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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT- BLA COASTAL**

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**B\_2017-0028  
SEPTEMBER 14, 2017**

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**SUMMARY**

**OWNER/APPLICANT:** JOANNA BRITTON, TRUSTEE  
PO BOX 522  
ALBION, CA 95410

**REQUEST:** Coastal Development Boundary Line Adjustment to merge 4 lots down to 2, and transfer .07± acres from Lot 2 (APNs: 123-150-36, 21) into Lot 1 (APNs: 123-150-20, 49). The project will result into two lots of .53± acres and .30± acres, respectively.

**LOCATION:** Within the Coastal Zone and in the Town of Albion. Parcels are on the north side of Albion Street (CR 407-D) .25± miles east of the intersection of Albion Ridge Road (CR 402) and State Highway 1 at 33790 Albion Street, Albion (APNs: 123-150-20, 21, 36, 49).

**TOTAL ACREAGE:** .83± Acres

**GENERAL PLAN:** RV:U

**ZONING:** RV:40K

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt – Class: 5a (Minor lot line adjustments not resulting in the creation of any new parcel).

**RECOMMENDATION:** Approve Boundary Line Adjustment with Standard Conditions.

**STAFF PLANNER:** Russell Ford

**BACKGROUND**

**PROJECT DESCRIPTION:** Created by the Parcel Map *Southern Addition to Albion*, there are currently four small lots within the town of Albion owned by the applicant, Jo Britton. (APN: 123-150-20) is a combination of Lots 8 and 9 of said map and is the site of the applicant's current residence. In 1997, Ms. Britton acquired (APNs: 123-150-49) and 21 from Parducci, which are both vacant. In 2000, Ms. Britton acquired (APN: 123-150-36) from Latham, which is also vacant. The applicant would now like to merge the four existing lots into two larger lots, with the existing SFR and an additional thirty feet as Lot 1, and the remainder of the vacant lots as Lot 2.

**APPLICANT'S STATEMENT:** An addition of 30' north to south to parcel 123-150-20 taken from parcel 123-150-36, and to combine parcels 2 (APN: 123-150-36), 3 (APN: 123-150-21) and 4 (APN: 123-150-49) into a single parcel.

**RELATED APPLICATIONS On-Site:**

- The Southern Addition to Albion (Map Book 2, Page 183, date recorded uncertain) created a number of small residential lots in the town of Albion. Several of the lots created by that map are to be used in this proposed adjustment.
- Certificate of Compliance 27-92 was issued for (APN: 123-150-36) to confirm that it was a separate parcel.

**Neighboring Property:**

- Southern Addition to Albion

**SITE CHARACTERISTICS:** The project site is within the Town of Albion, which sits on a coastal terrace immediately adjacent to the south bank of the Albion River above the Albion Harbor. Access is provided by a series of county maintained roads: Albion Street, (CR 407-D), Albion River South Side Road, and Albion Ridge Road (CR 402). The town area itself is generally flat and densely developed with single family residences, a fire station and a market. Parcel 123-150-20 has an existing single family residence, owned by the occupant. The other parcels are currently unimproved and moderately forested.

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RV	RV	.10±	Residential
EAST	RR5 [RR2]	RR5 [RR2]	4.05±	Residential
SOUTH	RV	RV	2±	Forestland
WEST	RV	RV	.10±	Residential

**PUBLIC SERVICES:**

Access: Albion Street (CR 407-D)  
 Fire District: Albion-Little River Fire Protection District  
 Water District: Albion Mutual Water Company  
 Sewer District: None  
 School District: Mendocino Unified School District

**AGENCY COMMENTS:** On or around June 13<sup>th</sup>, 2017 project referrals were sent to responsible or trustee agencies with jurisdiction over the project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Mendocino County Planning (Fort Bragg)		N/A	-
Department of Transportation		N/A	-
Environmental Health (Fort Bragg)		No Comment	7/5/2017
Mendocino County Building (Fort Bragg)		No Comment	6/26/2017
CALFIRE		N/A	-
California Coastal Commission		N/A	-

**KEY ISSUES**

**1. General Plan and Zoning Consistency:** All parcels involved in the proposed lot adjustment are classified RV (Rural Village) with a 12,000 square foot minimum lot size for parcels with water or sewer (Albion Mutual Water Company). The proposed project will increase the size of all resulting lots, and is consistent with the district goal of "...maintain[ing] the character of the rural atmosphere and visual quality of existing coastal rural villages..."

Due to the age of the original parcel map, the actual location of the property lines is uncertain. It's possible that the existing SFR is very close to, or possibly in conflict with the eastern boundary of (APN: 123-150-20). The addition of 30 feet on that side of the lot will eliminate any possible setback or boundary violations as the RV district has a side yard setback of 6 feet.

**2. Division of Land Regulations:** This project is scheduled to be reviewed by the County Subdivision Committee on September 14<sup>th</sup>, 2017 at which time the Subdivision Committee will

make recommendations concerning approval to the Coastal Permit Administrator per the required findings in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

**3. Environmental Protection:** The California Natural Diversity Database identifies several species as possibly extant in the area:

- 1) Townsend's Big-Eared Bat (*Corynorhinus townsendii*)
- 2) Great Burnet (*Sanguisorba officinalis*)
- 3) Oregon Goldthread (*Coptis laciniata*)

As no new development is proposed at this time and any future development would require a Coastal Development Permit, no impacts to these species are anticipated by this project. No other environmental concerns were identified.

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

1. The boundary line adjustment will result in a decrease in potential density by eliminating two potentially, if questionably, buildable lots. The proposed adjustment does not provide for future divisions beyond that which currently exist;
2. The boundary line adjustment will not create any new parcels;
3. No substandard lot will result from the adjustment. All lots are legal non-conforming currently, and will only increase in size.
4. The property subject to the adjustment is in an area designated CWR (Critical Water Resources) identified in the Mendocino County Groundwater Study, which states in part:  
  
"Areas designated CWR (Critical Water Resources) shall have a minimum lot size of 5 ac and demonstration of "proof of water". All lots less than 5 ac shall demonstrate "proof of water" and may require an environmental impact statement."  
  
The smaller lot is already developed with a SFR. No further development is proposed at this time for either lot, and no additional impact to the ground water reservoir can be expected from this adjustment.
5. The project is not located on property containing pygmy vegetation.
6. The project is located within a designated "Highly Scenic" area.
7. The project is not located within an appealable area.

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

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

**RECOMMENDED MOTION:** The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B 2017-0028, subject to the following conditions of approval, finding that the application and supporting documents and exhibits contain sufficient information and conditions to establish, as required by the Coastal Zoning Code, that:

1. The proposed boundary line adjustment is in conformance with the Coastal Element; and,
2. The proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities;

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

**CONDITIONS OF APPROVAL:**

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

**"Any and all lands and any and all interest thereto lying within the following described real property" (perimeter description of the adjusted parcel(s))."**

**"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B 2017-0028 and is intended to create no new parcel."**

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

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

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

5. After you have been given clearance to record the new documents, you must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon receipt of this information, you will receive a Completion Certificate.
6. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
7. A note shall be placed on the deeds and/or legal descriptions stating that "Future development may require additional studies and/or may be subject to restrictions" and that "Future development shall be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."

8. A note shall be placed on the deeds and/or legal descriptions stating, "The Boundary Line Adjustment shall not relinquish, remise, release or terminate any prior right, interest in rights-of-way, easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties."
9. All structures must maintain fifty (50) foot setbacks from property lines as required by Mendocino County Code Section 20.356.030. A sitemap with this requirement shown shall be submitted to the Department of Planning and Building Services.

