



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

IGNACIO "NASH" GONZALEZ, INTERIM DIRECTOR
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May 28, 2021

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Subdivision Committee and Coastal Permit Administrator will consider the following project on Thursday June 10, 2021. The Subdivision Committee will consider the boundary line adjustment at 9:00 a.m., or soon thereafter. The Coastal Permit Administrator will conduct a public hearing to consider issuance of a coastal development permit on the boundary line adjustment, commencing at 11:00 a.m., or soon thereafter.

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 on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: B_2021-0014

DATE FILED: 3/15/2021

OWNER/APPLICANT: DAVID & LINDA KLEIN

REQUEST: Coastal Development Boundary Line Adjustment to merge two (2) lots in Anchor Bay. Parcel 1 (APN 144-032-01) and Parcel 2 (APN 144-032-02) will become a single parcel of .30± acres.

ENVIRONMENTAL DETERMINATION: Class 5(a) Categorically Exempt

LOCATION: In the Coastal Zone, 3.5± miles northwest of Gualala at the intersection of Ocean View Avenue (private) and Ocean View Way (private), within the Anchor Bay Unit 1 subdivision; located at 35571 Ocean View Way Anchor Bay; APNs: 144-032-01 and 144-032-02.

STAFF PLANNER: RUSSELL FORD

The staff report and notice will be available for public review ten days prior to the public hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>.

Your comments regarding the above project(s) are invited; all correspondence should contain reference to the above noted case number. 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 June 9, 2021, or orally via telecomment in lieu of personal attendance. A request form to provide telecomment is available at <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.

Action by the Subdivision Committee and Coastal Permit Administrator shall be final unless appealed to the Board of Supervisors. The appeal must be filed in writing with a filing fee with the Clerk of the Board within 10 calendar days after such action. If appealed, the decision of the Board of Supervisors shall be final except that an approved project may be 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 project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the

Department of Planning and Building Services, the Subdivision Committee or Coastal Permit Administrator, at or prior to, the public hearings.

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 item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m.

NASH GONZALEZ, INTERIM DIRECTOR PLANNING AND BUILDING SERVICES



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- COASTAL BLA**

**JUNE 10, 2021
B 2021-0014**

SUMMARY

OWNER/APPLICANT: David M. & Linda E. Klein, Trustees
35501 S. Highway 1, Unit 46
Gualala, CA 95445

REQUEST: Coastal Development Boundary Line Adjustment to merge two (2) parcels in Anchor Bay. Parcel 1 (APN 144-032-01) and Parcel 2 (APN 144-032-02) will become a single Parcel of 0.30± acres.

LOCATION: In the Coastal Zone, 3.5± miles northwest of Gualala at the intersection of Ocean View Avenue (private) and Ocean View Way (private), within the Anchor Bay Unit 1 subdivision; located at 35571 Ocean View Way, Anchor Bay; APNs: 144-032-01 and 144-032-02.

ACREAGE: Parcel 1: 0.15± (before)/0.30± (after)
Parcel 2: 0.15± (before)

GENERAL PLAN: Parcel 1: Rural Residential 5 acre minimum, variable to Suburban Residential (RR-5 [SR])
Parcel 2: Rural Residential 5 acre minimum, variable to Suburban Residential (RR-5 [SR])

ZONING: Parcel 1: RR:5 [SR]
Parcel 2: RR:5 [SR]

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt:

RECOMMENDATION: Approve Boundary Line Adjustment B_2021-0014 with conditions per the Staff Report.

STAFF PLANNER: Russell Ford

BACKGROUND

PROJECT DESCRIPTION: APNs 144-032-01 and 144-032-02, were created by the Final Map of Anchor Bay subdivision on July 3, 1960, recorded in Case 2 Drawer 1 Page 55, Mendocino County Records. The Parcels have been unchanged since the date of creation. David & Linda Klein, trustees, acquired title on November 20, 2020 from Hillery Trippe, trustee. On March 15, 2021, David & Linda Klein submitted an application to merge the two existing Parcels into one single Parcel

APPLICANT'S STATEMENT: "We are proposing a Parcel consolidation plat by eliminating the property line between parcels 144-032-01 and 144-032-02"

RELATED APPLICATIONS:

On-Site

- A-5785 for a Single Family Residence
- BL_2018-0040 for a Vacation Home Rental

Neighboring Property

- CDP 71-98 for a Single Family Residence
- CDP_2000-0028 for a garage
- V_15-1981 for a reduction in setbacks

SITE CHARACTERISTICS: The Parcels are located in the community of Anchor Bay at the intersection of Ocean View Way (private) and Ocean View Avenue (private), 0.14± miles from State Route 1 and 0.25± miles from the Pacific Ocean. The Anchor Bay Subdivision is thickly forested and situated on a sloping hillside, 15-32 degrees. The region is not within a highly scenic area, and sits on a small ridgeline between Fish Rock Gulch to the north and Quinliven Gulch to the south. No watercourses or wetlands were identified on the project site.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	PARCEL SIZES	USES
NORTH	Rural Residential 5 acre minimum, variable to Suburban Residential	Rural Residential 5 acre minimum, variable to Suburban Residential	0.5 acres or less	Residential
EAST	Rural Residential 5 acre minimum, variable to Suburban Residential	Rural Residential 5 acre minimum, variable to Suburban Residential	0.5 acres or less	Residential
SOUTH	Rural Residential 5 acre minimum, variable to Suburban Residential	Rural Residential 5 acre minimum, variable to Suburban Residential	0.5 acres or less	Residential
WEST	Rural Residential 5 acre minimum, variable to Suburban Residential	Rural Residential 5 acre minimum, variable to Suburban Residential	0.5 acres or less	Residential

