



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

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November 1, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, November 21, 2019, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: U_2019-0001

DATE FILED: 1/8/2019

OWNER/APPLICANT: MENDOCINO ROTARY FOUNDATION

AGENT: JEROLD KARABENSH

REQUEST: Coastal Development Use Permit to establish a park, classified as MCC Section 20.620.030, and to allow for annual events on Easter Sunday, Independence Day, and the second Friday in December.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Town of Mendocino, one block bounded by Albion Street (CR 407D), Howard Street (CR 407N), Main Street (CR 407E), and Lansing Street (CR 500), located at 44960 and 44920 Main St. (CR 407E), Mendocino (APN's: 119-250-07, -08).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: JULIANA CHERRY

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/pbs>.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 860 North Bush Street, Ukiah, California, 95482 or 120 W. Fir Street, Fort Bragg, CA 95437 no later than November 20, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding the item shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action 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. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. 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 or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) 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. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- COASTAL USE PERMIT**

**NOVEMBER 21, 2019
U_2019-0001**

SUMMARY

OWNER/APPLICANT: MENDOCINO ROTARY FOUNDATION
PO BOX 1910
MENDOCINO, CA 95460

AGENT: JEROLD KARABENSH
45275 MAR VISTA DRIVE
MENDOCINO, CA 95460

REQUEST: Coastal Development Use Permit request to establish a park, classified as MCC Section 20.620.030, and to allow for up to eight annual events (e.g. Easter Sunday, Independence Day, second Friday in December, and other days).

LOCATION: In the Town of Mendocino, on land bounded by Albion (CR 407D), Howard (CR 407N), Main (CR 407E), and Lansing Streets (CR 500), located at 44960 and 44920 Main St. (CR 407E), Mendocino (APN's: 119-250-07, -08).

TOTAL ACREAGE: 0.75± Acres

GENERAL PLAN: General Plan, Coastal Element Chapter 4.13
Public Facilities (PF:U)

ZONING: Mendocino Town Zoning Code
Mendocino Public Facilities (MPF)

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

APPEALABLE: Yes, Conditional Use

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Use Permit request to establish a park, classified as MCC Section 20.620.030 *Community Recreation*, and a request to host up to six annual events. Three of the events would fall on Easter Sunday, Independence Day, and the second Friday in December.

Park amenities, located near the northwest and southeast corners of the lot, would include pet-waste bag dispensers, trash cans, and double-faced signs (potentially including a bulletin board). A combination bike rack and bench would be located near the northwest corner of the lot. Near the northeast corner of the lot would be a swing area, storage shed, underground water tank benches, picnic tables, and "Founders" stones. As shown on the site plan, two six foot wide crushed gravel walkways would cross the lot (See attachment *Revised Site, Sign and Bike Rack Plan*). A cedar split rail fence would be installed near the

westerly boundary of the undeveloped lot and near Lansing Street. A sculpture area is identified near the southern portion of the lot and near Main Street sidewalk.

Mendocino County Department of Transportation requests construction of a curb and sidewalk along the southern property line and adjacent to Main Street. The applicant requests that the Planning Commission not require the construction of sidewalks. The Department of Transportation and the property owner have reached agreement to construct accessible concrete curbs at three, of the four, corners of the lot and near the intersections of (1) Lansing and Albion Streets, (2) Lansing and Main Streets, and (3) Howard and Main Streets. A curbcut would not be constructed at Albion and Howard Streets as land contours are steep.

Phasing of the project would be based on available labor and financing. The first phase would include installing Founder's stones, minor grading and crushed gravel walkways, picnic tables, benches, signage, and pet-waste bag dispensers and trash cans. A later phase would include construction of the proposed fence, shed and the swing set.

Planning and Building Services have received a number of letters supporting the proposed park (See Attached).

APPLICANT'S STATEMENT: Grade site to create flat areas and address drainage, improve existing pathway and add new pathway, construct a shed to house electrical equipment and equipment and tools to mow and maintain the area, install trenching for electrical lines, install a play area for children with tile borders, including tiles recognizing contributors to the project, build a fence along Lansing Street, install a combination bench and bike rack, install dog poop bags and collection posts, have picnic tables and benches for public use, install signage, plant appropriate local greenery.

The project will be phased in based on financing and the availability of local labor. Paving stones have been purchased and will be installed around the play area along with minor grading. Picnic tables and some benches will be installed. Fencing along Lansing Street will be installed. Signage and NW and SE corners of the park will be installed. Dog "poop" stations will be added along with bench and bike rack, when purchased. Shed for electrical equipment will be constructed and park maintenance equipment will be purchased when funds are available. Children's play equipment will be installed when funds are available.

RELATED APPLICATIONS ON-SITE:

- MHRB Permit 2019-0001 for park amenities and improvements
- GP_2013-0002 Mendocino Town Plan
- OA_2013-0001 Mendocino Town Zoning Code Amendment
These amendments to Coastal Element Chapter 4.13 include a specific amendment redefining MCC Sec. 20.620.030 *Community Recreation* as "recreational, social, or multi-purpose facilities owned or operated by a public entity or *Rotary Club International of Mendocino ...*"

SITE CHARACTERISTICS: This is a 32,864± square foot, undeveloped lot located in the Town of Mendocino (See attached *Location Map*). Eucalyptus canopy covers approximately half of the lot area (See attached *Aerial Imagery*). The land is situated north of Mendocino Bay, shoreline bluffs, and Main Street (CR 407E) (See attached *Topographic Map*). In 2017, the California Coastal Commission and Mendocino Board of Supervisors approved a change in the General Plan classification to *Public Facilities* (See attached *General Plan Classifications*). At the same time, the land was rezoned *Mendocino Public Facilities* (See attached *Mendocino Town Zoning*). The *Land Capabilities & Natural Hazards* map shows that the site is north of a tsunami zone and non-prime agricultural soils; the site is characterized as beach deposits and stream alluvium, as is most of the urbanized areas in Town (See attached). The upland habitat is classified "barren" (See attached *LCP Habitats & Resources*). The proposed site for a park is north of the Appeal Jurisdiction, as shown on the *Post LCP Certification Permit and Appeal Jurisdiction Map*. The site and the Town of Mendocino, generally, is mapped as having a moderate fire hazard risk and fire protection services are provided by California Department of Forestry and Fire Prevention and Mendocino Fire Protection District (See attached *Fire Hazard Zones Responsibility Areas*). The Town of

Mendocino is designated a Critical Water Resource Area (See attached *Ground Water Resources*). Western Soil 219 is mapped at this location (See attached *Local Soils*).

SURROUNDING LAND USE AND ZONING: As listed on Table 1, the surrounding lands are classified Commercial or Mixed-Use. Adjacent uses are *Commercial*, *Visitor Serving*, and undeveloped land.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Commercial (C)	Mendocino Commercial (MC)	0.2 acre	Commercial
EAST	Mixed-Use (MU)	Mendocino Mixed-Use (MMU)	1.4 acre	Visitor Serving
SOUTH	Commercial (C)	Mendocino Commercial (MC)	0.8 acre	Vacant
WEST	Commercial (C)	Mendocino Commercial (MC)	0.4 acre	Commercial

PUBLIC SERVICES:

Access: State Route 1 via Main Street (CR 407E)
Fire District: Mendocino Fire Protection District
Sewer District: Mendocino City Community Services District
School District: Mendocino School District

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed Civic Use Type *Community Recreation* would be consistent with the goals and policies of Coastal Element Chapter 4.13 *Mendocino Town Plan*, and this segment of Mendocino County's Local Coastal Program, as detailed below.

LAND USE: The Coastal Element land use classification for the subject parcel is *Public Facilities* (PF), which is intended:

"To designate existing and planned future major public and community serving uses that shall only be allowed to be converted to another use following certification by the Coastal Commission of an amendment to the certified Mendocino Town Plan. This classification applies to lots which are used for, or are proposed to be used for, public agency or non-profit entity purposes, or for specified public utility purposes."

The proposed park, i.e. *Community Recreation* land use, is consistent with the conditional uses listed in Section 5.9 *Public Facilities*, Coastal Element Chapter 4.13.

The public access component is included in Coastal Element Chapter 4.13 Section 4.8 *Public Access and Recreation*, as follows:

- Mendocino Town Public Access Map (Figure 4.13-6),
- detailed Public Access Maps (Appendix 5),
- and the parts of the Mendocino Town Land Use Map that depict Highway 1, public roads, streets, and alleys, Mendocino Headlands State Park, passive and active local parks, and recreation facilities.

Coastal Element Chapter 4.13 Action PAR 1.2 includes public recreational access polices and states:

"Continuous lateral public recreational access for pedestrians, bicyclists, and motorists shall be maintained (1) within and/or adjacent to Mendocino Headlands State Park, (2) from Mendocino Headlands State Park to the north, east, and south of the Town along Lansing Street (former Highway 1), Heeser Drive, and Big River Road; (3) the designated east-west coastal access routes in

Town along Main Street, Little Lake Street, and Ukiah Street, (4) on the Highway 1 bridge over Big River, and (4) over the Slaughterhouse Gulch drainage. Continuous lateral public recreational access shall also be maintained from Highway 1 along Big River Road, the Big River Flat east of Highway 1, and the Big River Estuary Beach west of Highway 1 to Main Street."

Public recreational access for pedestrians and bicyclists would be a part of the park amenities; therefore, as proposed the project would contribute to satisfying Coastal Element Chapter 4.13 Action PAR 1.2. The proposed would be consistent with the intent of the *Public Facilities* classification, as the land would be used by a non-profit entity for a public park.

ZONING: The zoning district for the subject parcel is *Mendocino Public Facilities* (MPF), which 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."

MCC Section 20.620.030 defines *Community Recreation* as follows: "Recreational, social, or multi-purpose facilities owned or operated by a public entity, or by Rotary Club International of Mendocino at their two (2) properties located at 44960 and 44920 Main Street (APNs 119-250-07 and 119-250-08). Typical uses include public parks, sports facilities, senior citizen centers, nature centers, teen centers, playhouses, auditoriums and recreational centers."

Conditional Uses: Pursuant with MCC Section 20.668.015(A), the proposed land use, Community Recreation, is a conditional use in the MPF District. A Coastal Development Use Permit must be secured, pursuant to the requirements of Mendocino County Codes, prior to the initiation, amendment, or expansion of a use or development that is permitted only as a conditional use in the Mendocino Public Facilities District. Any person holding a valid, unexpired, and unrevoked Coastal Development Use Permit approved by the County may apply for a permit amendment by complying with MCC Section 20.720.025. The amendment of a Coastal Development Use Permit may include amendment to the terms of the permit itself, or the waiver or alteration of conditions imposed.

Table 2: Comparison of MPF Development Standards and Proposed Community Recreation Use		
MCC CHAPTER 20.688	STANDARD	PROPOSED
Minimum Front & Rear Yards	10 FT	10 FT
Minimum Side Yards	6 FT	6 FT
Maximum Building Height	28 FT	10 FT
Minimum Vehicle Parking	1 space per 400 SF gross floor area	Not Applicable
Maximum Lot Coverage	25%	Less than 1%

Development Criteria: Table 2 lists the development standards within the district and demonstrates that the proposal would satisfy these regulations. The proposed shed would be 11.75 feet wide, 10 feet tall, and negligibly contribute to lot coverage. Staff recommends that the minimum vehicle parking standard, see MCC Section 20.668.050, is not applicable to a site that would (A) not have an employee, (B) where the gross floor area is associated with a storage shed, and (C) there is not a need to participate in a shared parking program.

Temporary Uses: The property owner requests to hold up to eight events annually. Dates of some of the annual events would be Easter Sunday, Independence Day, the second Friday in December. Temporary uses, including events, shall be subject to all regulations that apply to any use located in the Mendocino Public Facilities District, except as otherwise provided by MCC Chapter 20.708. All temporary uses shall also comply with MCC Chapter 20.760. Temporary uses shall not create noise impacts to surrounding uses that exceed noise standards set out in the County's General Plan Development Element, Table 3-J, Exterior Noise Level Standards (Levels not to be Exceeded More than thirty (30) Minutes in an Hour) and Table 3-L, Maximum Acceptable Interior Noise Levels Created by Exterior Noise Sources.

