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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT- CDP ADMINISTRATIVE**

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**CDP\_2017-0005  
NOVEMBER 27, 2017**

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**SUMMARY**

**OWNER/APPLICANT/AGENT:** JUDITH KAHN AND ROBERT KIRBY  
PO BOX 384  
LITTLE RIVER, CA 95456

**REQUEST:** A Coastal Development Administrative Permit for a 1,624 sq. ft. single family residence with a detached garage with an office, and a 640 sq. ft. guest house. The guest house would have a temporary kitchen and would be constructed first and the kitchen removed following the construction of the primary residence. Improvements to the site include installing a County approved septic system, driveway, and fencing. Existing development includes a well, well house, and road.

**DATE DEEMED COMPLETE:** June 21, 2017

**LOCATION:** The site is in the Coastal Zone, 0.6± miles south of the Town of Little River, east of Hwy 1, located at 7419 Stickney Ranch Road, Little River (APN: 121-320-15).

**TOTAL ACREAGE:** 10.3 acres

**GENERAL PLAN:** Coastal Element, Mendocino County General Plan  
Rural Residential, 10 acre minimum (RR10)

**ZONING:** Division II, Title 20, Mendocino County Code  
Rural Residential, 10 acre minimum with a Contract Rezone combining district (RR10[CR])

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt. Pursuant to Section 15303, Class 3(a)(d)(e) of the California Environmental Quality Act, the proposed single family residence, detached garage with an office, guest house, and associated improvements are categorically exempt from environmental review.

**APPEALABLE:** No, not mapped Appeal Jurisdiction. The project is subject to Highly Scenic Criteria per CDMS #21-99, although the proposed improvements would be located in an area designated as conditionally Highly Scenic and are not visible from Highway 1.

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Julia Acker

**BACKGROUND**

**PROJECT DESCRIPTION:** A Coastal Development Administrative Permit for a 1,624 square foot single family residence with a detached garage with an office, and a 640 square foot guest house. The guest house would have a temporary kitchen and would be constructed first and the kitchen removed following

the construction of the primary residence. Associated project improvements to the site include installing a septic system, driveway, and fencing. Existing development includes a well, well house, and road. The proposed development is located within established building envelopes that resulted from the subdivision creating the parcel, CDMS 21-99.

**APPLICANT'S STATEMENT:** "Well and power already on property and county approved septic design. Permit to put in septic and construct single story, 1,500 square foot residence, detached garage with office, and 640 square foot guest house, driveway and fencing. All construction will be outside of 50' setback from botanically sensitive areas, as recommended by botanical study."

**RELATED APPLICATIONS ON-SITE:**

- MS 49-88 was approved by the Planning Commission on February 2, 1989 creating four parcels ranging from approximately 15 acres to 24 acres in size. The parcel subject to this application is a portion of Parcel 3 of that subdivision.
- CDB 35-93 reconfigured parcel boundaries between Parcels 2 and 3 of MS 49-88.
- GP 8-97/R 9-97 General Plan Amendment and Rezone from RMR20 to RR10 and RR10[CR]. The contract rezone combining district that resulted from the General Plan Amendment and Rezone limits future development to a 10 acre minimum and prohibits new encroachments onto Highway 1.
- CDMS 21-99 was approved by the Planning Commission on April 6, 2000, which further subdivided Parcel 3 of MS 49-88, creating two parcels of 10.31 acres and 11.22 acres. The parcel subject to this application is Parcel 1 of the subdivision. Parcel 2 is presently vacant.

**Adjacent Parcels:**

- CDP 07-94 was approved on August 25, 1994 authorizing construction of a single family residence and garage at 44661 Little River Airport Road (Parcel 4 of MS 49-88).
- CDMS 12-99 was approved by the Planning Commission on September 2, 1999, which further subdivided Parcel 2 of MS 49-88, creating two parcels of 10.3 acres and 11.57 acres.
- CDP 60-03 was approved on March 9, 2004 authorizing construction of a guest cottage at 7420 Stickney Ranch Road (Parcel 1 of CDMS 12-99).
- CDP 70-07 was approved on May 13, 2008 authorizing construction of a single-family residence and garage at 7434 Stickney Ranch Road (Parcel 2 of CDMS 12-99).

