120 West Fir Street · Fort Bragg · California · 95437

BRENT SCHULTZ, DIRECTOR PHONE: 707-234-6650 FAX: 707-463-5709 FB PHONE: 707-964-5379 FB Fax: 707-961-2427 pbs@mendocinocounty.org www.mendocinocounty.org/pbs

April 13, 2020

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

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, April 23, 2020 at 10:00 a.m. will conduct a public hearing on the following project(s) at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo.

CASE#: CDP 2019-0038 **DATE FILED:** 10/8/2019

**OWNER/APPLICANT: JOHN ANTONIO BORBA JR** 

**AGENT: SUNNY CHANCELLOR / AUM CONSTRUCTION INC** 

REQUEST: Standard Coastal Development Permit to convert a portion of the existing attached garage into a private workshop, construct a new attached garage, and relocate an existing shed and propane tank on the existing developed site. Some trenching will occur to connect the new development to the existing utilities on site.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

LOCATION: In the Coastal Zone, 0.5± miles south of Caspar town center, on the west side of Point Cabrillo Drive (CR 564), 400± feet south of its intersection with South Caspar Drive (CR

540), located at 14320 Point Cabrillo Dr., Mendocino (APN: 118-400-11).

**SUPERVISORIAL DISTRICT: 4** 

**STAFF PLANNER: JESSIE WALDMAN** 

The staff report and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: https://www.mendocinocounty.org/government/planning-buildingservices/meeting-agendas/coastal-permit-administrator.

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, or 120 W Fir Street, Fort Bragg, California or by e-mail to pbscommissions@mendocinocounty.org no later than April 22, 2020. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at pbscommissions@mendocinocounty.org. All public comment will be made immediately to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and viewed attachments under its respective case number be as https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastalpermit-administrator

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.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

Additional information regarding the above noted 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

**APRIL 23, 2020** CDP 2019-0038

#### SUMMARY

OWNER/APPLICANT:	JOHN ANTONIO BORBA JR

**PO BOX 905** 

MENDOCINO, CA 95460

AGENT: AUM CONSTRUCTION, INC

> P. O. BOX 1033 ALBION, CA 95460

**REQUEST:** Standard Coastal Development Permit to convert a

> portion of the existing attached garage into a private workshop, construct a new attached garage, and relocate an existing shed and propane tank on the existing developed site. Some trenching will occur to connect the new development to the existing utilities on

site.

LOCATION: In the Coastal Zone, 0.5± miles south of Caspar town

center, on the west side of Point Cabrillo Drive (CR 564). 400± feet south of its intersection with South Caspar Drive (CR 540), located at 14320 Point Cabrillo Dr.,

Mendocino Area (APN: 118-400-11).

0.8± Acres **TOTAL ACREAGE:** 

**GENERAL PLAN:** Rural Residential RR:5(1)

**ZONING:** Rural Residential RR:5

**SUPERVISORIAL DISTRICT:** 4<sup>th</sup> Supervisorial District (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt per Section 15301, Class 1(e)

**APPEALABLE:** Yes, West of the First Public Road

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JESSIE WALDMAN

#### **BACKGROUND**

PROJECT DESCRIPTION: A Standard Coastal Development Permit to convert a portion of the existing attached garage into a private workshop with a half bath, construct a new attached garage and relocate an existing shed and propane tank. Some trenching will occur to connect the proposed development to the existing utilities, as shown on the Site Plan.

APPLICANT STATEMENT: Add new garage addition with new slab, and convert old garage into workshop. Add powder room off of work shop and tie into existing septic. Relocate manufactured shed and propane.

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

LCP\_92-120; CE\_1999-0022 (SFR);

## **NEIGHBORING PROPERTIES:**

• 118-400-12 CE\_16-97 - SFR

• 118-370-18 CCC-1-86-199W; LCP\_86-119 – SFR

• 118-370-03 CE\_67-05 - SFR

• 118-370-04 BF 939-459 - SFR

**SITE CHARACTERISTICS**: The project site is located in the Coastal Zone, 0.5± miles south of Caspar town center, on the west side of Point Cabrillo Dive (CR 564) and 400± south of its intersection with South Caspar Drive (CR 540), as shown on the *Location* and *Aerial (Vicinity) Maps*. The project site is surrounded by neighboring single family residences, to the west, east and south, and Doyle Creek to the north. The parcel was originally developed in 2000, with a single family residence and an attached garage, as well as a pump house, propane tank, connection to water district, septic system and driveway, and landscaping, as shown on the *Aerial Map*. The site is situated within *Unit 2 of Caspar South Subdivision*, facing Doyle Creek, where the parcel is sloped toward the north, as shown on the *Topographic Map*.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR) and are developed with residential uses. The purpose of the supplemental well will be consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Open Space (OS)	Open Space (OS)	2± acres	State Park
EAST	Rural Residential (RR5(1))	Rural Residential (RR5)	1± acres	Residential
SOUTH	Rural Residential (RR5(1))	Rural Residential (RR5)	1± acres	Residential
WEST	Rural Residential (RR5(1))	Rural Residential (RR5)	1± acres	Residential

### **LOCAL COASTAL PROGRAM CONSISTENCY**

The proposed development is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Codes as detailed below.

<u>Land Use</u>: The proposed project is located within the boundaries of the Local Coastal Program (LCP) area, as shown on the *LCP Land Use Map 15*: Caspar. The subject parcel is classified as Rural Residential (RR) by the Mendocino County General Plan, as shown on the *General Plan Classifications Map*. The Rural Residential (RR) classification, per Mendocino County Coastal Element (MCCE) Chapter 2.2, states:

"... is intended to encourage local small scale food production in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, or other characteristics. The RR classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability."

