JUNE 13, 2019 B\_2018-0068

#### **SUMMARY**

3880 SLEEPY HOLLOW DRIVE SANTA ROSA CA 95404

APPLICANT: AT&T MOBILITY

5001 EXECUTIVE PARKWAY SAN RAMON CA 94583

AGENT: JARED KEARSLY

600 COOLIDGE DRIVE SUITE 100

FOLSOM CA 95630

REQUEST: Coastal Development Boundary Line Adjustment to

transfer 4.01 acres from (APN: 132-210-40) to (APN: 132-210-41), resulting in new parcel configurations containing 25.58 acres and 31.16 acres respectively.

**LOCATION:** In the Coastal Zone, 3.2± miles north of Manchester and

located .8± miles east of State Route 1 (SR 1). Site Addressees to be assigned. (APNs: 132-210-40 and

132-210-41)

TOTAL ACREAGE: 1. William and Tona Moores APN: 132-210-40

(29.59→25.58 Acres)

2. William and Tona Moores APN: 132-210-41

 $(27.15 \rightarrow 31.16 \text{ Acres})$ 

**GENERAL PLAN:** Rangeland 160 acre minimum parcel size (RL 160)

**ZONING:** Rangeland 160 acre minimum parcel size (RL 160)

**SUPERVISORIAL DISTRICT:** 5<sup>th</sup> District (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt – Class: 5a (Minor boundary line

adjustment not resulting in the creation of any new

parcel).

**RECOMMENDATION:** Approve Boundary Line Adjustment B\_2018-0068 with

Standard Conditions.

STAFF PLANNER: Keith Gronendyke

#### **BACKGROUND**

**PROJECT DESCRIPTION:** A Coastal Development Boundary Line Adjustment to transfer 4.01 acres from APN 132-210-40 (Moores) to APN 132-210-41 (Moores), resulting in new parcel configurations containing 25.58 acres and 31.16 acres respectively. Subsequent to this boundary line adjustment, a Coastal Development Use Permit (U\_2018-0028) will be processed to facilitate the construction of a 130 foot tall monopine type cellular antenna tower for eight cellular antennae and placement of appurtenant ground equipment within a 1,800 square foot fenced area.

#### **RELATED APPLICATIONS ON-SITE:**

GP\_ 2006-0008 and R\_2006-0012 were denied by the Planning Commission in 2018. This
project was a proposal to amend the General Plan designations and rezone said parcels. Staff
ultimately could not support this proposal and recommended that the Planning Commission deny
the application, which the commission ultimately did.

# **Neighboring Property**

No applicable projects.

SITE CHARACTERISTICS: Both (APN: 132-210-40) and (APN: 132-210-41) are undeveloped properties. The area of the boundary line adjustment includes an existing unimproved sixty-foot wide road and public utility easement. The topography of the site is hilly and features a mix of oak woodland and evergreen trees. The proposed property line has been developed based upon the planned location of a new 130 foot tall cellular antenna tower disguised as a monopine. The boundary line adjustment site is located approximately one-half a mile southeast of the nearest house within the Irish Beach subdivision.

## **SURROUNDING LAND USE AND ZONING:**

	ADJACENT GENERAL PLAN	ADJACENT ZONING	ADJACENT LOT SIZES	ADJACENT USES
NORTH	Forest Lands (FL 160)	Forest Lands (FL 160)	112± Acres	Residential
EAST	Range Lands (RL 60)	Range Lands (RL 60)	27± Acres	Vacant
SOUTH	Range Lands (RL 60)	Range Lands (RL 60)	36± Acres	Vacant
WEST	Range Lands (RL 60)	Range Lands (RL 60)	2± Acres; 61± Acres and 60± Acres	Vacant; Residential

#### **PUBLIC SERVICES:**

Access: State Route 1 (SR 1)

Fire District: Calfire/Redwood Coast Fire District

Water District: Irish Beach Water District

Sewer District: None

School District: Manchester Union Elementary

**AGENCY COMMENTS:** On March 1, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Planning-Fort Bragg	No Comment
Environmental Health-Fort Bragg	No Comment
Building Department-Fort Bragg	No Response
Department of Forestry-CALFIRE	No Comment
Coastal Commission	Comments
County Addresser	No Comment
Department of Fish and Wildlife	Comments