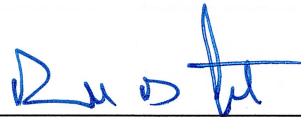
Once the deed(s) and/or instrument(s) have been prepared, please send a copy to the Department of Planning and Building Services. After we have reviewed the documents and accepted them as correct and all conditions of approval have been met, we will notify you. DO NOT RECORD ANY DOCUMENTS UNTIL YOU HAVE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

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

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

8/24/17

DATE



RUSSELL FORD

Appeal Period: 10 Days

Appeal Fee: \$1,616.00

**ATTACHMENTS:**

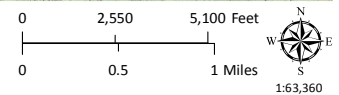
- A. Location Map
- B. Aerial
- C. Tentative Map
- D. Existing Configuration
- E. Proposed Configuration
- F. Zoning Map
- G. General Plan Classifications
- H. LCP Land Use Map
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resource
- K. Appealable Areas
- L. Adjacent Parcels
- M. Fire Hazard Zones
- N. Water Districts
- O. Coastal Ground Water Resources
- P. Highly Scenic Areas
- Q. Soils





CASE: B 2017-0028  
OWNER: BRITTON, Joanna  
APN: 123-150-20, 36, 21, 49  
APLCT: Joanna Britton  
AGENT:  
ADDRESS: 33790 Albion Street, Albion

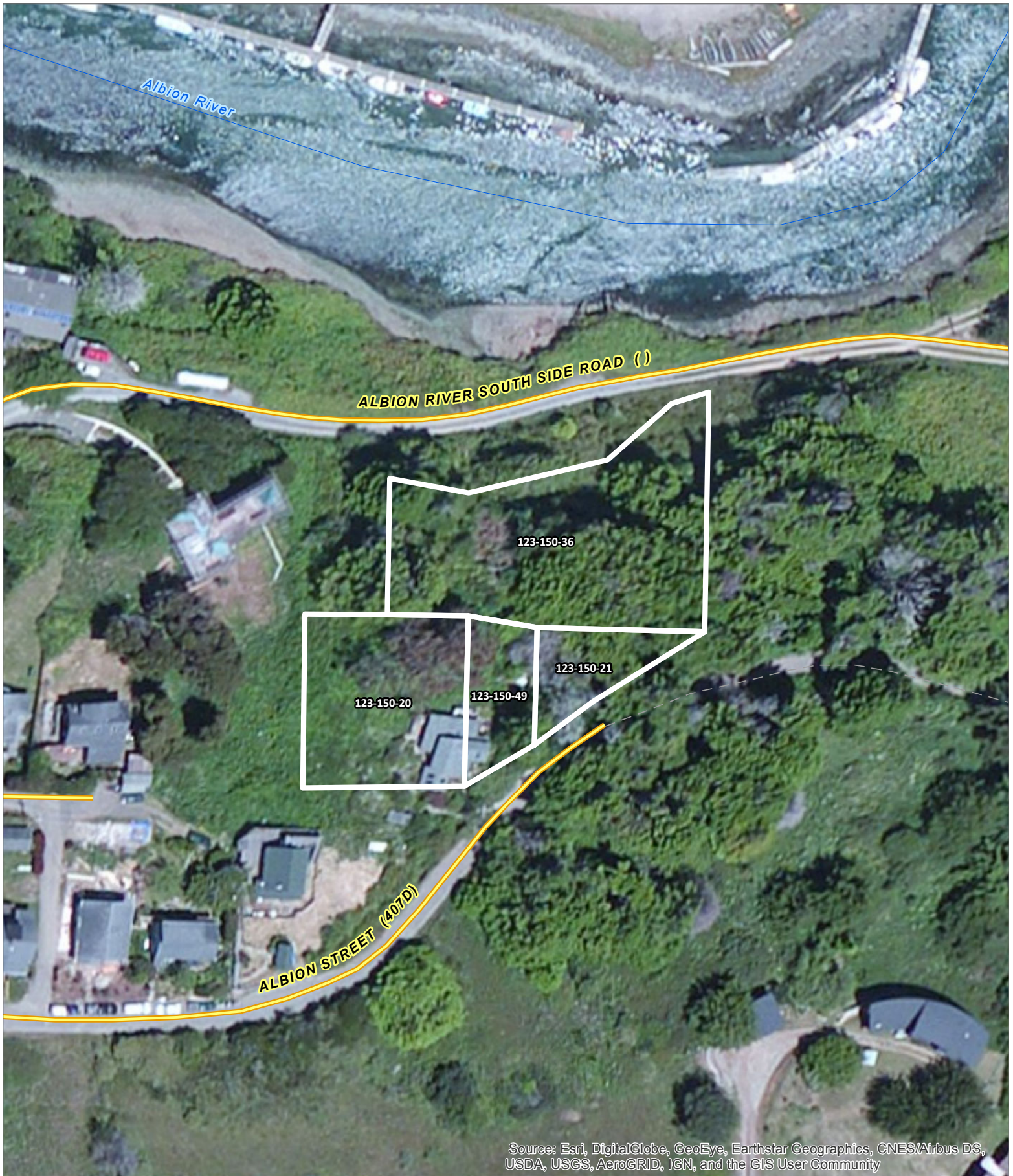
Major Towns & Places  
Major Rivers  
Highways



LOCATION MAP




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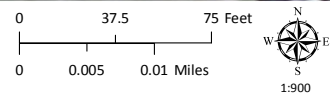




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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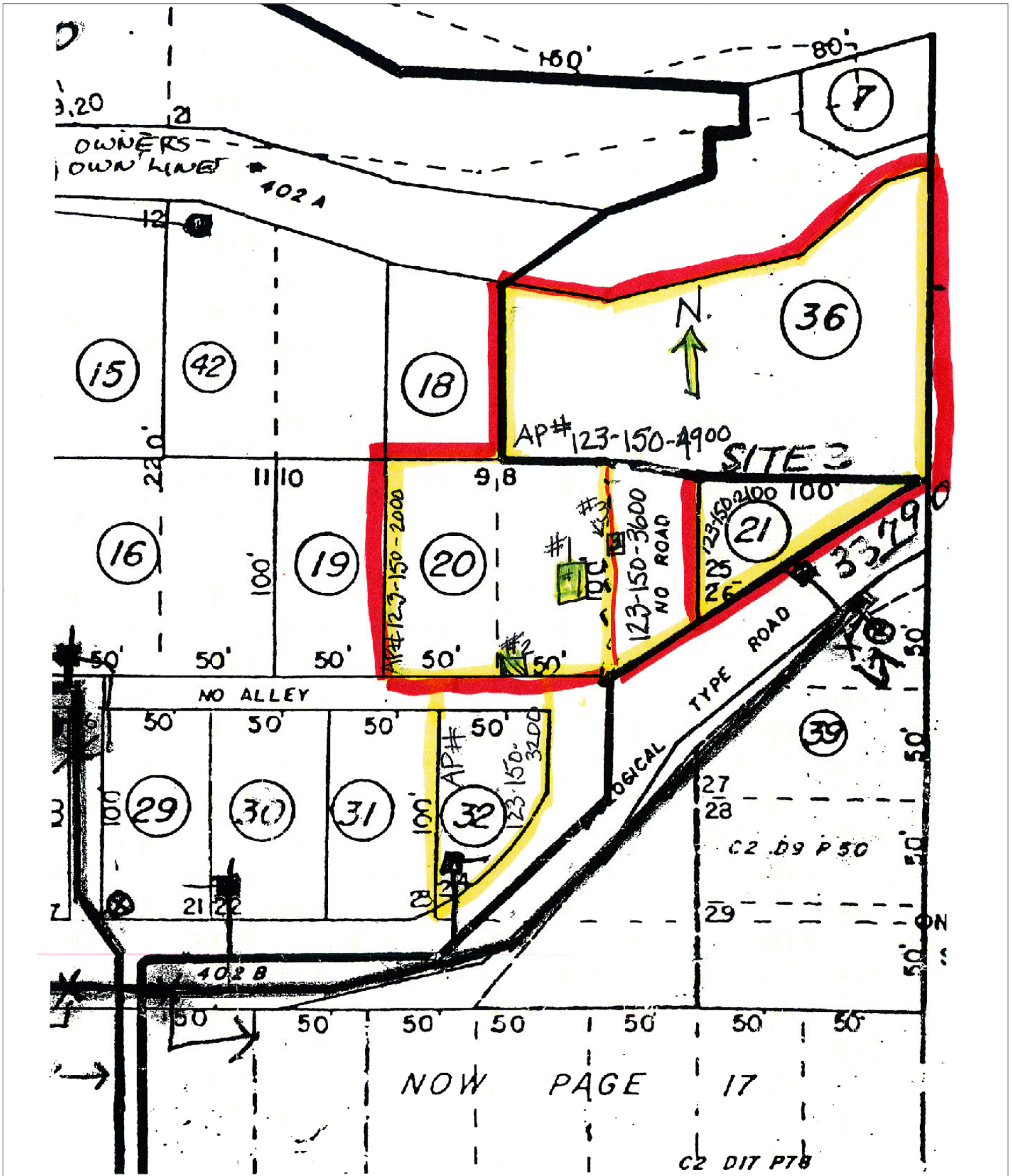
-  Named Rivers
-  Public Roads
-  Driveways/Unnamed Roads