**SITE CHARACTERISTICS:** The 10.3 acre site is located in the Coastal Zone approximately 0.6 miles south of the town of Little River, located east of Highway 1, at 7419 Stickney Ranch Road, Little River (APN: 121-320-15). The parcel is currently developed with a well, well house, and road. A 1,624 square foot single family residence with a detached garage with an office is proposed on the parcel, in addition to a 640 square foot guest house. The guest house would have a temporary kitchen and would be constructed first and the kitchen removed following the construction of the primary residence. Additional improvements proposed on the parcel include installing a County approved septic system, driveway, and fencing. The building envelopes on the property have been set by the recorded Unilateral Agreement that created the subject parcel. Existing development on the parcel is to remain unchanged. The existing well and well house is located north of the proposed location of the single family residence and detached garage, near the existing road. There are two existing utility easements on the property. One utility easement is located in the northeasternmost portion of the parcel and one utility easement is located in the westernmost portion of the parcel between the proposed guest house and SFR. Electricity and propane would be provided to the site by a local utility company. Sewage disposal would be provided by a proposed County approved septic system.

The parcel is relatively flat with gently sloping areas in the northeastern and western portions of the parcel. Elevations at the site range from approximately 220 feet above mean sea level (amsl) along the site's eastern boundary, 100 feet amsl along the site's western boundary, 120 feet amsl at the southernmost portion of the site, to approximately 215 feet amsl at the site's northernmost boundary. The western half of

the parcel is located with a mapped Highly Scenic Area, while the eastern half of the parcel is located within a mapped Conditionally Highly Scenic Area<sup>1</sup>. As the proposed single family residence and detached garage would be located on the eastern half of the parcel, the development would not be seen from Highway 1. Staff performed a site visit on the property on July 24, 2017 and confirmed that the area of proposed development is not visible from Highway 1. There is no existing or proposed shoreline access within the vicinity of the site as shown on LCP Land Use Maps 17 *Mendocino* & 18 *Albion*.<sup>2</sup>

The project site is located within a mapped “Marginal Water Resources” area<sup>3</sup> and a mapped moderate fire hazard area<sup>4</sup>. The site does not contain important farmland and is classified as grazing land.<sup>5</sup> The site is primarily designated as barren habitat with a very small section of coastal forest along the northernmost portion of the parcel.<sup>6</sup> Additionally, the western portion of the site contains non-prime agricultural land, while the eastern portion of the parcel contains high productivity timberland.<sup>7</sup> The southwestern-most portion of the parcel is underlain by beach deposits and stream alluvium and terraces (Zone 3), which is subject to intermediate shaking.<sup>8</sup>

A *Biological Assessment Under the California Coastal Act and Mendocino County Local Coastal Program for 7419 Stickney Ranch Road* (Biological Assessment) for the proposed project was prepared by Coast Range Biological, LLC in February of 2014. Several Environmentally Sensitive Habitat Areas (ESHAs) have been identified on the project site, including Northern Bishop Pine Forest ESHA (covering the majority of the site), Grand Fir Forest ESHA (covering a small portion in the southern portion of the site), and Freshwater Wetland ESHA (covering the southwestern portion of the site).<sup>9</sup> The proposed project is outside the 100-foot buffer from the Grand Fir Forest ESHA and the Freshwater Wetland ESHA and would observe a 50-foot setback from the Northern Bishop Pine Forest ESHA. A *Reduced Buffer Analysis for the J. Kahn and R. Kirby Coastal Development* (Reduced Buffer Analysis) for the proposed project was prepared by Fred C. Schuler on June 10, 2017. The proposed project would observe a reduced buffer zone from 100 feet to 50 feet from the Northern Bishop Pine Forest ESHA to the east, due to the constrained building sites. The Reduced Buffer Analysis concluded a reduced 50 foot buffer would not impact the Northern Bishop Pine Forest ESHA or any rare, threatened, or endangered species.<sup>10</sup>

A *Special-Status Plant Survey for 7419 Stickney Ranch Road* (Special-Status Plant Survey) for the proposed project was prepared by Coast Range Biological, LLC on July 7, 2014, as the previous botanical report (Biological Assessment, 02/2014) recommended a spring-summer floristic plant survey. Of the 163 plant species that were observed on site, no special-status plant species were observed.<sup>11</sup> However, two plant species, harlequin lotus (*Hosackia gracilis*) and western dog violet (*Viola adunca*) were observed on site.<sup>12</sup> These plant species are the host plants for the lotis blue butterfly (*Lycaeides argyrognomon ssp lotis*) and Behren’s silverspot butterfly (*Speyeria zerene behrensii*). The lotis blue butterfly (*Lycaeides argyrognomon ssp lotis*) has not been observed since 1983 and is considered possibly extinct, while the Behren’s silverspot butterfly (*Speyeria zerene behrensii*) is a federally endangered species. In addition, approximately six individuals of *Angelica sp.*, which could potentially be sea-watch (*Angelica lucida*), a special-status plant species, were observed on site.<sup>13</sup>

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<sup>1</sup> Mendocino County Department of Planning & Building Services. 1991. *Highly Scenic & Tree Removal* [map].