#### **KEY ISSUES**

## 1. General plan and zoning consistency:

**General Plan consistency:** The two lots involved in the proposed lot adjustment are classified Rangeland RL:160. Currently, both lots would be considered legal non-conforming, given their respective acreages. This adjustment would transfer 4.01± acres from APN: 132-210-40 to APN: 132-210-41, resulting in new parcel configurations of 25.58 acres and 31.16 acres respectively. The resulting parcels would remain legal non-conforming. Policy DE-5 of the Mendocino County General Plan states: "Designate sufficient land to accommodate the projected commercial, industrial, residential, and infrastructure needs of each community, compatible with General Plan policies, site planning constraints and local community objectives."

The purpose of this boundary line adjustment is to shift parcel lines to accommodate the installation of a cellular antenna tower to increase cell phone coverage, which would improve the infrastructure needs of the community of Manchester. As such, this boundary line adjustment application is consistent with the Mendocino County General Plan. Neither of the lots are currently developed, and any future development may be subject to a Coastal Development Permit. Per Mendocino County Code Section 20.484.010(A) "When any lot has been legally created and which has not merged and is zoned to a minimum parcel size larger than the existing parcel size, said lot(s) shall be found to be legally nonconforming and shall not be subject to requirements for variance to minimum lot size."

The present configuration of the subject parcels was created in 1997 (Record of Survey C2 D64 P24). At that time, the zoning was Rangeland (RL 60). Because each parcel is below the minimum parcel size of 160 acres, they remain legal nonconforming. Therefore, this boundary line adjustment application is consistent with the Mendocino County Coastal Zoning Code

- **2. Division of Land Regulations:** This project is scheduled to be reviewed by the County Subdivision Committee on **June 13, 2019** at which time the Subdivision Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required findings in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.
- **3. Environmental Protection:** The project region is within the estimated habitat zone of the Point Arena Mountain Beaver and Perennial Goldfields also are possibly located in the project vicinity. Future development of a cellular antenna site will be subject to a Coastal Development Permit and all the associated review. No additional environmental concerns were identified and no environmental impacts are anticipated by this project.

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

- 1. The boundary line adjustment will not result in a change in density. The proposed adjustment does not provide for future divisions beyond that which currently exist;
- 2. The boundary line adjustment will not create any new parcels;
- 3. No substandard lot will result from the adjustment. Both lots are currently substandard in size and are consistent with Section 20.484.010 of the Mendocino County Coastal Zoning Ordinance.
- 4. The properties subject to the adjustment are in an area designated CWR (Critical Water Resources) identified in the Mendocino County Groundwater Study, which states in part:
  - "Areas designated CWR (Critical Water Resources) shall have a minimum lot size of 5 acres and demonstration of "proof of water". All lots less than 5 acre shall demonstrate "proof of water" and may require an environmental impact statement."
- 5. The project is not located on property containing pygmy vegetation.
- 6. The project is not located within a designated "Highly Scenic" area.

7. The project is an appealable project, as it is a boundary line adjustment.

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

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

**RECOMMENDED MOTION:** The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B\_2018-0068, subject to the following conditions of approval, finding that the application and supporting documents and exhibits contain sufficient information and conditions to establish, as required by the Coastal Zoning Code, that:

- 1. The proposed boundary line adjustment is in conformance with the Coastal Element; and,
- 2. The proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities;
- 3. The proposed boundary line adjustment is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and
- 4. The proposed boundary line adjustment will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA);
- 5. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource;
- 6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development;
- 7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
- 8. The proposed use is compatible with the long term protection of resource lands.

#### **CONDITIONS OF APPROVAL:**

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

And,

"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B 2018-0068 and is intended to create no new parcel."

