



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
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December 3, 2019

AMENDED (CHANGE OF TIME)

**PUBLIC NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT**

The Mendocino County Coastal Permit Administrator, at a special meeting to be held on Wednesday, December 18, 2019, in the Fort Bragg Public Library, 499 East Laurel Street, Fort Bragg, California, at 2:30 p.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE#: U_2019-0018

DATE FILED: 7/19/2019

OWNER: JEFFREY & JUSTINE CORBETT

APPLICANT: FRANCES KANE

REQUEST: Use Permit to allow for retail sales of merchandise, art, alcohol and non-alcoholic beverages on the first floor. The second floor will be used as office and storage space for the proposed retail use.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, within the Town of Mendocino, 0.06± miles east of Kasten Street (CR 407L) and Albion Street (CR 407D), located at 45055 Albion St., Mendocino (APN: 119-238-07).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: TIA SAR

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- USE PERMIT**

**DECEMBER 18, 2019
U_2019-0018**

SUMMARY

OWNER: JEFFREY & JUSTINE CORBETT
13803 STRAWBERRY CIRCLE
PENN VALLEY, CA 95946

APPLICANT: FRANCES KANE
PO BOX 2508
MENDOCINO, CA 95460

REQUEST: Use Permit to allow for retail sales of merchandise, art, alcohol and non-alcoholic beverages on the first floor. The second floor will be used as office and storage space for the proposed retail use.

LOCATION: In the Coastal Zone, within the Town of Mendocino, 0.06± miles east of Kasten Street (CR 407L) and Albion Street (CR 407D), located at 45055 Albion St., Mendocino (APN: 119-238-07).

TOTAL ACREAGE: 0.1± Acres

GENERAL PLAN: Commercial (C)

ZONING: Mendocino Commercial (MC:12K)

SUPERVISORIAL DISTRICT: District 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt; Section 15301, Class 1

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: TIA SAR

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Minor Use Permit to allow for retail sales of merchandise, art, alcohol and non-alcoholic beverages on the first floor. The second floor will be used as office and storage space for the proposed retail use. A new sign for the retail store.

SITE CHARACTERISTICS: The subject parcel is located in the Coastal Zone, in the historic Town of Mendocino on the north-west corner of Main Street and Lansing Street. The parcel is serviced by the Mendocino City Community Services District and the Mendocino Fire Protection District. The parcel is surrounded by existing structures.

SURROUNDINGS LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES (ACRES)	USES
NORTH	Commercial (C)	Mendocino Commercial (MC)	1.2±	Commercial
EAST	Commercial (C)	Mendocino Commercial (MC)	0.1±	Commercial
SOUTH	Commercial (C)	Mendocino Commercial (MC)	0.1±	Commercial
WEST	Commercial (C)	Mendocino Commercial (MC)	0.25±	Commercial

PUBLIC SERVICES:

Access: Kasten Street; Albion Street; Main Street
Fire District: Mendocino Fire Protection District
Water District: Mendocino City Community Services District
Sewer District: Mendocino City Community Services District
School District: Mendocino Unified School District

AGENCY COMMENTS: On August 26, 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. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Planning (Ukiah)	Comment
Environmental Health (Fort Bragg) – Land Use	Comment
Building Inspection (Fort Bragg)	No Response
Department of Transportation	Comment
Coastal Commission	No Response
Mendocino Historical Review Board	Scheduled
Mendocino City Community Services District (MCCSD)	Comment
Department of Fish and Wildlife	No Response
Mendocino Fire Protection District	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	No Response
State Water Resources Control Board	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The subject parcel has a General Plan Land Use Designation of Commercial (C) as defined by Chapter 3: Development Element of the Mendocino County General Plan. The Commercial classification is intended,

“to be applied to lands appropriate for a variety of commercial uses. Lands classified Commercial should be within or contiguous to developed areas, such as near the boundaries of cities and in Community Planning Areas, and should be served by the publicly-maintained circulation network and should be situated in locations where future growth is anticipated...”

The Project is consistent with the General Plan designation as it is located within the historical center of Mendocino along with many other commercial businesses. While the existing use is commercial, the expansion of retail and beverage sales to this location helps to promote a more diverse commercial center and local economy. This consistency can also be made for the Commercial Mendocino Town Land Use Classification which helps to establish the Division III zoning districts of the Mendocino County Code.

The proposed project is also subject to the Mendocino Town Plan section of the Coastal Element of the General Plan. As stated above, the project is consistent with the Commercial Land Use Classification as described in Section 5 of the Mendocino Town Plan. Additionally, the proposed project helps to promote a number of policies identified in Section 4 of the Town Plan (Town Plan Policies) including Town Growth Management Policies #2, #6, #17, and #25, most of which entail retaining community character while promoting compatible development. Thus the project is consistent with the Mendocino Town Plan.

The proposed project is also consistent with the Mendocino Commercial (MC) zoning district, as defined by the MCC. Chapter 20.664.005 of the MCC defines General Commercial as a district,

“intended to provide an area within the Town suitable for commercial development compatible with existing commercial uses”

Similar to the General Plan consistency, the proposed project adheres to the intentions of the Mendocino Commercial zoning district by expanding on an existing commercial use. This allows for commercial development within the Town of Mendocino without expanding structural and utility footprints and thus retaining the community character of the town.

