JUNE 23, 2022 CDP_2021-0014

SUMMARY

OWNER: MENDOCINO BAPTIST CHURCH

PO BOX 187

MENDOCINO, CA 95460

AGENT: JAMES KIRBY

128 S. WHIPPLE STREET FORT BRAGG, CA 95460

REQUEST: Standard Coastal Development Permit to renovate the

existing lawnmower shed foyer and accessibility ramp (ADA); on the south side, add awning, storage, and deck; and improve ground surface with compacted crushed rock

extending 40 feet beyond the new deck.

LOCATION: In the Town of Mendocino; located at 45171 Little Lake

Street (CR 407A), Mendocino; (APN 119-160-11).

TOTAL ACREAGE: 16,875 Square Foot Lot

GENERAL PLAN: Public Facilities (PF)

General Plan, Coastal Element Chapter 4.13

ZONING: Mendocino Public Facilities (PF)

Mendocino Town Zoning Code - Division III

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: TIA SAR

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit to renovate the existing lawnmower shed foyer and accessibility ramp (ADA); on the south side, add awning, storage, and deck; and improve ground surface with compacted crushed rock extending 40 feet beyond the new deck.

APPLICANT'S STATEMENT: "construct exterior deck with small storage over improved ground surface. Improved ground surface with crushed rock extending 40' beyond deck."

RELATED APPLICATIONS:

On-Site

- BF_2021-0504 Deck and Storage Bldg. Addition
- BF 2017-0323 Replace 200 Amp Panel
- BF_2009-0127 HVAC
- BF 2008-0404 Reside Church
- BF_2008-0231 New Pump House
- BF_2008-0230 Demo Pump House
- BF_2005-0148 Re-pipe water/Change out sink
- BF 1999-0720 Steeple

MHRB 2021-0006 ADA, Grading & Deck

Neighboring Property

Southerly parcel, APN 119-233-07: 2nd Odd Fellow Hall

Westerly parcel, APN: 119-231-08: Residential

119-231-09: Chapel on the Headlands

• Easterly parcel, APN: 119-160-12 Heeser's Field

• Northerly parcel, APN 119-160-07: Packard House

SITE CHARACTERISTICS: The subject parcel is less than a quarter-acre in size and located in the Town of Mendocino (See attachment *Location Map*). The site is flat (See attachment *Topographic Map*) and similar in size compared to adjacent parcels. The property sewer and water are served by Mendocino City Community Services District (MCCSD).

The parcel is mapped as a moderate fire hazard area and is located within the Mendocino Fire Protection District service area (See attachment *Fire Hazard Zones and Responsibility Areas*). The site is mapped as Barren land and Beach Deposits and Stream Alluvium and Terraces (Zone 3)-Intermediate Shaking (See attachment *LCP Habitats & Resources* and *LCP Land Capabilities & Natural Hazards* Map).

The property is in the Town of Mendocino and situated approximately 0.36 miles west of State Route 1, but is not designated as a Highly Scenic Area. It is currently developed (1957) with a church (Mendocino Baptist Church), a pump house (2008) and associated infrastructure. Minimal vegetation is located to the north and west of the parcel. The site is accessed by Little Lake Street (CR 407A) and Kasten Street (407L) which provides access to the north and west side of the property, respectively. The existing church is served by the Mendocino City Community Service District (MCCSD).

The proposed project would add a deck addition with an awning, a new storage building, new ramp and crushed rocks as shown on the site plan and elevation building plans. Repair and maintenance of the existing lawn mower shed and south foyer is proposed and would be exempt from MCC Chapter 20.760 if the repairs retain the original exterior appearance. Existing development is non-conforming regarding side yard setback, but as proposed the new deck would conform to the minimum yard requirement.

SURROUNDING LAND USE AND ZONING: As listed on Table 1, the surrounding lands are classified with different Land Use and Zoning. The subject parcel is zoned Mendocino Public Facilities (MPF) and is currently used as a church for the community. The church predates the Coastal Act.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	MULTI-FAMILY RESIDENTIAL (RM)	MENDOCINO MULTIPLE FAMILY RESIDENTIAL (MRM)	0.30 Acre	Packard House
EAST	OPEN SPACE (OP)	MENDOCINO OPEN SPACE (MOS)	1.19 Acre	Heeser's Field
SOUTH	MIXED USE (MU)	MENDOCINO MIXED USE (MMU)	0.37 Acre	2 nd odd Fellows Hall
WEST	TOWN RESIDENTIAL (R+)	MENDOCINO TOWN RESIDENTIAL (MTR)	0.18 & 0.11 Acre	Residential/Chapel

PUBLIC SERVICES:

ACCESS: LITTLE LAKE STREET (CR 407A) & KASTEN STREET (407L)

FIRE DISTRICT: MENDOCINO FIRE PROTÉCTION

WATER DISTRICT: MCCSD SEWER DISTRICT: MCCSD

LOCAL COASTAL PROGRAM CONSISTENCY: The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

LAND USE: The parcel is classified as Mendocino Public Facilities (MPF) by the Mendocino County General Plan, Coastal Element Chapter 4.13 *Mendocino Town Plan* (See attachment *Mendocino Town Land Use*), states:

The Public Facilities classification is intended to,

"...the plan notes existing public facilities, such as schools, churches, cemeteries, community buildings, and utilities, and assumes that all will remain. Reuse of the Middle School site (44800 Pine Street) carries more potential for changing the character of Historic Zone A than does the use of any other parcel. Another public use would be desirable."

The proposed project at the Mendocino Baptist Church is consistent with the PF land use classification goals and policies of Coastal Element Chapter 4.13; the existing development pre-dates the Coastal Act. The project to add awning, storage, and deck; and improve ground surface with compacted crushed rock extending 40 feet beyond the new deck is within the pre-Coastal Act disturbed area which is allowed to continue its non-conforming use pursuant with Coastal Element Chapter 4.13-5, which states:

- "...a nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this amended plan, but which does not conform with the use for the land use category in which it is located.
 - A. All existing legal uses shall be deemed consistent with the town plan.
 - B. A nonconforming use that is discontinued for a period of one (1) year, or is changed or replaced by a conforming use. Shall be deemed abandoned and shall not be resumed, and subsequent use of the site shall be in conformance with all provision of this plan.
 - C. A nonconforming use may be continued and structures used therefore maybe maintained, provided that:
 - 1. Structural alterations shall be limited to the interior of a building, with no change in the exterior dimensions of a building or portions thereof used for a nonconforming use.
 - 2. Structural alterations hall be made only in compliance with applicable building code requirements and, where applicable, with the requirements of the Mendocino Historical Review Board.
 - 3. There shall be no expansion of the nonconforming use.

