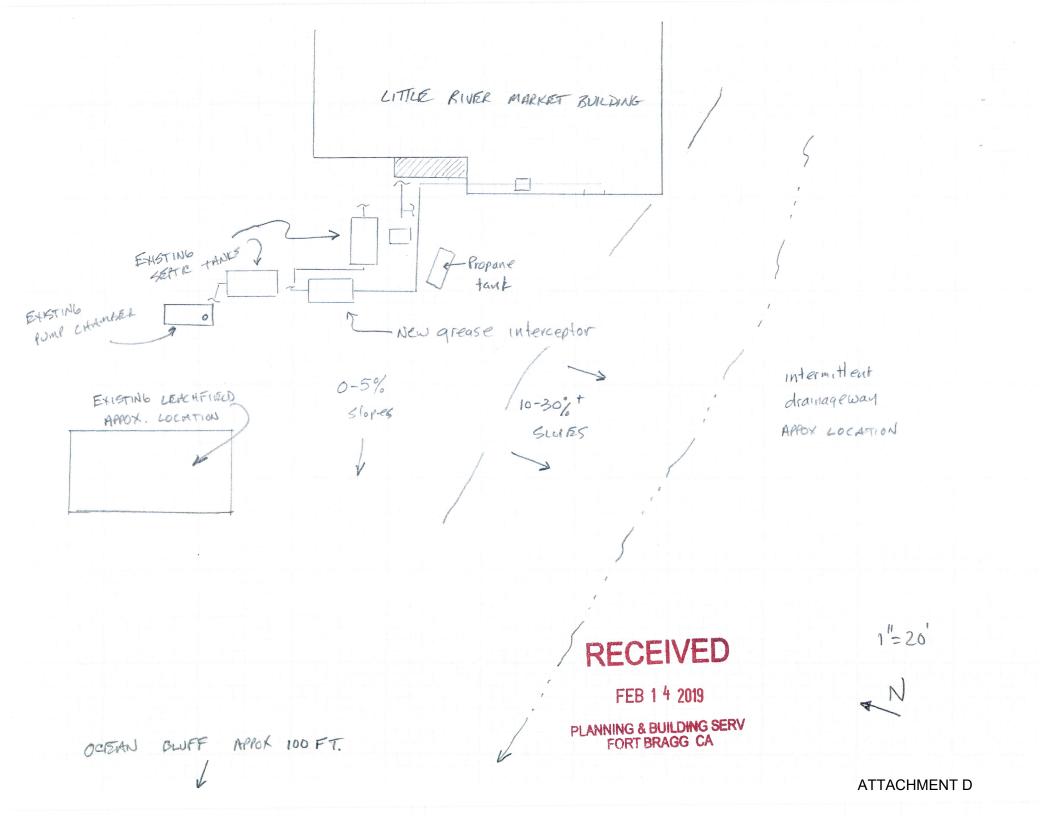
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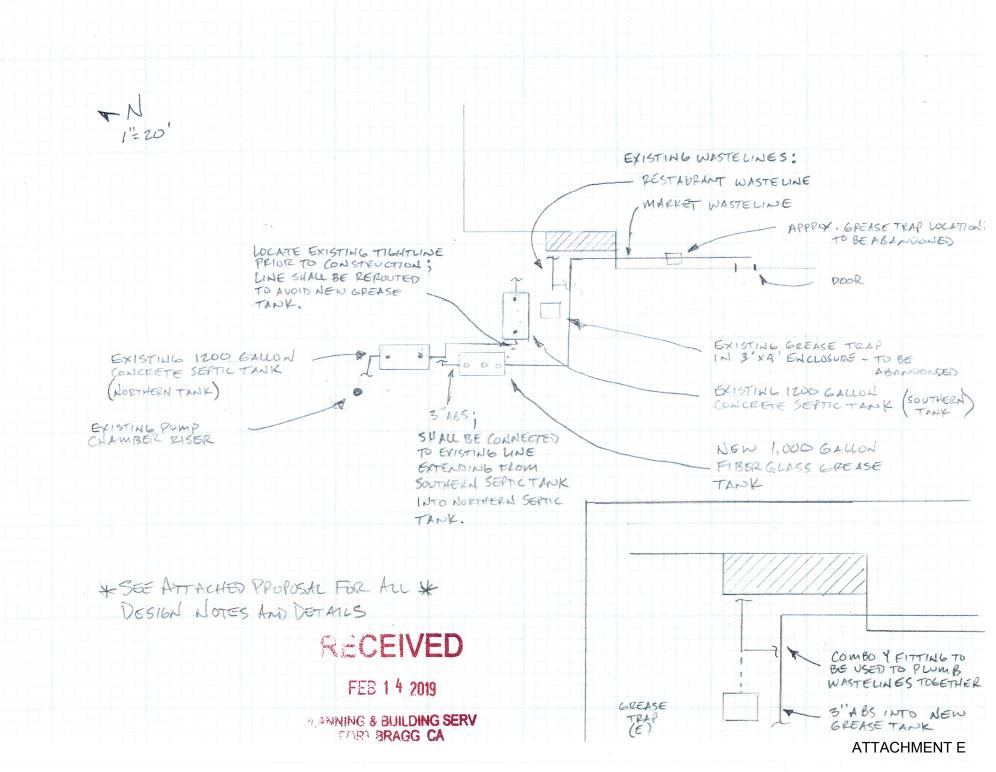