<sup>2</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Use Maps 17 (Mendocino) & 18 (Albion)* [map].

<sup>3</sup> Mendocino County Department of Planning & Building Services. 1991. *Ground Water Resources* [map].

<sup>4</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

<sup>5</sup> Mendocino County Department of Planning & Building Services. 1991. *Important Farmland* [map].

<sup>6</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Habitat & Resources* [map].

<sup>7</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Capabilities & Hazards* [map].

<sup>8</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Capabilities & Hazards* [map].

<sup>9</sup> Coast Range Biological, LLC. February 2014. *Biological Assessment Under the California Coastal Act and Mendocino County Local Coastal Program for 7419 Stickney Ranch Road*.

<sup>10</sup> Fred C. Schuler. June 10, 2017. *Reduced Buffer Analysis for the J. Kahn and R. Kirby Coastal Development*.

<sup>11</sup> Coast Range Biological, LLC. July 7, 2014. *Special-Status Plant Survey for 7419 Stickney Ranch Road*.

<sup>12</sup> Coast Range Biological, LLC. July 7, 2014. *Special-Status Plant Survey for 7419 Stickney Ranch Road*.

<sup>13</sup> Coast Range Biological, LLC. July 7, 2014. *Special-Status Plant Survey for 7419 Stickney Ranch Road*.

Several trees located adjacent to the proposed guest cottage may be thinned or removed as a result of the project in order to provide adequate fire protection around the proposed development.

Mapping does not associate the following with the subject site: faults, landslides, erosion, flood, or tsunami hazard.<sup>14</sup>

**SURROUNDING LAND USE AND ZONING:** As listed in Table 1 below, the site and surrounding lands to the north, east, and west are designated and zoned as Rural Residential (RR), while the surrounding lands to the south are designated and zoned as Remote Residential (RMR). The existing and proposed

Table 1. Surrounding Land Use Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR10	RR10-CR	10-acres	Residential
EAST	RR10	RR10	11-acres	Vacant
SOUTH	RMR20	RMR20	<1-acre	Commercial
WEST	RR5	RR5	5-acres	Residential

The parcels immediately to the north and west of the site are currently developed with single family residences and appurtenant structures. The parcel immediately to the south of the site is currently developed commercial and the parcel immediately to the east is currently vacant. The proposed project is compatible with surrounding land uses and development.

**LOCAL COASTAL PROGRAM CONSISTENCY:** The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

Land Use: The parcel is classified as Rural Residential with a 10 acre minimum parcel size (RR10) by the Mendocino County General Plan. The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability. The proposed request to construct a single family residence and appurtenant structures is consistent with the Rural Residential Land Use classification.

Zoning: The project site is located within a Rural Residential District, which is 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 proposed project, which involves constructing a single family residence and appurtenant structures, is a principally permitted use within the Rural Residential District, pursuant to Mendocino County Coastal Zoning Code Chapter 20.376 *RR -- Rural Residential District*.

The building envelopes on the property have been set by the Unilateral Agreement that created the subject parcel. The proposed development at the site would comply with the minimum front, rear, and side yard requirements for the RR District for a parcel of this size, which are 50 feet each. The maximum building height allowed in the RR District is 28 feet above the natural grade for Highly Scenic Areas located east of Highway 1. The maximum height of the single family residence, detached garage, and the guest house is 26.6 feet, which is below the maximum building height permitted in the RR District. The project, as proposed, would result in a lot coverage of less than 1 percent, which would not exceed the maximum allowed lot coverage of 10.0 percent for parcels of this size located within an RR District.

The proposed project would comply with the accessory use requirements, which specifies that accessory uses, such as the detached garage and additional appurtenant structures and utilities, are appropriate, incidental, and subordinate to the principally permitted single family residential use.

The property is also designated with a Contract Rezone (CR) combining district. The CR designation

<sup>14</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Capabilities & Hazards* [map].

resulted from the Rezone and General Plan Amendment (GP 8-97/R 9-97) and limits future development to a 10 acre minimum and prohibits new encroachments onto Highway 1. The proposed project is consistent with the CR combining district as no new encroachments are proposed onto Highway 1 and the proposed development is consistent with the designated density for the site.