AERIAL IMAGERY

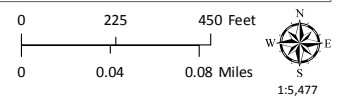
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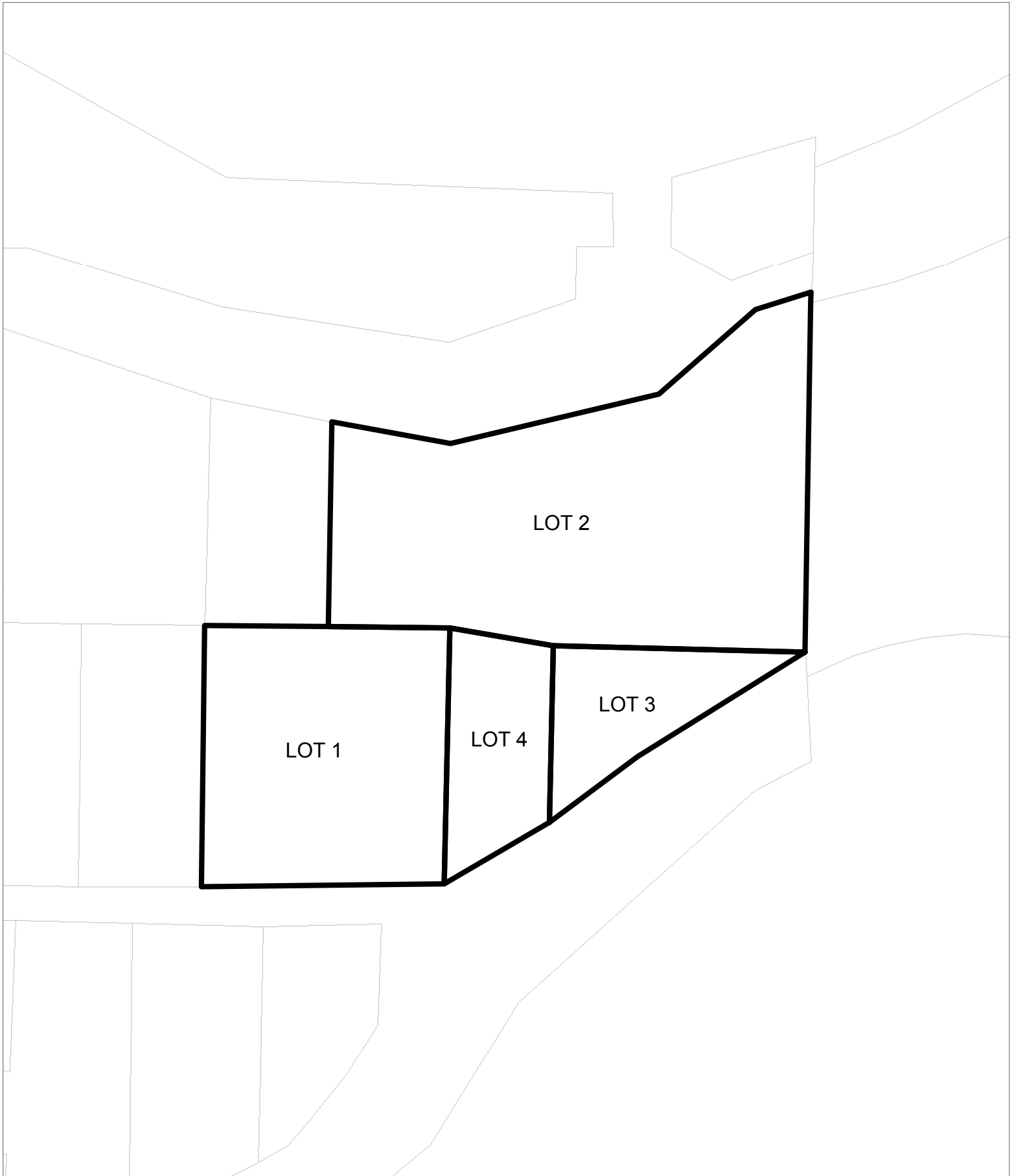
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TENTATIVE MAP

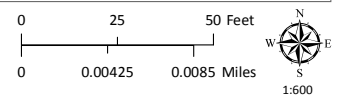
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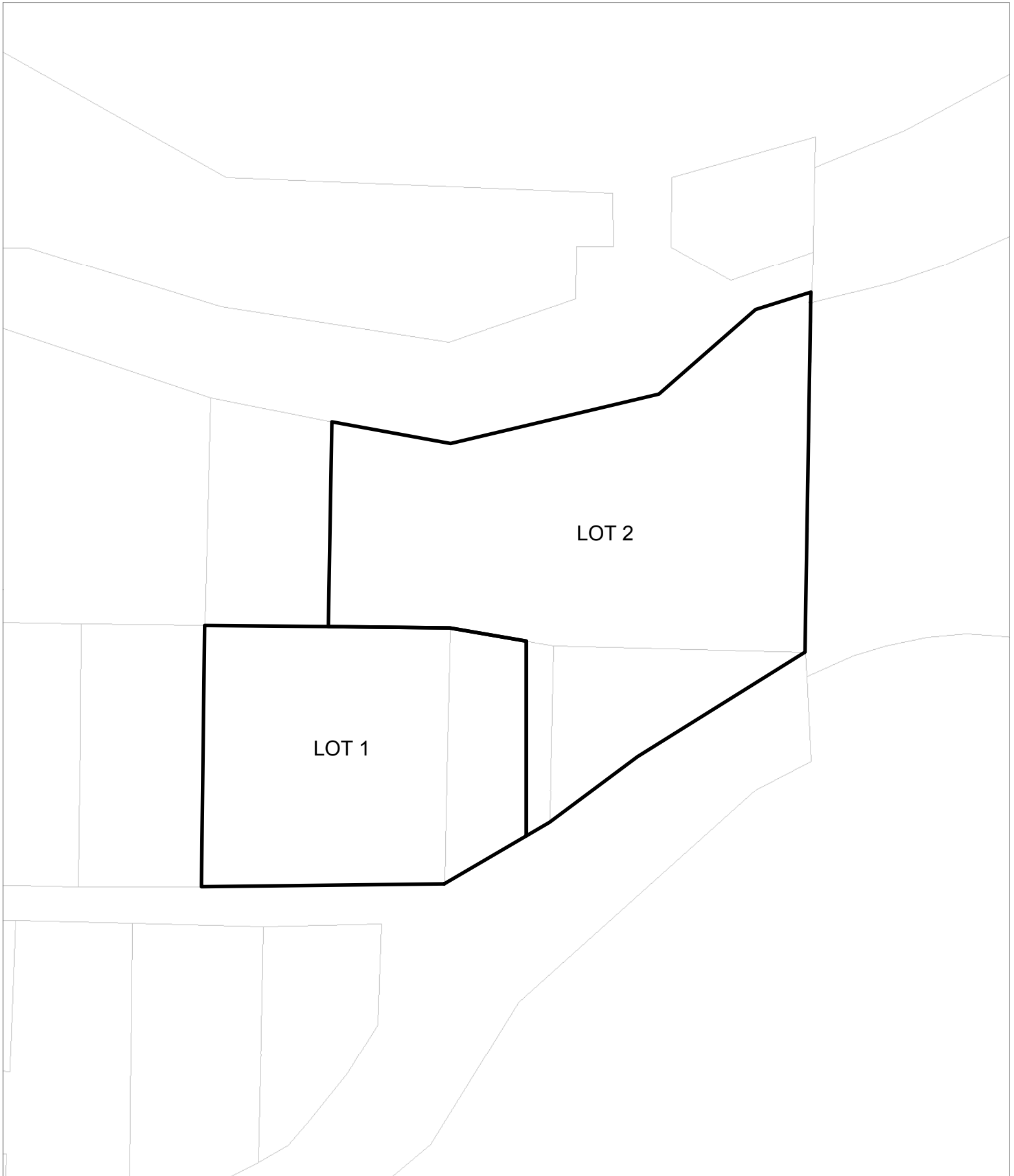
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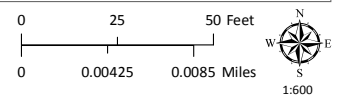
EXISTING