While the property owner seeks authorization for eight potential annual events, they have not provided information to determine whether a temporary event could be excluded from coastal development permit requirements pursuant with MCC Section 20.708.020(C); therefore, staff recommends conditions establishing that the eight annual events satisfy the adopted exclusion criteria, as follows (See Condition #10):

- The eight annual events shall not preclude the general public from use of the park.
- The eight annual events, and their associated activities or access requirements, shall avoid either directly or indirectly any significant adverse impact on environmentally sensitive habitat areas, rare or endangered species, significant public scenic resources, or other protected coastal resources.
- The eight annual events shall not restrict public use of parking areas to the extent that it would significantly impact public recreation areas or public access to coastal waters, along the shoreline, a beach, path, trail, upland recreational support facility, or Mendocino Headlands State Park.
- The eight annual events have not previously required a coastal development permit to avoid, otherwise mitigate, or monitor associated potentially significant impacts to coastal resources and/or public access to coastal waters, along the shoreline, a beach, path, trail, upland recreational support facility, or Mendocino Headlands State Park.

If the Director determines that a temporary event requires a Coastal Development Permit, regulations may allow an amendment to U_2019-0001, pursuant with MCC Section 20.732.020. The procedure would be that the event organizer shall contact the Department of Planning and Building Services to allow the Director, or their designee, to review the project and determine whether a coastal development permit (or an amendment to Coastal Development Use Permit U_2019-0001) is necessary. Staff recommends including an advisory measure to the property owner of adopted regulations for entertainment events, religious assembly, other large public gatherings, or other temporary events (See Recommended Condition #11).

As proposed, the project would be consistent with the regulations of MCC Chapter 20.688 *Mendocino Public Facilities*. With the inclusion of an advisory condition, the property owner has knowledge that the Director would determine whether a temporary event would require a Coastal Development Permit or an amendment to Coastal Development Use Permit U 2019-0001.

HAZARDS MANAGEMENT AND MCC SECTION 20.692.025: Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazards (See attachment *LCP Land Capabilities & Natural Hazards*). 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). On May 6, 2019, the application was referred to MFPD for input; however, no response has been received. California Department of Forestry and Fire Prevention specified conditions of approval of State Fire Safe Regulations (See CalFire File # 78-19), including address, driveway, and maintaining defensible space and fuels modification standard. As proposed, the project would be consistent with MCC Section 20.692.025, which refers to additional requirements for all districts including MCC Chapter 20.500 *Hazard Areas*.

VISUAL RESOURCES AND MCC SECTION 20.692.025: As proposed, the project would be consistent with MCC Section 20.692.025, which refers to additional requirements for all districts including MCC Chapter 20.504 *Visual Resource and Special Treatment Areas*. 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 not mapped as a Highly Scenic Area.

The Mendocino Town Zoning Code establishes specific criteria for development in the Town of Mendocino (See MCC Chapters 20.692, 20.504, and 20.760). On July 1, 2019, the Mendocino Historical Review Board had the opportunity to comment on U_2019-0001 and they stated a preference that the location of shed be shifted. The Review Board commented that if trash cans were required, then the cans should be consistent with the others in Town, and they should be provided and maintained at no cost to the property owner. Staff spoke with Waste Management, who received a grant to replace the trash cans in Town, and learned that Waste Management maintains the trash cans and is responsible for emptying

them on a regular basis. The revised site plan reflects Review Board comments from July (See attachment *Revised Site, Sign and Bike Rack Plan*).

September 9, 2019, the Review Board granted MHRB Permit, MHRB_HH2019-0001 and a request to construct park amenities, install two free standing signs, and, for the next five years, allow tents during eight annual events (including Easter Sunday, Independence Day, and the second Friday in December). The Review Board approved cement sidewalks with a sand-washed finish along Main Street. Review Board approval establishes that the proposed development satisfies the design standards for the Historical Preservation District for Town of Mendocino. As an advisory measure, staff recommends inclusion of Condition #12. As proposed, the project would be consistent with MCC Section 20.692.025, and MCC Chapters 20.504 and 20.760.

HABITATS AND NATURAL RESOURCES AND MCC SECTION 20.692.025: The project site is not situated in a sensitive coastal resource area. The parcel is mapped as barren land and minor ground disturbing activity is proposed (See attachment *LCP Habitat and Resources*). As the proposed project would not affect sensitive coastal resources, the Department of Fish and Wildlife was not contacted when staff distributed the application for agency comment. As proposed, the project would be consistent with MCC Section 20.692.025 which refers to additional requirements for all districts, including MCC Section 20.532.060 *Environmentally Sensitive Habitat Area-Supplemental Application Procedures* (Noting, MCC Chapter 20.532 specifies protections for sensitive habitats and natural resources).

GRADING, EROSION, AND RUN-OFF AND MCC SECTION 20.692.025: The site is characterized as beach deposits and stream alluvium (See attachment *LCP Land Capabilities & Natural Hazards*) and is mapped with a Western Soil Class #219 (See attachment *Local Soils*). As nominal grading is proposed, the project would satisfy County policies for grading, erosion, and run-off, and MCC Chapter 20.717 *Water Quality Protection*. The project would be consistent with MCC Section 20.692.025 which refers to additional requirements for all districts including MCC Chapter 20.492 *Grading, Erosion, and Run-Off*, which, in addition to MCC Chapter 20.717, specifies grading standards.

ARCHAEOLOGICAL/CULTURAL RESOURCES AND MCC SECTION 22.12.090: On May 6, 2019, the proposed project was referred to the California Historical Resources Information System, Northwest Information Center (CHRIS) and on May 16, 2019 a response was received that recommended preparing an archaeological survey report. Staff contacted the applicant's agent and an archaeological report was prepared by Alex DeGeorgey (dated July 26, 2019). On September 11, 2019, the Archaeological Commission accepted Mr. DeGeorgey's survey report and requested that its recommendations be strictly adhered to (See recommended Conditions #8 and #9). As conditioned, the project would be consistent with Mendocino County policies for protection of paleontological and archaeological resources including MCC Section 22.12.090.

On May 6, 2019, the project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; however, there are no comments at this time.

TRANSPORTATION/CIRCULATION AND MCC CHAPTER 20.714: The project would contribute to minimal traffic on local and regional roadways. The cumulative effects of traffic resulting from the *Community Recreation* land use and its associated development were considered when the Coastal Element land use classifications were assigned. Staff recommends the project would not affect transportation or circulation and would be provided with adequate access.

On May 6, 2019, the application was distributed to Mendocino County Department of Transportation (MCDOT) for their comment and on May 15, 2019, MCDOT offered seven conditions for consideration:

1. The property owner shall construct curb, gutter and sidewalk along Main Street (CR 407E), in accordance with Mendocino County Road and Development Standards No. A40A and A40B. The sidewalk shall be at minimum five (5) feet wide and ADA compliant.
2. The property owner shall construct ADA compliant concrete curb ramps on the corners of Albion Street (CR 407D) and Lansing Street (CR 500), Lansing Street (CR 500) and Main Street (CR 407E), and Main Street (CR 407E) and Howard Street (407N) to connect to sidewalk and onsite walking path.

3. The property owner shall re-stripe crosswalk at Lansing Street (CR 500) and Main Street (CR 407E) with thermoplastic stripe according to CalTrans Standards and Specification 2018, Section 84-2.
4. The property owner shall provide a submittal of a drainage study, signed and stamped by a registered civil engineer for the review and approval of Mendocino County Department of Transportation.
5. The property owner shall provide a submittal of drainage plans, signed and stamped by a registered civil engineer for the review and approval of Mendocino County Department of Transportation.
6. Following approval of drainage plans, applicant shall construct drainage improvements in accordance with approved plans.
7. The property owner shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

As conditioned, the project would satisfy County policies for transportation and circulation, and satisfies MCC Chapter 20.714 *Circulation and Parking* requirements (See recommended Condition #13).

PUBLIC ACCESS AND MCC CHAPTER 20.718: The site, located in the Town of Mendocino and contiguous with Lansing and Main Streets, is 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 Policy PAR-8, and MCC Chapter 20.718 *Public Access*.

GROUNDWATER RESOURCES AND MCC CHAPTER 20.744: The project site is located within a mapped Critical Water Resources Area (See attachment *Ground Water Resources*). On May 6, 2019, the application was referred to MCCSD and Mendocino County Department of Environmental Health (DEH) for comment. DEH commented that MCCSD has jurisdiction. On August 1, 2019, MCCSD responded with the following comments: "It does not appear that there will be any groundwater extraction for this project. There is a well on the property that is capped off. If no groundwater is extracted on this parcel, a Groundwater Extraction Permit is not required. If any nearby parcel provides water to the Park that will trigger the requirement for a Groundwater Extraction Permit and Hydrological study for both the Park and the parcel that provides water to the Park. There is no provision for sewage disposal. The parcel is not connected to the public sewerage system. I assume that portable toilets will be used during the events. This appears to be a great project, and a great addition to the community."

As proposed, the project would satisfy County policies for groundwater resources as implemented by MCC Chapter 20.744 *Ground Water Evaluation*.

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. A *Community Recreation* land use would meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 4, Section 15304 (e), which reads "minor temporary use of land having negligible or no permanent effects on the environment, including carnivals or sales of Christmas trees." A *Community Recreation* land use would meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 11, Section 15311, which reads "minor structures accessory to institutional facilities, including on premise signs, ... and parks."

RECOMMENDED MOTION

By resolution, grant a Coastal Development Use Permit for a *Community Recreation* land use, as proposed by Mendocino Rotary Foundation, based on the facts and recommended findings and subject to the recommended conditions of approval.

10-30-2019

DATE

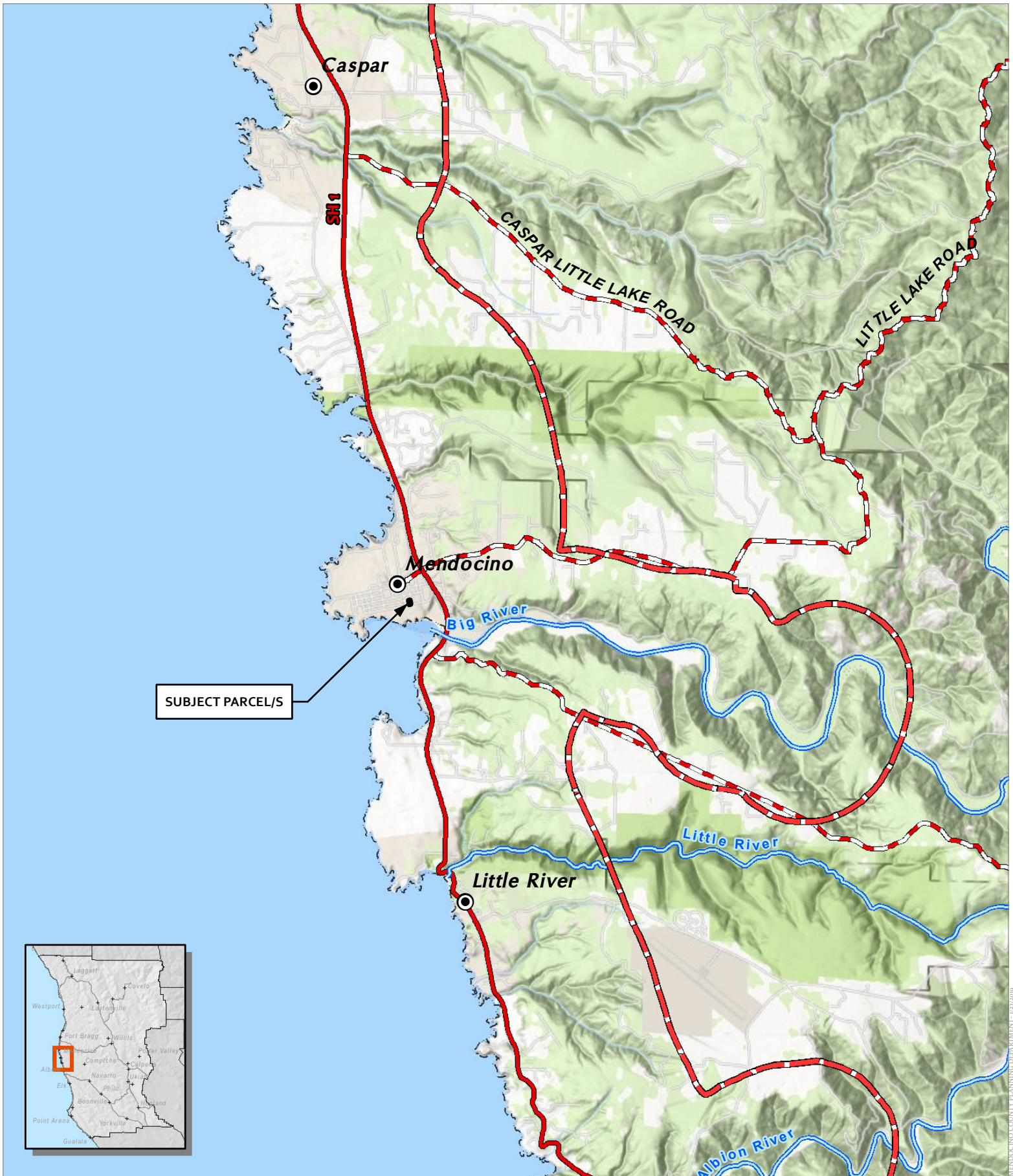
Juliana Cherry
JULIANA CHERRY
PLANNER III