NONCONFORMING LOTS: All legally created lots shall be deemed potential building sites, subject to the same controls as lots 12,000 square feet or larger."

Zoning: The project site is located within the Mendocino Public Facilities (MPF) District, as shown on Zoning Display Map. The Church, constructed in 1957, is an existing, non-conforming use which pre-dates the Coastal Act. Per Mendocino County Code Section 20.668.050 and Section 20.716.050, states:

Sec. 20.668.050 (MPF):

"...This district is intended to apply to parcels (lots) which are currently used for, or would properly be used for, public purposes and, as specified, for public utility purposes."

Sec. 20.716.050 nonconforming uses:

"...To allow for the continued utilization of lawfully existing improvements and any uses made nonconforming by the adoption of the Mendocino Town Plan (Chapter 4.13 of the Coastal Element of the Mendocino County General Plan) and this Division, where the use is compatible with adjacent land uses and where it is not feasible to replace the use or activity with a conforming land use.

Development that occurred after the effective date of the Coastal Act or its predecessor, the Coastal Zone Conservation Act, if applicable, that was not authorized in a coastal permit or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development, is not subject to the provisions of Chapter 20.716 but is subject to the provisions of Chapter 20.720. (Coastal Development Permit Regulations).

- A. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Division, but which does not conform with the use regulations for the Zoning District in which it is located.
- B. A nonconforming structure is a structure which was lawfully erected prior to the effective date of the application of these regulations, but which, under this Division, does not conform with the standards of yard spaces, height of structures, distance between structures, and parking, as prescribed in the regulations for the Zoning District in which the structure is located.

The proposed project to add a deck with an awning, a new storage building, new ramp and crushed rocks as shown on the site plan and elevation building plans is consistent with the nonconforming use in the MPF zoning district. No proposed changes to the exterior look of the Church would occur. The repair and maintenance of the existing lawn mower shed and south foyer would be exempt from MCC Chapter 20.760 if the repairs retain the original exterior appearance. The existing development is non-conforming regarding side yard setback, but as proposed the new deck would conform to the minimum yard requirement. The proposed project would be consistent with the regulations of MCC Chapters 20.668, Mendocino Public Facilities, "MPF", with the MCC Chapter 20.716, Nonconforming Uses.

<u>Visual Resources:</u> Pursuant with MCC Section 20.504.020(A), the Town of Mendocino is the only recognized special community in the Coastal Element. The site is mapped as a non-Highly Scenic Area, but it is listed as special community by adopted codes and Coastal Element Chapter 4.13.

Requesting comments from the Mendocino Historical Review Board (MHRB) is consistent with MCC Section 20.720.035(7), as the Review Board may comment on whether the proposed development is in conformance with the design standards of MCC Section 20.760.050. On May 3, the Review Board review and approved MHRB Permit 2021-0006, that authorized the improvements at the Mendocino Baptist Church. On July 12, 2021, after the elevations and site plan was revised to the project, the Review Board affirmed their support for the proposed project. During their public hearing, the Review Board invited comment from the public and then unanimously agreed to express their support and recommend approval of the request.

As proposed, the project would be consistent with MCC Chapters 20.504 and 20.760 and the goals and policies of Coastal Element Chapter 4.13.

<u>Hazards Management:</u> Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazards (See attachment *LCP Land Capabilities & Natural Hazards*).

Pursuant with 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 the Mendocino Fire Protection District (MFPD) and California Department of Forestry and Fire Prevention (CalFire). On June 24, 2021, the application was referred to CalFire for comment, our office received no response.

The proposed project to add a deck with an awning, a new storage building, new ramp and crushed rocks to the existing church is consistent and would satisfy County policies regarding hazards, including potential fire hazards, MCC Chapters 20.692, Chapter 20.500, and Coastal Element Chapters 3.4 and 4.13.

<u>Habitats and Natural Resources:</u> The Mendocino Baptist Church is not situated in a sensitive coastal resource area. The parcel is mapped as barren land (See attachment *LCP Habitat and Resources*). The project to add a deck with an awning, a new storage building, new ramp and crushed rocks in the pre-Coastal Act disturbed area would not affect sensitive coastal resources. On June 24, 2021 a referral was sent to the Department of Fish and Wildlife, our office received no response. As proposed, the project will

continue the nonconforming use. The project would not impact any ESHA's and satisfy MCC Chapter 20.719, Environmentally Sensitive Habitat Areas (ESHA'S).

<u>Archaeological/Cultural Resources:</u> 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 was reviewed by the Mendocino County Archaeological Commission in 2019 and it was determined to be an appropriate procedure for what projects would require archaeological review. As such, the proposed interior renovations were not referred to the Archaeological Commission or Sonoma State University.

Staff notes that a Standard Condition advises the property owner of the "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the standard condition of approval advising the property owner about discovery of archaeological resources, staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resources.

On June 24, 2021, 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, our office received no response. As conditioned, the project would satisfy County policies for archaeological and cultural resources.

<u>Groundwater Resources:</u> The project site is located within a mapped Critical Water Resources Area (See attachment *Ground Water Resources*). As proposed, the project to add a deck with an awning, a new storage building, new ramp and crushed rocks shall not impact the existing water usage on site. As proposed, the project would satisfy County policies for groundwater resources as implemented by MCC Chapter 20.744 *Ground Water Evaluation*.

<u>Grading, Erosion, and Run-Off:</u> The site is characterized as beach deposits and stream alluvium (See attachment *LCP Land Capabilities & Natural Hazards*) and is mapped with Western Soil Class 219. As grading is proposed to replace the ground surface with compacted crushed rock extending 40 feet beyond the new deck, the project would not conflict with County policies for grading, erosion, and run-off and MCC Chapter 20.717 *Water Quality Protection*.

<u>Transportation/Circulation</u>: The cumulative effects of traffic resulting from the existing inn and its associated development were considered when the Coastal Element land use designations were assigned. The proposed project to add a deck with an awning, a new storage building, new ramp and improve ground surface with compacted crushed rocks, would not affect transportation or circulation. On June 24, 2021, the application was referred to Mendocino County Department of Transportation (MCDOT) for their comment; on July 1, 2021, MCDOT responded with no comment.