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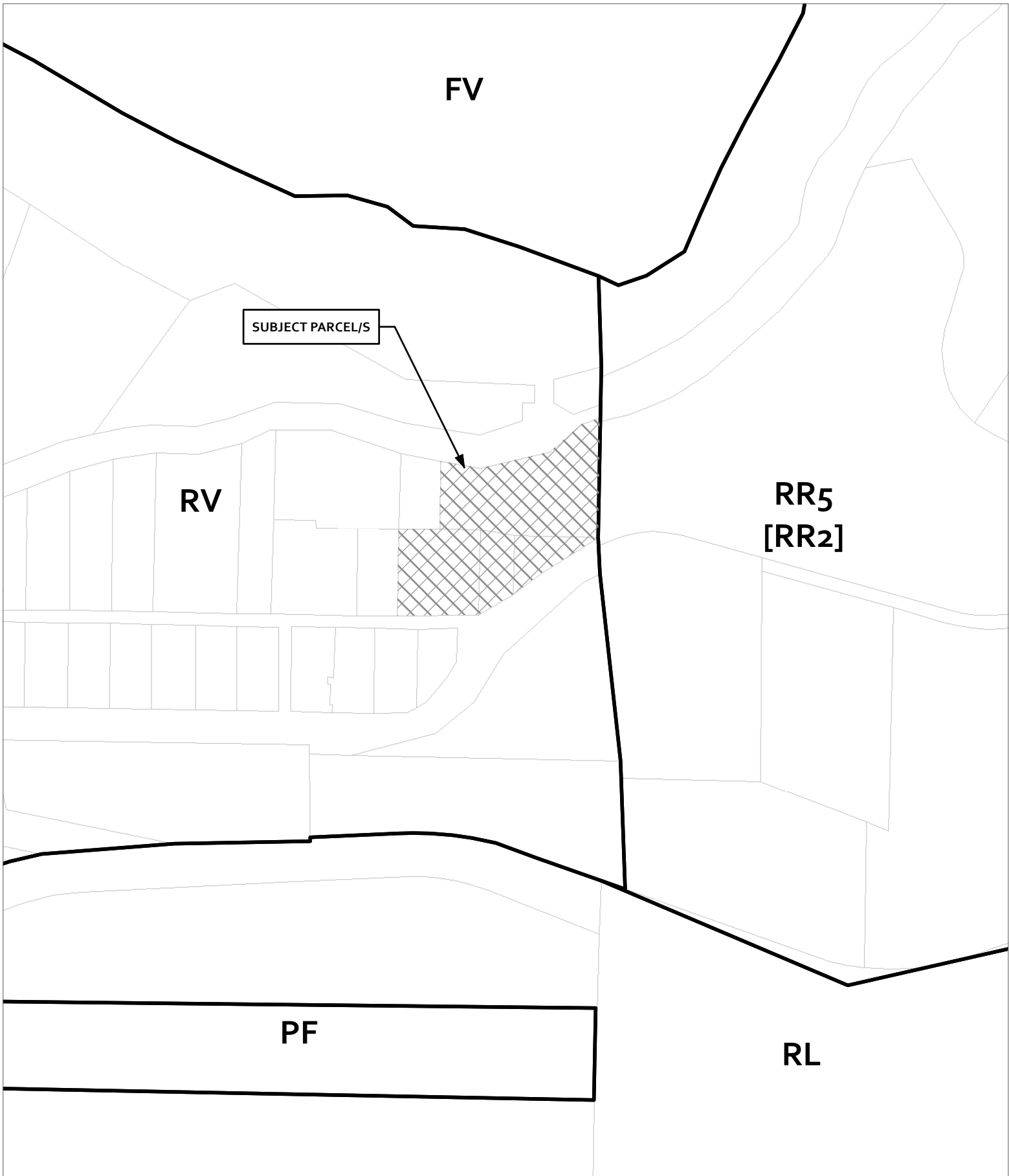
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PROPOSED

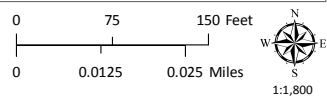
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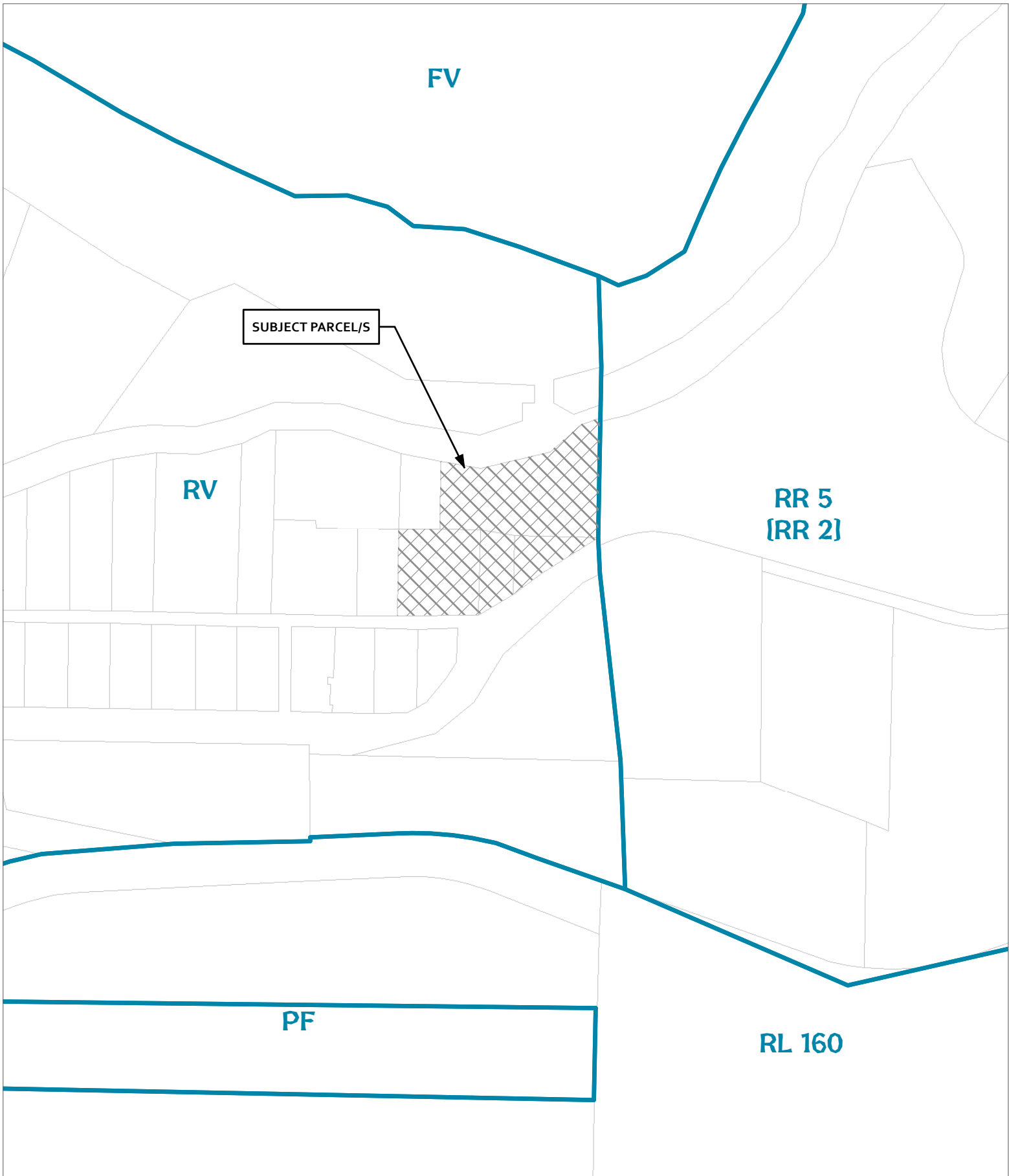
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 Zoning Districts




ZONING DISPLAY MAP

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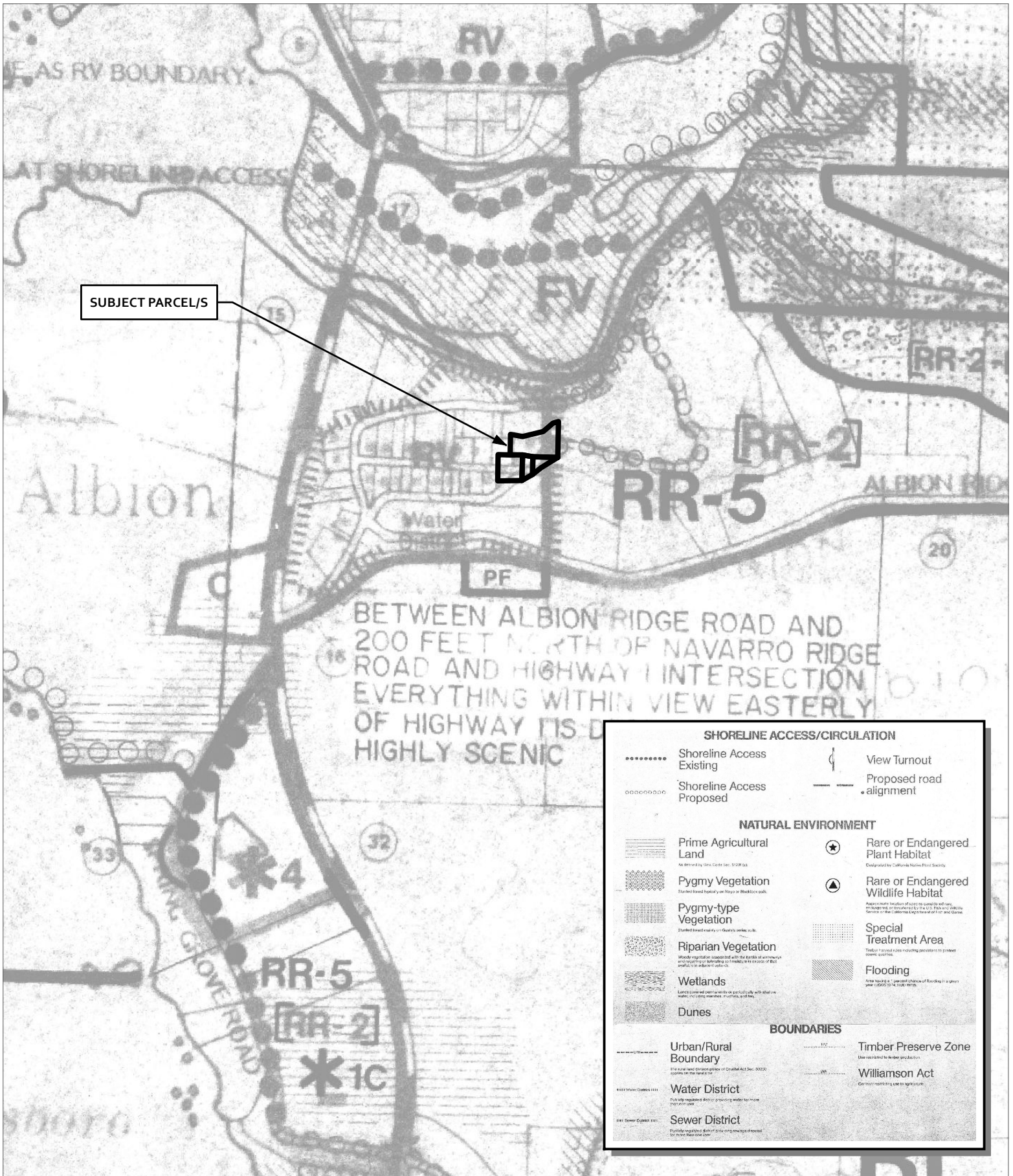
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 General Plan Classes