The project is also subject to MCC Section 20.760 which regulates the historical preservation of the Town of Mendocino through the Mendocino Historical Review Board (MHRB). While the intended use is not subject to review by the MHRB, the new sign will prompt a review and approval from the (require MHRB Permit) board.

On August 26, 2019 a referral was sent to Department of Transportation (DOT). The department has reviewed the application and recommends conditional approval. Their conditions are contained at the end of this report.

2. Local Coastal Program Consistency Recommendation: The proposed project is consistent with applicable goals and policies of the Local Coastal Program which includes the Mendocino Town Plan, Mendocino Town Plan Map, Mendocino Town Zoning Code, and the Mendocino Town Zoning Map. Consistency with the Mendocino Zoning Code is discussed in the aforementioned; consistency with other Local Coastal Program components is discussed below.

Design Guidelines: The Mendocino Town Plan supports and continues the requirements of the Historical Preservation District Zoning Ordinance and the design review criteria used to maintain the historic appearance and character of the Town. As the project is located in Historic Zone A of the Mendocino Historic Preservation District, MHRB approval is required for any exterior alternatives to the building. The proposed new sign will require MHRB approval.

Natural Resources: The change in use will not have any effect on natural resources. The retail sales would take place in an existing structure with a new sign but no increase in footprint.

Hazards: There are no known geologic or other hazards on or in the vicinity of the project site.

Visual Resources: The change in use will not have any effect on visual resources other than new exterior signage, which will be reviewed and approved by the Mendocino Historical Review Board unless determined to be exempt.

Public Access: The project site is located west of State Route 1, but is not a bluff top parcel and is not designated as a potential public access trail location.

Archaeological/Cultural Resources: No ground disturbing development is proposed, thus it is unlikely that any archaeological/cultural resources would be affected by the project. Impacts any historical designation of structures on the parcel are reviewed by the Mendocino Historical Review Board if a permit is triggered by any proposed work at the site.

Groundwater Resources: The Town of Mendocino has a centralized sanitary sewer and water system. Businesses and residents, including those on the subject parcel, rely on the system. Water and sewer are regulated by the Mendocino City Community Service District MCCSD, which reviews alterations to existing water usage.

Per MCCSD there are no changes to the existing use. The property has established water allotment for a 1250 square foot retail shop, of off sale alcoholic and non-alcoholic beverages.

3. Environmental Protection: The project is Categorically Exempt from the provisions of CEQA, pursuant to Section 15301, Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 exemption applies to "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." The proposed project meets the criteria of Section 15301 and has been determined to not have a significant effect on the environment and, therefore, is exempt from the provisions of CEQA.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.720 and Chapter 20.724 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions.

FINDINGS:

1. As proposed the project is in conformity with the certified Mendocino Town Local Coastal Plan. The general plan classification is commercial which allows Retail Sales with a use permit, Sec. 20.664.010 (A) (1); and
2. The proposed *Retail Sales: Limited* will not affect the existing utilities, access roads, drainage and other necessary facilities. For example, MCCSD provides sewer service and groundwater extraction permit; and
3. The *Retail Sales: Limited* land use is consistent with the purpose and intent of the Mendocino Commercial district, as well as all other provisions of Division III, and preserves the integrity of the Mendocino Commercial district; and
4. The *Retail Sales: Limited*, is in compliance with the conditions of approval. The commercial use will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA); and
5. The use of *Retail Sales: Limited* will not have any adverse impacts on any known archaeological or paleontological resource; and
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 use of *Retail Sales: Limited*; and
7. The *Retail Sales: Limited* proposed project has no changes to the existing exterior design; which is in conformance with the design standards of Section 20.760.050; and
8. The use of *Retail Sales: Limited* in this location will not negatively impact public health, safety and welfare. There are no changes to the existing utility connections (MCCSD) and existing building footprint.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.728.015 of the Mendocino County Code. 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. 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.
3. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
4. The applicant shall secure all required permits from the Building Inspection Division of the Department of Planning and Building Services for all construction, structural modifications,

- establishment of signs and compliance with handicapped accessibility for the facility if required.
5. 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, or the operation of one or more such conditions.
 6. 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.
 7. The applicant shall submit to the Department of Planning and Building Services documentation showing compliance with the Mendocino City Community Services District.
 8. The applicant shall secure all required permits from the Department of Environmental Health Consumer Protection Division. A letter from the Consumer Protection Division shall be submitted to the Department of Planning & Building Services that this condition has been met.
 9. Applicant is to obtain an MHRB permit for the new proposed sign, unless determined to be exempt.
 10. Per Department of Transportation:
 - a. Curb, gutter and ADA compliant sidewalk shall be constructed on Albion Street (CR 407D) along the projects frontage, in accordance with Mendocino County Road and Development Standards No. A40A and A40B or as modified by Mendocino County Department of Transportation staff during the field review.
 - b. Applicant shall pave with hot mix asphalt concrete or comparable surfacing along the extent of the property frontage on Albion Street (CR 407D) from the edge of the new curb, gutter and sidewalk to the edge of the existing pavement.
 - c. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.
 11. It is the applicant's responsibility to ensure that all necessary permits have been obtained for the purpose of completing the conditions of this use permit.
 12. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