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

ATTACHMENTS:

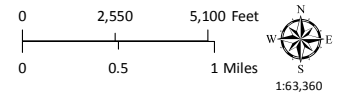
- A. Location Map
- B. Aerial Imagery
- C. Aerial Imagery
- D. Topographic Map
- E. Revised Site, Sign and Bike Rack Plan
- F. Shed Plan
- G. Mendocino Town Zoning
- H. General Plan Classifications
- I. LCP Land Use Map 17: Mendocino
- J. Land Capabilities & Natural Hazards
- K. LCP Habitats & Resources
- L. Appealable Areas
- M. Adjacent Parcels
- N. Fire Hazard Zones & Responsibility Areas
- O. Ground Water Resources
- P. Local Soils
- Q. MISC
- R. Letters of Support

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)



CASE: U 2019-0001
 OWNER: Mendocino Rotary Foundation
 APN: 119-250-08
 APLCT: Jerold Karabensh
 AGENT: Jerold Karabensh
 ADDRESS: 44920 Main Street, Mendocino

- Major Towns & Places
- Highways
- Coastal Zone Boundary
- Major Roads
- Major Rivers



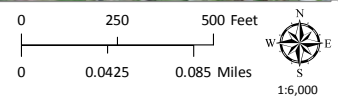
LOCATION MAP
 ATTACHMENT A

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



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 OWNER: Mendocino Rotary Foundation
 APN: 119-250-08
 APLCT: Jerold Karabensh
 AGENT: Jerold Karabensh
 ADDRESS: 44920 Main Street, Mendocino

● Major Towns & Places



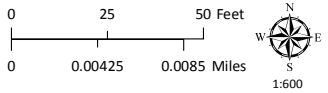
AERIAL IMAGERY
 ATTACHMENT B

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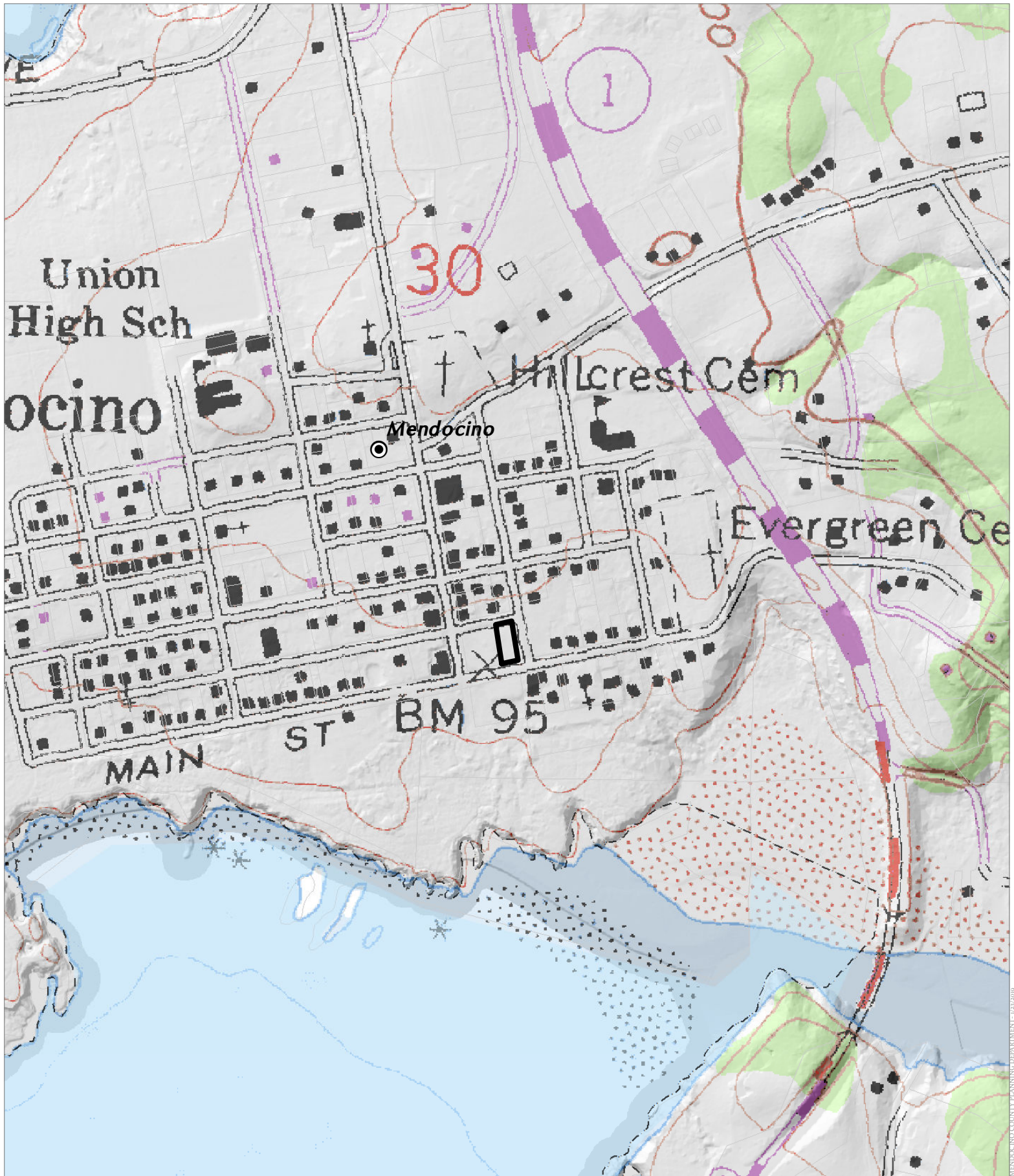
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APN: 119-250-08
APLCT: Jerold Karabensh
AGENT: Jerold Karabensh
ADDRESS: 44920 Main Street, Mendocino

Public Roads



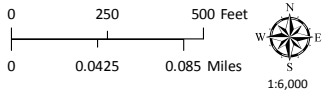
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AERIAL IMAGERY
ATTACHMENT C



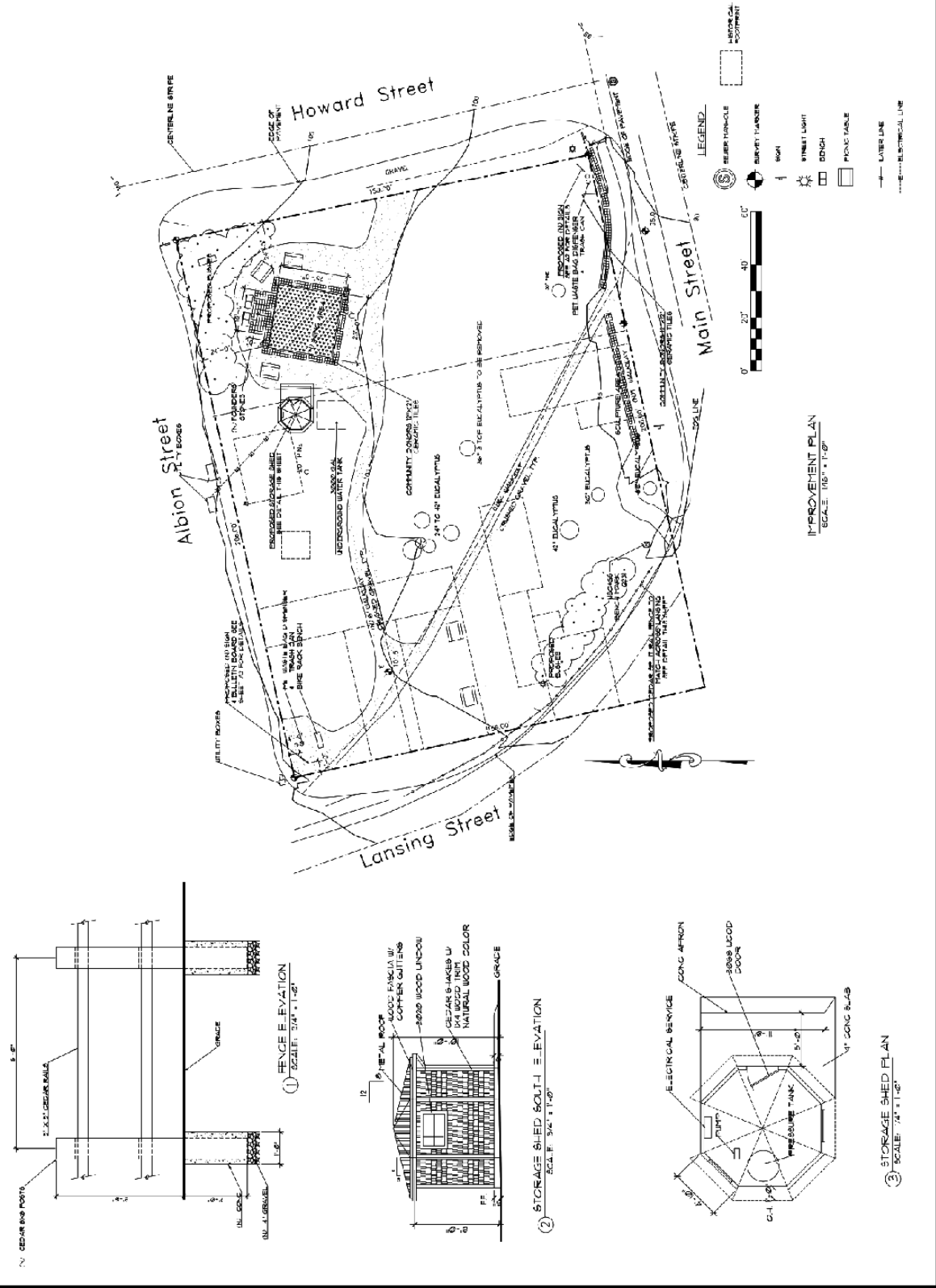
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● Major Towns & Places