PUBLIC SERVICES:

Access: Ocean View Way (private)
 Fire District: South Coast Fire Protection District
 Water District: Anchor Bay Waterworks
 Sewer District: Mendocino County Waterworks District 2, Anchor Bay
 School District: Arena Union Elementary

AGENCY COMMENTS: On April 5, 2021 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below. Any comment(s) that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
CALFIRE	Recommend Conditional Approval (no conditions provided)
Building Division (Fort Bragg)	No Comment
Department of Transportation	No Comment
Environmental Health (Fort Bragg)	No Comment
Forestry Advisor	No Comment
South Coast Fire District	No Comment
Anchor Bay Waterworks	No Comment
Planning Division (Fort Bragg)	No Comment
Calfire (Land Use)	No Comment
California Coastal Commission	No Comment
Cloverdale Rancheria	No Comment
Redwood Valley Rancheria	No Comment
Sherwood Valley Band of Pomo Indians	No Comment

KEY ISSUES:

1. General Plan and Zoning Consistency: The project site is currently zoned and classified as Rural Residential, 5 acre minimum with a variable density to Suburban Residential (RR-5 [SR]). These parcels are situated within both a water and sewer district making the minimum Parcel size under a Suburban Residential zoning 6,000 square feet. Both Parcels are currently conforming. Parcel 2 is improved with a Single Family Residence and Parcel 1 is vacant. This adjustment proposes to merge the two existing Parcels together, creating a single Parcel of approximately 0.30± acres and removing the ability to construct a separate single family residence on Parcel 1. Staff finds that the project is in conformance with the requirements of Sec. 20.516.015 regarding the approval of Boundary Line Adjustments within the Coastal Zone. Any future development may be subject to a Coastal Development Permit.

2. Division of Land Regulations: This project is scheduled to be reviewed by the County Subdivision Committee on June 10th, 2021 at which time the Subdivision Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required finding in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

3. Natural Resources: The entirety of the Anchor Bay Subdivision is identified on the LCP maps as “High Productivity Timberland”. However, given its longstanding conversion to residential use and development, it’s not likely that those resources will be utilized. This project will not affect the use of existing timber resources either way, and staff has determined there to be no conflict between the proposed adjustment and the LCP map information.

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

1. The boundary line adjustment will result in a net loss of density. Second units are not currently allowed within the Coastal Zone, so by merging a vacant Parcel into a developed one the ability to construct a separate unit will be removed. However, the water districts on the south coast have been experiencing a persistent shortage of resources and it’s not certain the district would be able to support any new units at this time. Any ultimate change of density would depend on review of a number of additional factors that are beyond the scope of this project. The proposed adjustment does not provide for future divisions beyond that which currently exist; and
2. The boundary line adjustment will not create any new parcels; and
3. The parcels subject to the adjustment are not located within an environmentally sensitive habitat

area, and no fully impacted parcel will be created as a result of this adjustment; and

4. No substandard Parcel will result from the adjustment. All currently conforming Parcels will remain so; and
5. The property subject to the adjustment is in an area designated CWR (Critical Water Resources) identified in the Mendocino County Groundwater Study, and is consistent with the study; and
6. No pygmy or pygmy-capable soils were identified on the project site; and
7. The project is not located within a designated "Highly Scenic" area; and
8. The project is an appealable project, as it is a boundary line adjustment.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt – Class 5a: Minor Lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. Therefore, no further environmental review is required. (Sec. 15305(a))

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_2021-0014, 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; and
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); and
5. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource; and
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 adjustment; and
7. The proposed adjustment 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.

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 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 provide 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_2021-0014 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. Approval of this Coastal Development Boundary Line Adjustment does not authorize any tree removal activities on either parcel. Such activities would need to be reviewed under a separate application and may require a Coastal Development Permit.

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.

5/28/21

DATE


RUSSELL FORD
PLANNER III

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

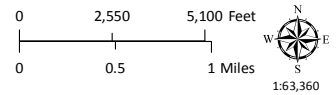
ATTACHMENTS:

- A. Location Map
- B. Topographic Map
- C. Aerial Map (Vicinity)
- D. Aerial Map
- E. Zoning Map
- F. General Plan Classifications
- G. Adjacent Parcels
- H. Fire Hazard Zones
- I. Farmland Classifications
- J. Coastal Groundwater Resources
- K. Soils