<u>Public Access:</u> The project site is located in the Mendocino Town Local Coastal Plan (See attachment *Mendocino Town Land Use*). The site is not designated as a potential public access trail location. As shown on an *LCP Map 17 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 Coastal Element Chapter 4.13, 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 project to add a deck with an awning, a new storage building, new ramp and crushed rocks is Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3, Section 15301(e) which is for additions to existing structures.

PROJECT 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 project to add a deck with an awning, a new storage building, new ramp and crushed rocks to the Mendocino Baptist Church is in conformity with the goals and policies of Mendocino Town Plan. The church proposes additions to allow for the continued utilization of lawfully existing improvements and any uses made nonconforming by the adoption of the Mendocino Town Plan, Chapter 4.13 of the Coastal Element and consistent with nonconforming use within Mendocino Public Facilities zoning classification.
- 2. Pursuant with MCC Section 20.720.035(A)(2), the development has adequate utilities, access roads, drainage, and other necessary facilities. The property has access to sufficient ground water, a sewer connection, and is accessed from Kasten and Little Lake Street; and
- 3. Pursuant with MCC Section 20.720.035(A)(3), the proposed addition to the Mendocino Baptist Church is consistent with the purpose and intent of the nonconforming use in the Mendocino Public Facilities District, as well as all other provisions of Division III of Title 20 of the Mendocino County Code, including nonconforming uses; and
- 4. Pursuant with MCC Section 20.720.035(A)(4), the proposed addition to the Mendocino Baptist Church, 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 addition to the Mendocino Baptist Church 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 addition to the Mendocino Baptist Church would not affect demands on public services; and
- 7. Pursuant with MCC Section 20.720.035(A)(7), the proposed addition to the Mendocino Baptist Church conforms with the design standards of Section 20.760.050 as development located within the Mendocino Historic Preservation District and the application was referred to the Mendocino Historical Review Board for their comment on May 3, 2021, where the Review Board recommended approval and offered their support of the proposed project (MHRB 2021-0006).

CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Chapter 20.728 of the Mendocino Town Zoning 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. Any proposed work within County rights-of-way requires obtaining an encroachment permit from Mendocino County Department of Transportation.
- 10. Project approval by the Historical Review Board (MHRB_2021-0006) shall be obtained prior to initiating project construction.
- 11. Any Building Permit request shall include all conditions of approval printed on or attached to the building plans.

TIA SAR RLANNER II

Staff Report prepared by:

Appeal Period: 10 days Appeal Fee: \$2,620.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery
- C. Site and Building Plans
- D. ADA Ramp Details
- E. Zoning Display Map
- F. General Plan Classifications
- G. LCP Land Capabilities & Natural Hazards
- H. LCP Habitat & Resources
- I. Fire Hazard Zones & Responsibility Areas

SUMMARY OF REFERRAL AGENCY COMMENTS:

No Response Assessors Building Inspection (FB) No Comment No Comment Caltrans California Coastal Commission No Response Cloverdale Rancheria No Response No Comment County Addresser-Russ Ford Department of Forestry and Fire Protection No Comment Department of Transportation No Comment Department of Fish and Wildlife No Comment

Environmental Health (FB) Refer to MCCSD (no response)

Planning (Ukiah)

Redwood Valley Rancheria

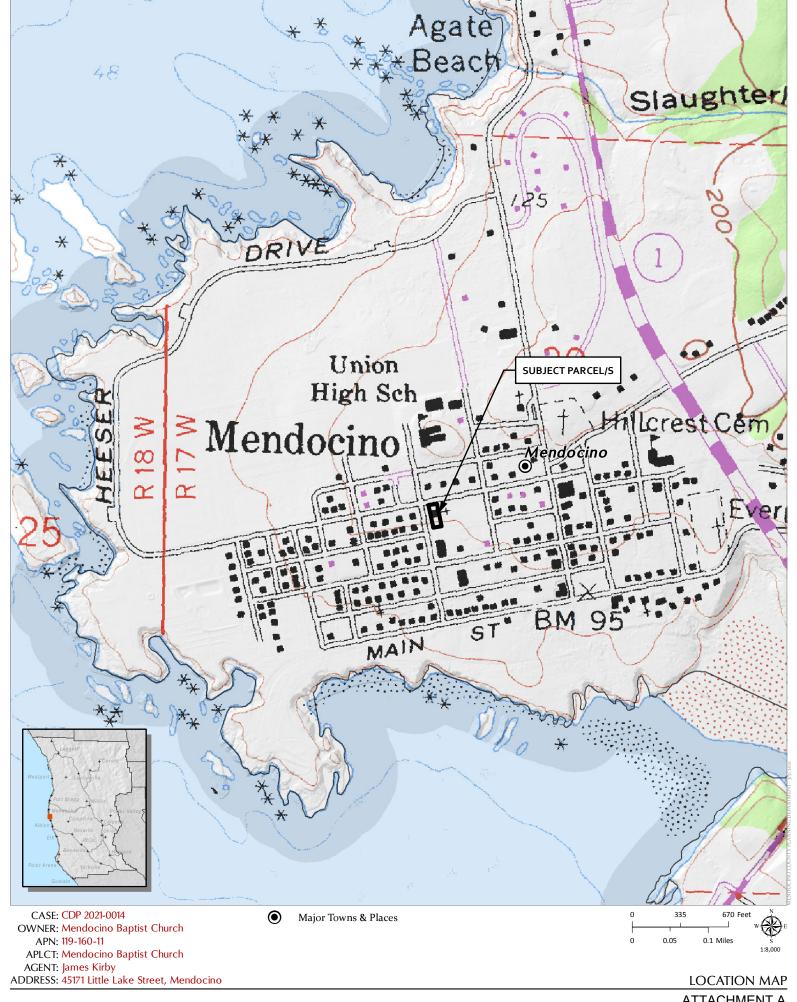
Sherwood Valley Band of Pomo Indians

No Comment
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.





APLCT: Mendocino Baptist Church AGENT: James Kirby ADDRESS: 45171 Little Lake Street, Mendocino

RECEIVED APR 0 6 2021 PLANNING & BUILDING SERV FORT BRAGG CA

MENDOCINO BAPTIST CHURCH NEW SOUTH DECK, DINING ENTRY & ENTRY AWNING 45171 LITTLE LAKE STREET MENDOCINO, CA 95460

SCOPE OF WORK AND PROJECT DESCRIPTION:
ON SOUTH SIDE OF CHURCH, CONSTRUCT A NEW 652 SQ.FT. TWO
LEVEL DECK WITH STAIRS AND AWNING ROOF TO COVER NEW
DOUBLE DOORS FROM DINNING/MEETING/KITCHEN AREA.