11-14-2019

DATE



TIA SAR
PLANNER I

Appeal Period: 10 Days
Appeal Fee: \$1616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map 1
- C. Aerial Map 2
- D. Site/Floor Plan
- E. First Floor Plan
- F. Second Floor Plan
- G. Proposed Sign
- H. Zoning Map
- I. General Plan/LCP Map
- J. Fire Hazards Map
- K. Ground Water Resource Area



CASE: U 2019-0018
 OWNER: CORBETT, Jeffrey & Justine
 APN: 119-238-07
 APLCT: Frances Kane
 AGENT:
 ADDRESS: 45055 Albion Street, Mendocino

Major Towns & Places
 Major Roads
 Major Rivers
 Highways

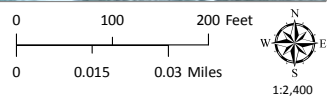
0 1,500 3,000 Feet
 0 0.25 0.5 Miles
 1:36,000

LOCATION MAP
 ATTACHMENT A



CASE: U 2019-0018
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APLCT: Frances Kane
AGENT:
ADDRESS: 45055 Albion Street, Mendocino

- Major Towns & Places
- Public Roads

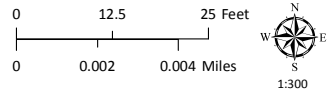


AERIAL IMAGERY
ATTACHMENT B



CASE: U 2019-0018
OWNER: CORBETT, Jeffrey & Justine
APN: 119-238-07
APLCT: Frances Kane
AGENT:
ADDRESS: 45055 Albion Street, Mendocino