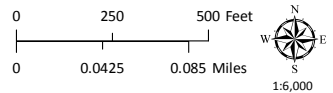
GENERAL PLAN CLASSIFICATIONS

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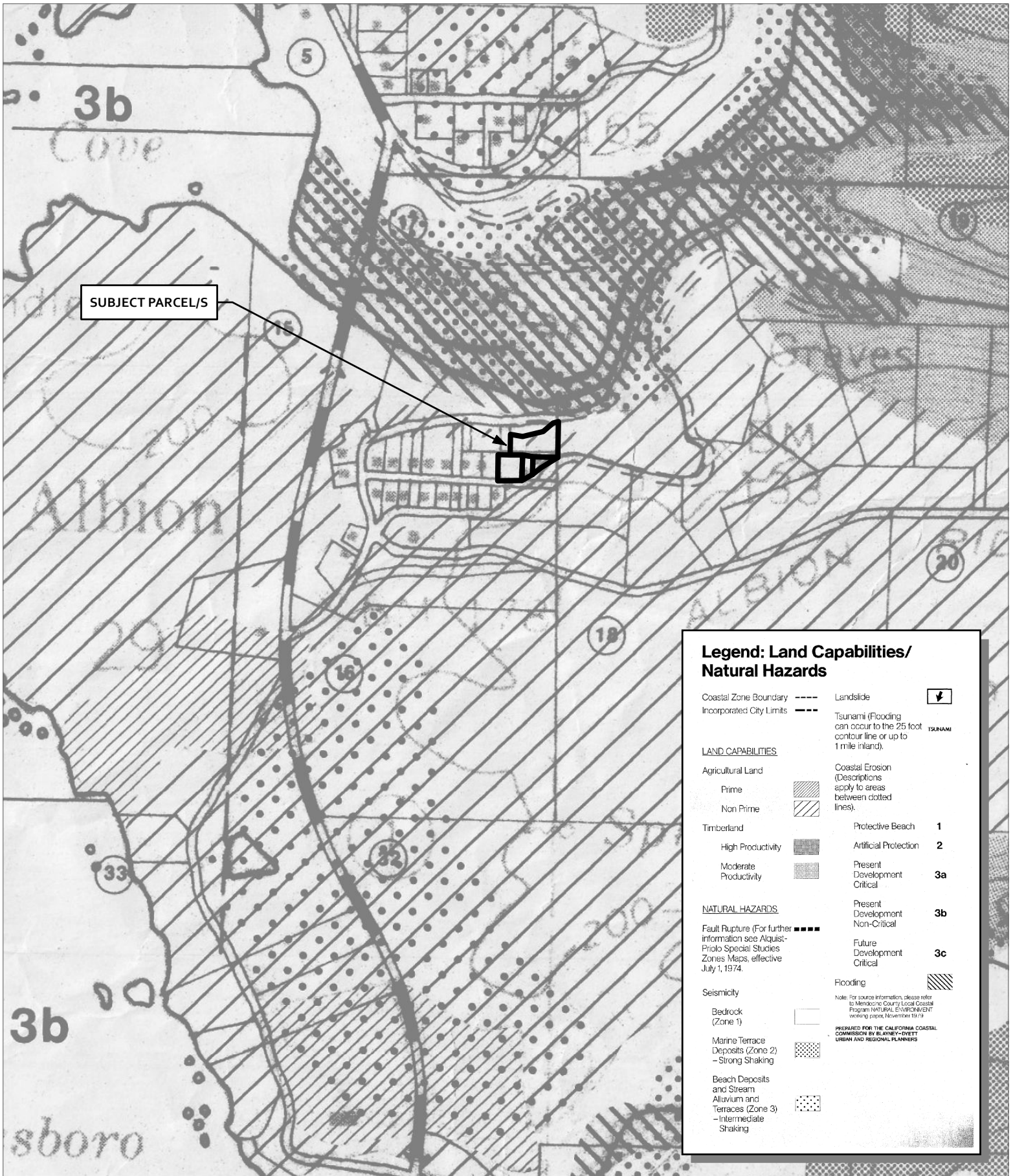
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LCP LAND USE MAP 18: ALBION

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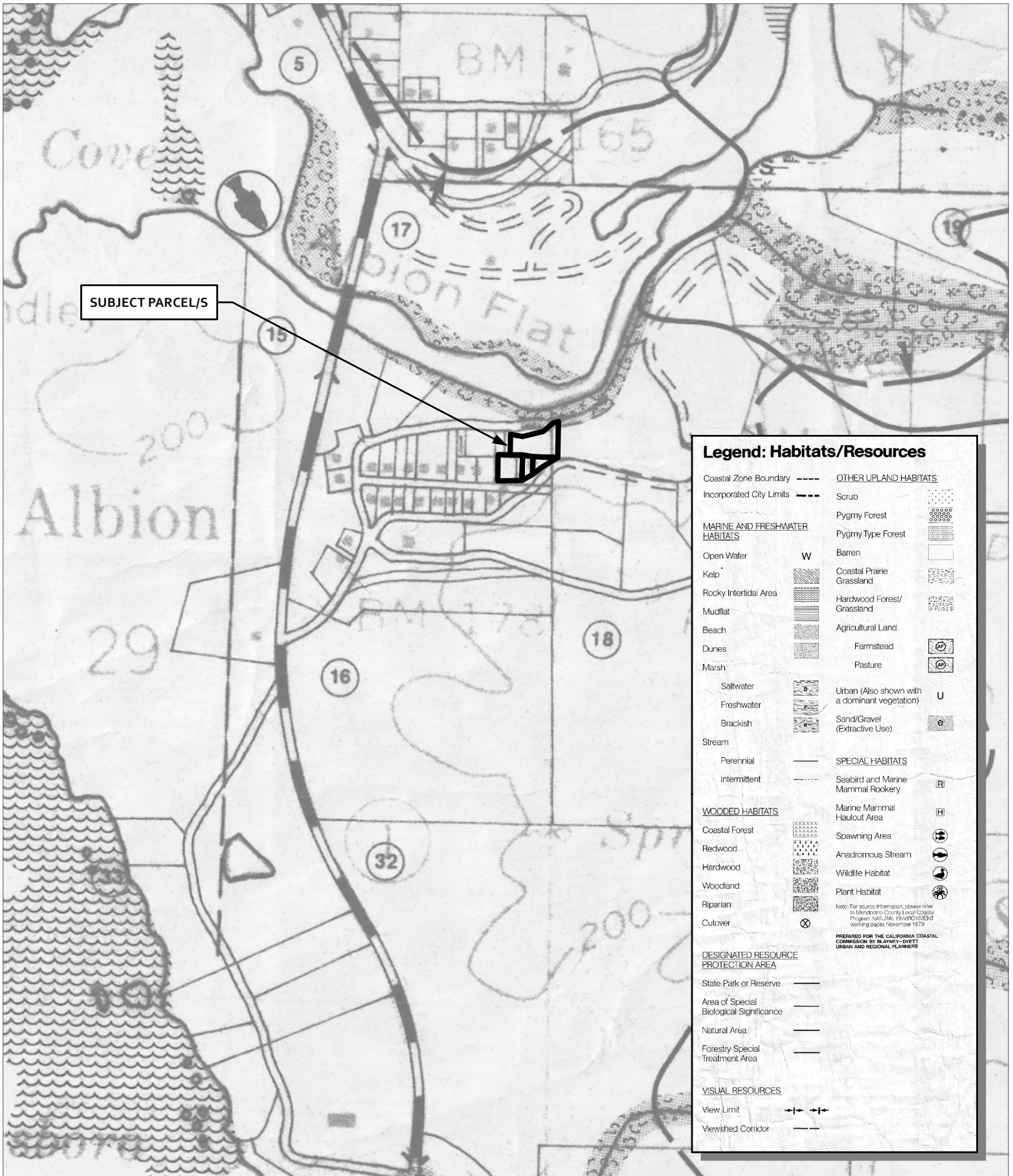
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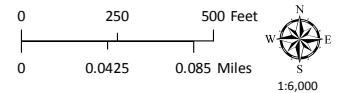
LCP LAND CAPABILITIES & NATURAL HAZARDS