DIRECTORY OF CONTRACTORS & DESIGNERS

John Loomis Construction, Contractor 17557 Simpson Lane Fort Bragg CA 95437 Phone: (707) 964-2177

Paul Douglas Architect P.O. Box 1393 Mendocino CA 95460 Phone: (707) 937-3729

M INDEX TO DRAWINGS

SHEET A1: COVER SHEET

SHEET A2: EXISTING SITE PLAN

SHEET A3: EXISTING FLOOR PLAN

SHEET A4: EXISTING NORTH & WEST ELEVATIONS

SHEET A5: EXISTING SOUTH & EAST ELEVATIONS

SHEET A6: NEW SITE PLAN

SHEET A7: NEW FLOOR PLAN

SHEET A8: NEW FOUNDATION AND FRAMING PLAN

SHEET A9: NEW NORTH & WEST ELEVATIONS

SHEET A10: NEW SOUTH & EAST ELEVATIONS

SHEET A11: NEW DECK & CANOPY STRUCTURAL

SECTIONS & CONSTRUCTION DETAILS

DATE DESCRIPTION NO



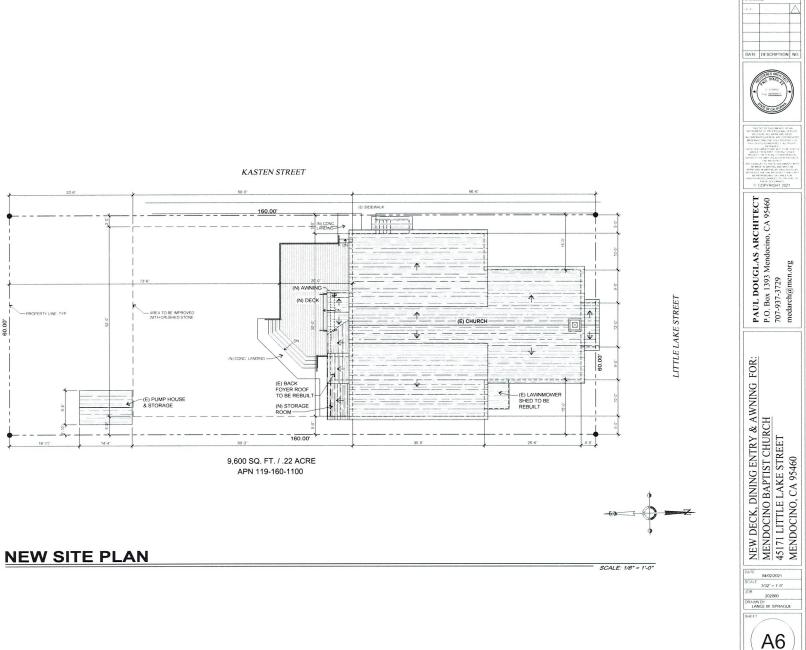
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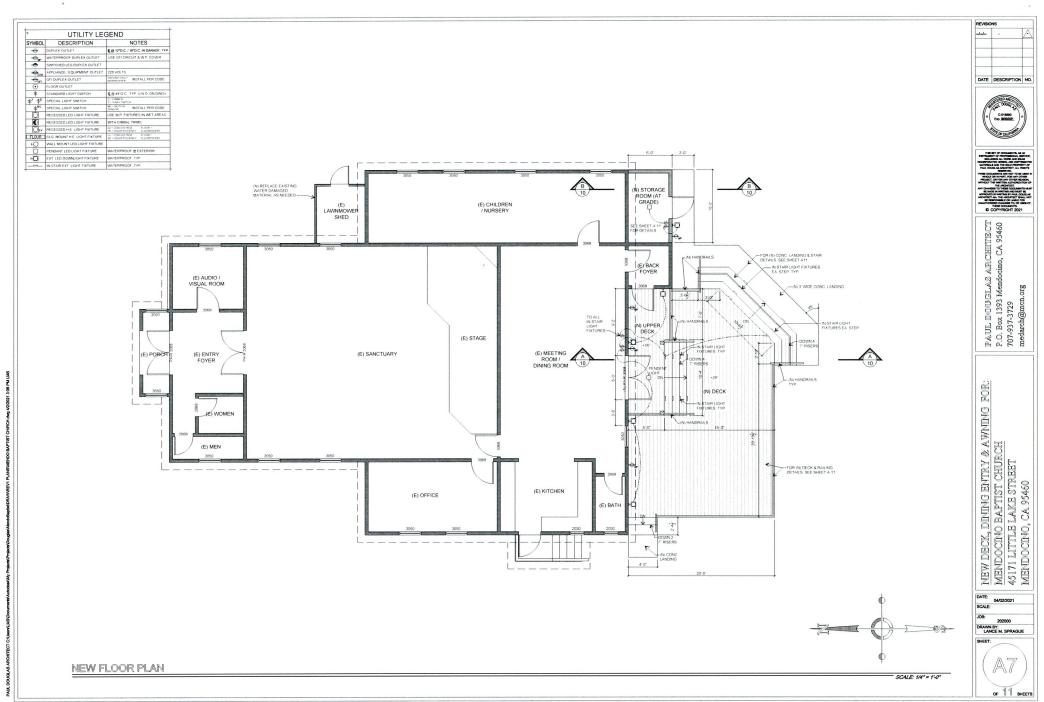
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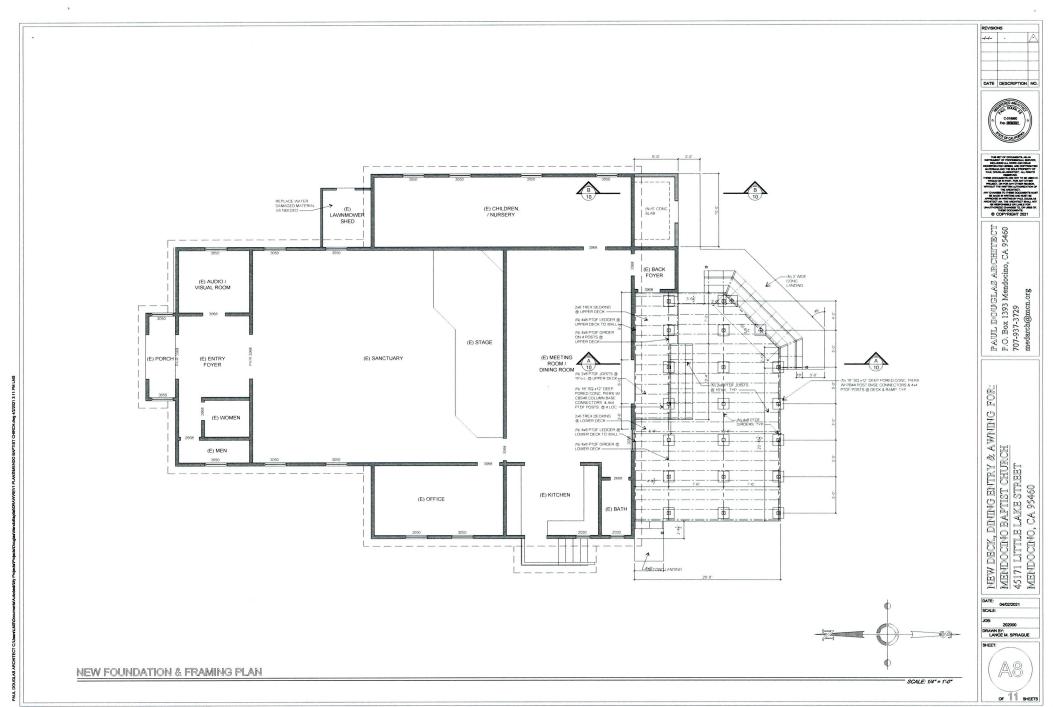
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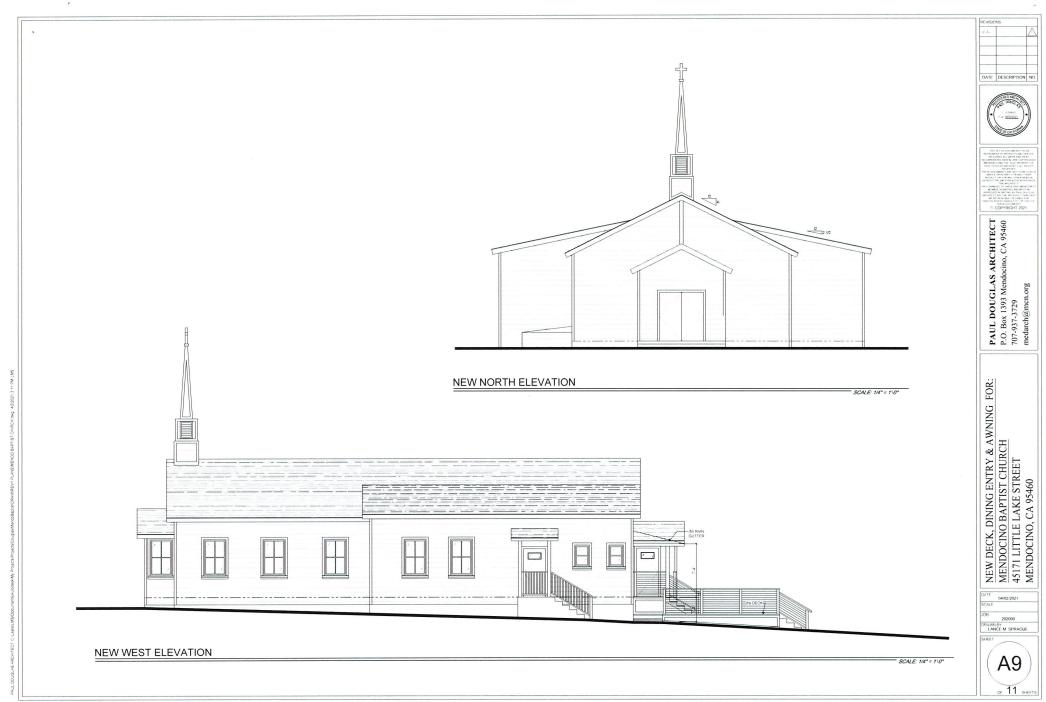