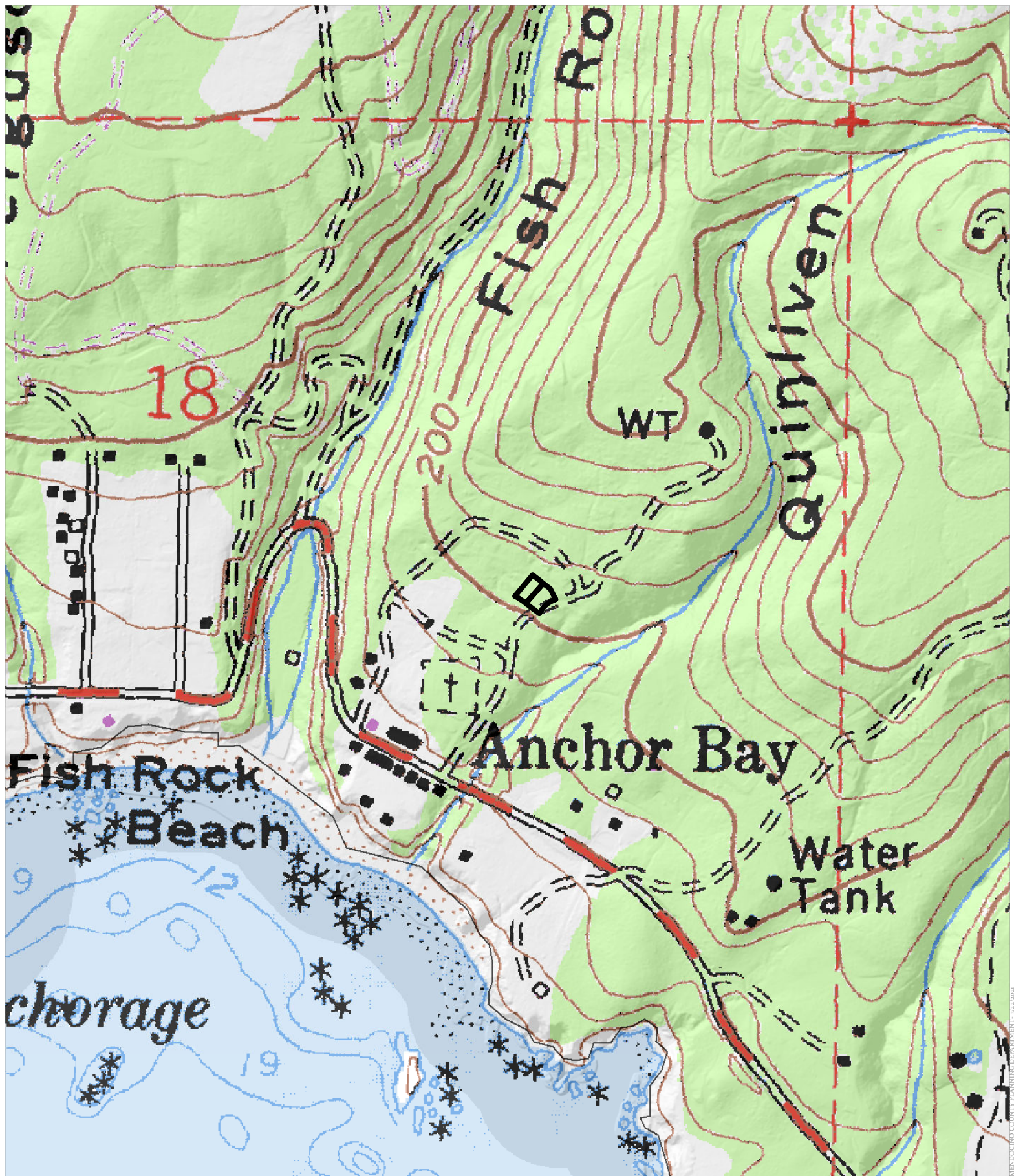
CASE: B 2021-0014
 OWNER: KLEIN, David & Linda
 APN: 144-032-01, 02
 APLCT: David & Linda Klein
 AGENT:
 ADDRESS: 35571 Ocean View Way, Anchor Bay

- Major Towns & Places
- Highways
- Major Roads
- California Counties
- Coastal Zone Boundary

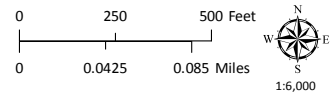


LOCATION MAP

ATTACHMENT A



CASE: B 2021-0014
 OWNER: KLEIN, David & Linda
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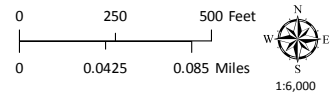


TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET



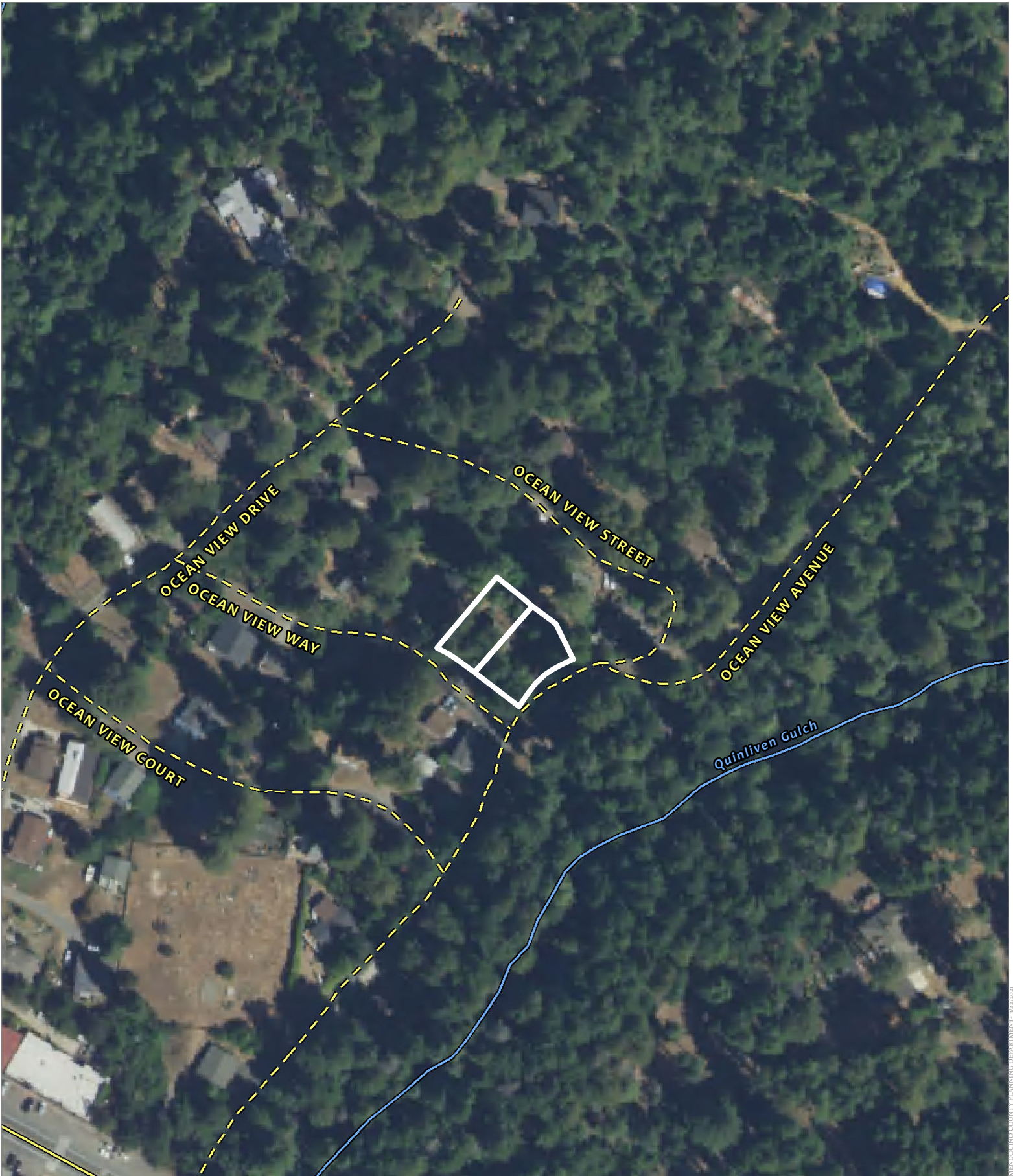
CASE: B 2021-0014
 OWNER: KLEIN, David & Linda
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 APLCT: David & Linda Klein
 AGENT:
 ADDRESS: 35571 Ocean View Way, Anchor Bay

- Named Rivers
- Public Roads
- - - Private Roads






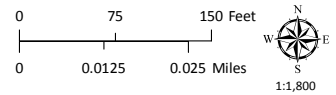
AERIAL IMAGERY

ATTACHMENT C



CASE: B 2021-0014
 OWNER: KLEIN, David & Linda
 APN: 144-032-01, 02
 APLCT: David & Linda Klein
 AGENT:
 ADDRESS: 35571 Ocean View Way, Anchor Bay

-  Named Rivers
-  Public Roads
-  Private Roads



AERIAL IMAGERY

RMR 40:DL

OCEAN VIEW AVENUE

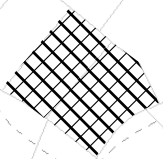
RR5:PD
[RR1:PD]

RR5 [SR]

PF

RR10

C



OCEAN VIEW DRIVE

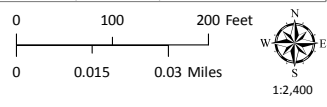
OCEAN VIEW COURT

OCEAN VIEW WAY

OCEAN VIEW STREET

OCEAN VIEW AVENUE

 Zoning Districts



CASE: B 2021-0014
OWNER: KLEIN, David & Linda
APN: 144-032-01, 02
APLCT: David & Linda Klein
AGENT:
ADDRESS: 35571 Ocean View Way, Anchor Bay

ZONING DISPLAY MAP

ATTACHMENT E

MENDOCINO COUNTY PLANNING DEPARTMENT - 3/27/2021

RMR 40-DL

OCEAN VIEW AVENUE

RR 5-PD
[RR
1-PD]

RR 5 [SR]