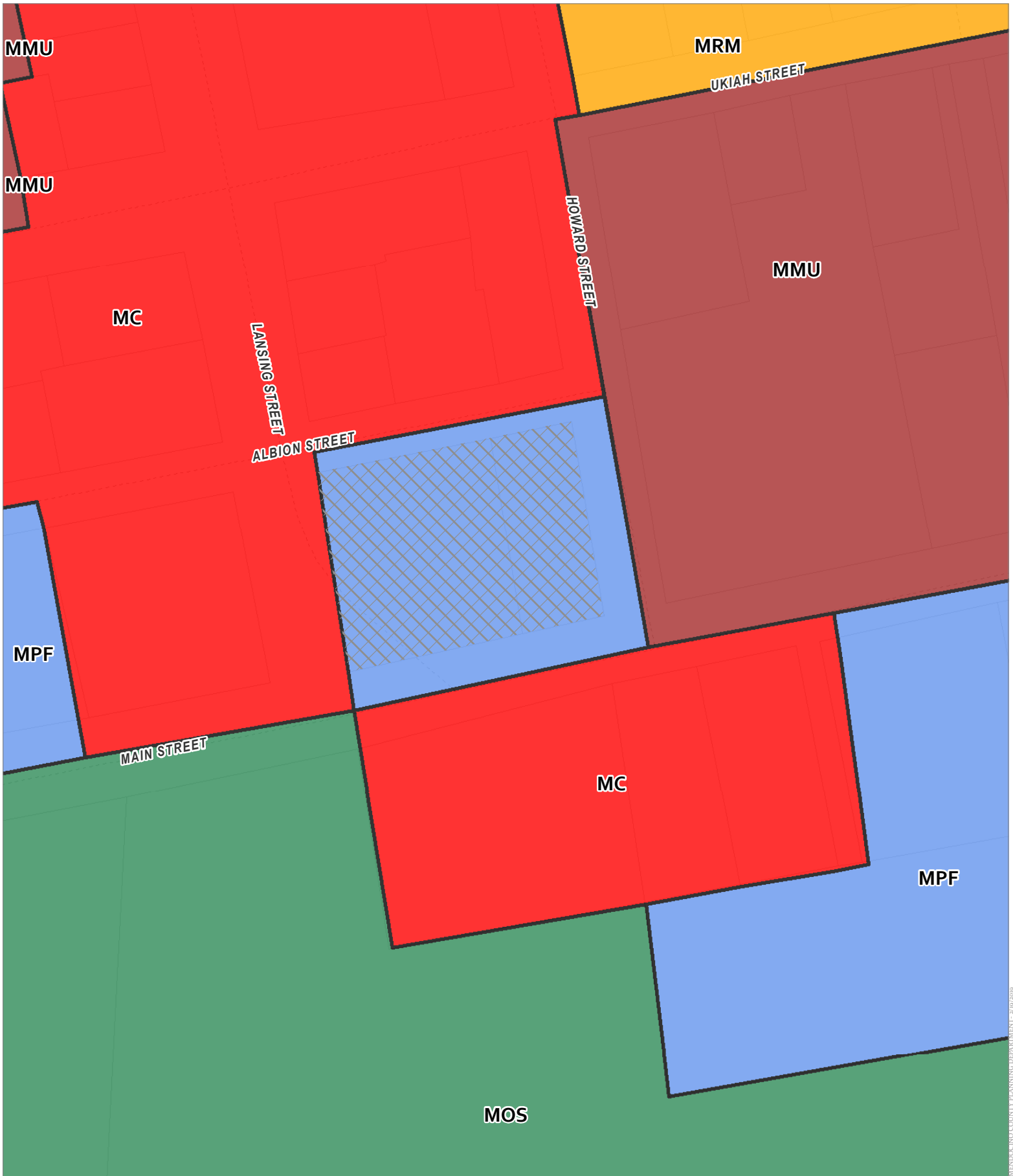
TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET
 ATTACHMENT D

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



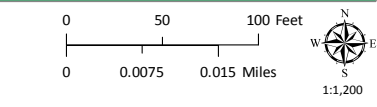
CASE: U 2019-0001
OWNER: Mendocino Rotary Foundation
APN: 119-250-08
APLCT: Jerold Karabensh
AGENT: Jerold Karabensh
ADDRESS: 44920 Main Street, Mendocino

NO SCALE



CASE: U 2019-0001
 OWNER: Mendocino Rotary Foundation
 APN: 119-250-08
 APLCT: Jerold Karabensh
 AGENT: Jerold Karabensh
 ADDRESS: 44920 Main Street, Mendocino

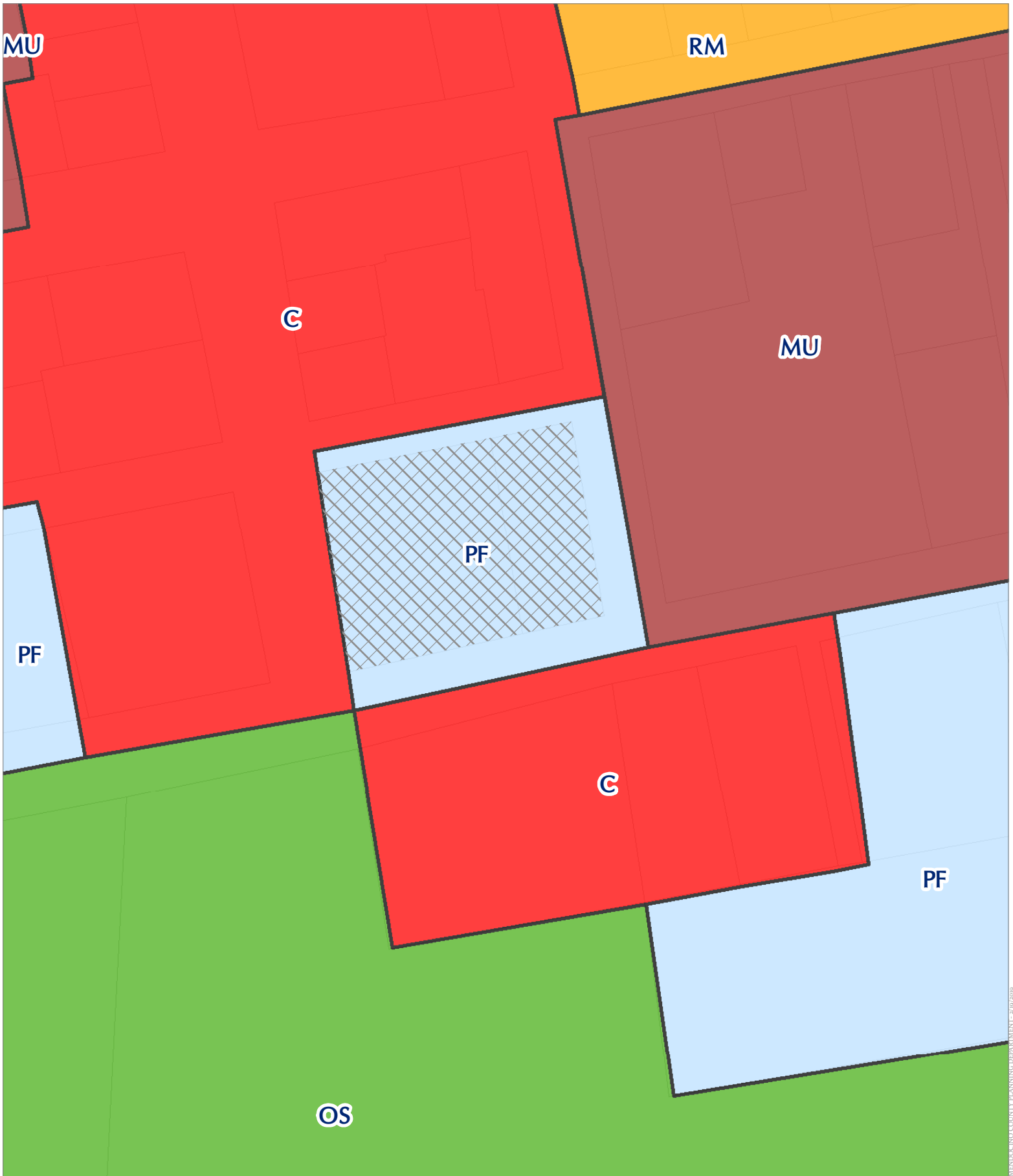
----- Public Roads



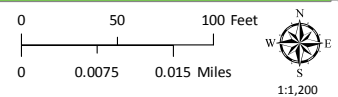
MENDOCINO TOWN ZONING
 ATTACHMENT G

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

MENDOCINO COUNTY PLANNING DEPARTMENT - 2/19/2019



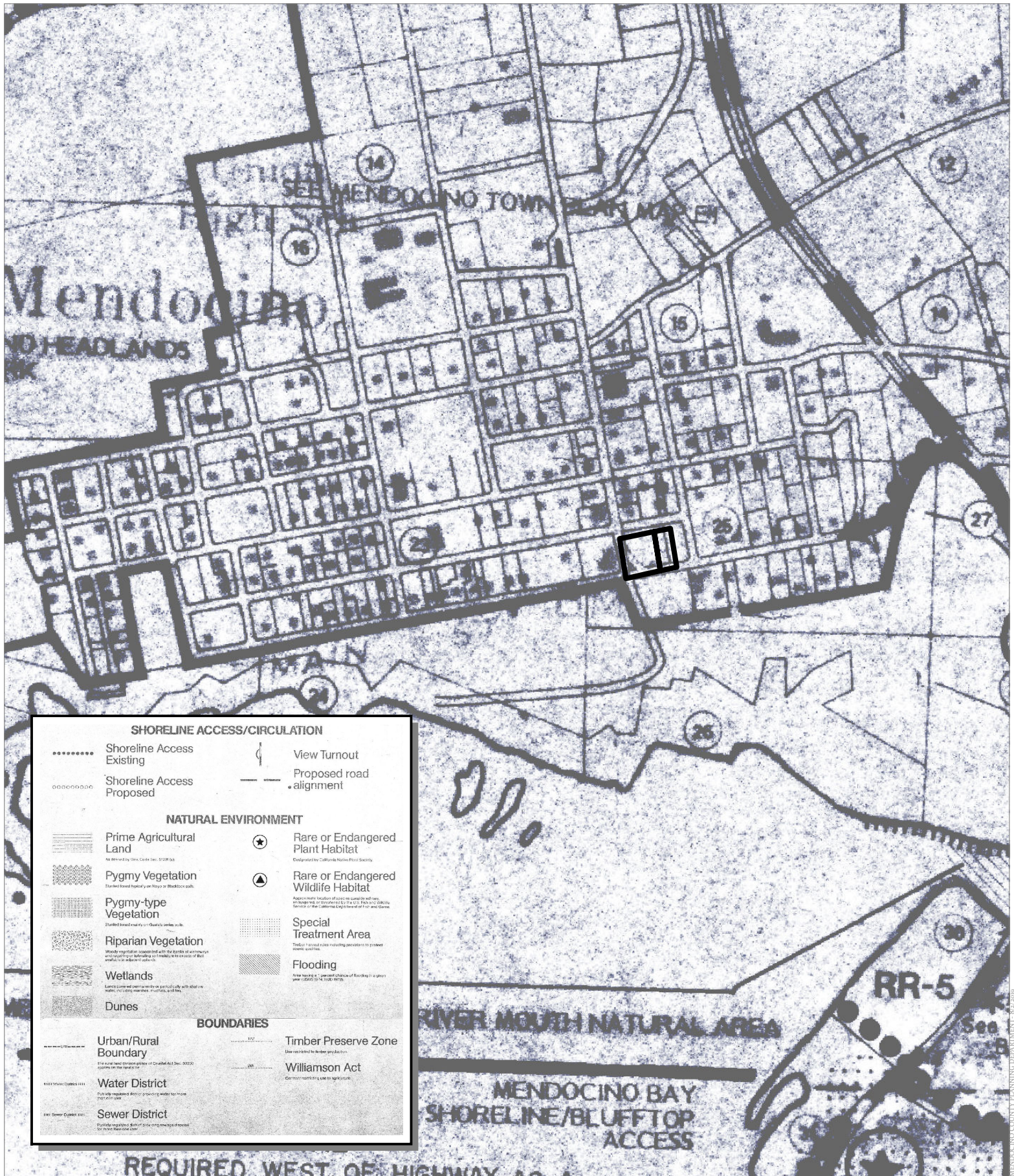
CASE: U 2019-0001
OWNER: Mendocino Rotary Foundation
APN: 119-250-08
APLCT: Jerold Karabensh
AGENT: Jerold Karabensh
ADDRESS: 44920 Main Street, Mendocino