# COASTAL PERMIT ADMNISTRATOR STAFF REPORT FOR COASTAL BOUNDRY LINE

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

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

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

- 5. After you have been given clearance to record the new documents, you must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, you will receive a Completion Certificate.
- 6. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
- 7. A note shall be placed on the deeds and/or legal descriptions stating that "Future development may require additional studies and/or may be subject to restrictions" and that "Future development shall be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."
- 8. A note shall be placed on the deeds and/or legal descriptions stating, "The Boundary Line Adjustment shall not relinquish, remise, release or terminate any prior right, interest in rights-of-way, easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties."
- 9. All structures within the RMR district must maintain fifty (50) foot setbacks from property lines as required by Mendocino County Code Section 20.356.030. The existing structure within the RL district must maintain a twenty (20) foot setback as specified in section 20.368.035.

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

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

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

DATE	KEITH GRONENDYKE
	PLANNER III

Appeal Period: 10 Days

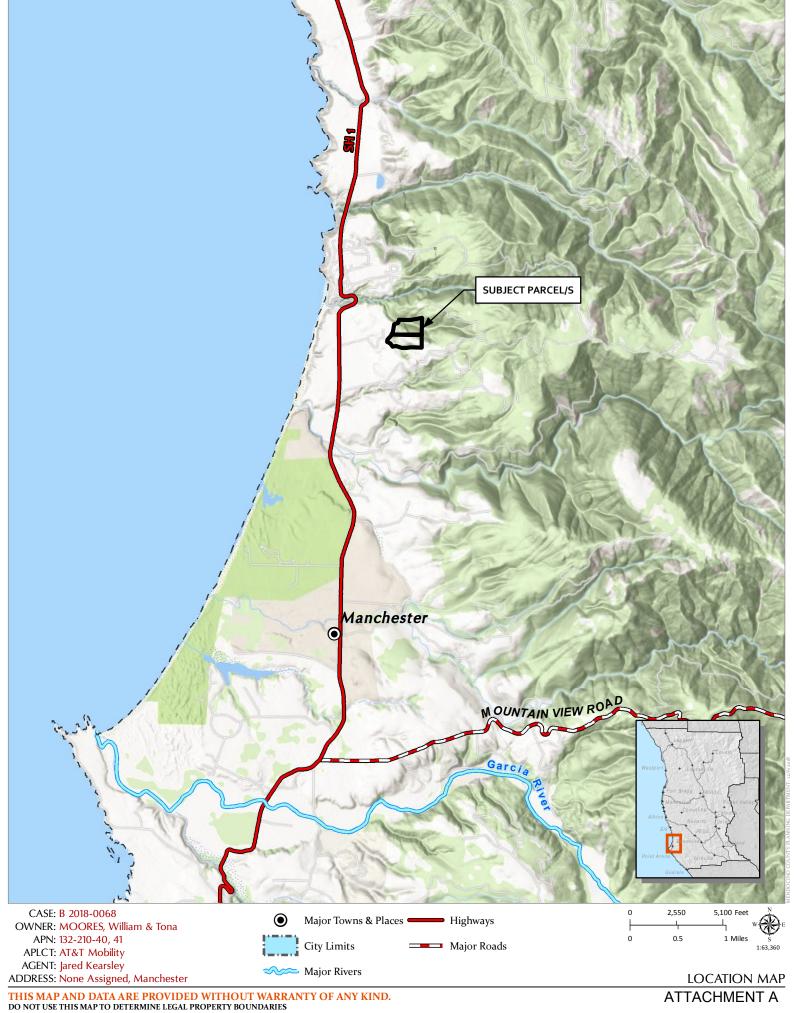
## **COASTAL PERMIT ADMNISTRATOR STAFF REPORT FOR COASTAL BOUNDRY LINE**

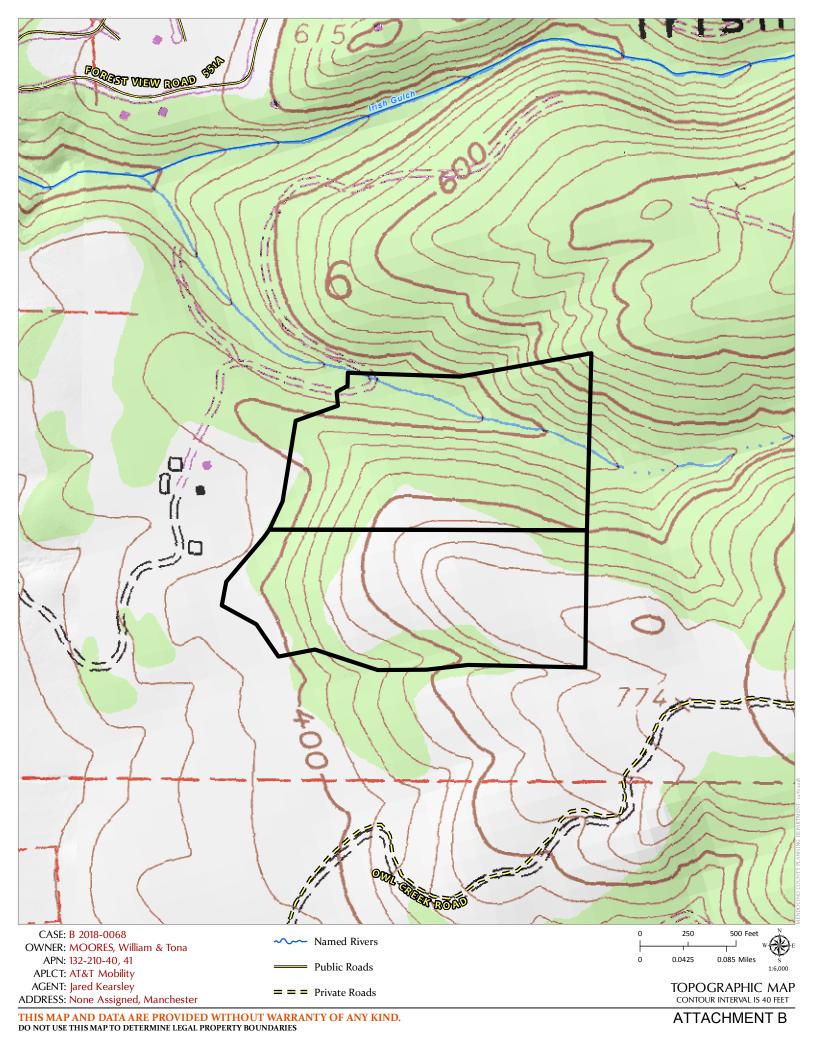
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Appeal Fee: \$1,616.00

## **ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. Vicinity Aerial MapD. Aerial Map
- E. Existing Lots
- F. Proposed Lots
- G. Zoning Map
- H. General Plan
- I. LCP Land use Map
- J. LCP Land Capabilities and Natural Hazards Map
- K. LCP Habitats and Resources Map
- L. Adjacent
- M. Fire Hazards Map
- N. Soils Map
- O. Appeals Map