PF

C

RR 10


OCEAN VIEW STREET

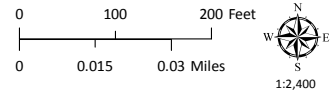
OCEAN VIEW WAY

OCEAN VIEW COURT

OCEAN VIEW DRIVE

OCEAN VIEW AVENUE

 General Plan Classes

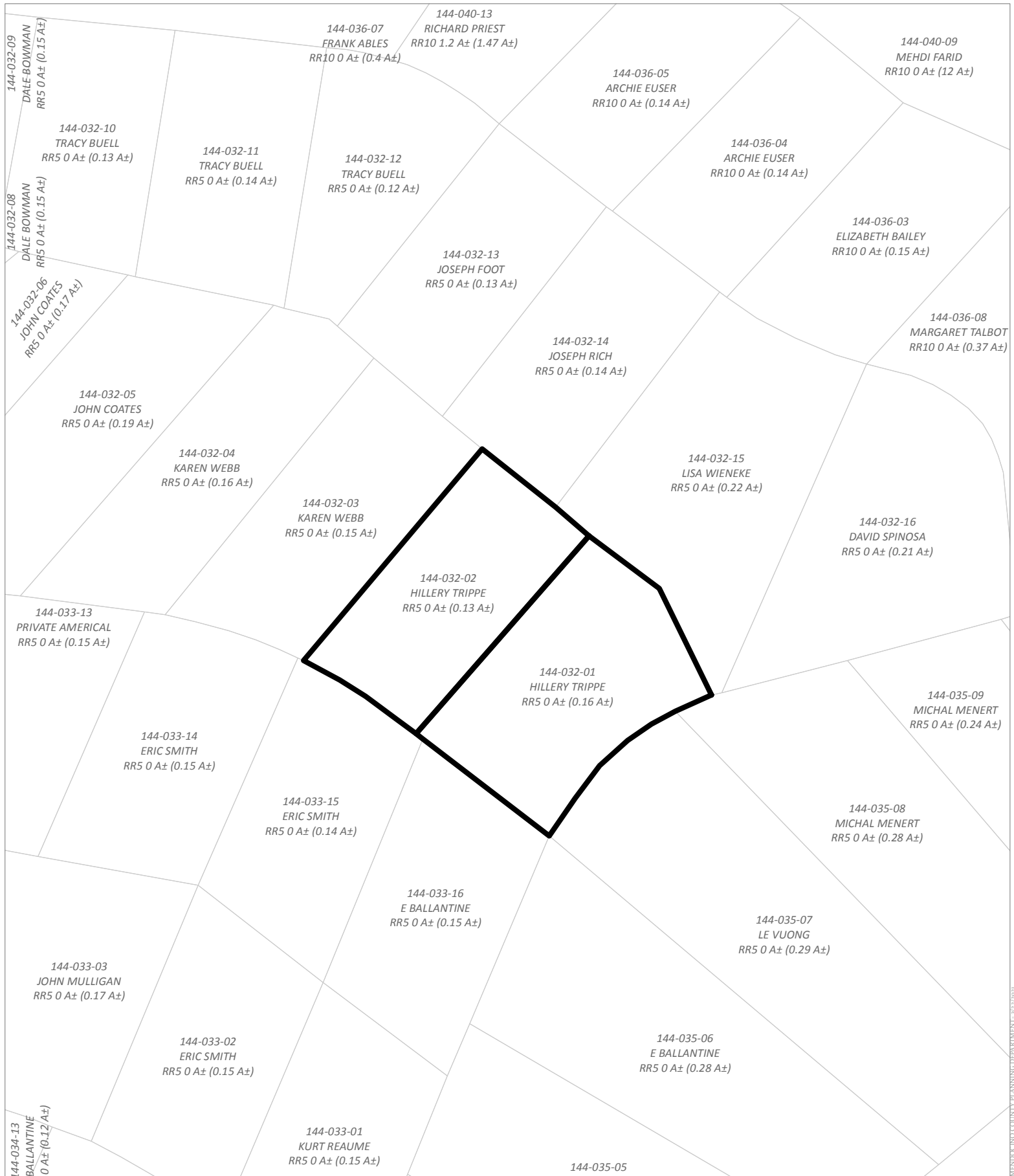


CASE: B 2021-0014
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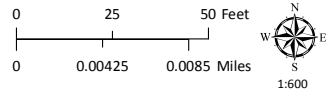
GENERAL PLAN CLASSIFICATIONS