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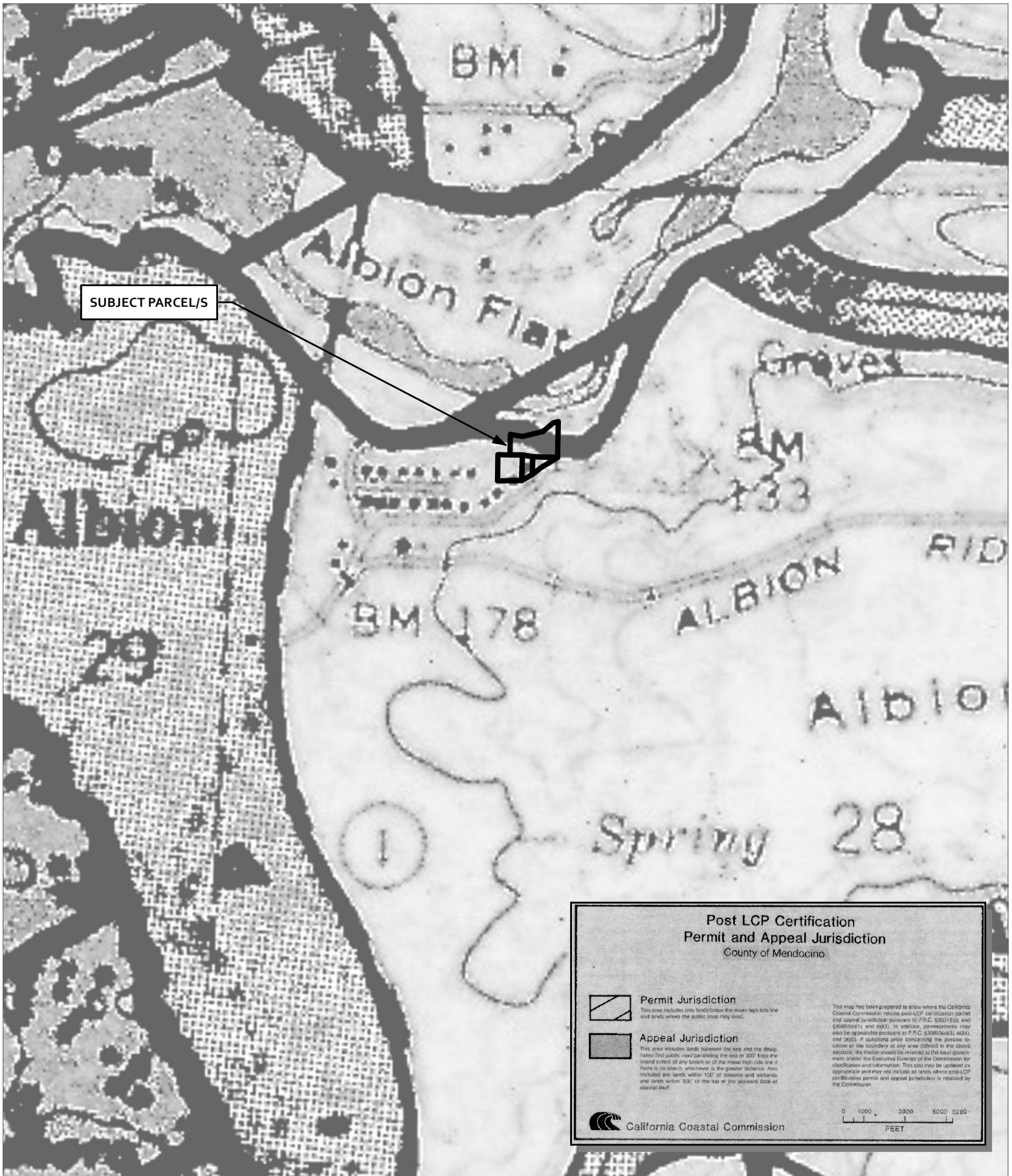
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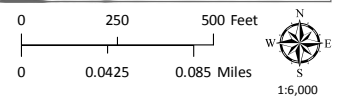
LCP HABITATS & RESOURCES

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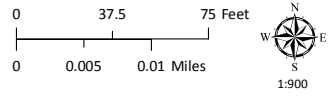


APPEALABLE AREAS

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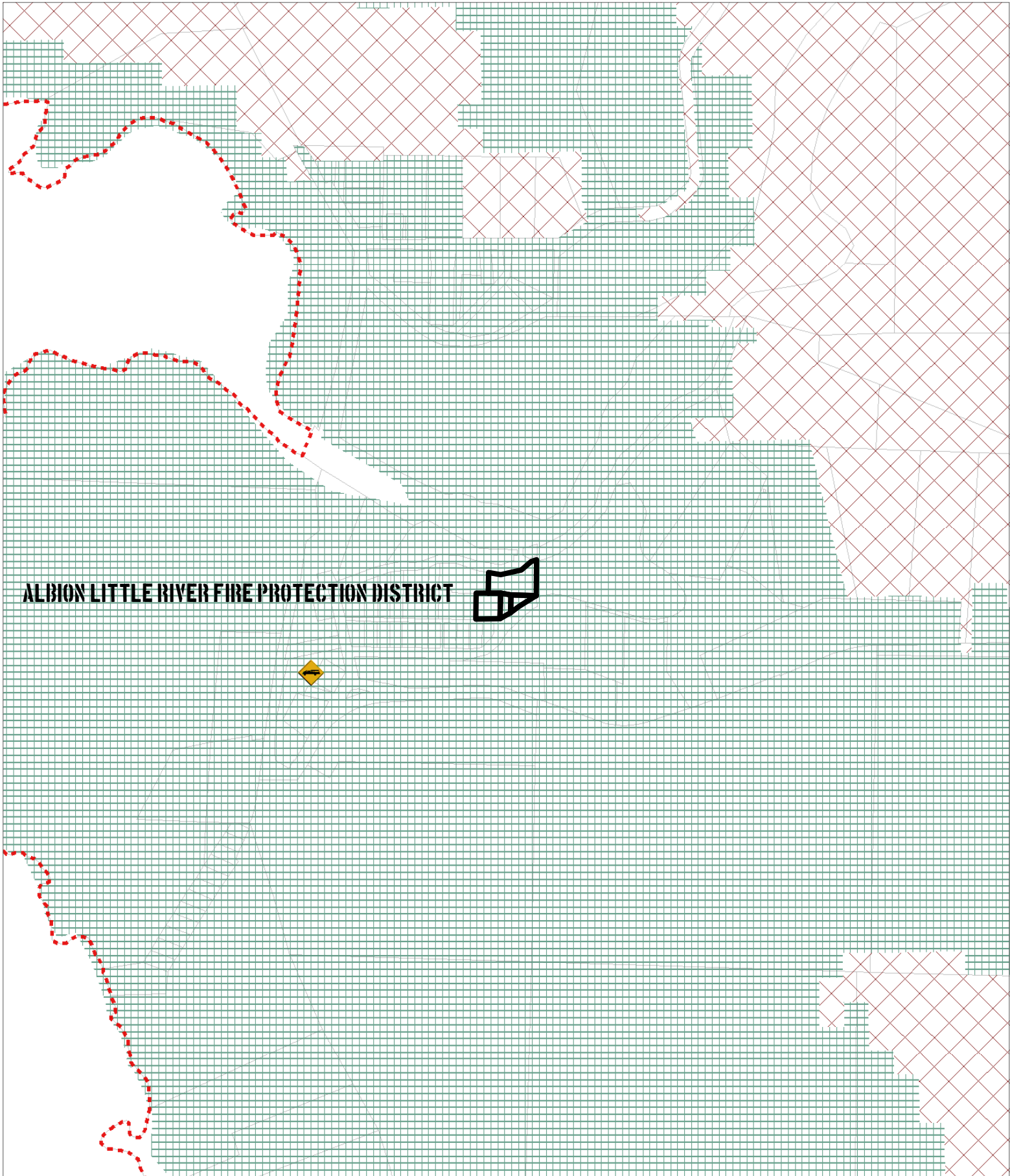
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ADJACENT PARCELS