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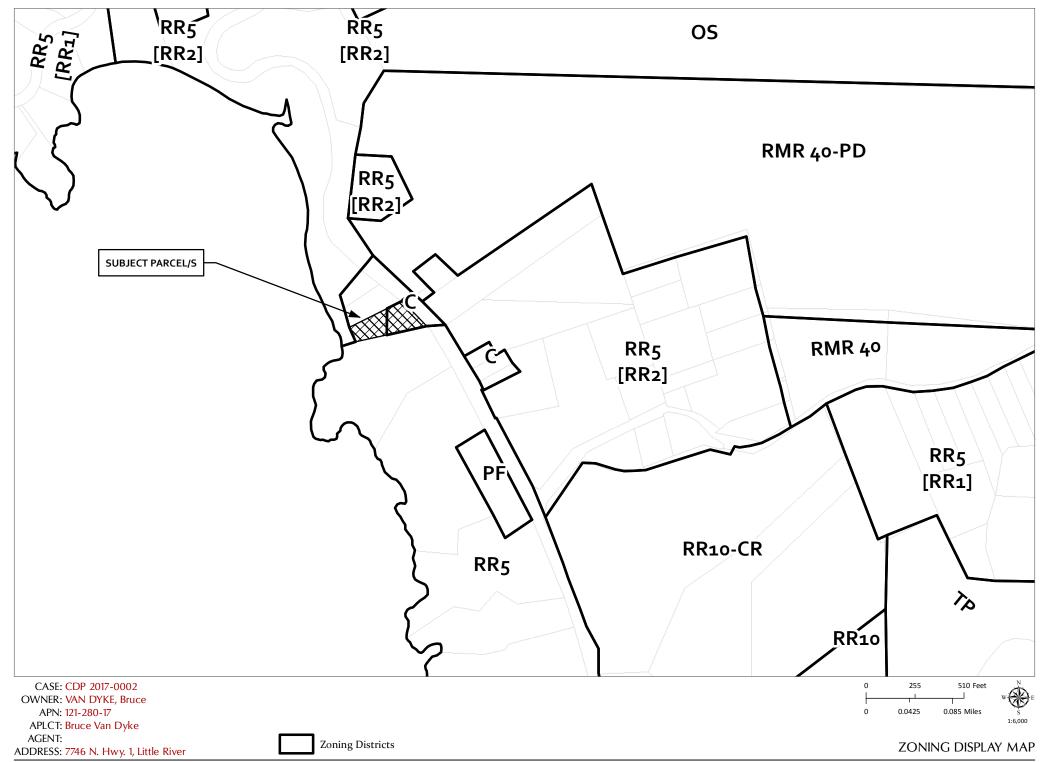