ATTACHMENT F

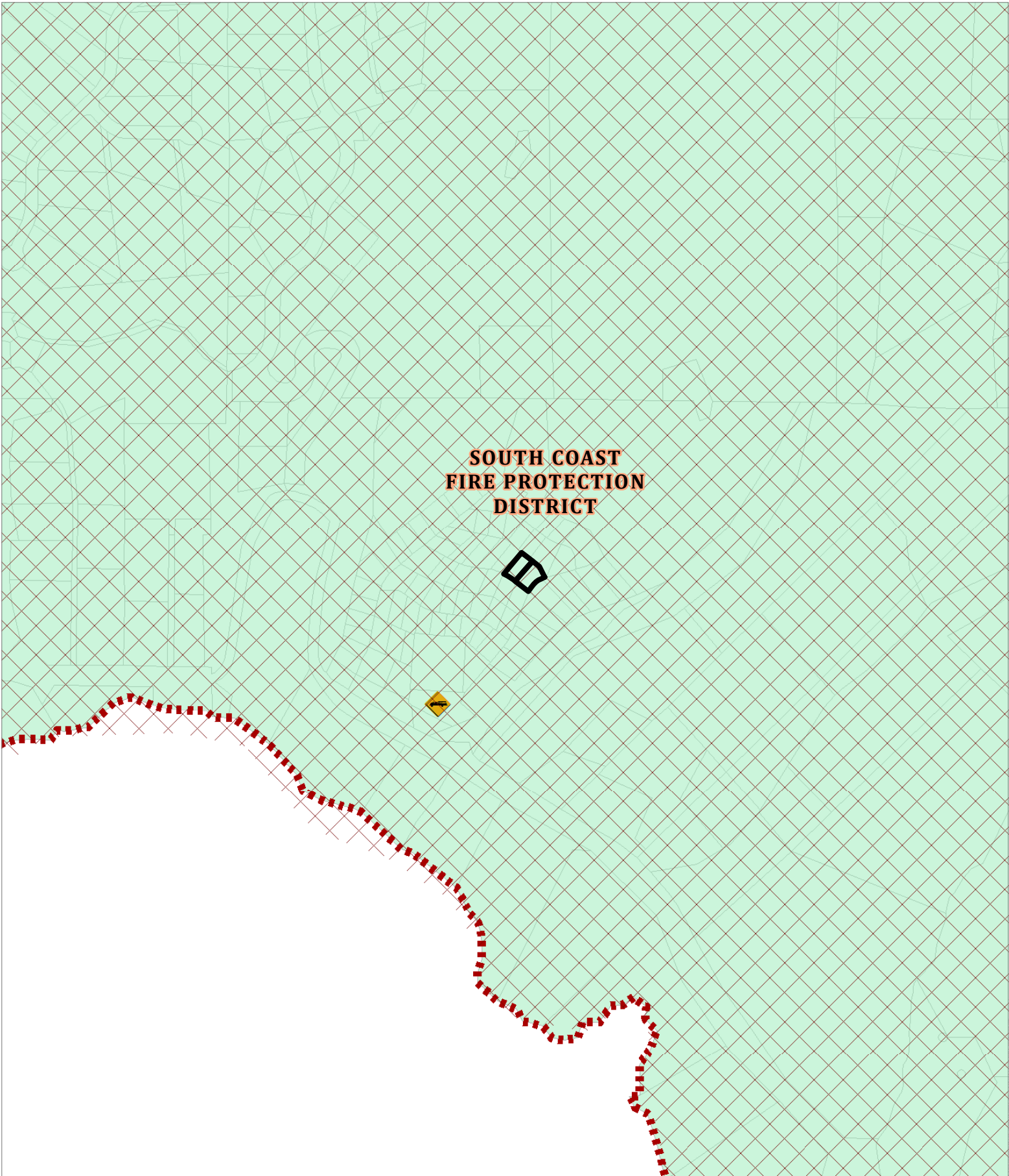
MENDOCINO COUNTY PLANNING DEPARTMENT - 3/27/2021



CASE: B 2021-0014
 OWNER: **KLEIN, David & Linda**
 APN: 144-032-01, 02
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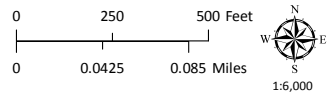
ADJACENT PARCELS



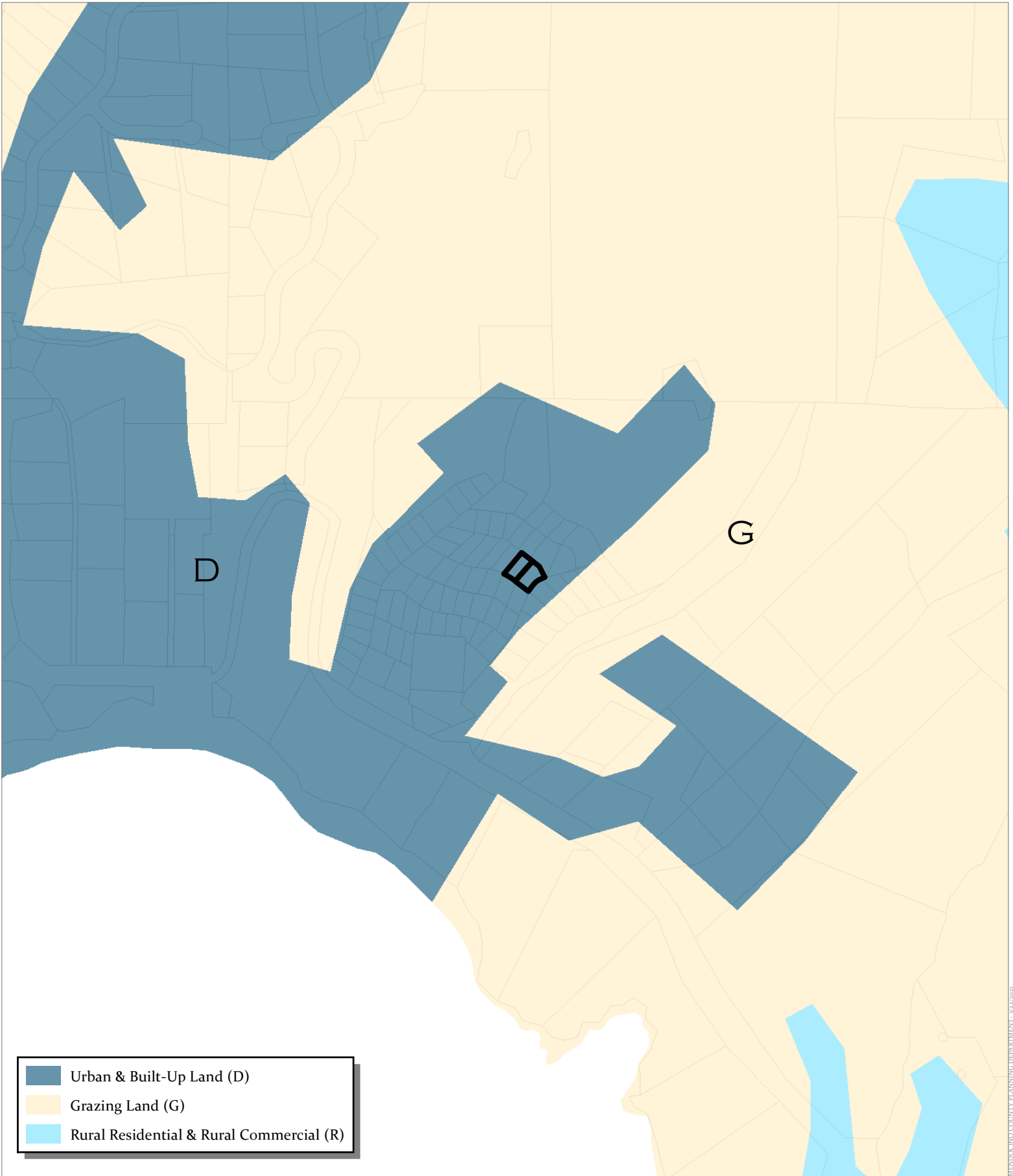
**SOUTH COAST
FIRE PROTECTION
DISTRICT**