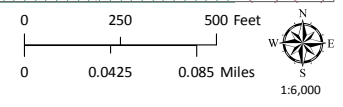
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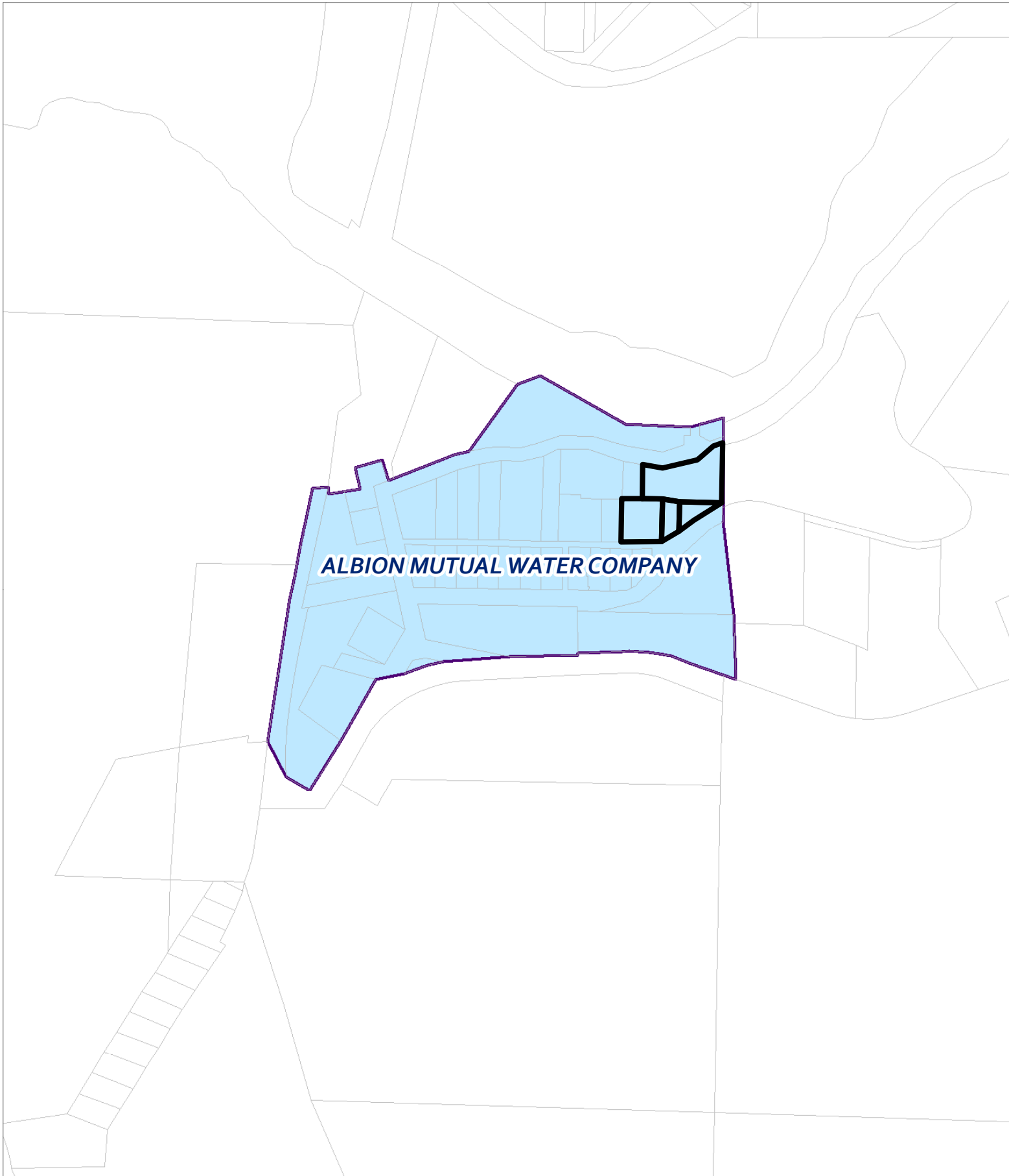
-  Fire Stations
-  Moderate Fire Hazard
-  County Fire Districts
-  High Fire Hazard



## FIRE HAZARD ZONES & RESPONSIBILITY AREAS

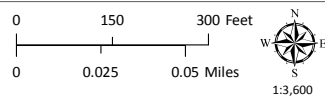
STATE RESPONSIBILITY AREA

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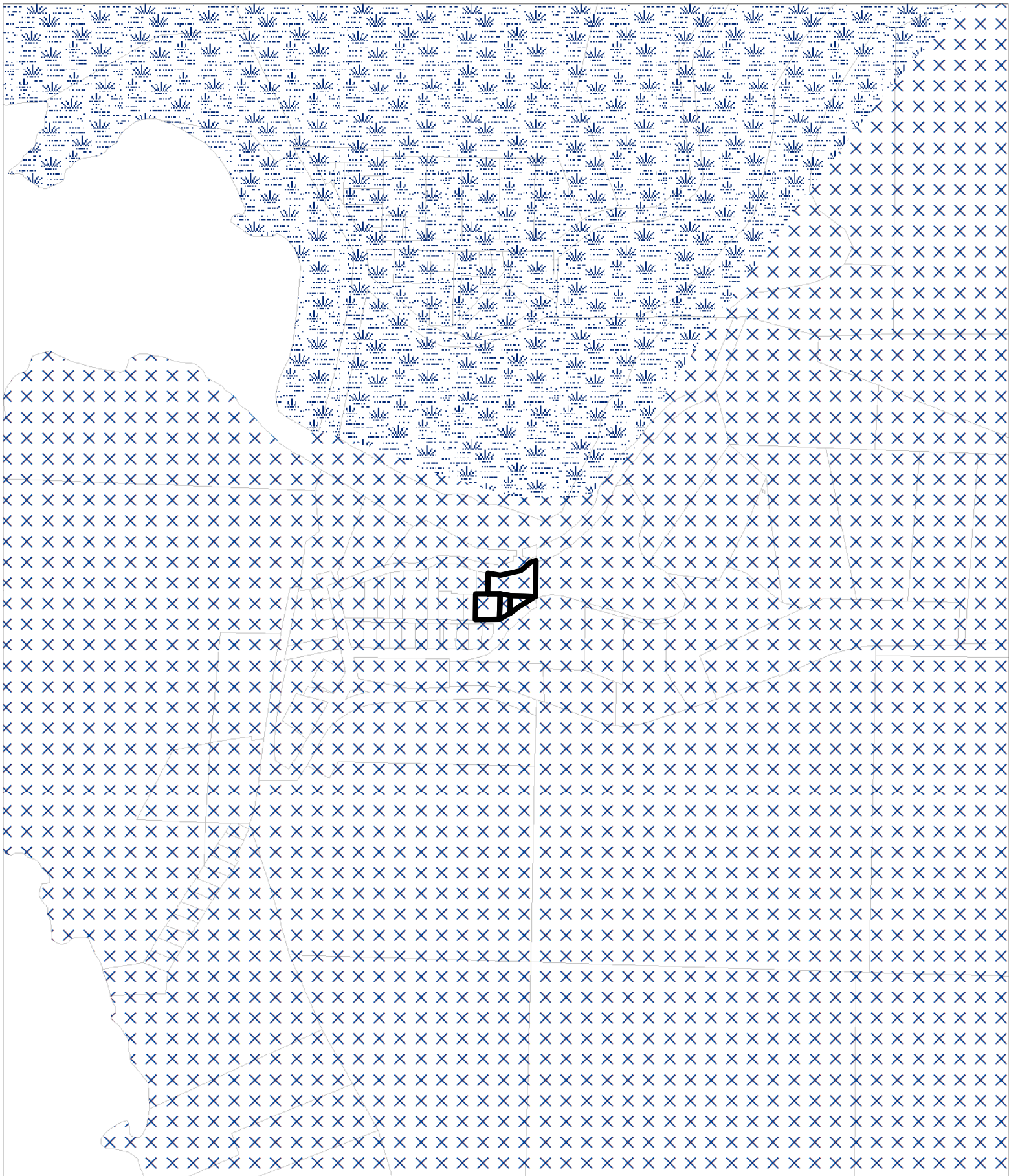
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 County Water Districts