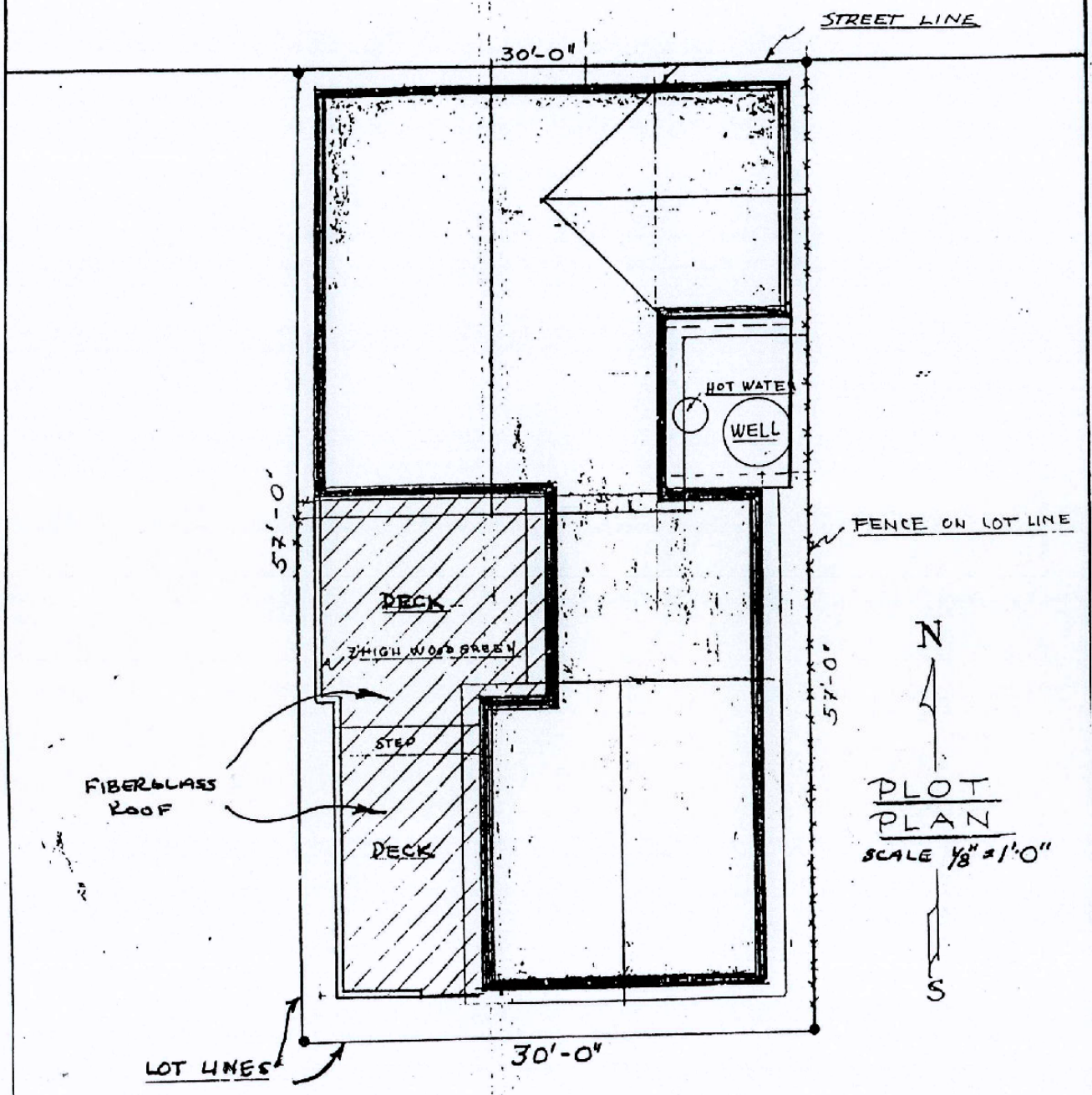
 Public Roads



AERIAL IMAGERY
ATTACHMENT C

F9872

ALBION STREET



45055 ALBION ST., MENDOCINO, CA.
A.P. # 119-238-07

SHEET 1 of 3

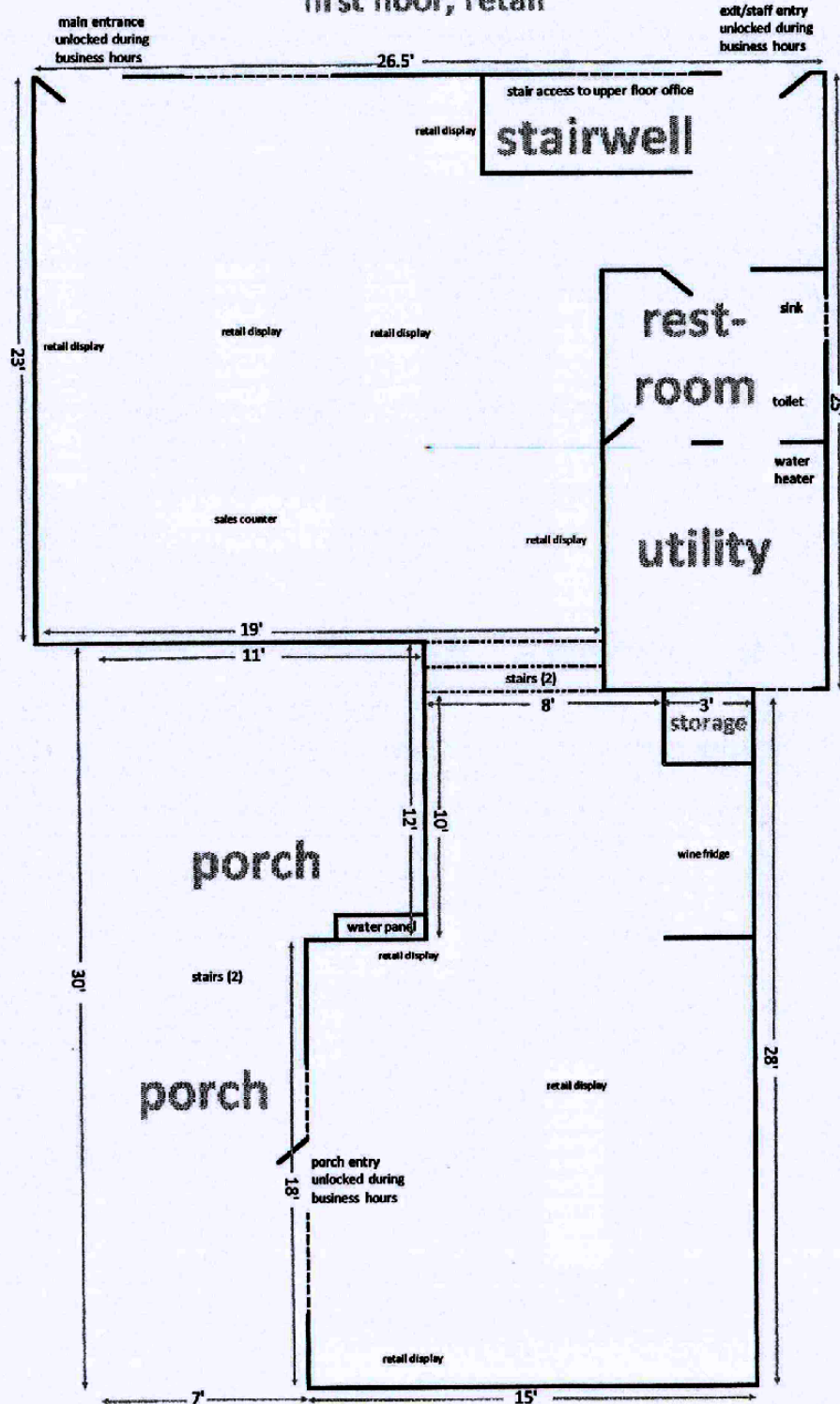
CASE: U 2019-0018
OWNER: CORBETT, Jeffrey & Justine
APN: 119-238-07
APLCT: Frances Kane
AGENT:
ADDRESS: 45055 Albion Street, Mendocino