The proposed development is accessory to the existing single-family residence and is consistent with the principally permitted uses associated with residential development per MCCE Chapter 2.2.

Zoning: The project site is located within a Rural Residential (RR) zoning district, as shown on the Zoning Display Map, per Mendocino County Code (MCC) Section 20.376.005, which states:

"... intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability."

The parcel's zoning designation (RR5(1)) requires a 5-acre minimum parcel size which may be reduced to a 1-acre minimum with demonstration of adequate water for such a reduction. The established parcel is 0.8± acres in size. The proposed addition of the attached workshop, attached garage and relocation of the shed and propane tank will be located outside the 20 foot front and rear yard setbacks and 6 foot side yard setbacks and outside the 25 feet corridor preservation setback. The proposed developments will be attached to the east side of the existing single-family residence, while the shed and propane tank will be located in the rear yard of the parcel, as shown on the *Revised Site Plan*. The proposed developments will increase the overall lot coverage from 10.4 percent to 11 percent, which is consistent with the maximum 20 percent allowable lot coverage.

The proposed development, associated utilities to the existing development on the parcel, may be permitted as specified by MCC Section 20.456.015 and Division II of Title 20 of MCC. The subject parcel is located within the Coastal Zone of Mendocino County, mapped within an appeal area, not located within any mapped highly scenic area or environmentally sensitive habitat area, as shown on the LCP Land Capabilities & Natural Hazards, LCP Habitats & Resources and Appealable Areas Maps.

As currently proposed, the proposed project will conform to development standards of MCC Chapters 20.384, 20.444 and 20.456, 20.496 and 20.532 and Division II of Title 20 of Mendocino County Code.

<u>Visual Resources</u>: The parcel is not located in a designated Highly Scenic Area; therefore, it is not subject to the policies within the Coastal Element relating to visual resources, except for the following regulations that apply to all parcels within the Coastal Zone. Policy 3.5-1 of the Coastal Element, which states:

... The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas...

Hazards Management: The proposed project includes the construction of an attached garage and relocating a propane tank and shed, which will require connection to existing utility development on site. The property is located within an area of "Moderate Fire Hazard" severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas Map*. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Mendocino Fire Protection District (MFPD). A <u>State Fire Safe Regulations Application Form</u>, CalFire File Number 46-20, was recommended and issued for the project. A standard condition requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan will be addressed. Without additional conditions, the proposed project will be consistent with MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunami, landslides, and erosion), fire and flood hazards.

Habitats and Natural Resources: Both the Coastal Element (MCCE) and the Coastal Zoning Code (MCC) address Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures. The site is primarily designated as barren, with a portion as mapped riparian areas to the north of all proposed development, as shown on the *LCP Habitats & Resources* map. No botanical survey was requested as the mapping does not indicate that the area of proposed development would be adjacent to sensitive coastal resources. The proposed project requires the connection to existing utilities on the parcel. As proposed, the project will occur within already disturbed areas, thereby minimizing impacts to potential sensitive habitats and species within the vicinity. Staff finds the project will not significantly impact sensitive habitats or resources. The proposed project is consistent with MCC Chapter 20.496 regulations for Environmentally Sensitive Habitat Areas (ESHA).

<u>Grading, Erosion, and Run Off:</u> The proposed development is located within the existing driveway area, with exception of the proposed location for the relocated shed. The locations of the proposed development will occur on relatively flat areas of the subject parcel, not on portions of the parcel sloping towards Point

Cabrillo Drive (CR 564), as shown on the *Topographic* map and *Revised Site Plan*. Minor trenching will be required to accommodate the proposed development, such as connecting the relocated propane tank to the existing utilities on site. A standard condition requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any grading, erosion and runoff protection and hazard area policies or plans will be addressed.

Groundwater Resources: The site is designated on the Mendocino County Coastal Groundwater Study Map as a Critical Water Resource Area, as shown on the *Ground Water Resources Map*. The subject property is already developed with a single-family residence and accessory improvements. The proposed development will be utilized in conjunction with the existing residential use of the parcel and does not increase intensity of uses permitted on the parcel. The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic, where DEH had "no comment" as of this date. Without additional conditions, the proposed project will be consistent with the Local Coastal Program policies related to groundwater resources and DEH requirements, including Coastal Element Policy 3.8.

Archaeological/Cultural Resources: The proposed development was referred to Northwest Information Center at Sonoma State University (SSU), where it was recommended a cultural resources survey be conducted. The proposed project was presented to the Mendocino County Archaeological Commission (ARCH), where it was determined that no survey be required. Therefore the Commission recommends including a discovery clause as part of the conditions of project approval. Staff notes that **Condition 8** advises the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project. The project was referred to three local tribes for review and comment: Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria. As of this date, no response has been received from the three above mentioned local tribes. Without additional conditions, Staff recommends that the project is consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10.

<u>Transportation/Circulation</u>: The project will not contribute new sources of traffic on local and regional roadways. Staff finds the project will not impact transportation or circulation and will be provided with adequate access. The proposed project was referred to Mendocino County Department of Transportation (DOT) for input, where DOT responded with "no comment" as of this date. As conditioned, Staff finds the project is consistent with Mendocino County policies for transportation, utilities and public services protection and will be consistent with Chapter 20.516 regulations.