A temporary kitchen is proposed within the proposed guest cottage and would be removed prior to issuance of a final inspection on the single-family residence building permit. This temporary use is permissible per Mendocino County Code (MCC) Section 20.460.025 (Construction Support). All temporary uses permitted by this section shall be terminated not later than twenty-four (24) months after issuance of building permits therefor, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said twenty-four (24) months. **Condition 20** is recommended to ensure that the temporary use of the guest cottage while constructing the main dwelling is consistent with limitations set forth in MCC Section 20.460.025. Additionally, **Condition 21** is recommended to ensure that the guest cottage and detached garage/office are utilized in a manner consistent with Mendocino County Code.

Habitats and Natural Resources: As previously discussed, the site is primarily designated as barren habitat with a very small section of coastal forest along the northernmost portion of the parcel.<sup>15</sup> Based on a review of the California Natural Diversity Database (version 8/2016), while one special-status wildlife species is known to occur within the vicinity of the site, the Western Bumble Bee (*Bombus occidentalis*), no special-status plant and wildlife species are known to occur on or adjacent to the project site.<sup>16</sup>

As previously discussed, a *Biological Assessment Under the California Coastal Act and Mendocino County Local Coastal Program for 7419 Stickney Ranch Road* (Biological Assessment) for the proposed project was prepared by Coast Range Biological, LLC in February of 2014. Additionally, a *Special-Status Plant Survey for 7419 Stickney Ranch Road* (Special-Status Plant Survey) for the proposed project was prepared by Coast Range Biological, LLC on July 7, 2014, as the previous botanical report (Biological Assessment, 02/2014) recommended a spring-summer floristic plant survey. Several Environmentally Sensitive Habitat Areas (ESHAs) were identified on the project site, including Northern Bishop Pine Forest (NBPF) ESHA (covering the majority of the site), Grand Fir Forest ESHA (covering a small portion of the southern portion of the site), and Freshwater Wetland ESHA (covering the southwestern portion of the site). The Biological Assessment determined that the proposed project is well outside the 100-foot buffer from the Grand Fir Forest ESHA and the Freshwater Wetland ESHA, and will observe a 50-foot setback from the Northern Bishop Pine Forest ESHA. Two plant species, harlequin lotus (*Hosackia gracilis*) and western dog violet (*Viola adunca*) were observed on site, which are host plants for the lotis blue butterfly (*Lycaeides argyrognomon ssp lotis*) and Behren's silverspot butterfly (*Speyeria zerene behrensii*).<sup>17</sup> The lotis blue butterfly (*Lycaeides argyrognomon ssp lotis*) has not been observed since 1983 and is considered possibly extinct, while the Behren's silverspot butterfly (*Speyeria zerene behrensii*) is a federally-endangered species. In addition, approximately six individuals of *Angelica sp.*, which could potentially be sea-watch (*Angelica lucida*), a special-status plant species, were observed on-site.<sup>18</sup>

The Harlequin lotus plants were observed on site growing in well-drained non-native grassland habitat. If feasible, the existing Harlequin lotus plants should be avoided by project ground disturbance. If these plants can't be avoided by the proposed project, the United States Fish and Wildlife Services (USFWS) should be contacted for guidance to determine what, if any measures should be taken.<sup>19</sup>

There were no western dog violet individuals observed on or within 300 feet of the proposed development area, and since only two individuals were observed on the 10 acre study area in Freshwater Wetland habitat that would be protected with a 100 foot buffer, no project impacts to Behren's silverspot butterfly are anticipated and no further recommendations by the project biologist for this species were included.<sup>20</sup>

<sup>15</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Habitat & Resources* [map].

<sup>16</sup> Mendocino County Department of Planning & Building Services. August 2016. *Natural Diversity Database* [map].

<sup>17</sup> Coast Range Biological, LLC. July 7, 2014. *Special-Status Plant Survey for 7419 Stickney Ranch Road*.

<sup>18</sup> Coast Range Biological, LLC. July 7, 2014. *Special-Status Plant Survey for 7419 Stickney Ranch Road*.

<sup>19</sup> Coast Range Biological, LLC. July 7, 2014. *Special-Status Plant Survey for 7419 Stickney Ranch Road*.

<sup>20</sup> Coast Range Biological, LLC. July 7, 2014. *Special-Status Plant Survey for 7419 Stickney Ranch Road*.