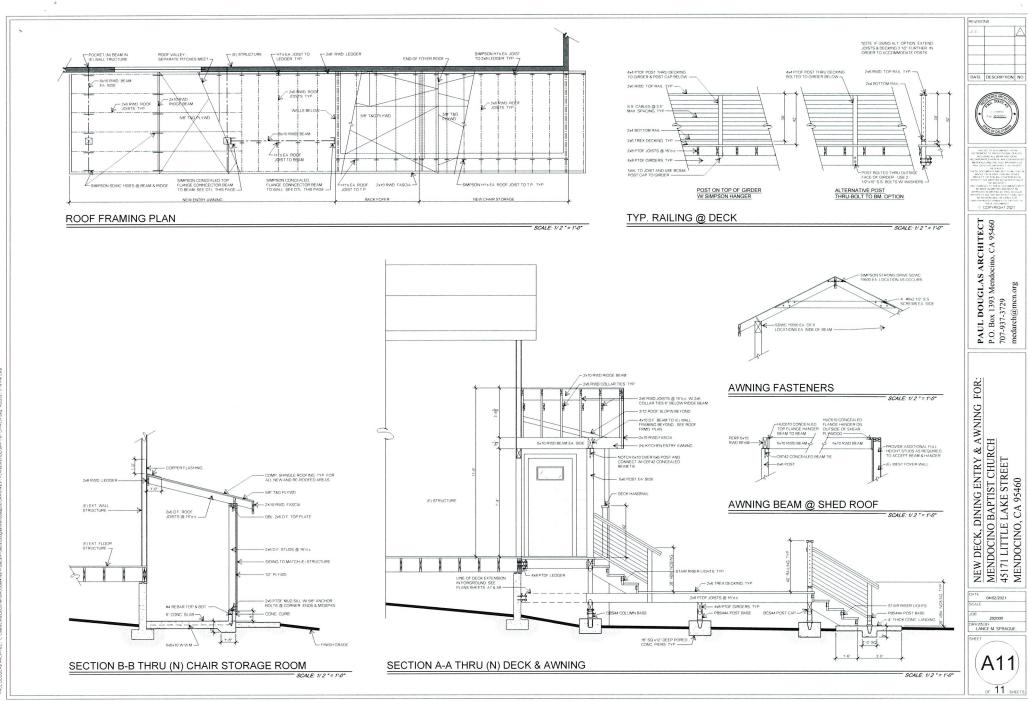


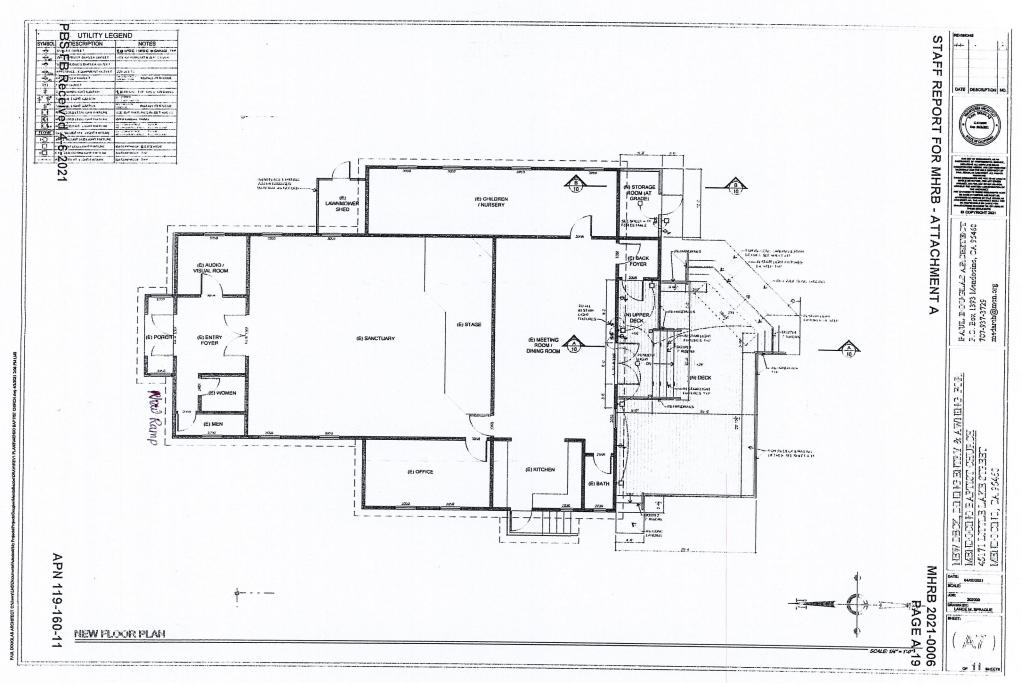
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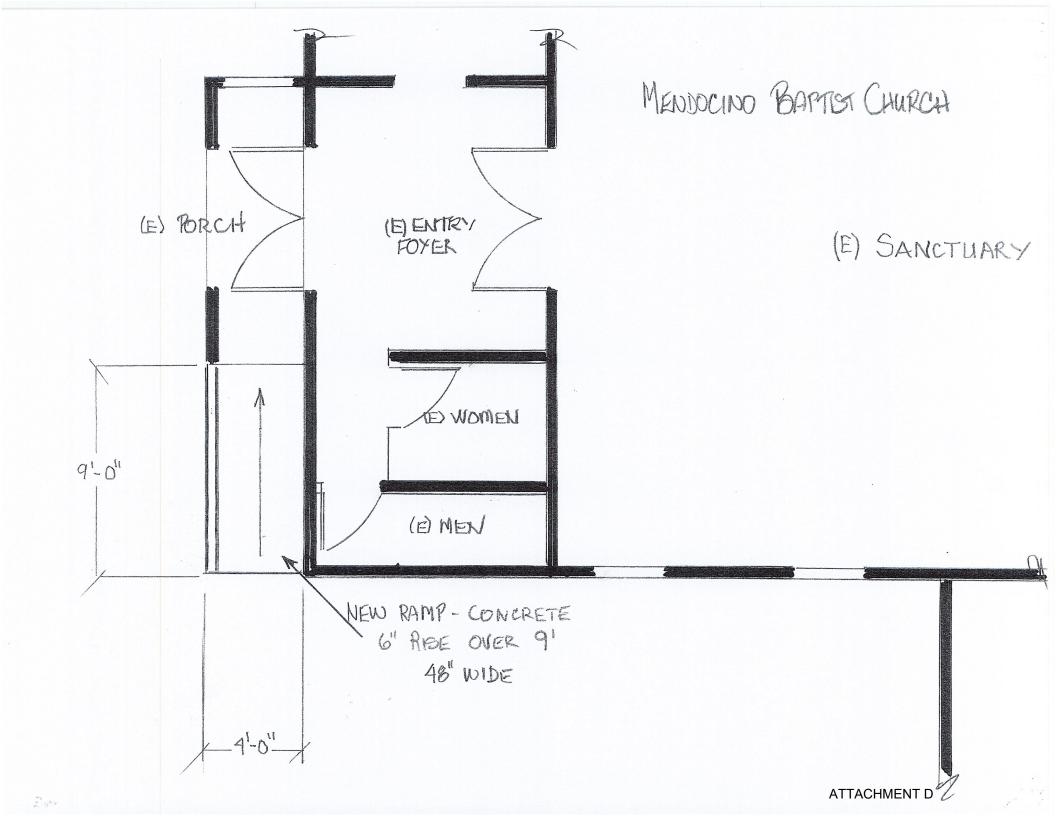