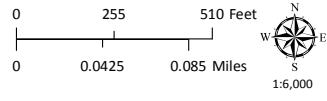
GENERAL PLAN CLASSIFICATIONS

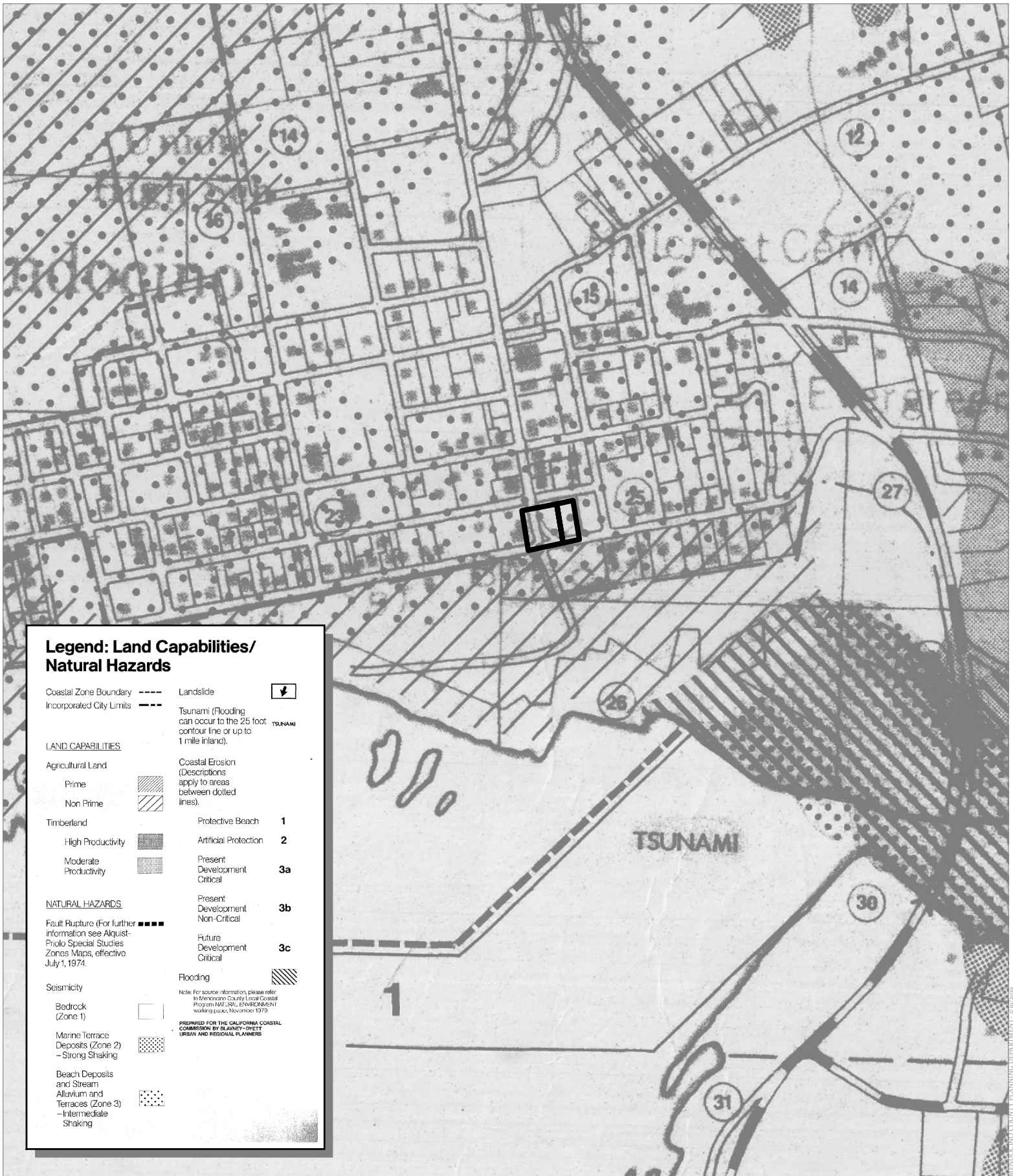
ATTACHMENT H

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE: U 2019-0001
 OWNER: Mendocino Rotary Foundation
 APN: 119-250-08
 APLCT: Jerold Karabensh
 AGENT: Jerold Karabensh
 ADDRESS: 44920 Main Street, Mendocino



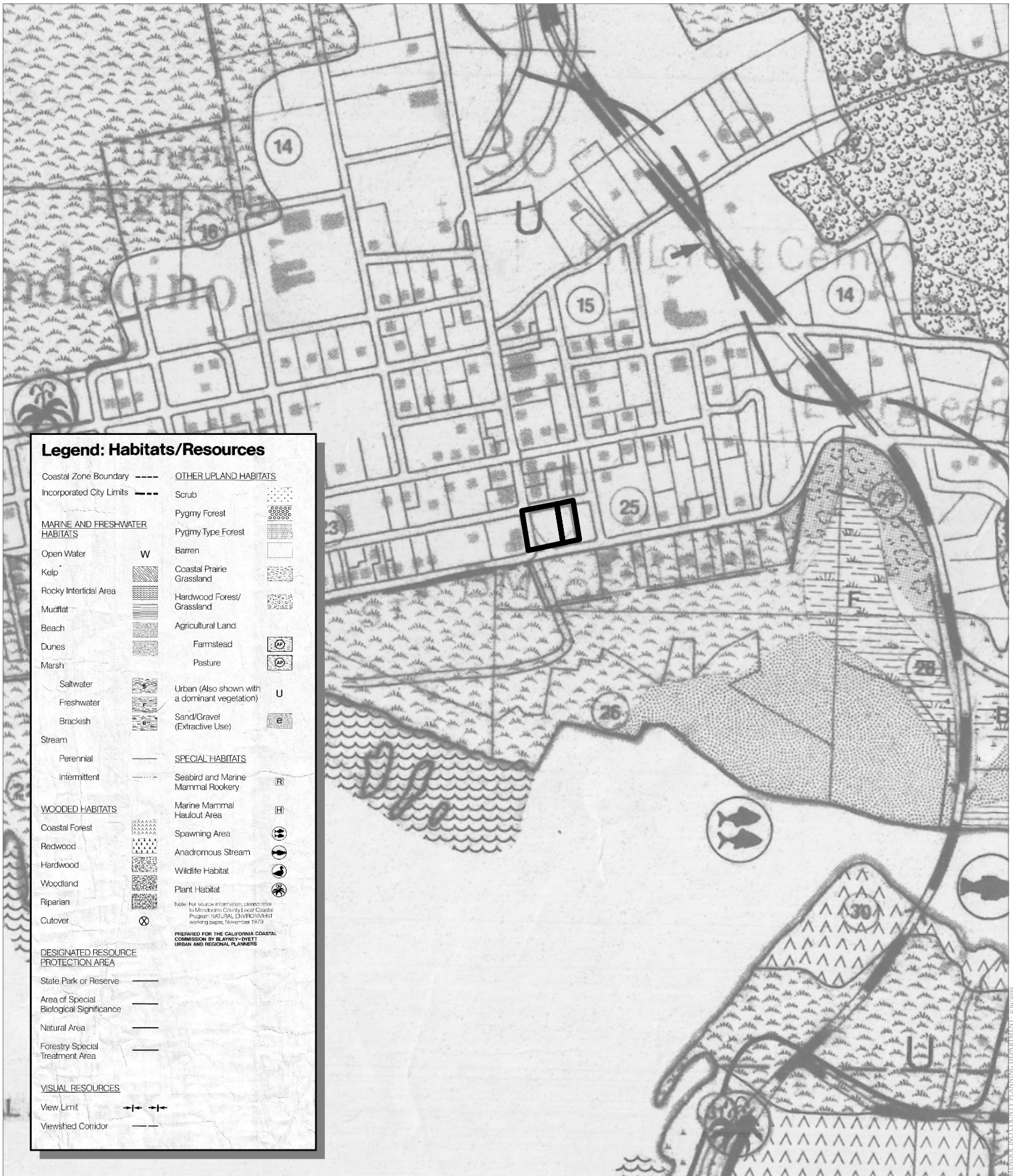


CASE: U 2019-0001
OWNER: Mendocino Rotary Foundation
APN: 119-250-08
APLCT: Jerold Karabensh
AGENT: Jerold Karabensh
ADDRESS: 44920 Main Street, Mendocino

LAND CAPABILITIES & NATURAL HAZARDS

ATTACHMENT J

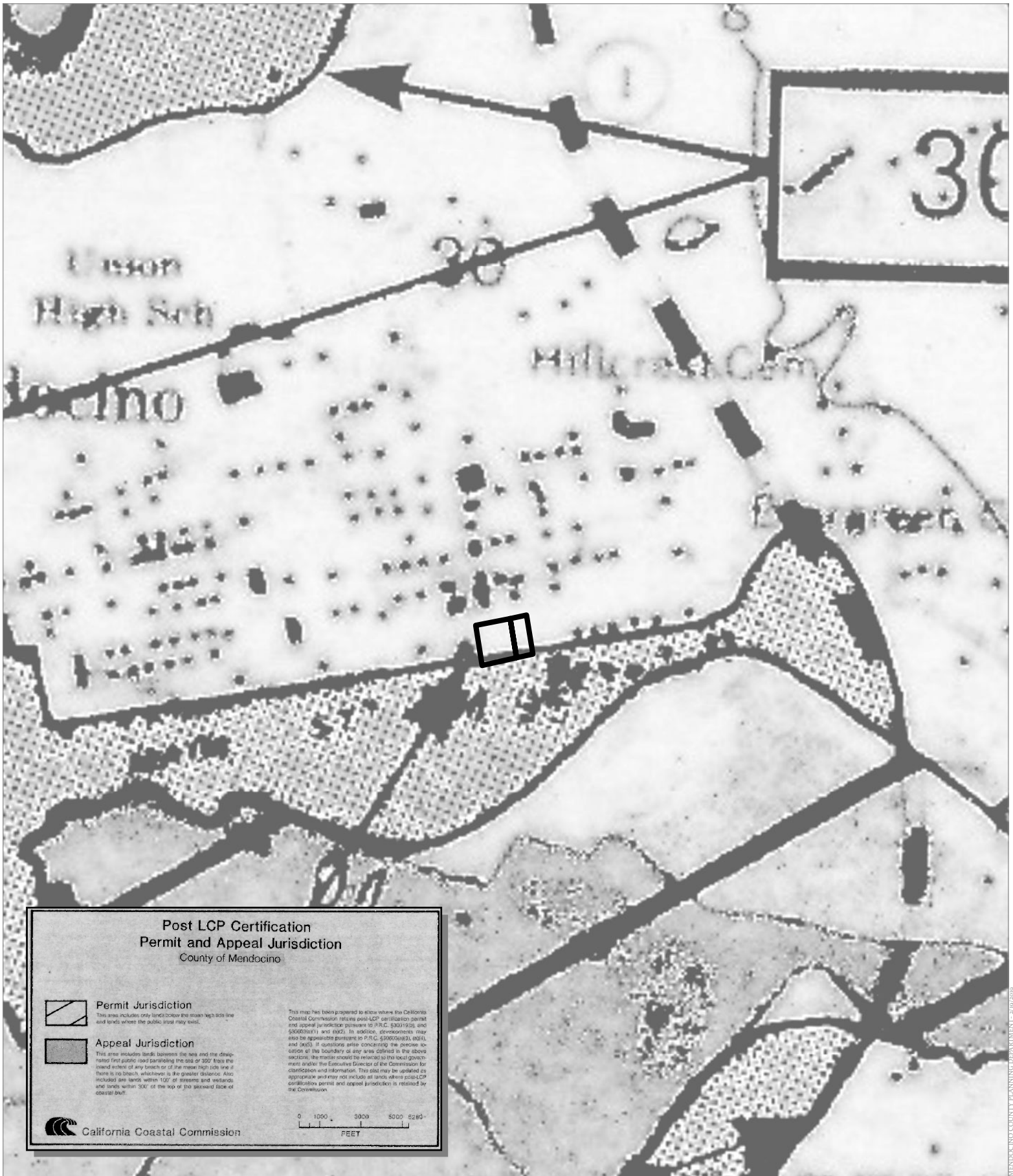
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE: U 2019-0001
 OWNER: Mendocino Rotary Foundation
 APN: 119-250-08
 APLCT: Jerold Karabensh
 AGENT: Jerold Karabensh
 ADDRESS: 44920 Main Street, Mendocino

LCP HABITATS & RESOURCES
 ATTACHMENT K

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
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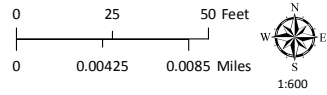
CASE: U 2019-0001
OWNER: Mendocino Rotary Foundation
APN: 119-250-08
APLCT: Jerold Karabensh
AGENT: Jerold Karabensh
ADDRESS: 44920 Main Street, Mendocino