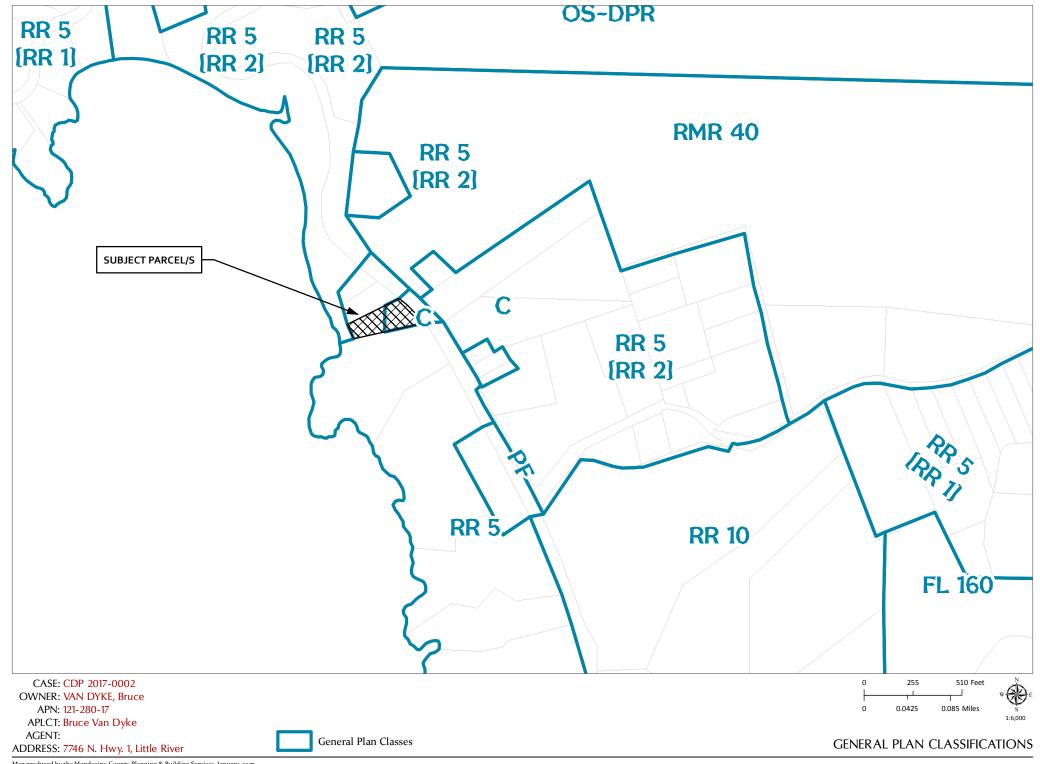
PLANNING & BUILDING SERV FORT BRAGG CA

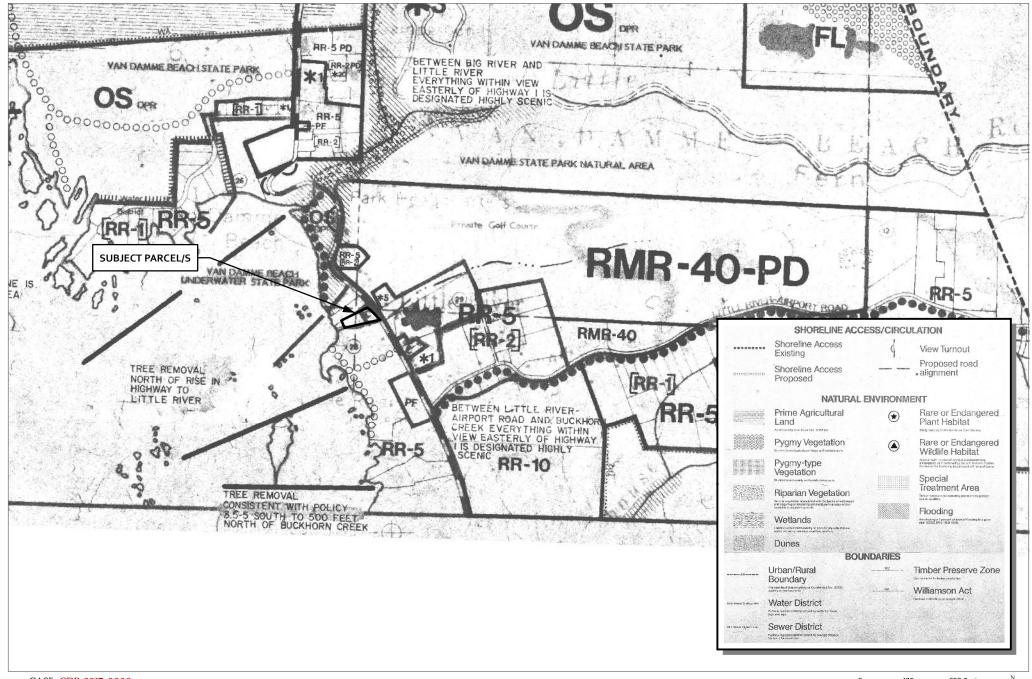
ATTACHMENT C