The applicant conferred with USFWS about potential impacts to both the lotis blue butterfly and Behren's silverspot butterfly, in October 2014, prior to submitting this Coastal Development Permit application. USFWS had no concerns with the proposed project provided the recommendations of the various biological reports are implemented. The proposed project was referred by the County to USFWS for comment; however, no response was received.

As for sea-watch (*Angelica lucida*), the six individuals were observed in Northern Bishop Pine Forest, which would not be impacted by the proposed development, so no further recommendations for these plants were included by the project biologist.<sup>21</sup>

Since ESHAs have been identified on the project site, the project would be required to implement a 100 foot buffer from each identified ESHA pursuant to MCC Section 20.496.050(A)(1), unless it can be demonstrated that 100 feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development, but shall not be less than 50 feet in width. A Reduced Buffer Analysis was prepared by Fred C. Schuler, dated June 10, 2017, to address a reduced buffer zone from 100 feet to 50 feet from the Northern Bishop Pine Forest ESHA to the east, due to the constrained building sites. It was determined that a reduced 50 foot buffer from the Northern Bishop Pine Forest ESHA to the east would not impact the Northern Bishop Pine Forest ESHA or any rare, threatened, or endangered species.<sup>22</sup> On October 17, 2017 the California Department of Fish and Wildlife stated their concurrence with the proposed 50 foot buffer to identified ESHA. Staff finds the project would not significantly impact sensitive habitats or resources and is consistent with policies related to protection of identified ESHA found in Mendocino County Code. **Conditions 11-12 and 14-18** are recommended to ensure that identified resources are protected.

Visual Resource and Special Treatment Areas: The western half of the parcel is located with a mapped Highly Scenic Area, while the eastern half of the parcel is located within a mapped Conditionally Highly Scenic Area<sup>23</sup>. Additionally CDMS 21-99, which created the subject parcel, required that development on this parcel be consistent with the Highly Scenic Area criteria. As such, the proposed project is subject to the development criteria of MCC Section 20.504.015(C). Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act and is subsequently addressed in Chapter 3.5 of the General Plan Coastal Element and implemented by MCC Chapter 20.504.

The proposed development would not be visible from Highway 1, as confirmed by staff during a site visit to the parcel on July 24, 2017. Additionally, as currently proposed, the project would be subordinate to the natural setting and would minimize reflective surfaces pursuant to the development criteria for Highly Scenic Areas, per MCC Section 20.504.015(C). The proposed development is located within the established building envelopes created as a result of CDMS 21-99. To ensure the project would utilize building materials which have been selected to blend in hue and brightness with their surroundings, the project's proposed color palette and roofing material shall be submitted by the Applicants to the County for approval. Staff finds the proposed project would not significantly affect public views. **Condition 19** is recommended to ensure that the proposed project is consistent with Highly Scenic Area policies and criteria.

Hazards Management: The parcel is located in an area classified with a "Moderate Fire Hazard" severity rating and is classified as "Medium Density Intermix"<sup>24</sup> within the Wildland-Urban Interface Zone.<sup>25</sup> Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Albion Little River Fire Protection District (ALRFPD). The project application was referred to CalFire and the ALRFPD for input; however, no response was received from ALRFPD. A response was received from CalFire, dated August 7, 2017, in which no comment at this time was noted. A State Fire

<sup>21</sup> Coast Range Biological, LLC. July 7, 2014. *Special-Status Plant Survey for 7419 Stickney Ranch Road*.

<sup>22</sup> Fred C. Schuler. June 10, 2017. *Reduced Buffer Analysis for the J. Kahn and R. Kirby Coastal Development*.

<sup>23</sup> Mendocino County Department of Planning & Building Services. 1991. *Highly Scenic & Tree Removal* [map].

<sup>24</sup> Mendocino County Department of Planning & Building Services. 1991. *Wildland-Urban Interface Zones* [map].

<sup>25</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

Safe Regulations Application Form for the project was submitted by the Applicants to CalFire, in which conditional approval was granted on February 21, 2017 (CalFire File 46-17) and conditions related to address, driveway, defensible space, and maintain defensible space standards were recommended. A standard condition requiring the Applicants to secure all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction ensures any fire protection policy or plan would be addressed. With the inclusion of the standard condition, Staff finds the project to be consistent with Mendocino County policies for fire protection.

There are no known faults in close proximity to the proposed development.