CASE: B 2021-0014
 OWNER: KLEIN, David & Linda
 APN: 144-032-01, 02
 APLCT: David & Linda Klein
 AGENT:
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-  High Fire Hazard
-  Fire Stations
-  County Fire Districts

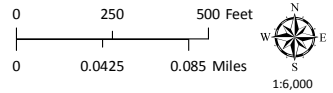


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA



- Urban & Built-Up Land (D)
- Grazing Land (G)
- Rural Residential & Rural Commercial (R)

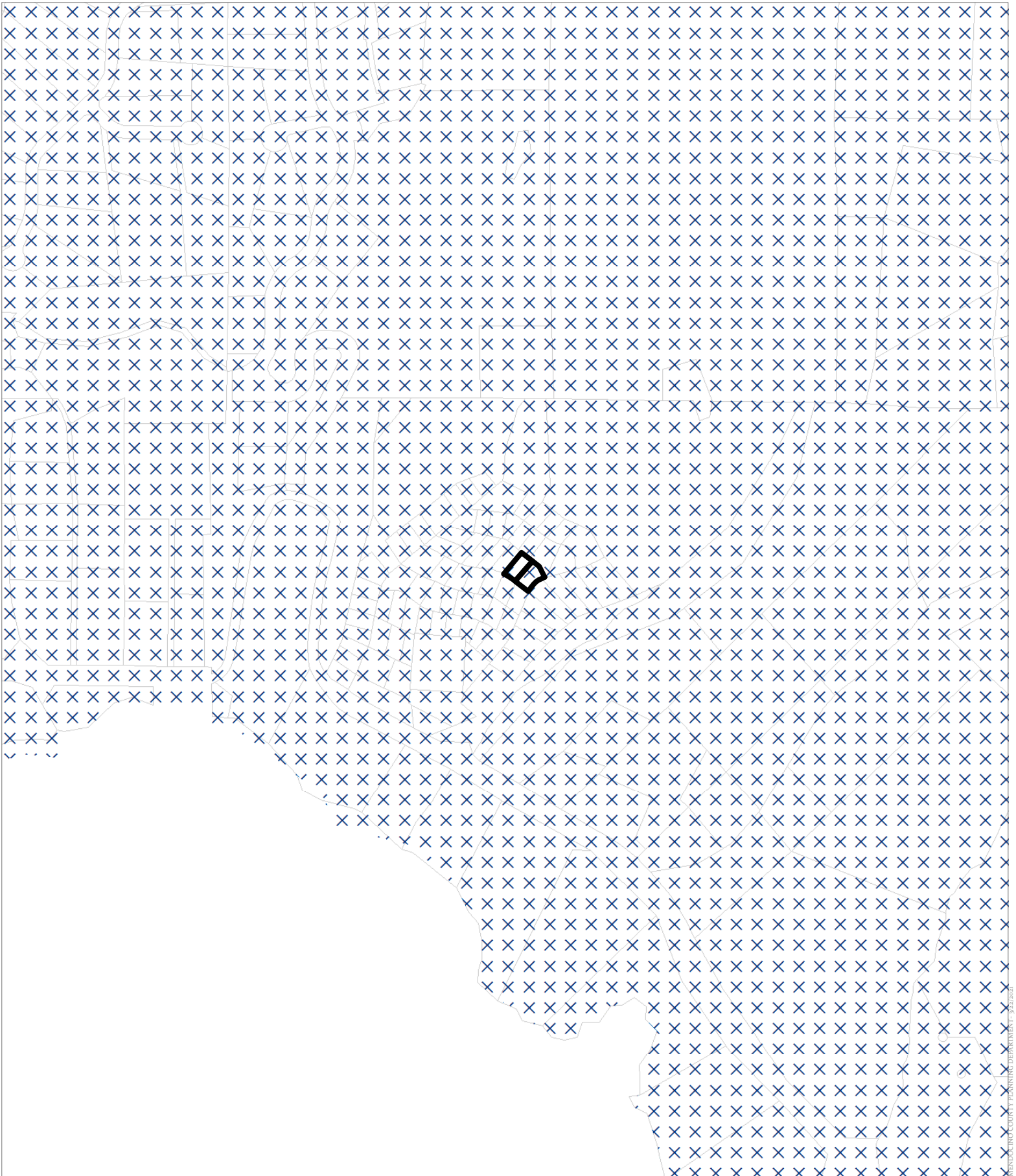
CASE: B 2021-0014
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FARMLAND CLASSIFICATIONS