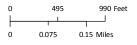


CASE: CDP 2017-0002 OWNER: VAN DYKE, Bruce APN: 121-280-17

APLCT: Bruce Van Dyke

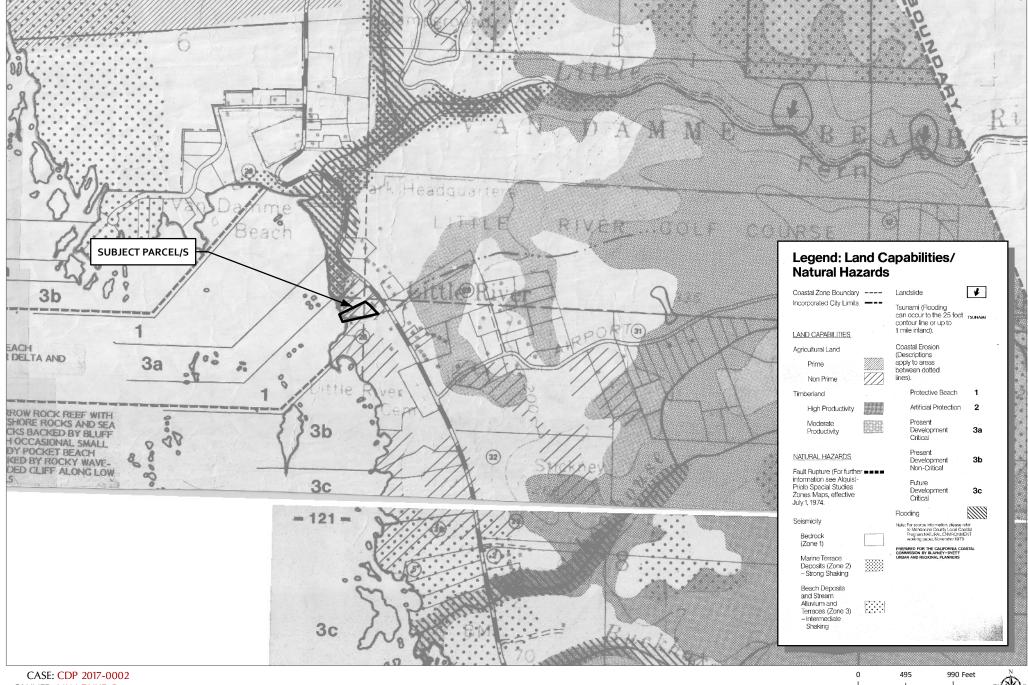
AGENT:

ADDRESS: 7746 N. Hwy. 1, Little River





LCP LAND USE MAP 17: MENDOCINO



CASE: CDP 2017-0002 OWNER: VAN DYKE, Bruce APN: 121-280-17

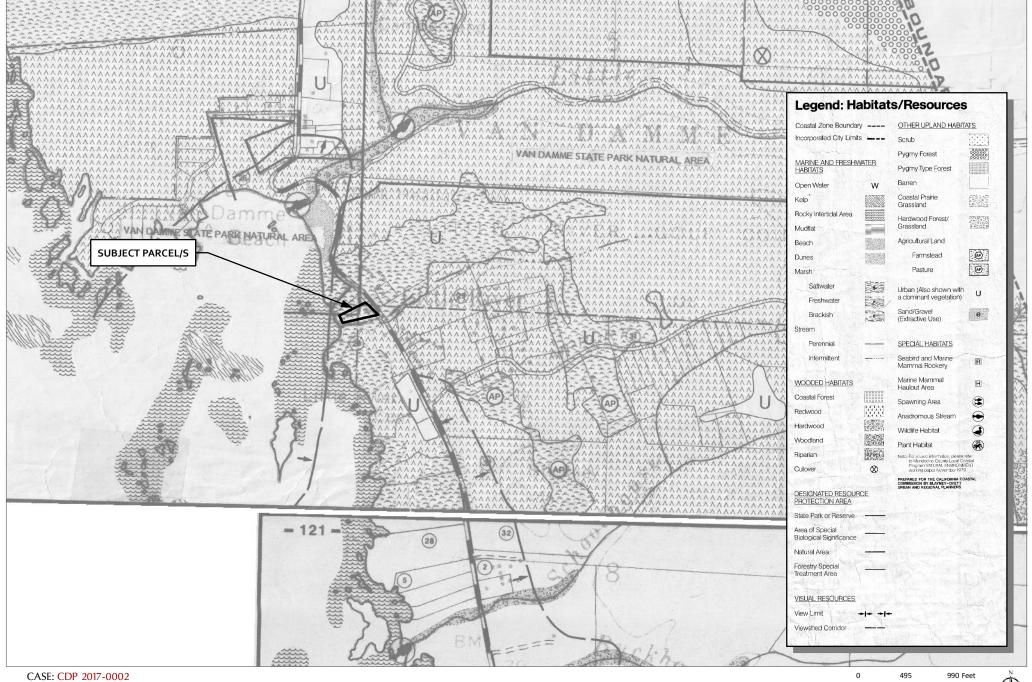
APLCT: Bruce Van Dyke

AGENT:

ADDRESS: 7746 N. Hwy. 1, Little River

0 0.075 0.15 Miles

LCP LAND CAPABILITIES & NATURAL HAZARDS



OWNER: VAN DYKE, Bruce APN: 121-280-17

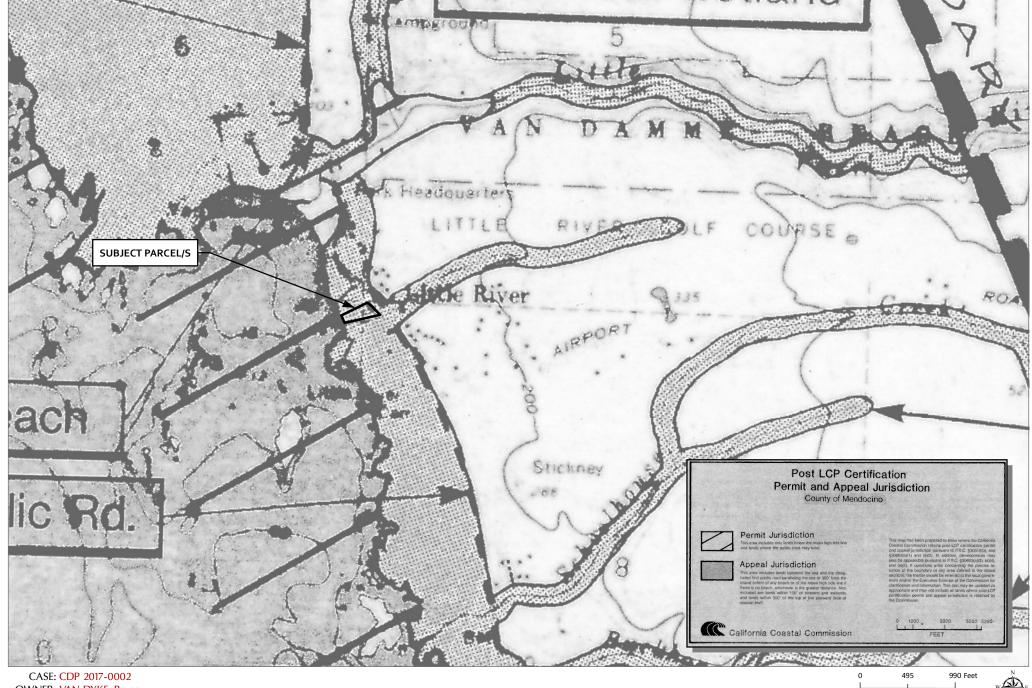
APLCT: Bruce Van Dyke

AGENT:

ADDRESS: 7746 N. Hwy. 1, Little River

0.15 Miles 0.075

LCP HABITATS & RESOURCES



OWNER: VAN DYKE, Bruce APN: 121-280-17

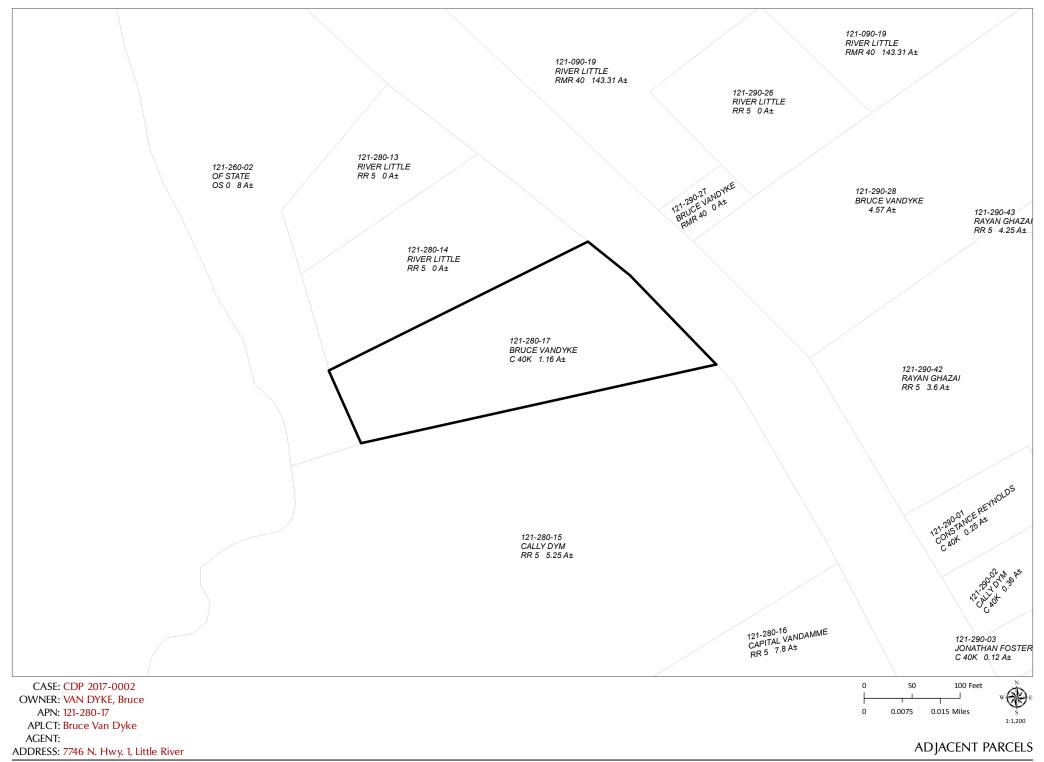
APLCT: Bruce Van Dyke

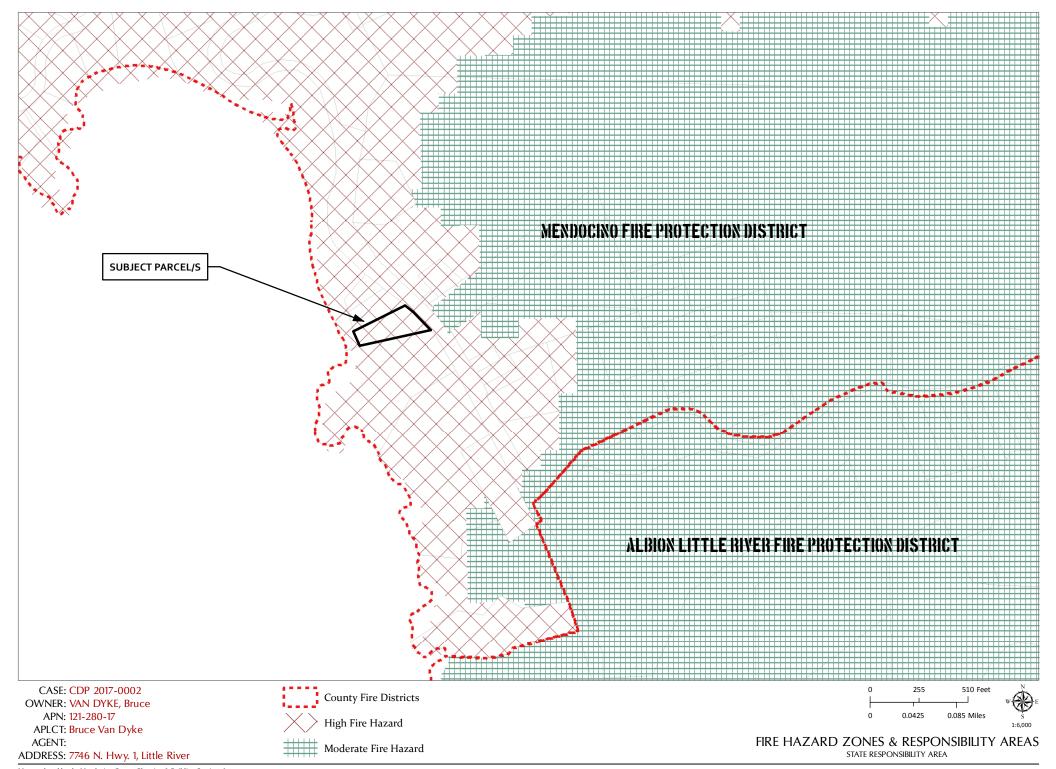