Grading, Erosion, and Run-Off: Site preparation, including grading, in the areas of development is required to accommodate the proposed development. Additionally, trenching would be required to install underground utilities and piping, which would extend to the new residence and guest cottage from the existing well and proposed septic system to be installed under the project. A referral response was received from the Department of Air Quality Management, dated August 7, 2017, which noted that an Air Quality Permit would be required for grading of 1 acre or 1 mile or greater. At this time, this project does not propose grading amounts that would require an Air Quality Permit. The project would be required to implement standard Best Management Practices (BMPs) to prevent erosion and run-off during project construction and revegetate any bare soil as soon as feasible after the construction phase is complete. Staff finds the project would not result in significant erosion or run-off impacts. **Condition 18** is recommended to achieve compliance with policies related to grading, erosion and run-off standards.

Archaeological/Cultural Resources: Archaeological reports were obtained when the subdivision was created and are part of the County record. An archaeological survey of the project sites was prepared by Archaeological Services Inc., dated October 25, 1988, which concluded that no archaeological resources were discovered within the project boundaries.<sup>26</sup> The project and previously prepared Archaeological Survey was referred to the Archaeological Commission for review and comment.

During the Archaeological Commission hearing held on August 9, 2017, the submitted archaeological survey, dated October 25, 1988, was reviewed by the Archaeological Commission and was determined that the survey was insufficient due to poor ground visibility and clearing methods. The Archaeological Commission required that a new Archaeological Survey be conducted with 5 meter transects and shovel probes at intervals to be determined by the archaeologist, indicated space between transects and number of shovel probes, and description of methods to clear for surface observation.

A second Archaeological Commission hearing was held on September 13, 2017, for reconsideration of the submitted Archaeological Survey, dated October 25, 1988, as the proposed project is located within building envelopes established under the subdivision creating the subject parcel (CDMS 21-99). The Archaeological Commission determined that a new Archaeological Survey would still be required for the two building envelopes on the project site and shall utilize the previous methods recommended at the August 9, 2017, hearing.

An archaeological survey of the project site was prepared by Thad M. Van Bueren, M.A., dated September 17, 2017, which concluded that the project site does not appear to contain an archaeological resource that qualifies as a historical resource under the criteria listed in California Public Resources Code 5024.1.<sup>27</sup> No cultural deposits, artifacts, or features older than 50 years were observed or recorded and there is little or no potential that early prehistoric sites have been covered with fill resulting from geomorphic processes such as landslide or sediment deposition. For this reason, confidence in the adequacy of the identification effort was high. Mr. Van Bueren also contacted the Native American Heritage Commission, where they responded on September 19, 2017 stating that a record search was conducted of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) and the results were negative.

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<sup>26</sup> Archaeological Services, Inc. October 25, 1988. *An Archaeological Survey of AP # 121-29-23, 121-32-01, -04 Near Little River Mendocino County, California.*

<sup>27</sup> Thad M. Van Bueren, M.A. September 18, 2017. *Archaeological Survey for the Kahn Property near Little River in Mendocino County, California.*

A third Archeological Commission hearing was held on November 8, 2017 for review and comment of the archaeological survey dated September 17, 2017, and the survey was accepted by the Commission. No resources were identified and the Standard “Discovery Clause” applies.

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. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated August 17, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected.

Staff notes that a Standard Condition advises the Applicants of the “Discovery Clause,” which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As conditioned, Staff finds the project to be consistent with Mendocino County policies for the protection of paleontological and archaeological resources.

**Groundwater Resources:** The project site is located within a mapped “Marginal Water Resources”<sup>28</sup> area. The subject parcel has an existing on-site well and well house, which would continue to be utilized under the project. A septic system has been designed to accommodate the proposed development as part of CDMS 21-99 (subdivision creating the subject parcel) and has been approved by the Division of Environmental Health (DEH). The project application was referred to Environmental Health (DEH) – Fort Bragg for input and they responded that an archival review of the septic system will be required. **Condition 22** is recommended to achieve compliance with these recommendations. Staff finds the development would not adversely affect groundwater resources.

**Transportation/Circulation:** The project would not contribute a significant amount of new traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. Additionally, the site is part of a 4-parcel subdivision created in 1999, where two of the created parcels have already been developed and have homes that are occupied; therefore, construction of a single family residence with garage and guest cottage is not anticipated to generate a significant amount of additional traffic beyond what presently exists. The project application was referred to the California Department of Transportation (Caltrans) and the Mendocino County Department of Transportation (MCDOT) for input. Caltrans contacted County Staff via telephone to confirm that the proposed project did not propose access onto Highway 1. Staff confirmed this with Caltrans and they expressed no additional concerns with the application. A response was received from MCDOT, dated August 7, 2017, in which they expressed that they had no comment at this time on the proposed project. Staff finds the project would not impact transportation or circulation and would be provided with adequate access.