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

**APPEALABLE AREAS
ATTACHMENT L**

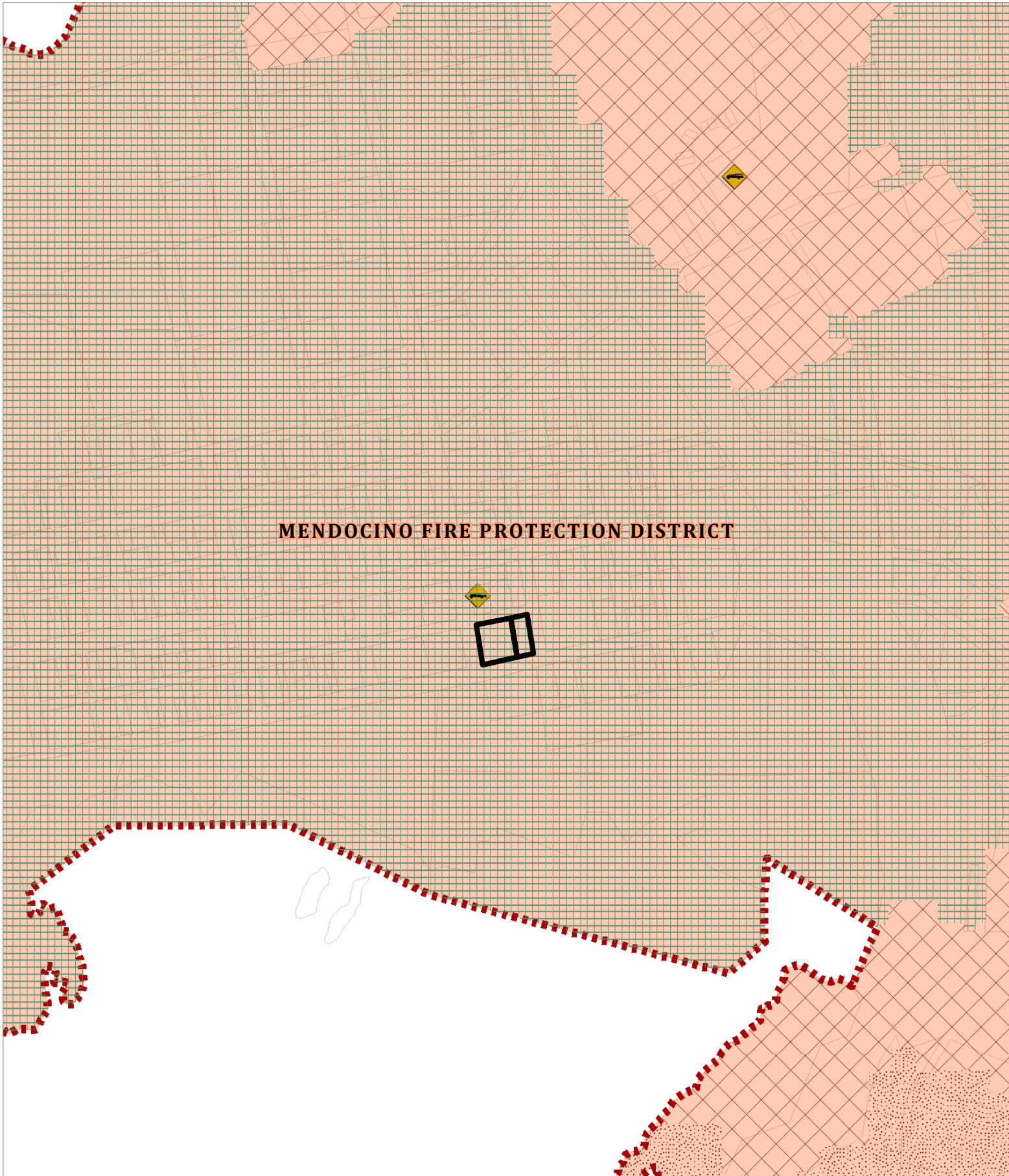


CASE: U 2019-0001
OWNER: Mendocino Rotary Foundation
APN: 119-250-08
APLCT: Jerold Karabensh
AGENT: Jerold Karabensh
ADDRESS: 44920 Main Street, Mendocino








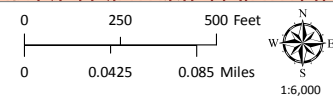
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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ADJACENT PARCELS
ATTACHMENT M

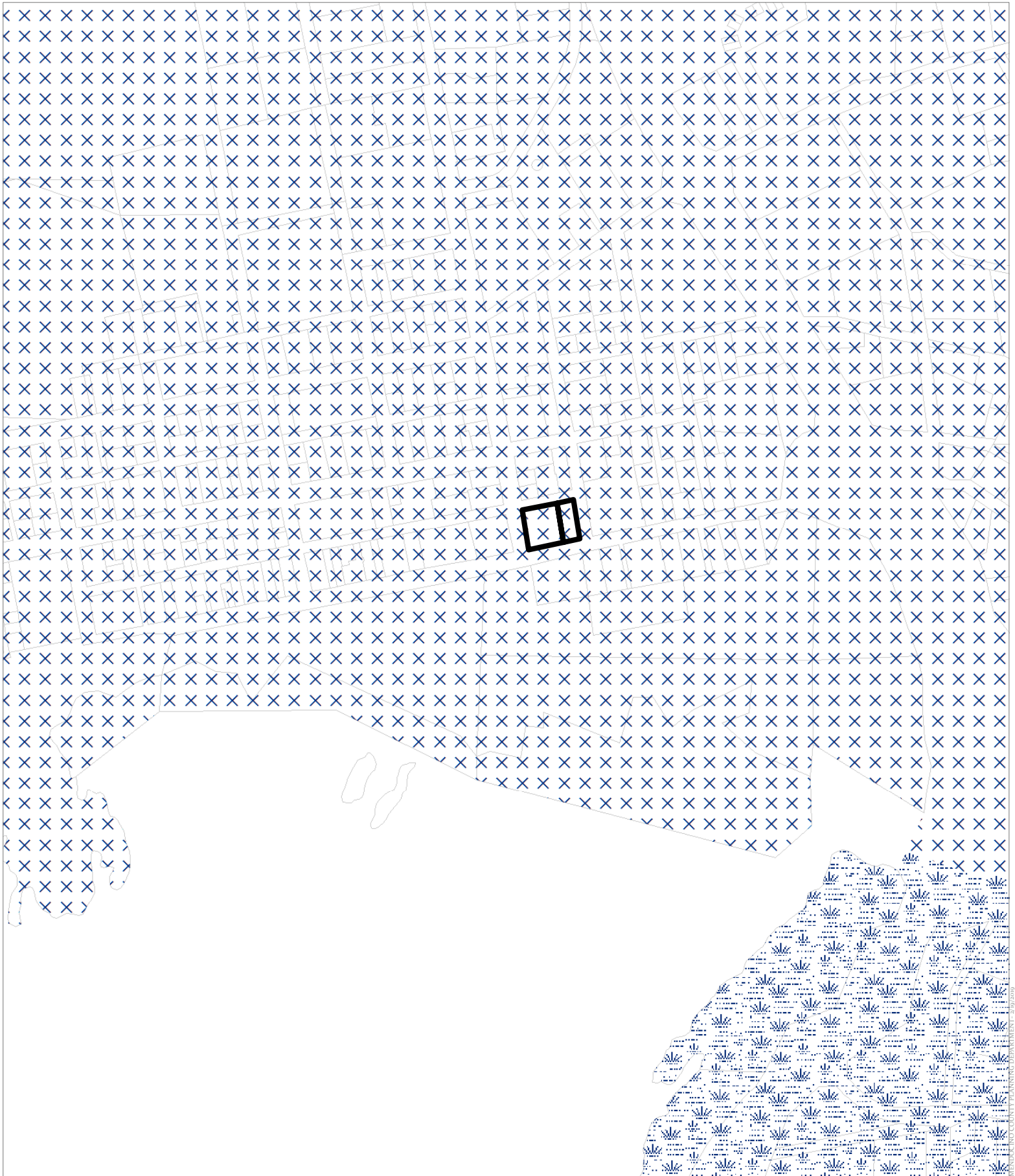


CASE: U 2019-0001
OWNER: Mendocino Rotary Foundation
APN: 119-250-08
APLCT: Jerold Karabensh
AGENT: Jerold Karabensh
ADDRESS: 44920 Main Street, Mendocino



-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard
-  Fire Stations
-  County Fire Districts

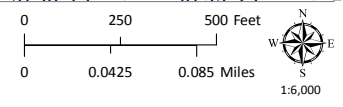


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA



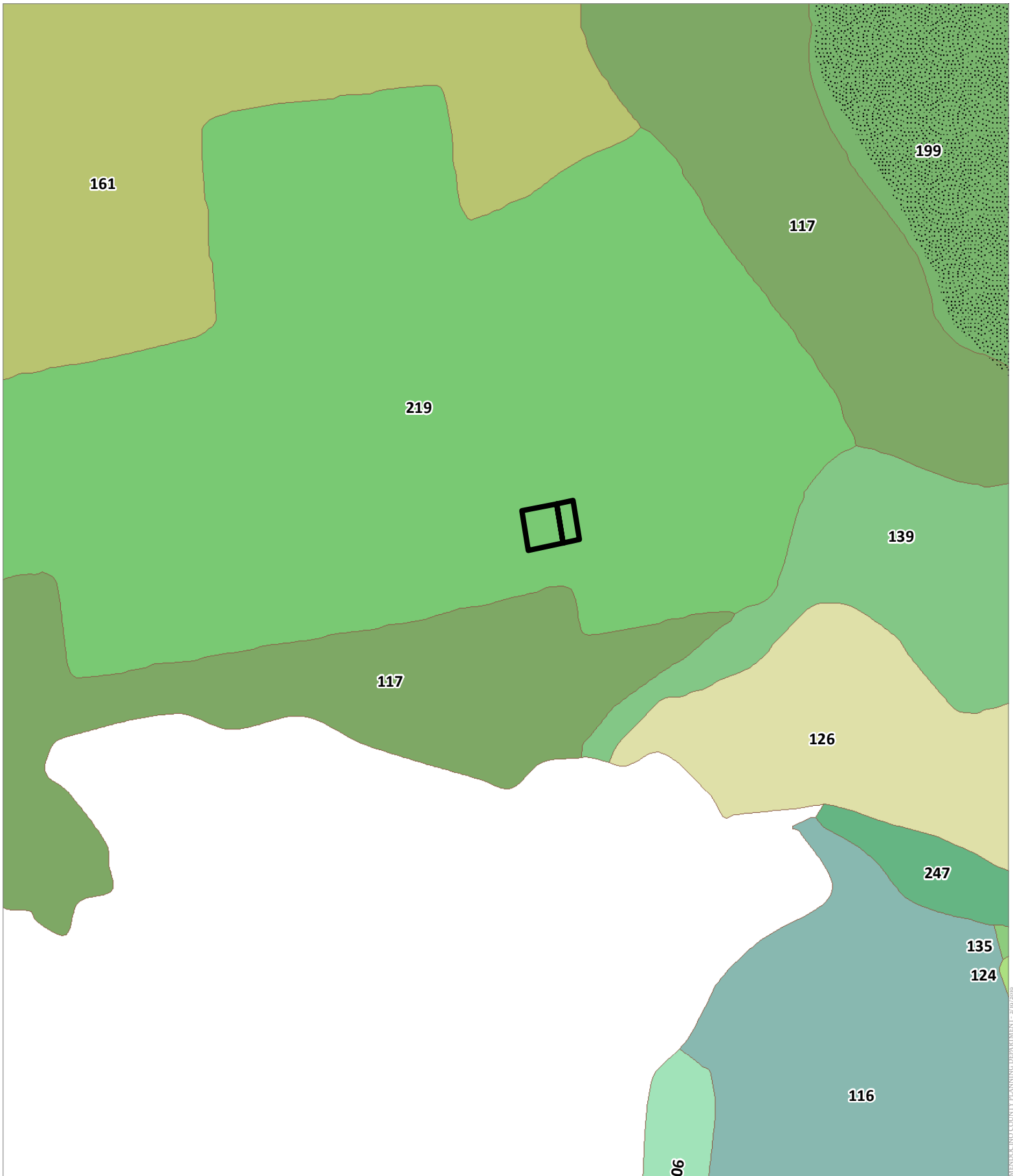
CASE: U 2019-0001
OWNER: Mendocino Rotary Foundation
APN: 119-250-08
APLCT: Jerold Karabensh
AGENT: Jerold Karabensh
ADDRESS: 44920 Main Street, Mendocino