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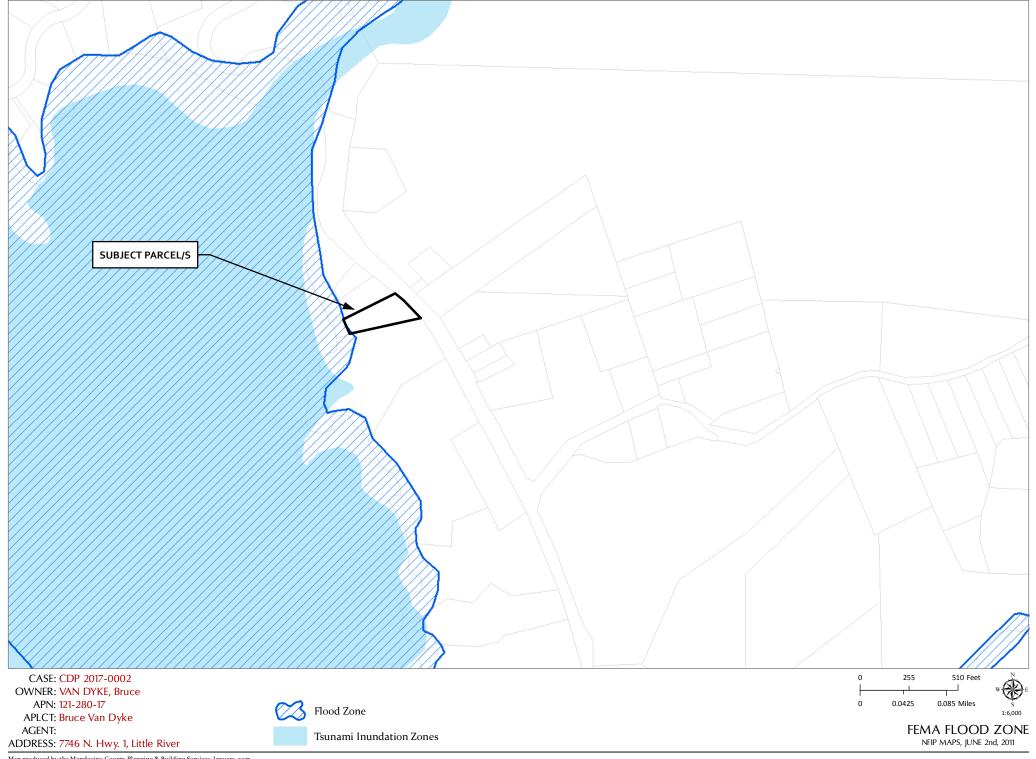
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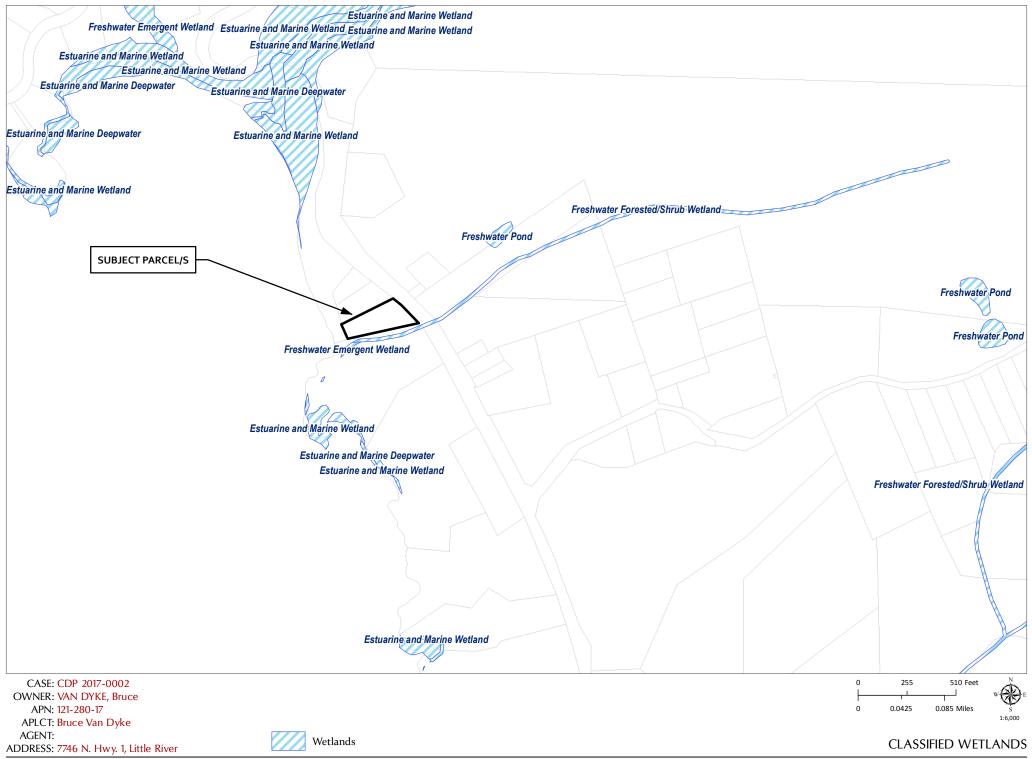