<u>Public Access</u>: The site is located west of Point Cabrillo Drive (CR 564) and is therefore subject to policies related to public access. The subject parcel is designated as having existing public access along the northern parcel boundary line parallel with Point Cabrillo Drive (CR 56), as shown on the *LCP Land Use Map 15*: Caspar map. Coastal Development Permit CDP\_2009-0027 established a public access trail along Point Cabrillo Drive (CR 564), connecting Caspar Beach, from the north, to the Point Cabrillo Light Station State Park, to the south, along the parcel boundary line. The proposed project will not create impacts to existing or proposed public access. Staff finds the project to be consistent with Mendocino County policies for Coastal Access Regulations and Open Space Easements and will be consistent with Chapter 20.528 regulations.

**ENVIRONMENTAL DETERMINATION:** The project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Article 19, Section 15301, Class 1(e), (e) additions to existing structures provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or (2) 10,000 square feet if: (A) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (B) the area in which the project is located is not environmentally sensitive.

#### PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed development, including the conversion of an existing garage into workshop, new construction of an attached garage and the relocation of a propane tank and shed, and adopts the following findings and conditions.

#### **FINDINGS:**

- 1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program. The existing single-family residence is a principally permitted use within the Rural Residential land use classification and the proposed addition and construction will support and allow for the continued residential use of the site and is consistent with the intent of the Rural Residential Classification; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Rural Residential District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, including building height, setback from property boundary, lot coverage, and temporary use regulations; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and is determined to be Categorically Exempt from further environmental review; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impact on any known archaeological or paleontological resources, and Condition 8 is in place when archaeological sites or artifacts are discovered; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the site. The site is currently developed with a single family residence and the proposed development will not affect demands on public services; and
- 7. Pursuant with MCC Section 20.532.095(B), the proposed development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea and is not designated as a potential public access point.

#### CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
- 2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- 3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
- 4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 5. The Applicants shall secure all required permits for the proposed development of the appurtenant structures and associated utilities as required by the Building Inspection Division of the Department of Planning and Building Services.
- 6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:

- a. The permit was obtained or extended by fraud.
- b. One or more of the conditions upon which the permit was granted have been violated.
- c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
- d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

Staff Report prepared by:

4-10-2020

DATE

Appeal Period: 10 Days Appeal Fee: \$1616.00

### **ATTACHMENTS:**

- A. Location Map
- B. Aerial Map (Vicinity)
- C. Aerial Map
- D. Topographical Map
- E. Revised Site Plan
- F. Revised Existing Floor Plan
- G. Revised Proposed Garage Floor Plan
- H. Revised Existing Elevations NS
- I. Revised Proposed Elevations EW
- J. Revised Proposed Garage Elevations
- K. Zoning Map

JESSIE WALDMAN PLANNER I

- L. General Plan M. LCP Land Use Map 15: Caspar
- N. LCP Land Capabilities & Natural Hazards
- O. LCP Habitats & Resources
- P. Appealable Areas
- Q. Fire Hazard Zones & Responsibility Areas
- R. Ground Water Resource Areas

## **SUMMARY OF REFERRAL AGENCIES COMMENTS:**

Archaeological Commission Comments Assessor's Office No Response Building Division (UKIAH) No Comment California Coastal Commission No Response CalFire (Land Use) Comments Caspar South Service Company No Response Caspar South Water District No Response Cloverdale Rancheria No Response Department of Transportation (DOT) No Comment Environmental Health (FB) No Comment Mendocino Fire Protection District No Response

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Planning Division (Ukiah)
Redwood Valley Rancheria
Sherwood Valley Rancheria
Sonoma State University
No Comment
No Response
Comments

### **REFERENCES:**

(Coastal Element) Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan, Coastal Element. 1985. Accessed February 7, 2020, at: <a href="https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element">https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element</a>.

(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code. Accessed February 7, 2020, at: <a href="https://library.municode.com/ca/mendocino\_county/codes/code\_of\_ordinances?nodeld=MECOCO\_TIT20">https://library.municode.com/ca/mendocino\_county/codes/code\_of\_ordinances?nodeld=MECOCO\_TIT20</a> ZOOR\_DIVIIMECOCOZOCO.

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 15 – Caspar [map]. 1985. Accessed February 7, 2020, at: <a href="https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps">https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps</a>.

Mendocino County Department of Planning & Building Services. June 2011. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed February 7, 2020, at: <a href="https://www.mendocinocounty.org/government/planning-building-services/county-maps">https://www.mendocinocounty.org/government/planning-building-services/county-maps</a>.

Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed February 7,, 2020, at: http://www.co.mendocino.ca.us/planning/pdf/12x36 Coastal Groundwater Areas.pdf.