NO SCALE

SITE PLAN
ATTACHMENT D

MENDOCINO COUNTY PLANNING DEPARTMENT - 7/29/2019

Dog Star Wine and Provisions
45055 Albion Street, Mendocino
first floor, retail



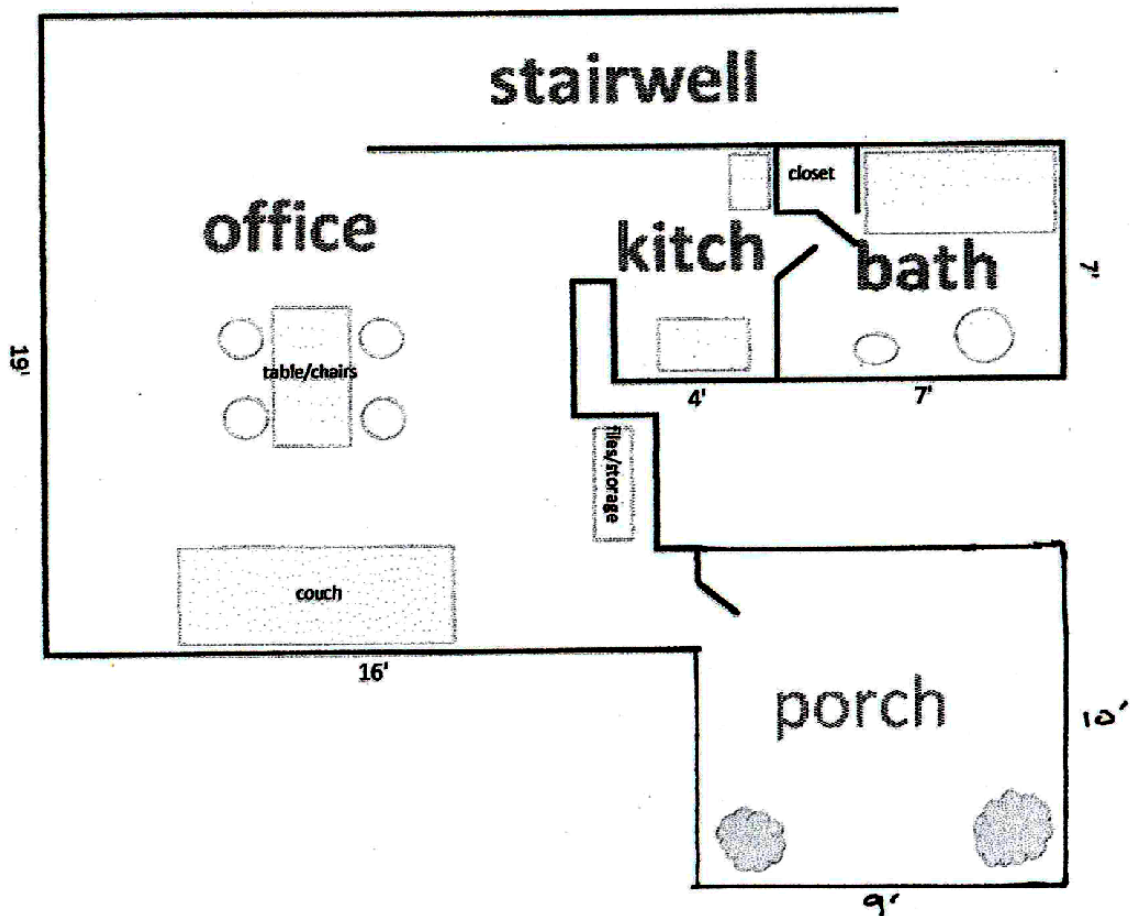
CASE: U 2019-0018
 OWNER: CORBETT, Jeffrey & Justine
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 APLCT: Frances Kane
 AGENT:
 ADDRESS: 45055 Albion Street, Mendocino

NO SCALE

FIRST FLOOR PLAN
 ATTACHMENT E

45055 Albion Street, Mendocino

2nd floor, office



CASE: U 2019-0018
OWNER: CORBETT, Jeffrey & Justine
APN: 119-238-07
APLCT: Frances Kane
AGENT:
ADDRESS: 45055 Albion Street, Mendocino