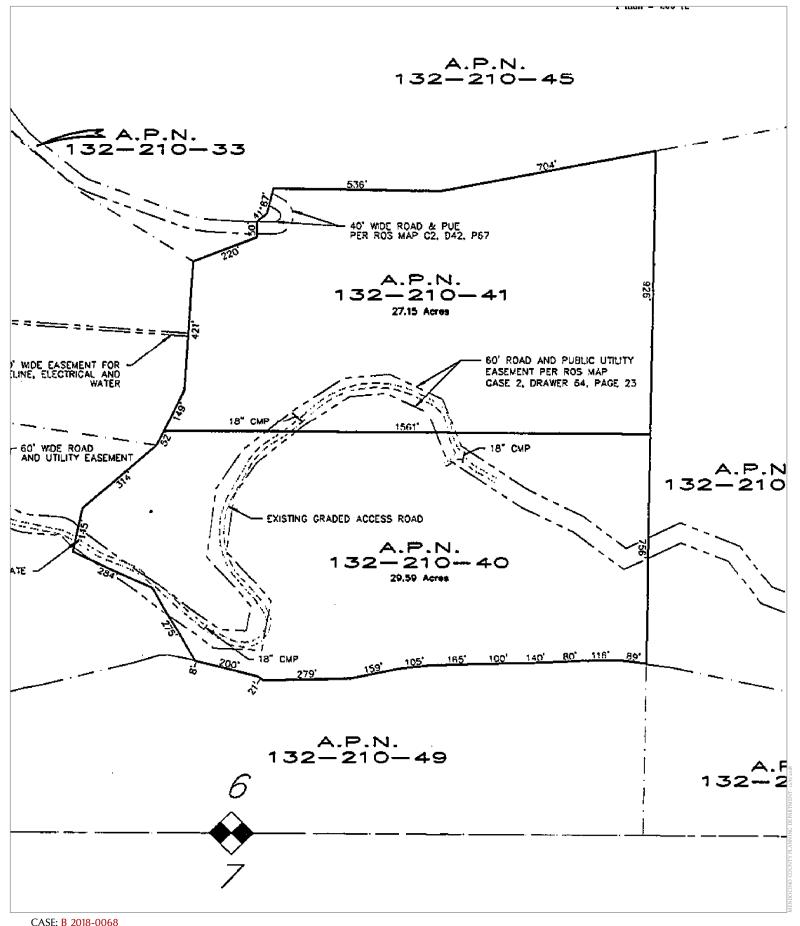




APLCT: AT&T Mobility
AGENT: Jared Kearsley
ADDRESS: None Assigned, Manchester

**= = =** Private Roads

AERIAL IMAGERY



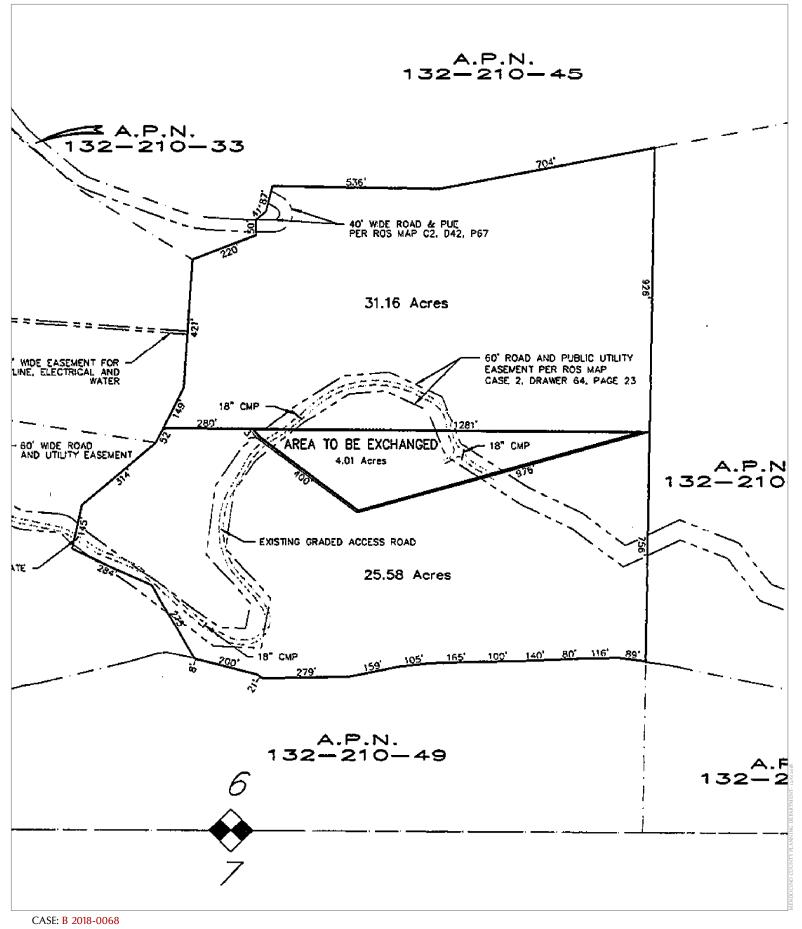
OWNER: MOORES, William & Tona

APN: 132-210-40, 41 APLCT: AT&T Mobility AGENT: Jared Kearsley

ADDRESS: None Assigned, Manchester

NO SCALE

**EXISTING LOTS** 



OWNER: MOORES, William & Tona

APN: 132-210-40, 41 APLCT: AT&T Mobility AGENT: Jared Kearsley

ADDRESS: None Assigned, Manchester

NO SCALE

PROPOSED LOTS