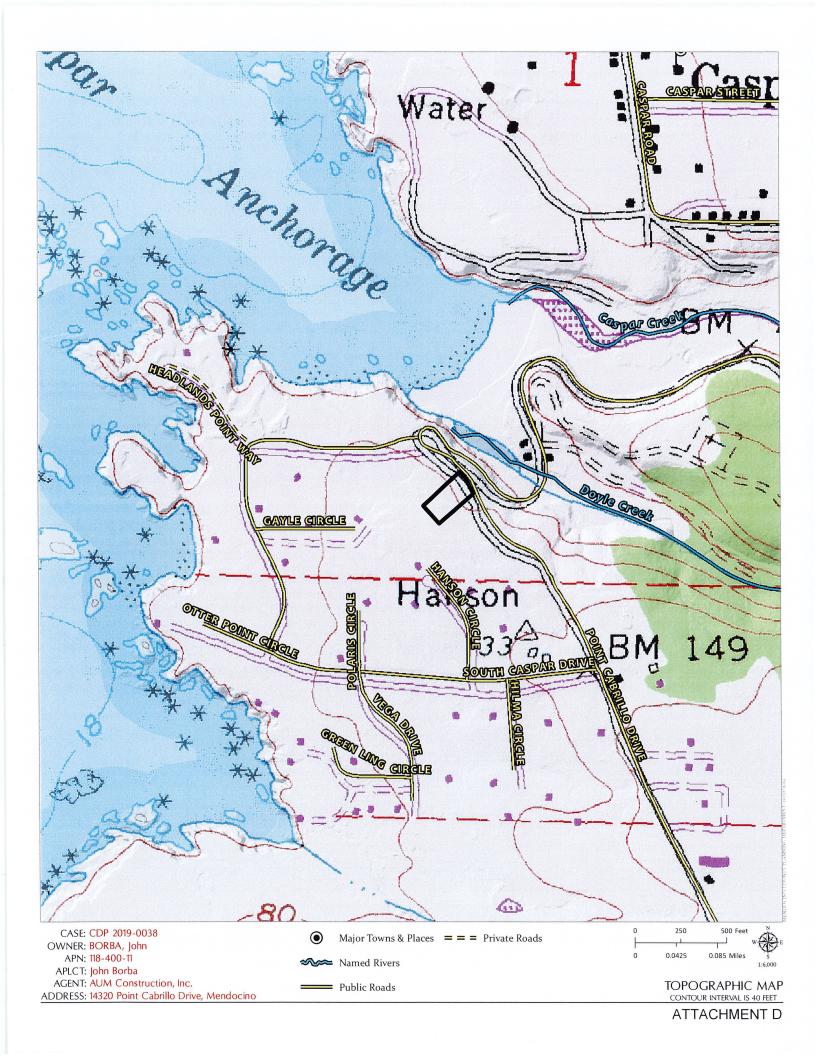


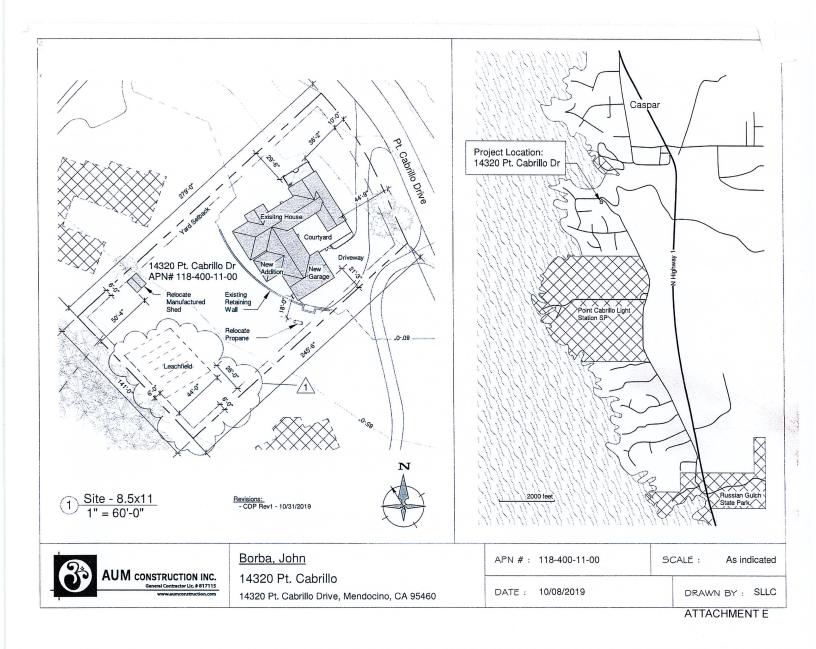


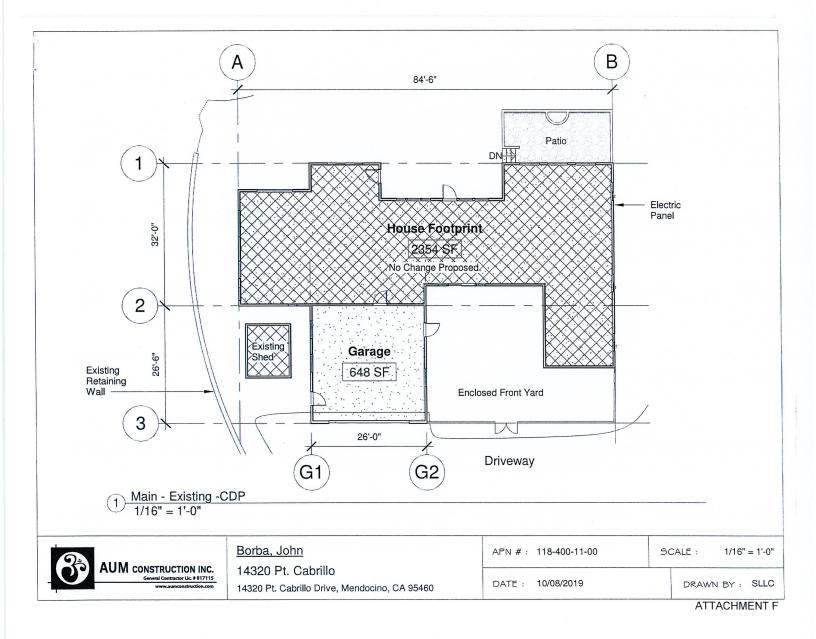


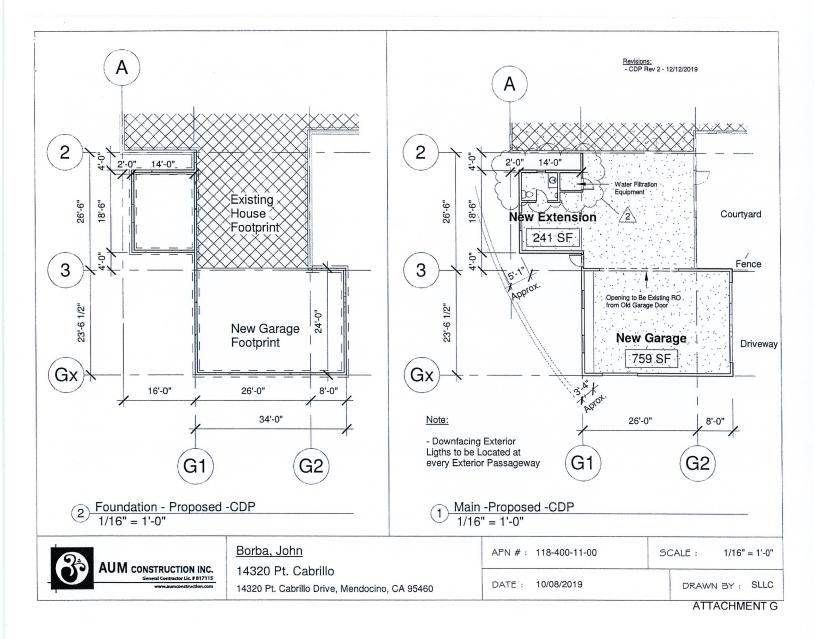