NO SCALE

SECOND FLOOR PLAN
ATTACHMENT F



Proposed signage

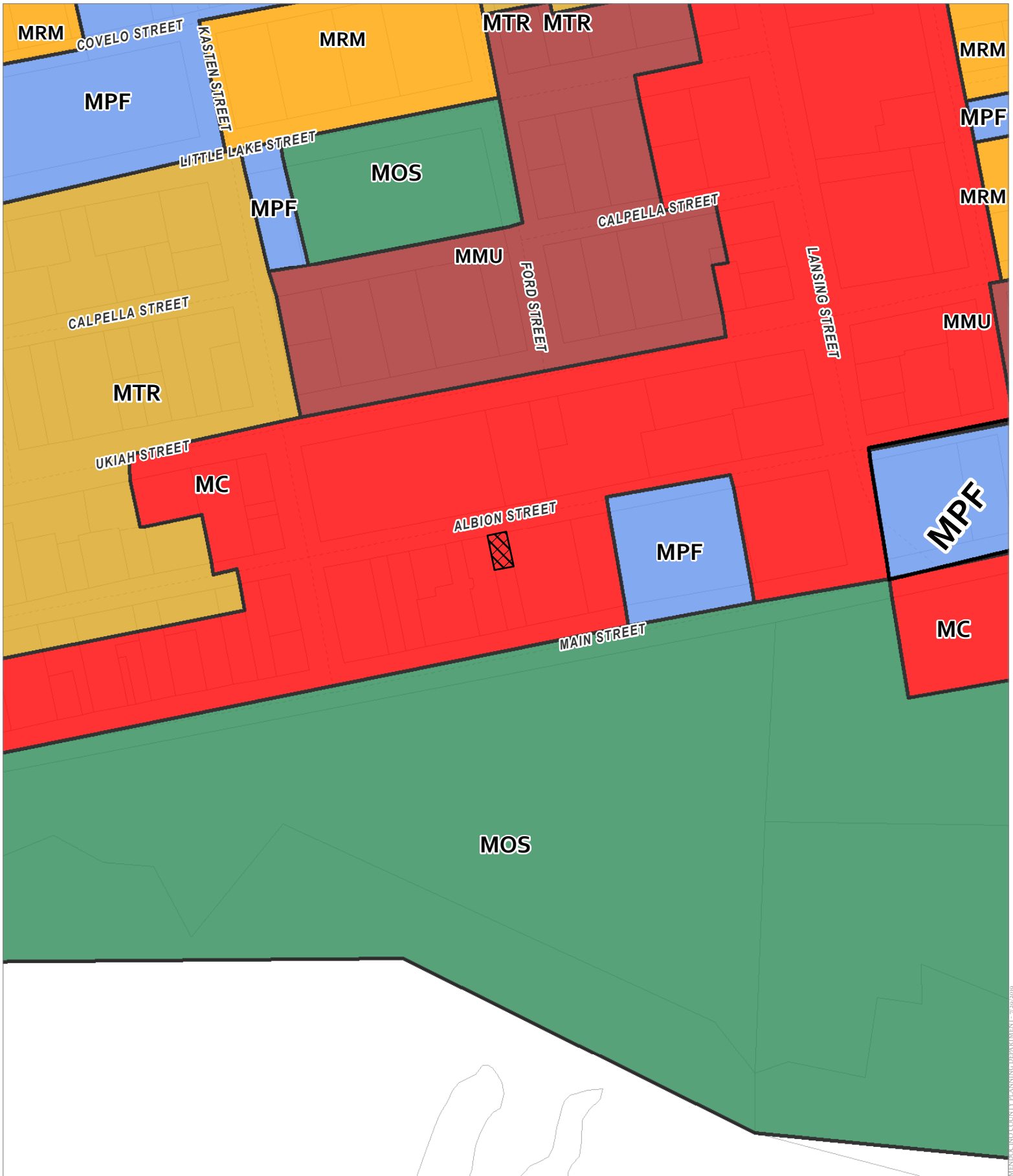
Size and placement of signage represented in image above as blue star in gray circle on existing sign hanger. Proposed sign dimensions: 24" round x 3". Design to be determined. Sign will be made of wood and metal, painted and/or carved in a style corresponding to other signs in town.





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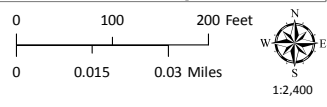
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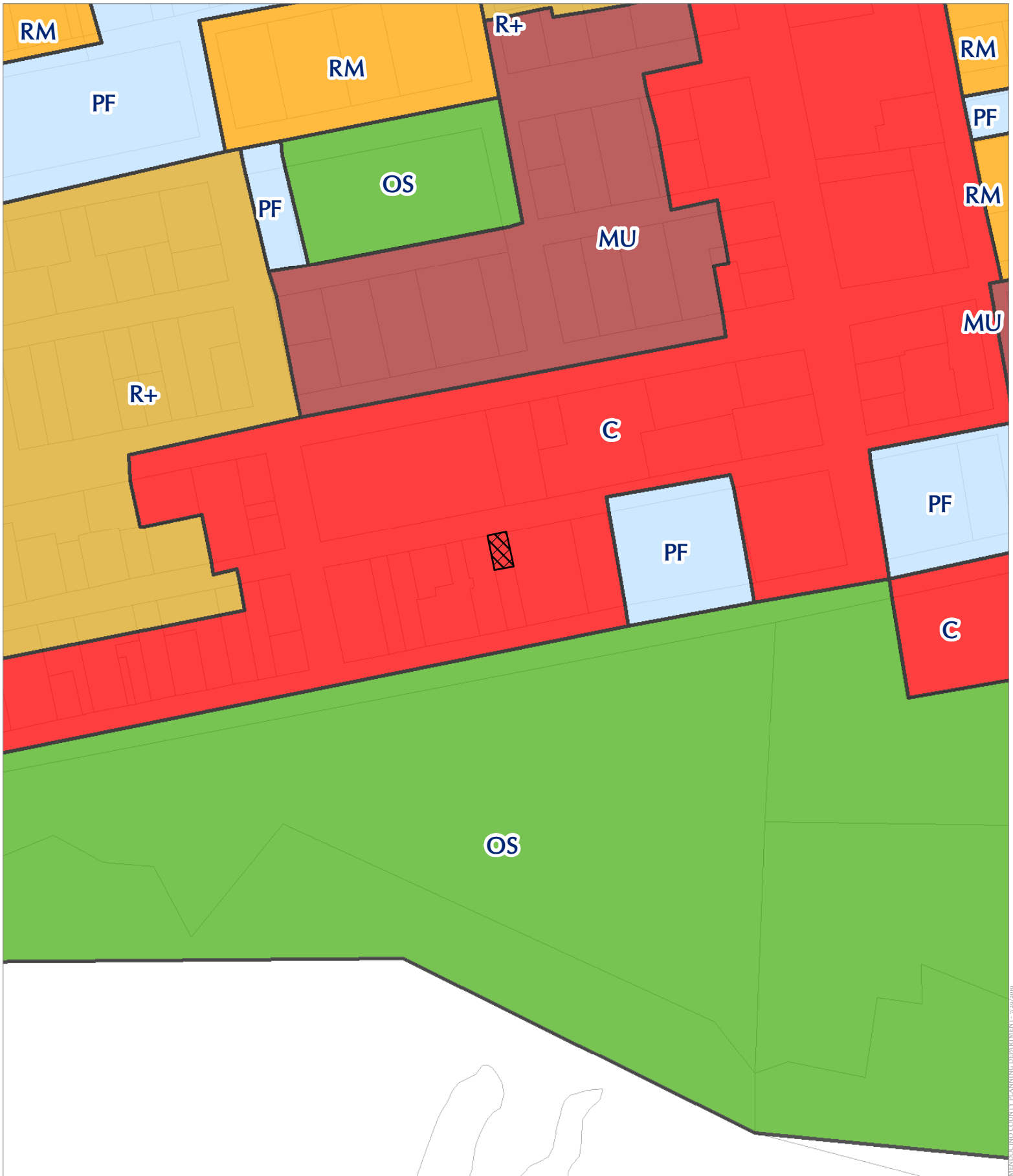
PROPOSED SIGNAGE
 ATTACHMENT G