**Public Access:** The project site is located east of Highway 1 and is not designated as a potential public access trail location. There is no existing or proposed shoreline access within the vicinity of the site as shown on LCP Land Use Maps 17 *Mendocino* & 18 *Albion*<sup>29</sup>, and there is no element of the proposed project that would impede public access to the shore. Findings related to public access are not required for this project as the site is located east of the first public road paralleling the sea, consistent with MCC Section 20.532.095 (B)(1).

**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. The Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3 (a)(d)(e), Section 15303.

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<sup>28</sup> Mendocino County Department of Planning & Building Services. 1991. *Ground Water Resources* [map].

<sup>29</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Use Maps 17 (Mendocino) & 18 (Albion)* [map].



**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 project and adopts the following findings and conditions.

**FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed project is in conformity with the certified Local Coastal Program. A single-family residence with a detached garage with an office, as well as a guest house and associated improvements, are principally permitted uses within the Rural Residential land use classification and are consistent with the intent of the RR Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed project would be provided with adequate utilities, access roads, drainage, and other necessary facilities. Under the proposed project, there is an existing on-site well, well house, and road, all of which would continue to be utilized under the project. Driveway improvements are proposed under the project and a County approved septic system is to be installed; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of District II of Title 20 of the Mendocino County Code, including development criteria for Environmentally Sensitive Habitat Areas and Highly Scenic Areas, and preserves the integrity of the Rural Residential Zoning District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed project, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The proposed single family residence, detached garage, guest cottage, and associated improvements are categorically exempt pursuant to Sections 15303(a), 15303(d), and 15303(e); and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed project would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site 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 proposed development. Construction of a single-family residence, detached garage with an office, as well as a guest house and associated improvements are not anticipated to significantly affect demands on public services.

**CONDITIONS OF APPROVAL:**

1. This action shall become final and effective 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 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 building permits for the proposed project 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.
9. Ground disturbing activity within 100 feet of any cultural resource is prohibited.
10. The Applicants shall secure an Air Quality Permit as required by the Department of Air Quality Management for the proposed project if grading work of 1 acre or 1 mile or greater is required.
11. The existing Harlequin lotus plants, host plant species to the federally endangered lotis blue butterfly, shall be avoided by project ground disturbance. If these plants cannot be avoided by the proposed project, the USFWS shall be contacted for guidance to determine what, if any, measures should be taken.
12. With the ongoing removal of the invasive, non-native species *Cortaderia jubata*, the property owners shall continue to treat the exposed bare soil resulting from this activity with straw mulch and straw wattle to minimize surface erosion and promote re-establishment of grassland and native species.
13. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director.
14. No activities shall be allowed that would disturb the vegetation, topography, or hydrology beyond the designated development area, both during and following construction, including, but not limited to, vehicle parking or storage of other heavy materials, regular foot traffic, and clearing of vegetation. Certain vegetation removal activities may be permitted, including native plant restoration activities and pruning or removal of hazardous or diseased trees or thinning of trees if deemed beneficial to the ESHA by a certified arborist or qualified biologist.
15. Solid materials, including wood, masonry/rock, glass, paper, or other materials shall not be stored outside of the limit of permanent construction impacts. Solid waste materials shall be properly

disposed of off-site. Fluid materials, including concrete, wash water, fuels, lubricants, or other fluid materials used during construction shall not be disposed of on-site and shall be stored or confined as necessary to prevent spillage into natural habitats, including the on-site ESHAs. If a spill of such materials occurs, the area shall be cleaned immediately and contaminated materials disposed of properly. The affected area shall be restored to its natural condition.