= Public Roads

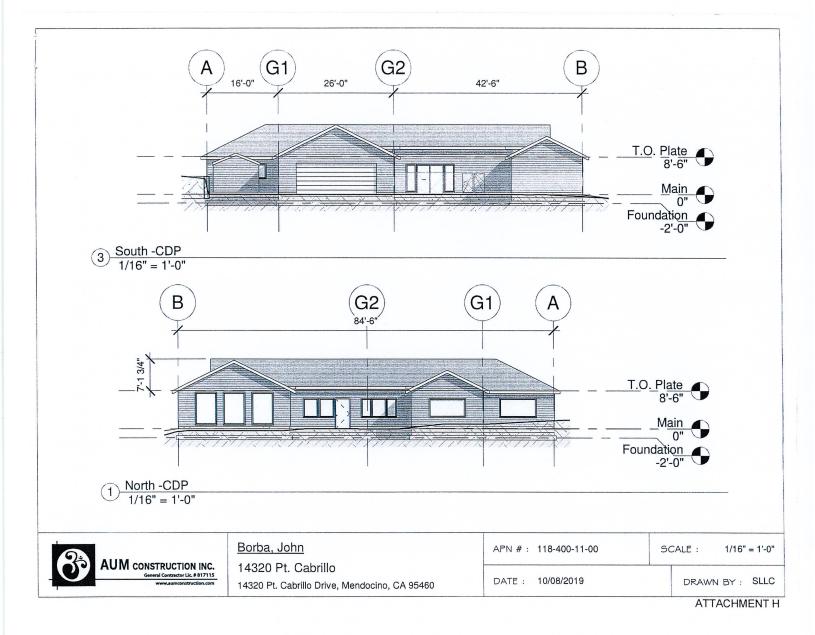


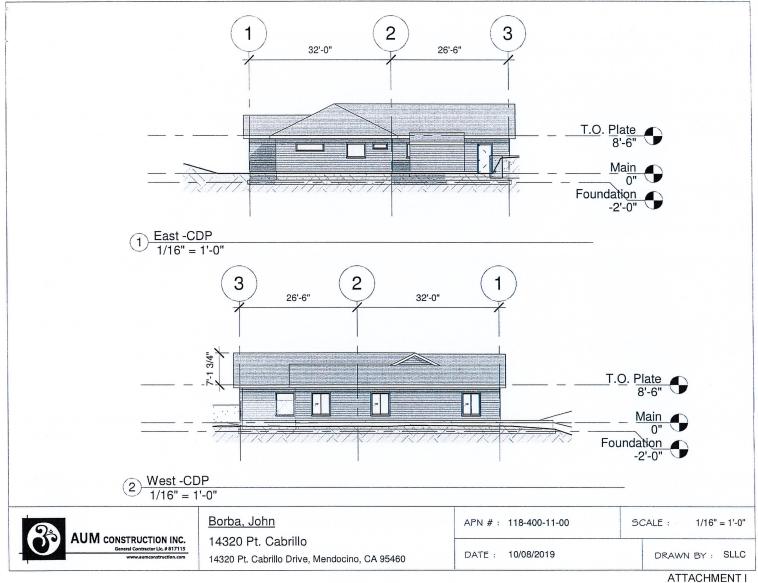


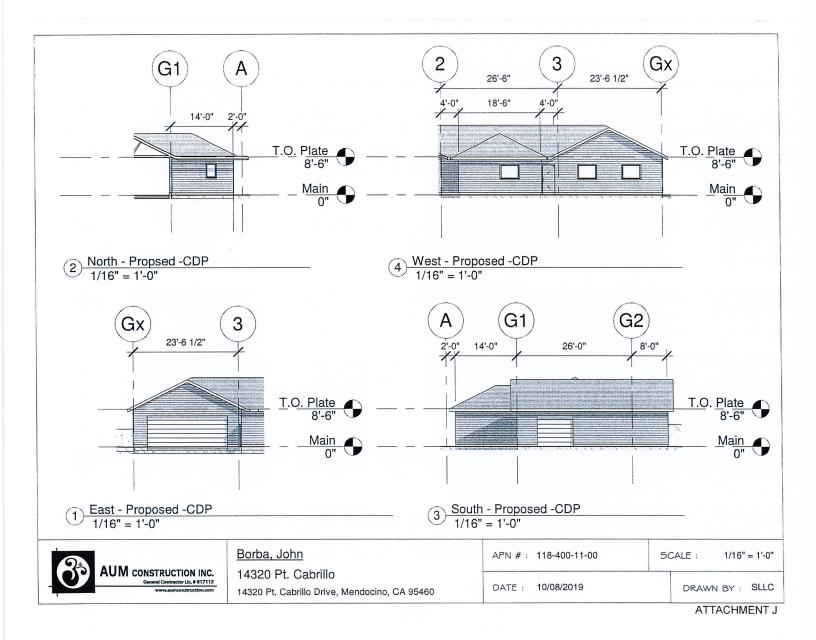