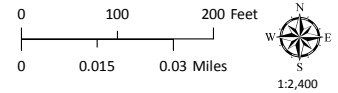
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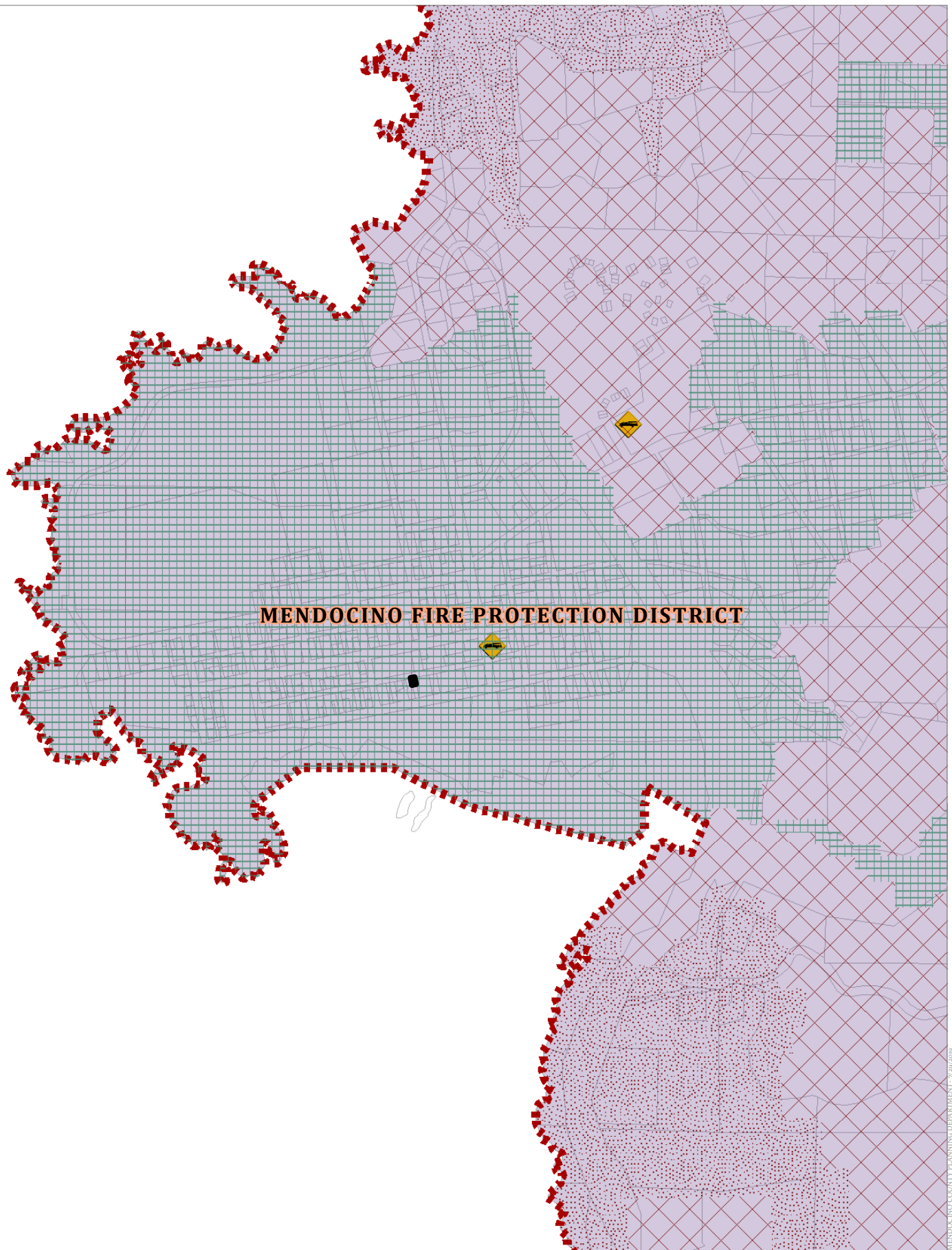
 Zoning Districts
 Public Roads