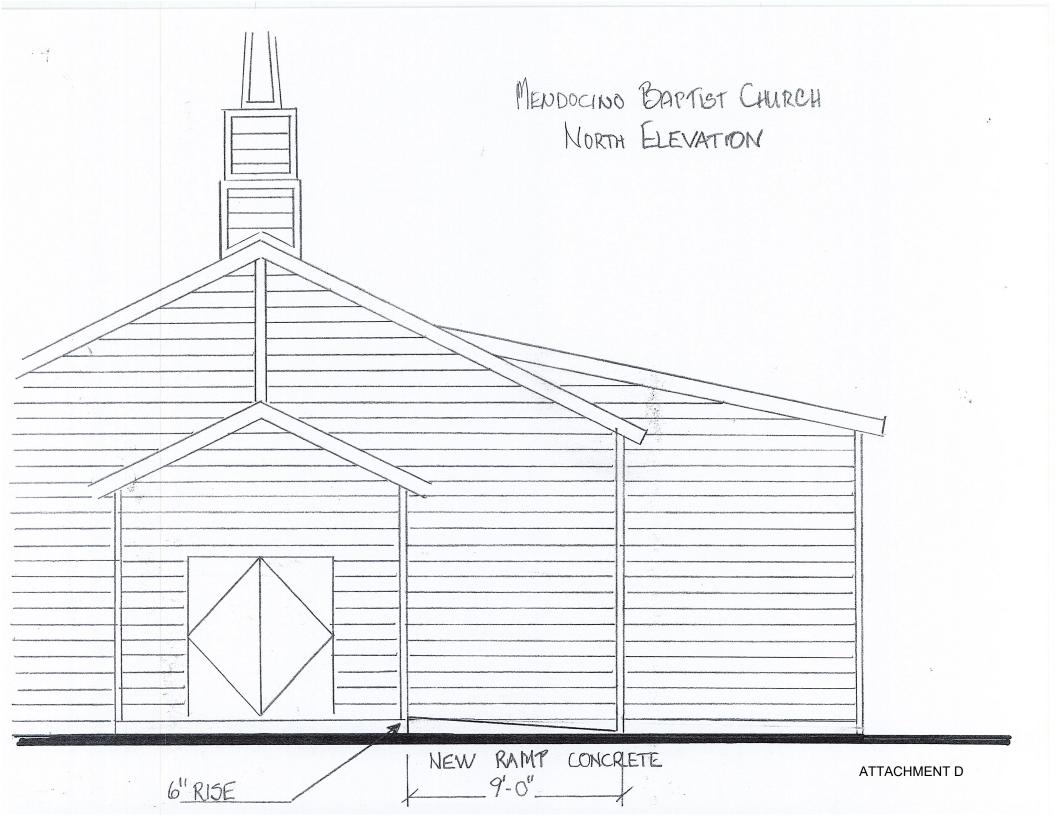


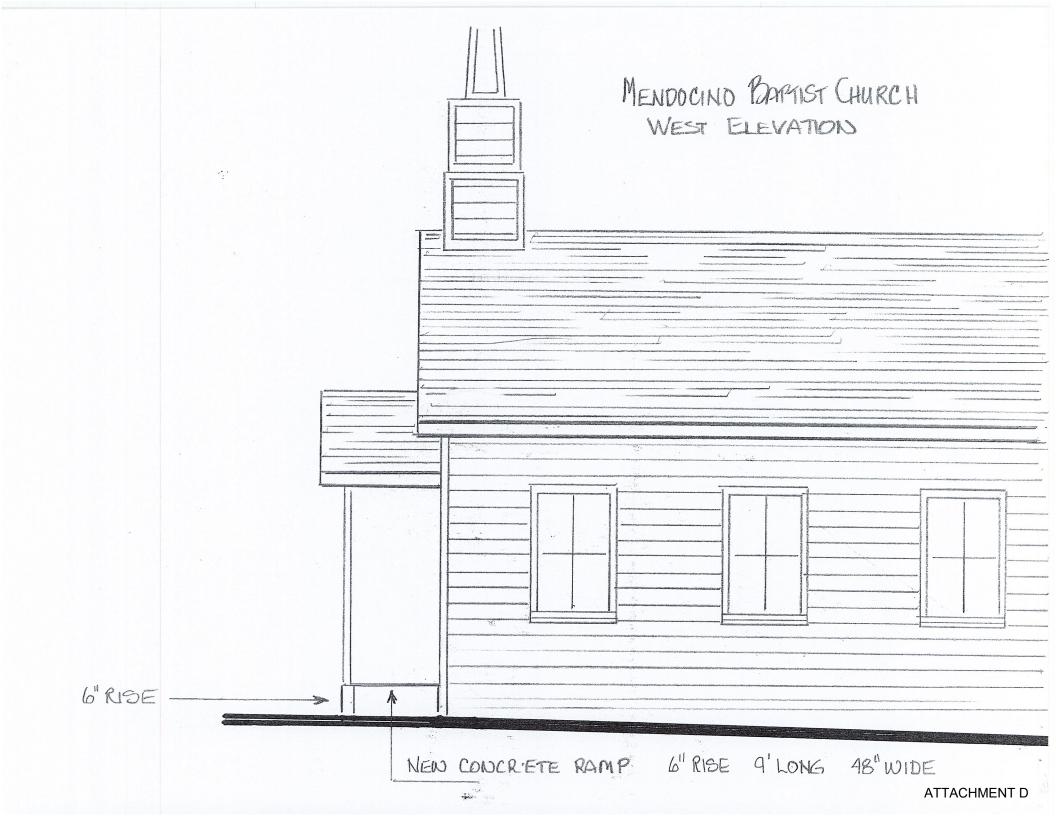


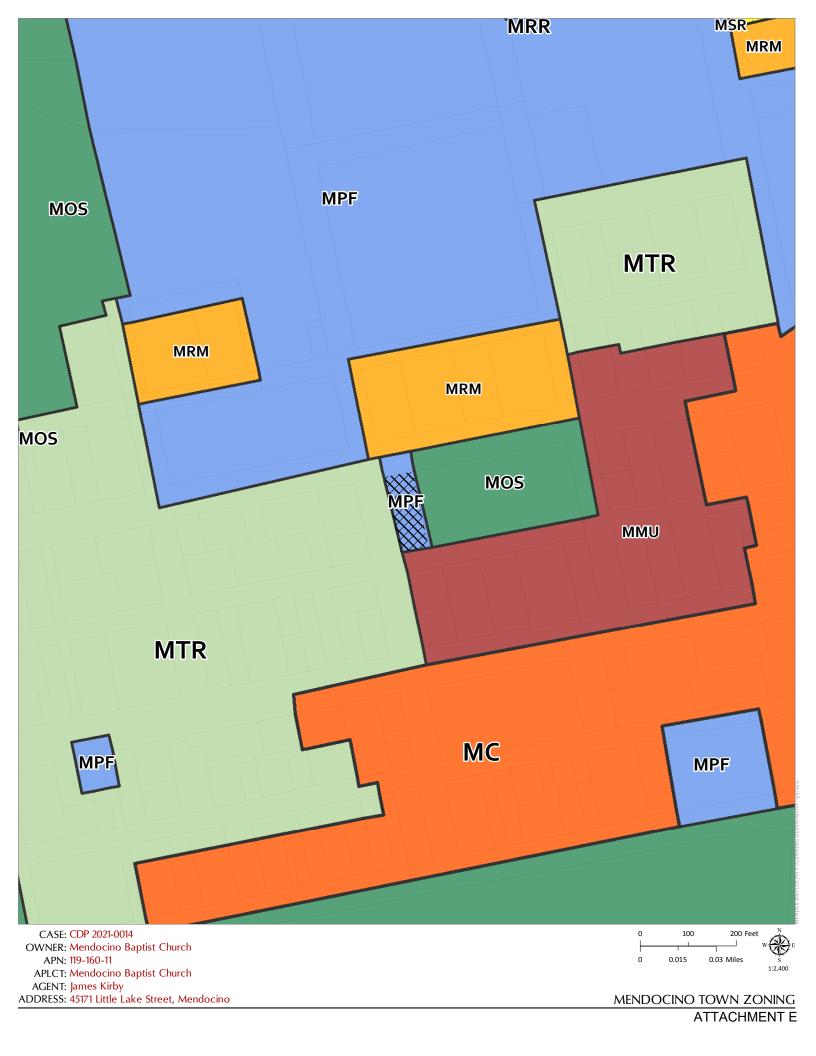




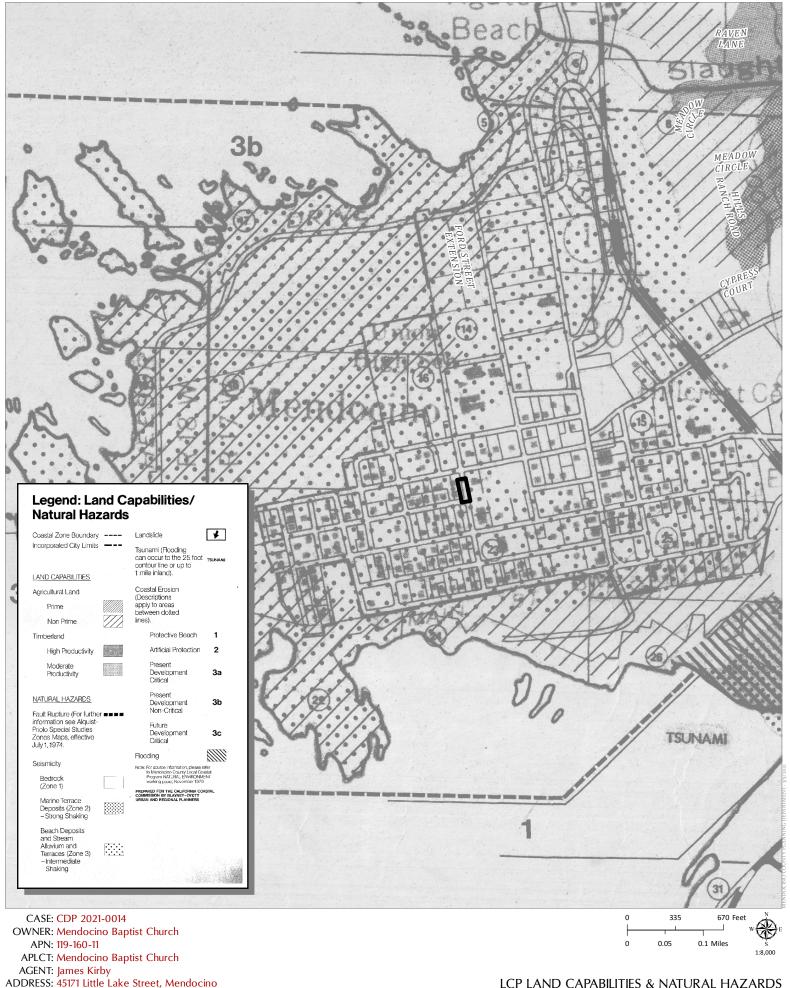