-  Critical Water Areas
-  Marginal Water Resources





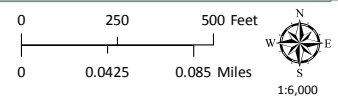
GROUND WATER RESOURCES
ATTACHMENT O

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



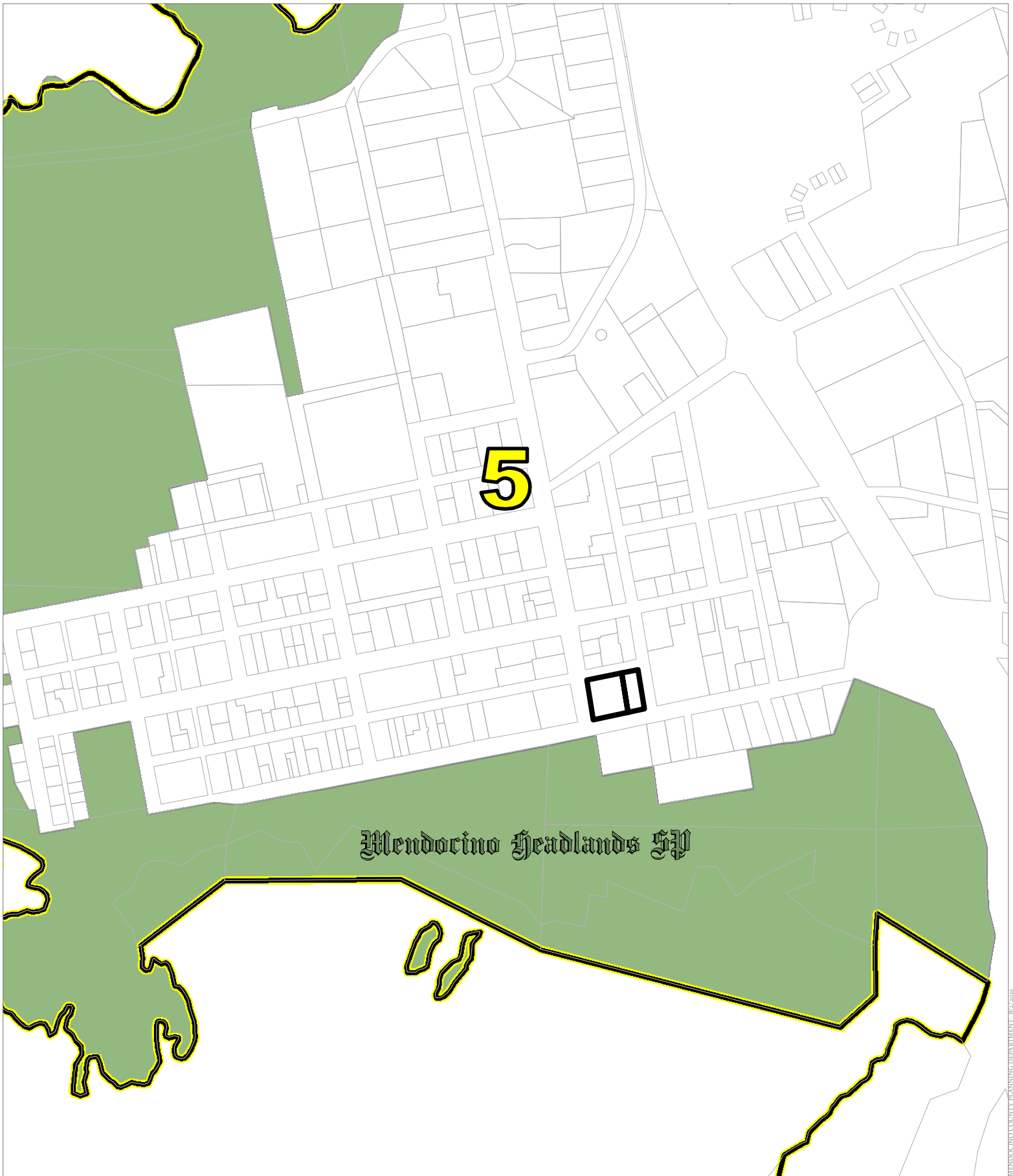
CASE: U 2019-0001
 OWNER: Mendocino Rotary Foundation
 APN: 119-250-08
 APLCT: Jerold Karabensh
 AGENT: Jerold Karabensh
 ADDRESS: 44920 Main Street, Mendocino

 Shinglemill-Gibney Complex
 Western Study Soil Types





LOCAL SOILS
 ATTACHMENT P

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



MENDOCINO COUNTY PLANNING DEPARTMENT - 8/27/2019

CASE: U 2019-0001
 OWNER: Mendocino Rotary Foundation
 APN: 119-250-08
 APLCT: Jerold Karabensh
 AGENT: Jerold Karabensh
 ADDRESS: 44920 Main Street, Mendocino

 Supervisorial Districts 2010
 State Parks

0 255 510 Feet
 0 0.0425 0.085 Miles
 N
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 1:6,000

MISC
 ATTACHMENT Q

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

Dear Julianna,

As a coastal Mendocino County resident, I urge you to implement the plans for the creation of Rotary Park on the corners of Main and Lansing streets in the Village of Mendocino. I have viewed the development of Rotary Park over the last few years and would urge the County and MHRB to complete the legal work necessary to complete the development of Rotary Park for increased use by citizens and visitors that will be able to use Rotary Park's facilities.

Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

As residents near the Village, we urge the
Planning Dept to expeditiously complete the remaining
legal work so that Rotary Park can become a
welcoming space for all to enjoy

Signature Sandra Riegler and Ginter Riegler
Date May 11, 2019

RECEIVED

MAY 15 2019

PLANNING & BUILDING SERV
FORT BRAGG CA

LETTERS OF SUPPORT
ATTACHMENT R

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

Dear Julianna,

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Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

Thank you for what you do and Thank you for your
Patience -

I am Rotary President in Mendocino 2019-2020
Rotary Park is my project for 2019

Thank you for your consideration on this project

Signature Matthew Offenberg

Date 5/11/19

RECEIVED

MAY 20 2019

PLANNING & BUILDING SERV
FORT BRAGG CA

RECEIVED

MAY 17 2019

PLANNING & BUILDING SERV
FORT BRAGG CA
LETTERS OF SUPPORT
ATTACHMENT R

PLANNING COMMISSION STAFF REPORT FOR
COASTAL DEVELOPMENT USE PERMIT

V-2019-0001

U_2019-0001

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino


Dear Julianna,

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Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

I support the Mendocino Rotary and
everything they do for the community

Signature 
Date 5/13/2019

RECEIVED

MAY 20 2019

PLANNING & BUILDING SERV
FORT BRAGG, CA
LETTERS OF SUPPORT
ATTACHMENT R

Julianna Cherry, Planner
Mendocino County Building and Planning
120 Fir Street
Fort Bragg, CA 95437

ATTORNEY AT LAW
45351 SOUTH CASPAR DR.
MENDOCINO, CA 95460
(707) 964-8884

Re; Rotary Park in Mendocino

May 20, 2019

Dear Ms. Cherry::

I am a member of Rotary who has worked very hard for this park. I raised over \$8400 from members of this community to buy this park. My wife and I contributed a very substantial sum of our own. I supported Rotary of Mendocino's decision to pledge the \$26,000 of savings accrued over 45 years toward its purchase. I sold, or helped sell, 140 personalized paving stones to raise more money. The personalized paving stones will go on the path through the park. Twenty larger stones thank major contributors.

I have served on the Board of the Rotary Park Foundation four years with mostly monthly meetings where we worked out what the Club thought the community wanted in this park. I helped in various ways to clean up the park.

I have participated in Rotary events in the park for at least four years for Easter Egg Hunts, 4th of July celebrations with American Flag giveaways, a puppet show, and a lighted Christmas tree every year. We have had countless club meetings at the park.

I have watched hundreds of people using the park with only the benches, using them to lunch, picnic or just pass the time. Countless times I have seen people just spread a blanket and enjoy themselves. Several times I have brought a sandwich and a soda to join them.

The plans Rotary has submitted I believe will offer the public, including tourists, to exponentially expand their enjoyment of this Emerald Jewel at the town center of Main and Lansing.

I want to thank you very much for anything you can do to get this matter heard and favorably considered before the Historical Review Board.

Very truly yours,


John Carl Porter
Attorney at Law

RECEIVED

MAY 22 2019

PLANNING & BUILDING SERV
FORT BRAGG CA

LETTERS OF SUPPORT
ATTACHMENT R

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

RECEIVED

MAY 24 2019

Re: Rotary Park in Mendocino

PLANNING & BUILDING SERV
FORT BRAGG CA

Dear Julianna,

As a coastal Mendocino County resident, I urge you to implement the plans for the creation of Rotary Park on the corners of Main and Lansing streets in the Village of Mendocino. I have viewed the development of Rotary Park over the last few years and would urge the County and MHRB to complete the legal work necessary to complete the development of Rotary Park for increased use by citizens and visitors that will be able to use Rotary Park's facilities.

Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

Signature Beverly A Engelhardt
Date 16 May 2019

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED

MAY 24 2019

PLANNING & BUILDING SERV
FORT BRAGG CA

Dear Julianna,

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Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

Signature Julie Gibson 44901 Pine St Mendoto
Date 5-16-19

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
MAY 24 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

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Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

I love the new park - it has
so much potential.

Signature Juan Cimmigott
Date 5-16-19

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
MAY 24 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

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Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

*This park is a lovely addition to
our community. Thanks to Rotary!*

Signature *Rachel Binah* *RACHEL BINAH*
Date *May 16, 2019*

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
MAY 24 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

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Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

Signature Billy Greedy
Date 5/16/19

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED

MAY 24 2019

PLANNING & BUILDING SERV
FORT BRAGG CA

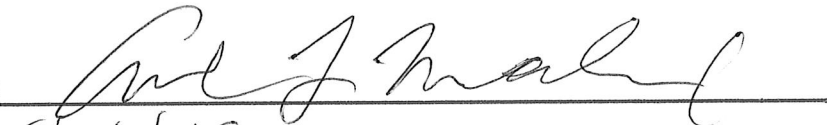
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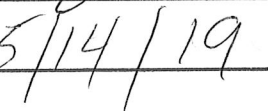
Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

Signature



Date



PLANNING COMMISSION STAFF REPORT FOR
COASTAL DEVELOPMENT USE PERMIT

U_2019-0001

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

From: A concerned Citizen

Re: Rotary Park in Mendocino

Dear Julianna,

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Thank you for any actions you can take in the development of Rotary Park.

Sincerely, SUSAN SANDYS (print name)

Signature

Date

Susan Sandys
5/21/19

RECEIVED
MAY 24 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

PLANNING COMMISSION STAFF REPORT FOR
COASTAL DEVELOPMENT USE PERMIT

U_2019-0001

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

From: A concerned Citizen

Re: Rotary Park in Mendocino

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Thank you for any actions you can take in the development of Rotary Park.

Sincerely, J. Michael Sandys (print name)

Signature J. Michael Sandys
Date 5/21/19

RECEIVED
MAY 24 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
MAY 28 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

Dear Julianna,

As a coastal Mendocino County resident, I urge you to implement the plans for the creation of Rotary Park on the corners of Main and Lansing streets in the Village of Mendocino. I have viewed the development of Rotary Park over the last few years and would urge the County and MHRB to complete the legal work necessary to complete the development of Rotary Park for increased use by citizens and visitors that will be able to use Rotary Park's facilities.

Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

Definitely approve further development of the
Park. Perhaps a Gazebo, low fence to protect
children from cars, separate walk way
& small utility shed.

Signature Leona Walden

Date 5-10-19

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
MAY 28 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

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Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

I feel this is a great boon to our
community

Signature John M. Doe

Date 5-23-2019

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Jeffery Stubbs (address below)

Re: Rotary Park in Mendocino

RECEIVED
MAY 28 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

Dear Julianna,

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Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

*The Park is a gathering place that will help
attract visitors, and enhance the environment.
It is consistent with the history of
the town.*

Signature *Jeffery A. Stubbs*

Date *May 23, 2019*

12101 Alderwood Rd.

Mendocino CA 95460

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Harold Huck
PO Box 1049
Mendocino, CA 95460

RECEIVED

MAY 28 2019

PLANNING & BUILDING SERV
FORT BRAGG CA

Re: Rotary Park in Mendocino

Dear Julianna,

As a coastal Mendocino ~~County~~ resident, I urge you to implement the plans for the creation of Rotary Park on the corners of Main and Lansing streets in the Village of Mendocino. I have viewed the development of Rotary Park over the last few years and would urge the County and MHRB to complete the legal work necessary to complete the development of Rotary Park for increased use by citizens and visitors that will be able to use Rotary Park's facilities.

Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

Please forward comments
to Planning Commission for CDP

Signature *Harold Huck*

Date *5-23-19*

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
MAY 28 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

Dear Julianna,

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Thank you for any actions you can take in the development of Rotary Park.

Sincerely, Terry Karabench (print name)

Signature

Date

[Handwritten Signature]
5/23/19

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
MAY 28 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

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Thank you for any actions you can take in the development of Rotary Park.

Sincerely, GARY HOPPER (print name)

Signature GHopper

Date 5/21/19

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
MAY 28 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

Dear Julianna,

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Thank you for any actions you can take in the development of Rotary Park.

Sincerely, William Van Riper (print name)

Signature William Van Riper

Date 5/10/19

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
MAY 30 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

Dear Julianna,

As a coastal Mendocino County resident, I urge you to implement the plans for the creation of Rotary Park on the corners of Main and Lansing streets in the Village of Mendocino. I have viewed the development of Rotary Park over the last few years and would urge the County and MHRB to complete the legal work necessary to complete the development of Rotary Park for increased use by citizens and visitors that will be able to use Rotary Park's facilities.

Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

I have so enjoyed driving by and
seeing family and friends sitting and
enjoying The view, having picnics and
playing their children. The Park is a
perfect use for this land.

Signature Kathleen Tzplund

Date 5/24/19

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

Re: Rotary Park in Mendocino

RECEIVED
JUN 03 2019
PLANNING & BUILDING SERV
FORT BRAGG CA

Dear Julianna,

As a coastal Mendocino County resident, I urge you to implement the plans for the creation of Rotary Park on the corners of Main and Lansing streets in the Village of Mendocino. I have viewed the development of Rotary Park over the last few years and would urge the County and MHRB to complete the legal work necessary to complete the development of Rotary Park for increased use by citizens and visitors that will be able to use Rotary Park's facilities.

Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

*The park is a great
addition to Mendocino.*

Signature

Marcia Williams

Date

5.30.19

Juliana Cherry, Planner, Mendocino Building & Planning

120 First St
PLANNING COMMISSION STAFF REPORT FOR
CASUAL DEVELOPMENT USE PERMIT

U_2019-0001

Fort Bragg, CA 95437

U-2019-0001

Dear Juliana,

I am pleased that Rotary Park in Mendocino has the potential of being a true centerpiece for our little city. I have viewed the development of Rotary Park over the last few years and would urge the County and MHRB to complete the legal work necessary to complete the development of Rotary Park for increased use by citizens and visitors that will be able to use Rotary Park's facilities. I trust that any improvements will comply with the historic ambience we all feel as important. Thank you for any actions you can take in the approval of development of Rotary Park.

Sincerely,



R Anthony Wade

PO Box 745

Mendocino, CA 95460

RECEIVED

JUN 04 2019

PLANNING & BUILDING SERV
FORT BRAGG CA

LETTERS OF SUPPORT
ATTACHMENT R

To: Julianna Cherry, Planner, Mendocino County Building and Planning Dept.
120 Fir St. Fort Bragg, CA 95437

From: A concerned Citizen

RECEIVED

JUN 05 2019

Re: Rotary Park In Mendocino

PLANNING & BUILDING SERV
FORT BRAGG CA

Dear Julianna,

As a coastal Mendocino County resident, I urge you to implement the plans for the creation of Rotary Park on the corners of Main and Lansing streets in the Village of Mendocino. I have viewed the development of Rotary Park over the last few years and would urge the County and MHRB to complete the legal work necessary to complete the development of Rotary Park for increased use by citizens and visitors that will be able to use Rotary Park's facilities.

Thank you for any actions you can take in the development of Rotary Park.

Personal Comment (not required)

Love the Park!

Signature Linda Meckling

Date 5/30/19

Resolution Number _____

County of Mendocino
Ukiah, California

November 21, 2019

U_2019-0001 MENDOCINO ROTARY FOUNDATION

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING COASTAL DEVELOPMENT USE PERMIT FOR LAND USE MCC SEC. 20.620.030 *COMMUNITY RECREATION*, AND ALLOWING ANNUAL EVENTS ON EIGHT DATES, INCLUDING EASTER SUNDAY, INDEPENDENCE DAY, AND THE SECOND FRIDAY IN DECEMBER.

WHEREAS, the applicant, MENDOCINO ROTARY FOUNDATION, filed an application for a COASTAL DEVELOPMENT USE PERMIT with the Mendocino County Department of Planning and Building Services to CONSTRUCT AND OPERATE A PARK, as defined by MCC Sec. 20.620.030, in the Town of Mendocino and on land bounded by Albion Street (CR 407D), Howard Street (CR 407N), Main Street (CR 407E), and Lansing Street (CR 500). The site is addressed as 44960 and 44920 Main St. (CR 407E), Mendocino (APNs: 119-250-07, -08); General Plan PF:U; Zoning MPF:/NONE; Supervisorial District 5; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of 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, and the Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Sections 15304, Class 4, and 15311, Class 11; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, November 7, 2019, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings based on the evidence in the record:

1. Pursuant with MCC Section 20.720.035(A)(1), the proposed *Community Recreation* land use is in conformity with the certified Mendocino Town Local Coastal Program, including Mendocino County General Plan, Coastal Element Chapter 4.13 Mendocino Town Plan and its Policy PAR 1.2 which states that continuous lateral public recreational access for pedestrians, bicyclists, and motorists shall be maintained along designated east-west coastal access routes in Town along Main Street; and
2. Pursuant with MCC Section 20.720.035(A)(3), the proposed *Community Recreation* land use is consistent with the purpose and intent of the Mendocino Public Facilities Zoning District as well as the provisions of Division III of Title 20 of Mendocino County Codes, and preserves the integrity of the Mendocino Public Facilities District and the Mendocino Historical Preservation District; and
3. Pursuant with MCC Section 20.720.035(A)(2), the proposed *Community Recreation* land use will be provided with adequate utilities, access roads, drainage, and other necessary facilities; and

4. Pursuant with MCC Section 20.720.035(A)(4), the proposed *Community Recreation* land use will 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) and as conditioned, the proposed *Community Recreation* land use will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Pursuant with MCC Section 20.720.035(A)(6), other services, including but not limited to solid waste, public roadway capacity, and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed *Community Recreation* land use; and
7. Pursuant with MCC Section 20.720.035(A)(7), the proposed *Community Recreation* land use is in conformance with the design standards of MCC Section 20.760.050, as the Mendocino Historical Review Board considered the project and approved MHRB Permit 2019-0001; and
8. As conditioned, the proposed *Community Recreation* land use would not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the Town of Mendocino, or be detrimental or injurious to property and improvements in the Town of Mendocino or to the general welfare of the County.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested COASTAL DEVELOPMENT USE PERMIT subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Commission Services Supervisor as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken pursuant to Section 20.720.045 of the Mendocino Town Zoning Code (MCC). The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

By: _____

BY: BRENT SCHULTZ
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

NOVEMBER 21, 2019

U_2019-0001 – MENDOCINO ROTARY FOUNDATION

COASTAL DEVELOPMENT USE PERMIT ESTABLISHING A PARK, CLASSIFIED AS MCC SECTION 20.620.030, AND ALLOWING ANNUAL EVENTS ON EIGHT DATES, INCLUDING EASTER SUNDAY, INDEPENDENCE DAY, AND THE SECOND FRIDAY IN DECEMBER.

Pursuant to the provisions of Chapter 20.720 and Chapter 20.760 of the Mendocino Town Zoning Code (MCC), the Planning Commission approves the proposed *Community Recreation* use and adopts the following conditions.

CONDITONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.20.720.045 the Mendocino Town Zoning Code (MCC). The permit shall become effective after the ten 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 applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
2. In the event that the *Community Recreation* land use should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U_2019-0001.
3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the coastal development use permit.
4. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

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 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. Those recommendations outlined in the Archaeological Report dated July 26, 2017, prepared by Alex DeGeorgey, a Registered Professional Archaeologist, shall be complied with, including:
 - a. Prior to the initiation of the project, a brief cultural resources training will be provided to construction crew members by a qualified archaeologist. The purpose of the training is to increase consciousness and knowledge of cultural resources, and to outline the appropriate protocols in the event of an inadvertent discovery. A cultural resources awareness training brochure will be distributed to construction crew personnel. Upon completion of the training, participants will be able to define cultural resources, describe the policies and procedures for identifying and protecting cultural resources, know how to locate and receive assistance from the professional archaeologist and coordinate with other sources, and describe steps to be taken when cultural resources are encountered during project implementation.
 - b. If previously unidentified cultural resources are encountered during project implementation, avoid altering the materials and their stratigraphic context. A qualified professional archaeologist should be contacted to evaluate the situation. Project personnel should not collect cultural resources. Prehistoric resources include, but are not limited to, chert or obsidian flakes, projectile points, mortars, pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or abode foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies. If prehistoric artifacts are encountered during construction, the Lead Agency will be responsible for contacting tribal governments
 - c. If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and further recommendations regarding treatment of the remains is provided
10. Pursuant with MCC Section 20.708.020(C), eight annual events shall be excluded from coastal development permit requirements when:
 - a. The event, either individually or together with other temporary events scheduled before or after the particular event, does not preclude the general public from use of a public recreational area, including, but not limited to, coastal waters, a beach, path, trail, upland recreational support facility, Mendocino Headlands State Park, for a significant period of time or during a peak use period of the public recreational area.
 - b. The event, and its associated activities or access requirements, does not cause, either directly or indirectly, a significant adverse impact on environmentally sensitive habitat areas, rare or endangered species, significant public scenic resources, or other protected coastal resources, as defined in Subsection (D).

- c. The event does not restrict public use of parking areas to the extent that it would significantly impact public recreation areas or public access to coastal waters, along the shoreline, a beach, path, trail, upland recreational support facility, or Mendocino Headlands State Park.
 - d. The event has not previously required a coastal development permit to avoid, otherwise mitigate, or monitor associated potentially significant impacts to coastal resources and/or public access to coastal waters, along the shoreline, a beach, path, trail, upland recreational support facility, or Mendocino Headlands State Park.
11. Pursuant with MCC Chapter 20.708, the property owner shall satisfy the standards and conditions for regulating temporary uses and temporary outdoor gatherings.
12. It shall be the responsibility of the applicant to ensure that persons engaged to perform work on the site are aware of the conditions of U 2019-0001, MHRB Permit 2019-0001, and that all work performed is in compliance with applicable conditions.
13. Pursuant with MCC Chapter 20.714, traffic, bicycle, and pedestrian safety within the town shall be provided for as follows:
- a. The property owner shall construct curb, gutter and sidewalk along Main Street (CR 407E), in accordance with Mendocino County Road and Development Standards No. A40A and A40B. The sidewalk shall be at minimum five (5) feet wide and ADA compliant.
 - b. The property owner shall construct ADA compliant concrete curb ramps on the corners of Albion Street (CR 407D) and Lansing Street (CR 500), Lansing Street (CR 500) and Main Street (CR 407E), and Main Street (CR 407E) and Howard Street (407N) to connect to sidewalk and onsite walking path.
 - c. The property owner shall re-stripe crosswalk at Lansing Street (CR 500) and Main Street (CR 407E) with thermoplastic stripe according to CalTrans Standards and Specification 2018, Section 84-2.
 - d. The property owner shall provide a submittal of a drainage study, signed and stamped by a registered civil engineer, for the review and approval of Mendocino County Department of Transportation.
 - e. The property owner shall provide a submittal of drainage plans, signed and stamped by a registered civil engineer, for the review and approval of Mendocino County Department of Transportation.
 - f. Following approval of the drainage plans, the property owner shall construct drainage improvements in accordance with approved plans.
 - g. The property owner shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.