16. Prior to any ground disturbance and vegetation clearing, combination silt fencing and construction fence shall be installed around the limit of the development area, including septic fields. Fence locations and any ESHA boundaries in the vicinity of construction must be determined and flagged by a qualified biologist and shall be placed such that construction impacts to native plants are minimized. No grading, placement of fill material, or other ground disturbance may occur beyond the designated construction impact area. The fencing shall only be removed once all construction activities are completed.
17. Prior to construction, project contractors shall be informed of the sensitive resources within the Study Area. Furthermore, the significance of the mitigation measures and fencing and flagging of ESHAs shall be clearly explained to all parties working within the Study Area, both during and following construction.
18. Standard Best Management Practices (BMPs) to prevent erosion and run-off during project construction shall be implemented and any bare soil shall be revegetated as soon as feasible after the construction phase is complete.
19. To ensure the project would utilize building materials which have been selected to blend in hue and brightness with their surroundings, pursuant to MCC Section 20.504.015(C), the project's proposed color palette and roofing material shall be submitted by the Applicants to the County for approval prior to issuance of building permits on the site.
20. A Coastal Development Administrative Permit is hereby granted for temporary occupancy of the guest cottage while constructing the single-family residence, subject to the following conditions of approval:
  - a. The term of this administrative permit is valid for the period required to complete construction of the primary dwelling, but shall not exceed two years unless renewed. The administrative permit shall be effective on the effective date of CDP #2017-0005 and shall expire two years henceforth.
  - b. A valid building permit for a permanent dwelling on the premises must be in effect.
  - c. All facilities for the cooking or preparation of food shall be removed from the guest cottage prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.
21. Prior to issuance of any Building Permits in reliance of this Coastal Development Permit, the applicants shall execute and record a deed restriction stating that the guest cottage and detached garage/office shall not contain facilities, either permanent or temporary and portable, for the cooking or preparation of food beyond those authorized for temporary construction support (specified in Condition 20 of this permit), shall not be used as an independent dwelling unit until such time as appropriate permits are obtained, shall be clearly incidental and subordinate to the primary dwelling on the parcel, and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by MCC Section 20.308.050(I). The property owner has the ability to convert the guest cottage for use as a second residence if regulations are adopted in the future to permit second residences within the Coastal Zone. Such a conversion shall only be allowed after securing all required permits to allow such a use.

22. Prior to issuance of any Building Permits in reliance of this Coastal Development Permit, the applicant shall work with the Division of Environmental Health to perform an archival review of the Site Evaluation Report on file from 2000 for Parcel 1 of CDMS 21-99 (subject parcel).

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DATE

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Julia Acker  
Senior Planner

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DATE

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Ignacio Gonzalez  
Coastal Permit Administrator

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

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Map
- C. Plot Plan
- D. Residence Plan
- E. Residence Elevations: North East/South West
- F. Residence Elevations: North West/ East
- G. Cottage Plan
- H. Cottage Elevations
- I. Botanical Study Area
- J. Zoning Display Map
- K. General Plan Classifications
- L. LCP Land Use Maps 17 (Mendocino) & 18 (Albion)
- M. LCP Land Capabilities & Natural Hazards
- N. LCP Habitats & Resources
- O. Appealable Areas
- P. Adjacent Parcels
- Q. Fire Hazard Zones & Responsibility Areas
- R. Wildland-Urban Interface Zones
- S. Ground Water Resources
- T. Highly Scenic & Tree Removal Areas
- U. Local Soils
- V. Important Farmland
- W. Timber Production Zones
- X. Classified Wetlands
- Y. Misc. Districts

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

Planning (Ukiah)	Comments
Department of Transportation	No Comment
Environmental Health (FB)	Comments
Building Inspection (FB)	No Comment
Assessor	No Response
Air Quality Management District	Comments
Archaeological Commission	Comments
U.S. Fish & Wildlife Service	No Response
Sherwood Valley Band of Pomo Indians	No Response
Native Plant Society	No Response

Caltrans	No Comment
CalFire	No Comment
Department of Fish & Wildlife	Comments
Coastal Commission	No Response
Redwood Valley Rancheria	No Comment
Cloverdale Rancheria	No Response
Albion-Little River Fire District	No Response

**REFERENCES:**

Archaeological Services, Inc. *An Archaeological Survey of AP # 121-29-23, 121-32-01, -04 Near Little River Mendocino County, California.* October 25, 1988.

Coast Range Biological, LLC. *Biological Assessment Under the California Coastal Act and Mendocino County Local Coastal Program for 7419 Stickney Ranch Road, Little River, California.* February 2014.

Coast Range Biological, LLC. *Special-Status Plant Survey for 7419 Stickney Ranch Road, Little River, Mendocino County, California.* July 7, 2014.

Fred C. Schuler. *Reduced Buffer Analysis for the J. Kahn and R. Kirby Coastal Development.* June 10, 2017.

Mendocino County, Planning and Building Services, Planning Division. *Division II – Mendocino County Coastal Zoning Code.* 1991. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element.* Chapter 2. 1985. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan.* Chapter 2.2. 1991. Ukiah, CA.

Thad M. Van Bueren, M.A. *Archaeological Survey for the Kahn Property near Little River in Mendocino County, California for 121-320-15 at 17419 Stickney Ranch road, Little River CA.* September 18, 2017.