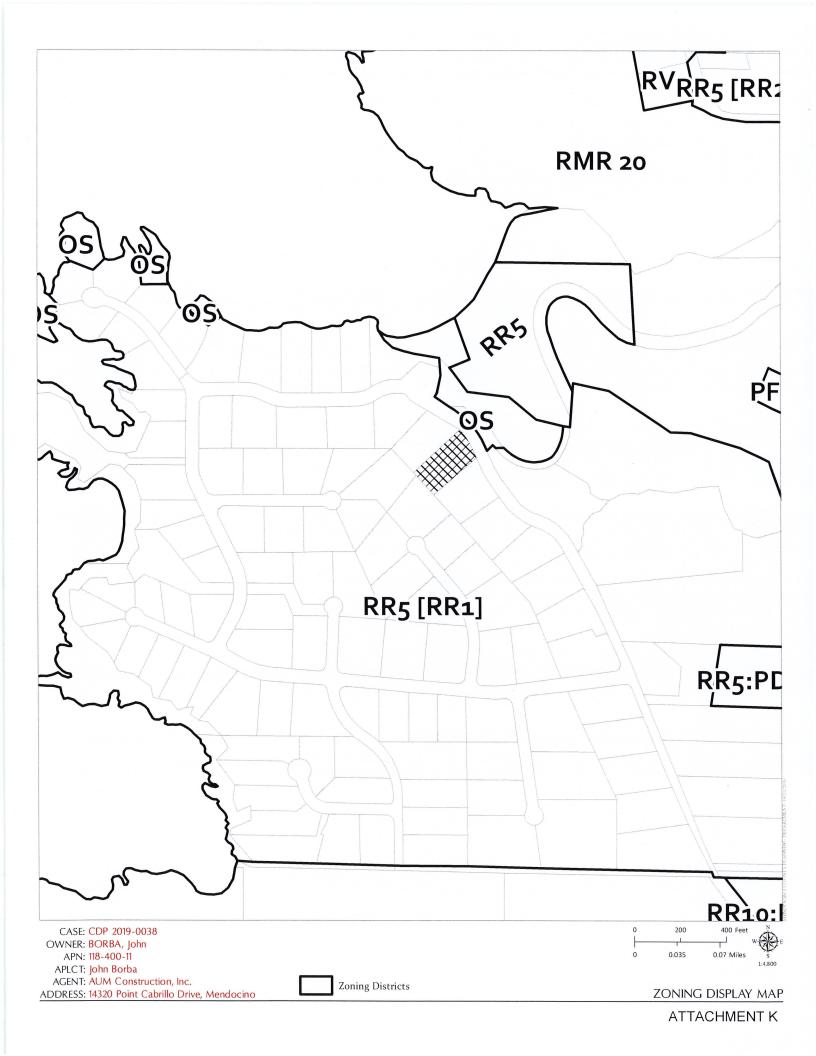


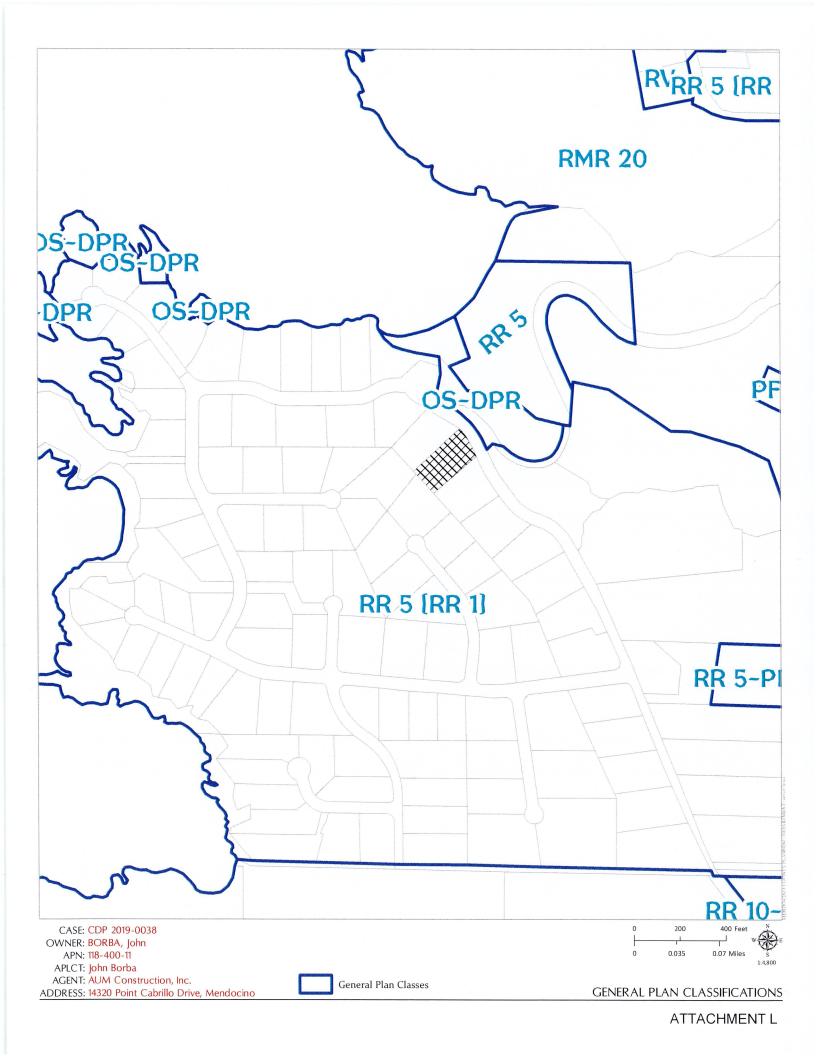


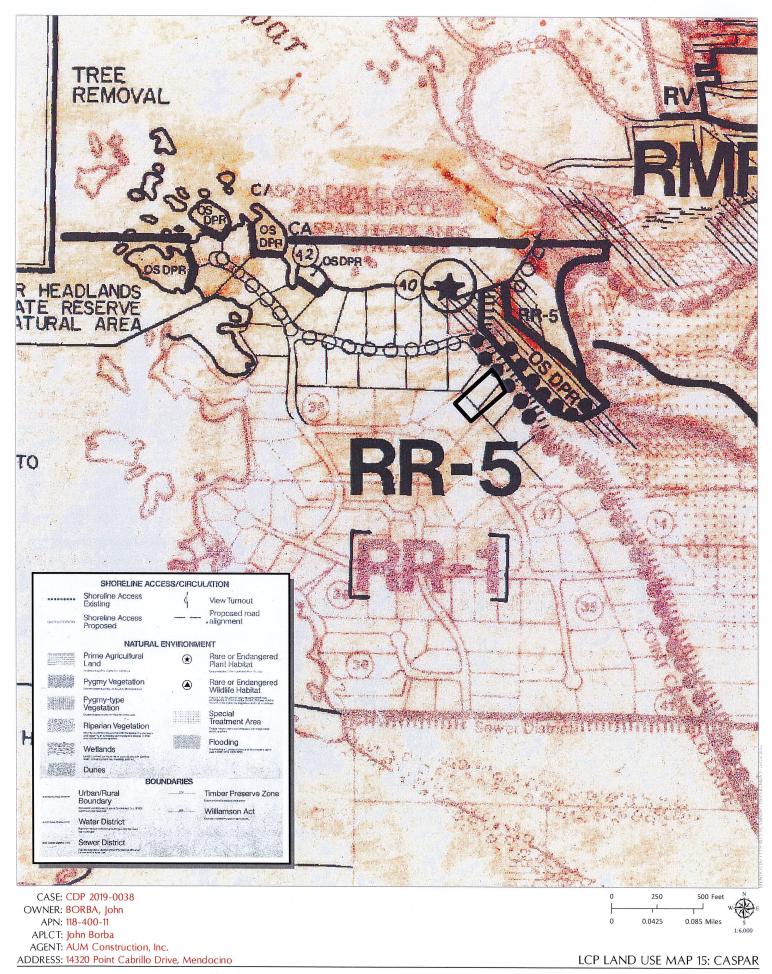


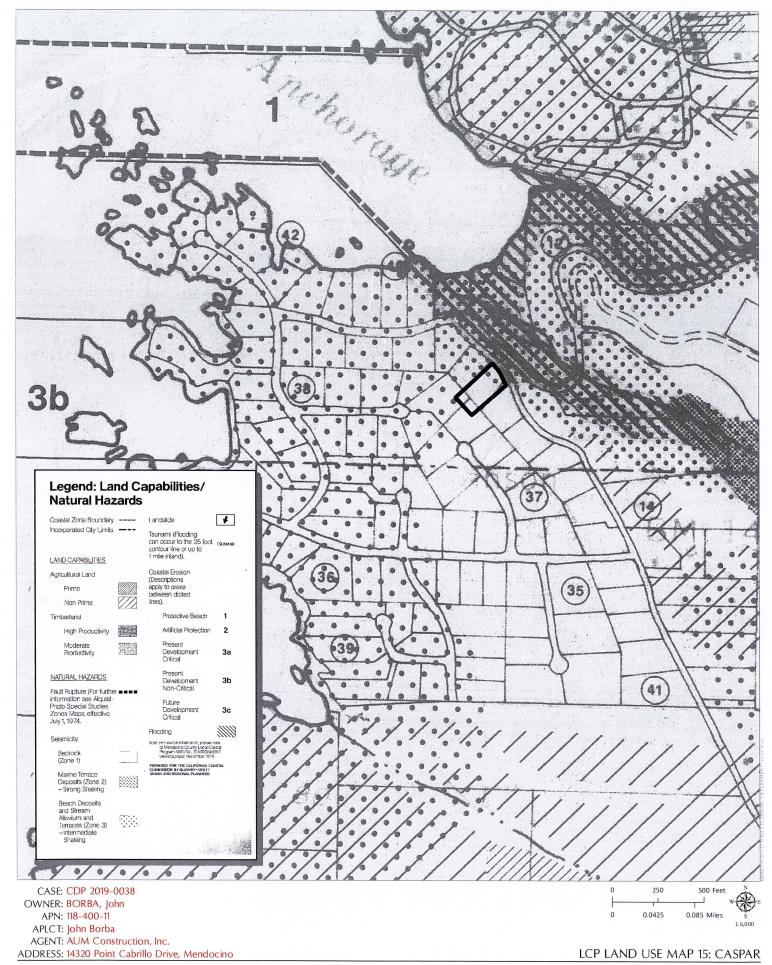