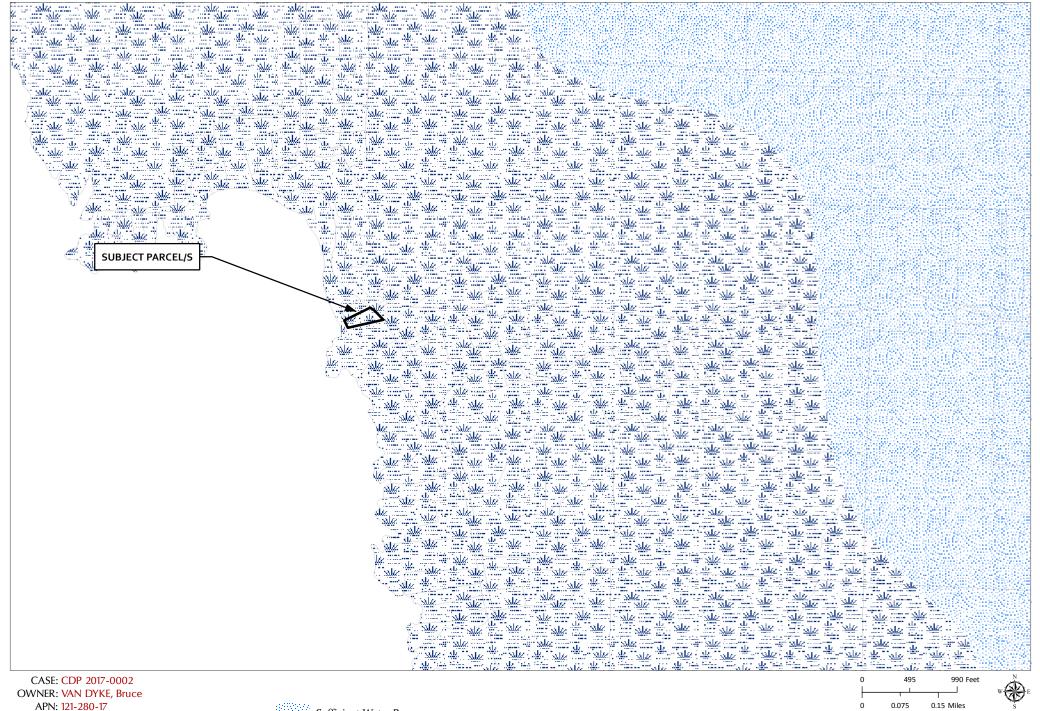
APPEALABLE AREAS











APN: 121-280-17 APLCT: Bruce Van Dyke AGENT:

ADDRESS: 7746 N. Hwy. 1, Little River



Sufficient Water Resources

Marginal Water Resources

GROUND WATER RESOURCES