ATTACHMENT I

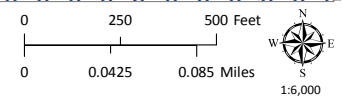
MENDOCINO COUNTY PLANNING DEPARTMENT - 3/22/2021



PENNSYLVANIA COUNTY PLANNING DEPARTMENT 2022

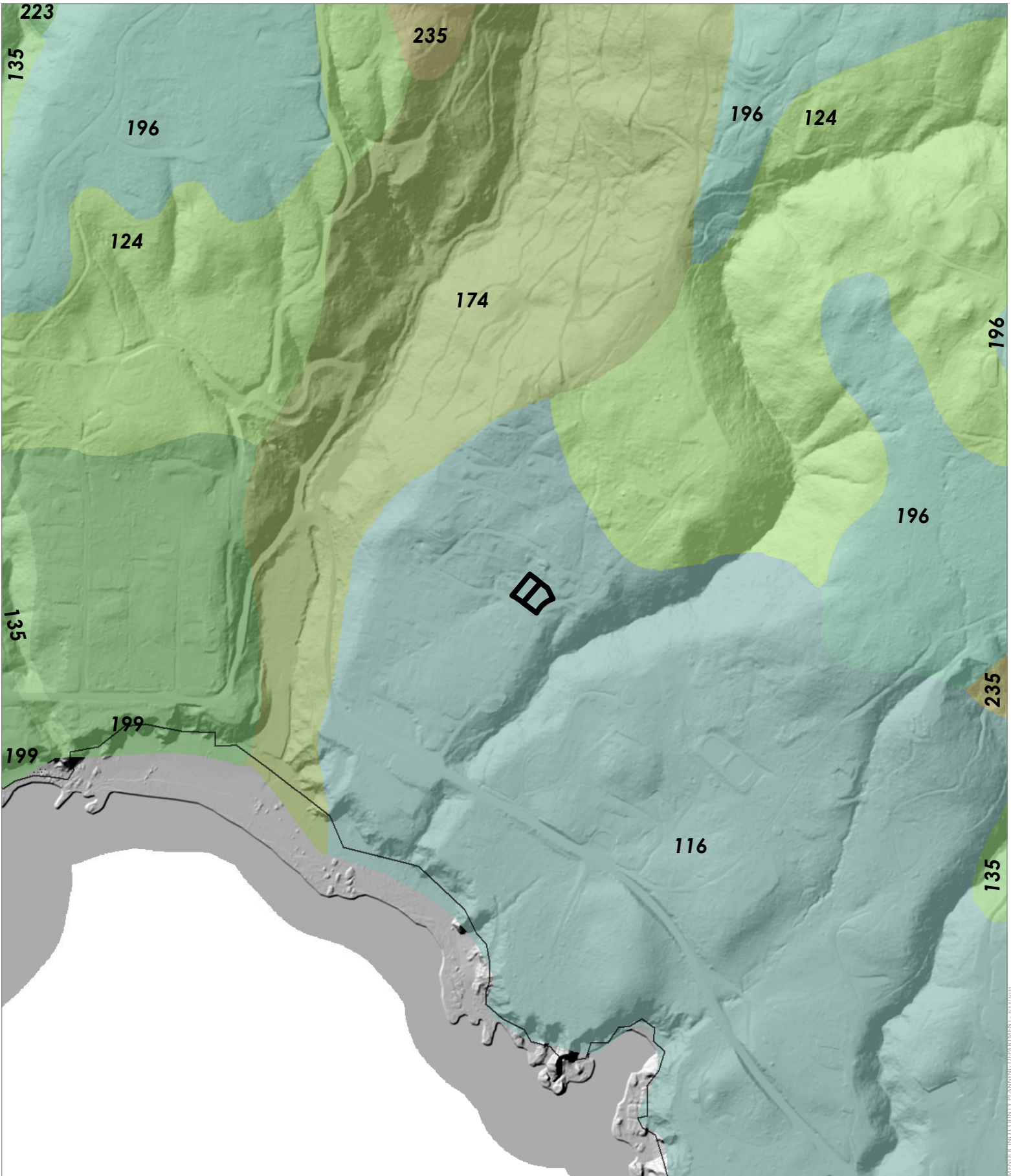
CASE: B 2021-0014
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 Critical Water Areas




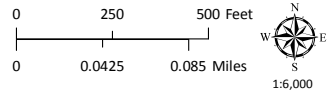
GROUND WATER RESOURCES

ATTACHMENT J



CASE: B 2021-0014
 OWNER: KLEIN, David & Linda
 APN: 144-032-01, 02
 APLCT: David & Linda Klein
 AGENT:
 ADDRESS: 35571 Ocean View Way, Anchor Bay

 Shinglemill-Gibney Complex



WESTERN SOILS

ATTACHMENT K