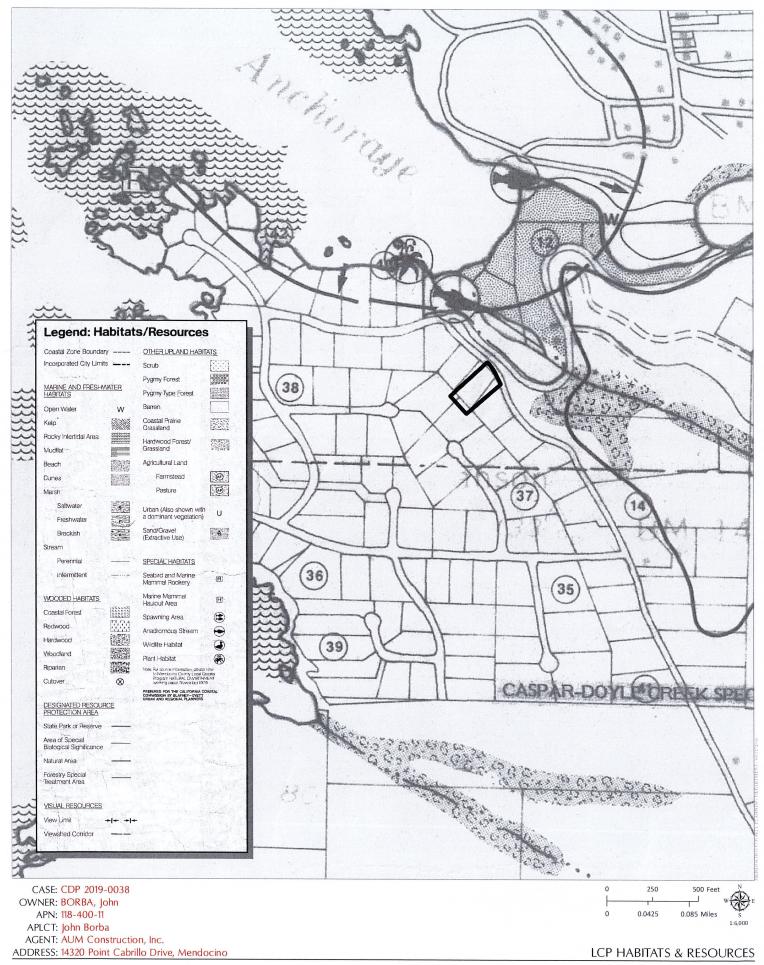


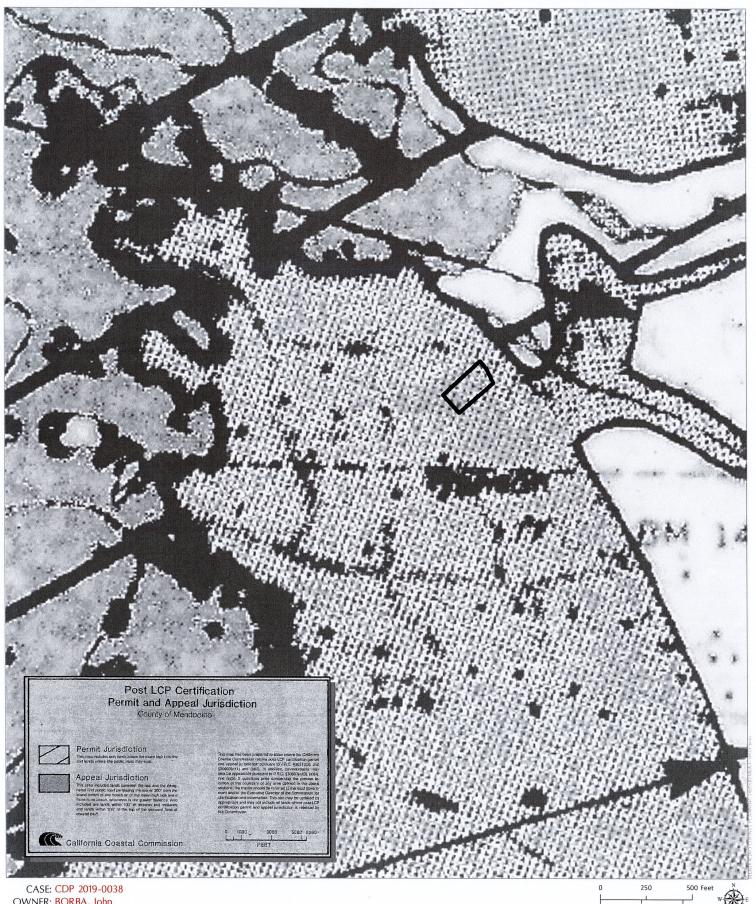












CASE: CDP 2019-0038
OWNER: BORBA, John
APN: 118-400-11

APLCT: John Borba

AGENT: AUM Construction, Inc. ADDRESS: 14320 Point Cabrillo Drive, Mendocino

POST LCP CERTIFICATION & APPEAL JURISDICTION

0.0425

0.085 Miles