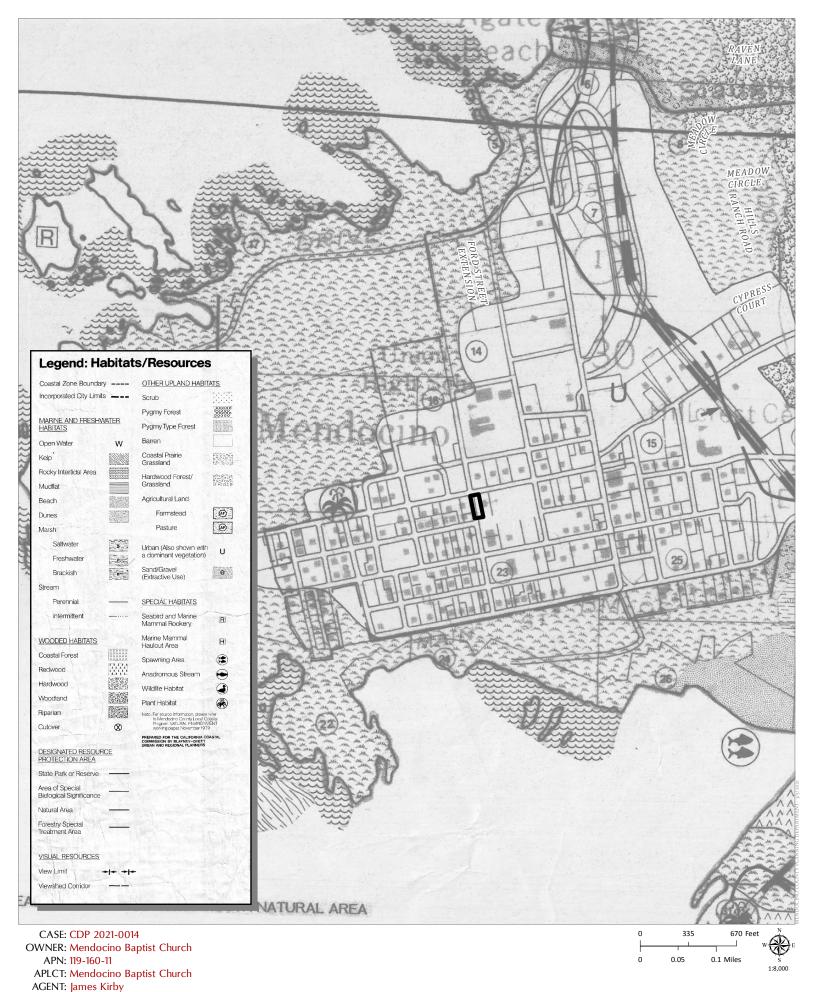








LCP LAND CAPABILITIES & NATURAL HAZARDS



ADDRESS: 45171 Little Lake Street, Mendocino

LCP HABITATS & RESOURCES