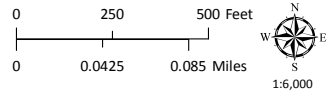
WATER DISTRICTS

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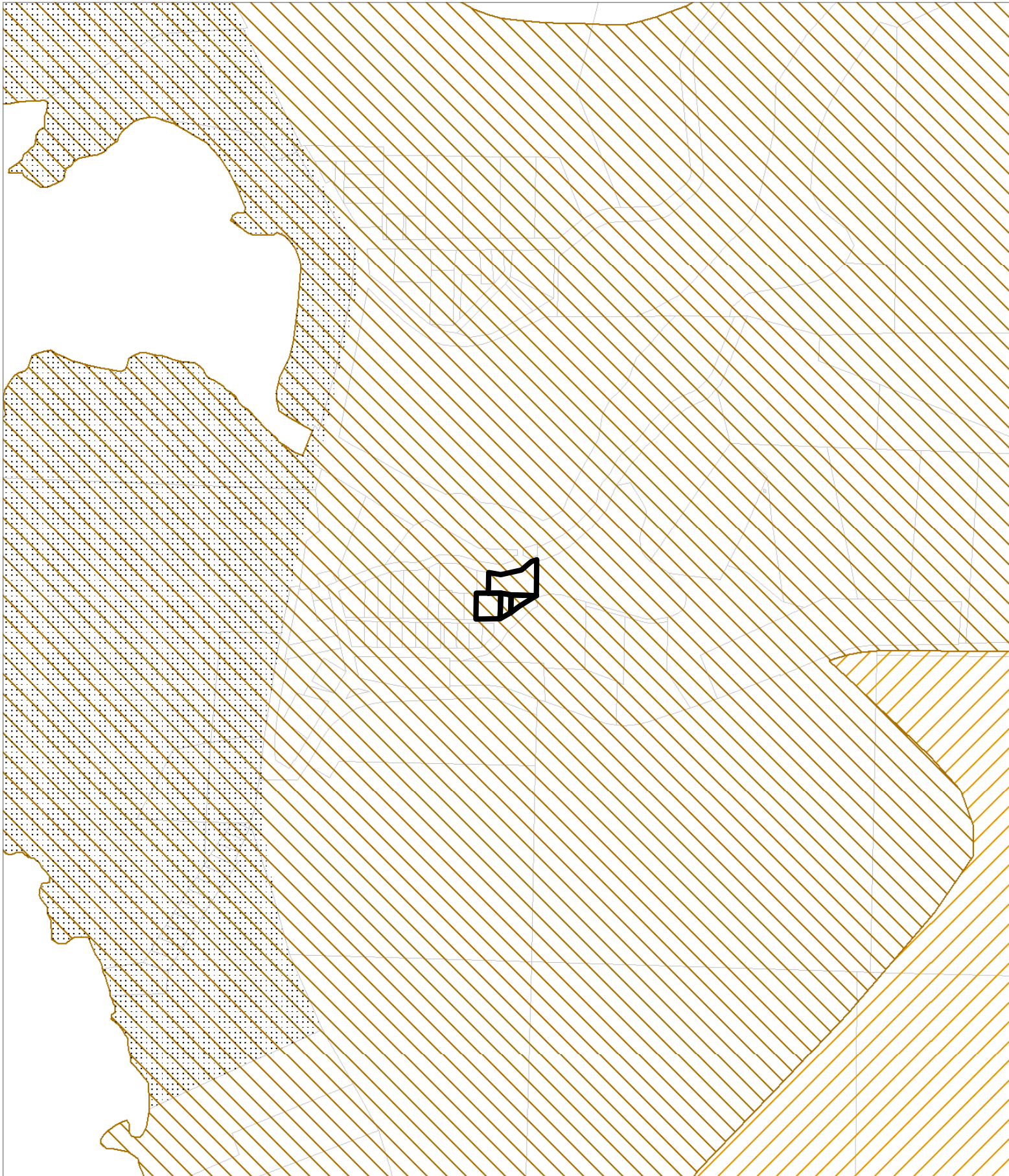
- Critical Water Areas
- Marginal Water Resources






## GROUND WATER RESOURCES

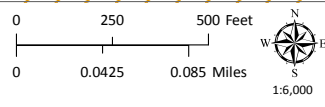
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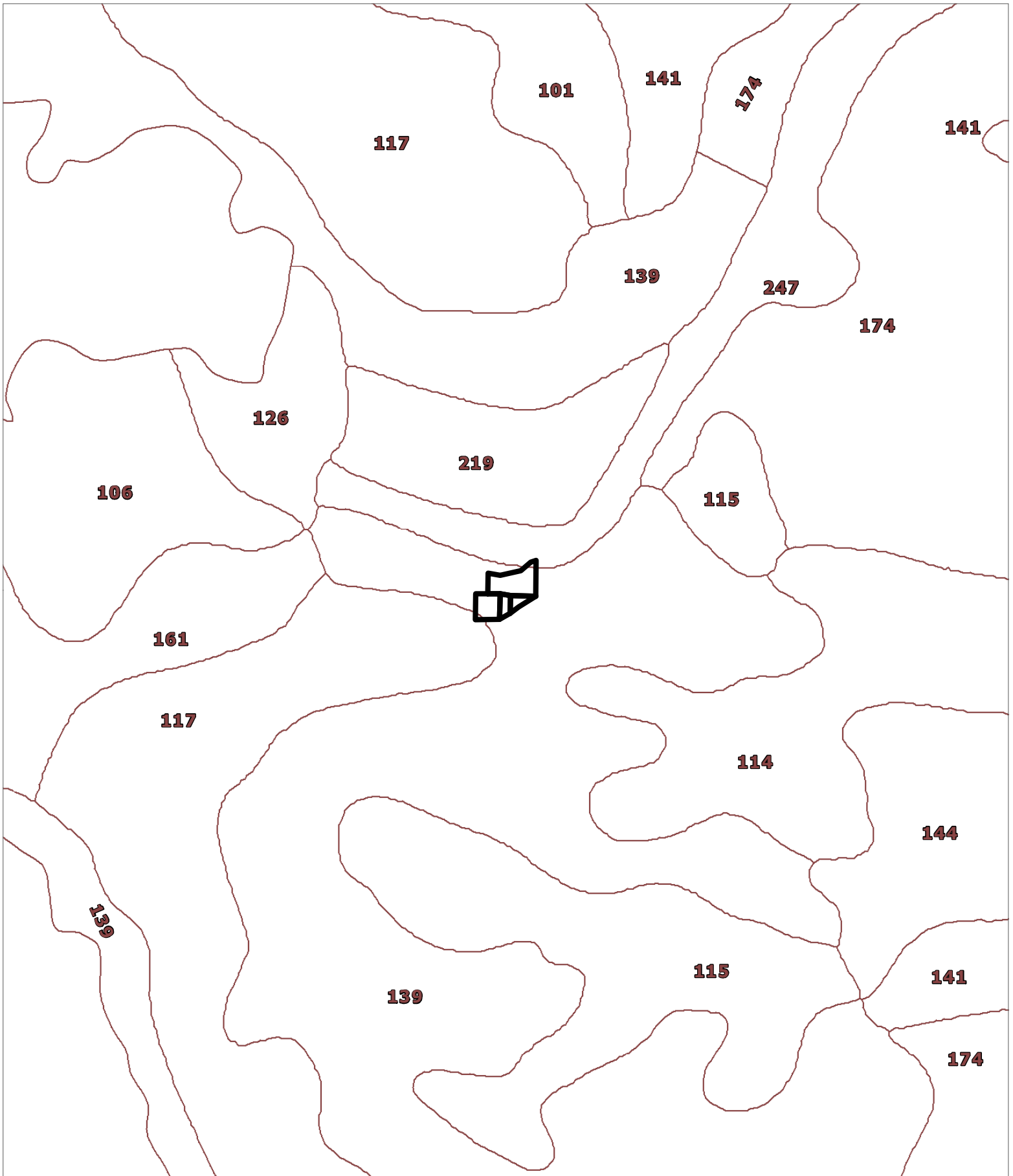
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-  Tree Removal Area
-  Highly Scenic Area
-  Highly Scenic Area (Conditional)




## HIGHLY SCENIC & TREE REMOVAL AREAS

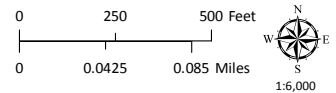
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CASE: B 2017-0028  
OWNER: BRITTON, Joanna  
APN: 123-150-20, 36, 21, 49  
APLCT: Joanna Britton  
AGENT:

ADDRESS: 33790 Albion Street, Albion

 Western Soil Classes



LOCAL SOILS

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