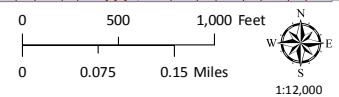
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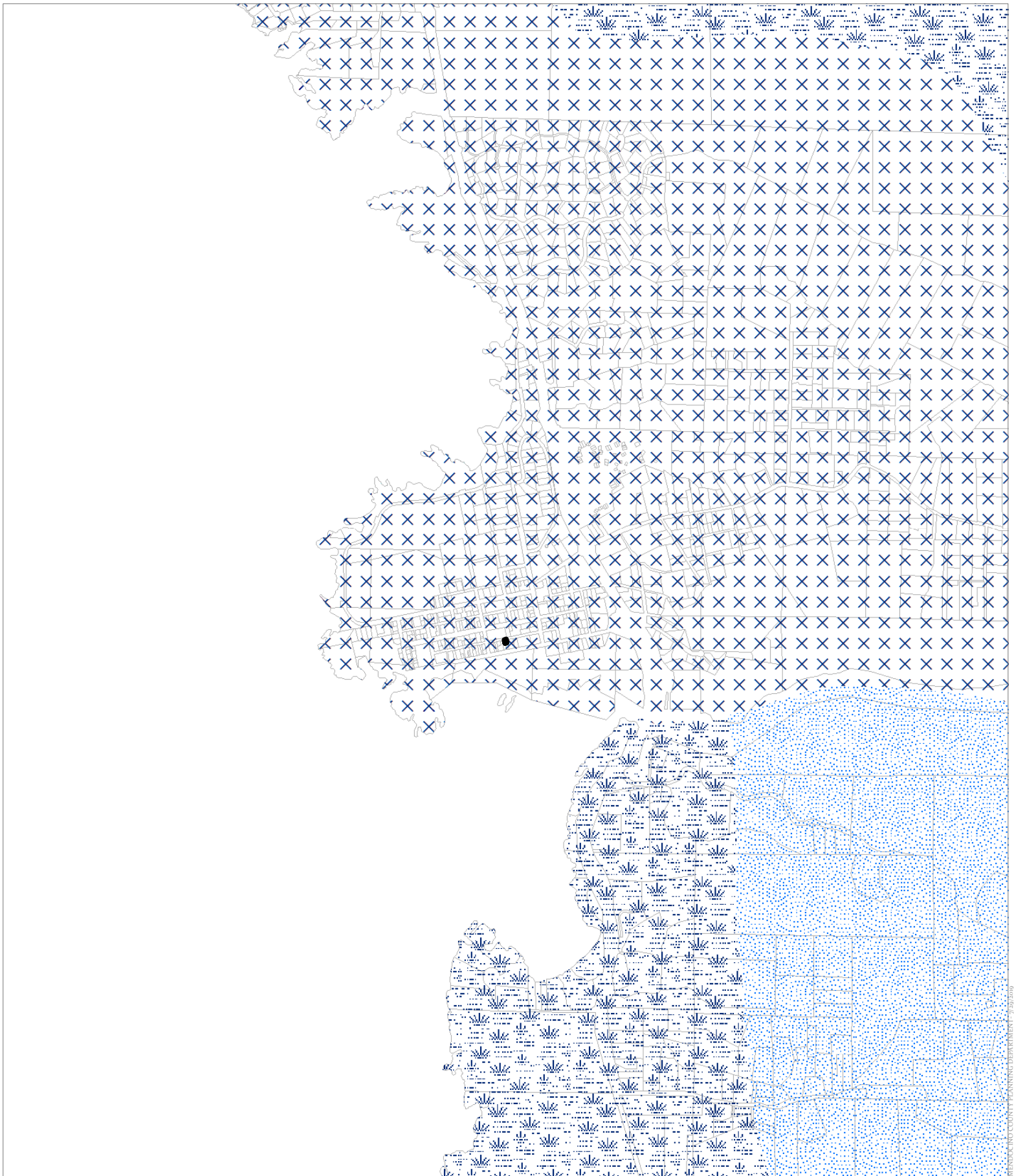


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-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard
-  Fire Stations
-  County Fire Districts

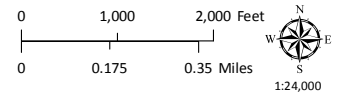


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA



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-  Critical Water Areas
-  Sufficient Water Resources
-  Marginal Water Resources



GROUND WATER RESOURCES

ATTACHMENT K