



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- CDP_STANDARD**

**CDP_2016-0006
JULY 26, 2017**

SUMMARY

OWNER/APPLICANT: DANIEL AND MARY DOBON
110 VIA ESCUENO
SAN CLEMENTE, CA 92672

AGENT: JAY ANDREIS
ANDREIS DESIGN STUDIO
216 W. PERKINS STREET #201
UKIAH, CA 95842

REQUEST: A request for a Coastal Development Standard Permit to construct a 1,450 square foot single family residence, 480-square-foot garage, and other accessory structures.

DATE DEEMED COMPLETE: June 2, 2017

LOCATION: Located on the north side of Albion Ridge Road, 0.25± miles east of its intersection with Highway 1, at 33700 Albion Ridge Road (APN 123-170-27).

TOTAL ACREAGE: 1.77 acres

GENERAL PLAN: Mendocino County General Plan, Coastal Element Rural Residential, RR-5[RR-2]

ZONING: Division II, Title 20 of Mendocino County Code Rural Residential RR-5[RR-2]

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Class 3(a) Categorical Exemption

APPEALABLE: Yes, Highly Scenic Area

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Juliana Cherry

PROJECT DESCRIPTION: The proposed building site is located on a ridge top and is located within a Highly Scenic Area and Critical Water Resource Area. The applicant's request a Coastal Development Permit for the construction of a 1,450-square-foot, single-story, single-family residence with deck and covered porches, 17.75-feet in height, with a 480-square-foot attached garage; a 150-square-foot pump house; installation of a 500-gallon propane tank; a 2,200-gallon water storage tank; and septic system including a replacement leach field. An approximately 100-foot driveway comprised of pervious pavers would be installed from the existing gravel driveway, and access easement, to provide direct access to the proposed garage. No vegetation would be removed under the project. Trenching is proposed to connect local utilities to the site and digging would avoid the existing septic easement and proposed septic system. A proposed landscaping buffer of drought-tolerant shrubs and trees (approximately 12 feet in height) would be provided along the site's southern property boundary, along Albion Ridge Road.

APPLICANT'S STATEMENT: "New 1450 SF single story residence & 480 SF attached garage with: existing on-site well w/ new ±150 SF pump house; new 100 LF gravel driveway; new septic system; new 2200 gal. water tank as required by CalFire; and new 500 gal. max propane tank"

RELATED APPLICATIONS:

On-Site: Coastal Commission Permit Waiver #1-92-93W for a test well

Neighboring Properties: CDP 2003-0111 and CDP 1999-0103

SITE CHARACTERISTICS: The 1.77-acre site is located on the north side of Albion Ridge Road, 0.25± mile east of its intersection with Highway 1, within the community of Albion at 33700 Albion Ridge Road (APN: 123-170-27). The proposed building location is at the apex of a southern sloping ridge and on lands mapped as a Highly Scenic Area. The parcel is highly constrained by existing development and natural features, such as the existing gravel driveway, septic easement on slopes, a gully to the northeast with 35 to 40 percent slopes, and the location of existing wells. Slopes near the proposed building site are generally less than 15 percent.¹ Land elevations range from approximately 180 feet at the northern portion of the parcel to approximately 300 feet at the proposed building site location in the southwestern portion of the site, which then slopes to approximately 280 feet along the site's southern property boundary along Albion Ridge Road. Since the proposed building site location is located along a ridgeline and within the portion of the site with the highest elevation, the development would be visible from Highway 1, Albion Ridge Road, and other public areas.

The property is undeveloped and contains non-native grassland, landscaping plants, coyote brush scrub, and a small patch of Douglas fir trees west of the existing driveway; to the east of the existing driveway, the gully primarily contains Thimbleberry (Coastal) Brambles (*Rubus parviflorus* Scrubland Alliance G4 S3), with landscaping plants and non-native grassland located directly east of the existing driveway. Additionally, Douglas fir forest is located within the northwest corner of the property and a smaller patch in the southeastern portion of the site.² While no special status plant or wildlife species were identified on the property by the biologist during the site surveys, in the professional opinion of the biologist, one sensitive plant community located on the property, Thimbleberry (Coastal) Brambles (*Rubus parviflorus* Scrubland Alliance G4 S3), warrants protection and a 50-foot buffer from the plant community is recommended.³ No development will occur in this area.

Other site constraints include the location of wells, vehicle access easements, and the location of proposed leach fields, and an existing septic easement. An existing well is located along the property's western boundary. An existing 14 foot wide easement and gravel driveway intersects with Albion Ridge Road and provides vehicle access to an existing residence located on an adjacent parcel north of the subject site. Additionally, an existing 50-foot septic easement from Albion Ranch Road currently exists on the property.

Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazard. The site is located within a Coastal Groundwater Study Zone, specifically within a "Critical Water Resources" area.⁴ Public access to the shore is currently provided southwest of the subject site, with additional shoreline public access proposed north of the property.⁵

SURROUNDING LAND USE AND ZONING: The site and surrounding lands to the north, east, and west are designated Rural Residential (RR) with varying parcel sizes ranging from 1 to 4.3 acres; south of the site is designated as Range Land (RL) with the adjacent parcel to the south approximately 32.7 acres in size, which is currently vacant. The proposed land use is a principally permitted land use in the RR District.

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR-5	RR-5	4.3 acres	Residential
EAST	RR-5	RR-5	3.4 acres	Residential
SOUTH	RL	RL	32.7 acres	Vacant
WEST	RR-5	RR-5	1.4 and 1.0 acres	Residential

¹ Mendocino County Department of Planning & Building Services. March 2016. *Estimated Slope* [map].

² Spade Natural Resources Consulting. August 1, 2016. *Botanical Survey and Biological Scoping Survey*.

³ Spade Natural Resources Consulting. August 1, 2016. *Botanical Survey and Biological Scoping Survey*.

⁴ Mendocino County Department of Planning & Building Services. March 2016. *Ground Water Resources* [map].

⁵ Mendocino County Department of Planning & Building Services. March 2016. *LCP Land Use Map 18: Albion* [map].

The parcels immediately to the north, east, and west are currently developed with single-family residences and appurtenant structures. The proposed project is compatible with surrounding land uses and development.

PUBLIC SERVICES:

ACCESS: ALBION RIDGE ROAD
FIRE DISTRICT: ALBION LITTLE RIVER FIRE PROTECTION DISTRICT
WATER DISTRICT: N/A
SEWER DISTRICT: N/A
SCHOOL DISTRICT: ALBION CENTRAL SCHOOL DISTRICT

AGENCY COMMENTS: On April 5, 2017, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. A summary of the submitted agency comments are listed in Table 2.

Table 2: Response to PBS Request for Comments			
REFERRAL AGENCY	RELATED PERMIT	COMMENT	Date
Planning Ukiah	1-92-93W	Comment	4/5/2017
Department of Transportation		Comment	5/18/2017
Environmental Health Fort Bragg		Comment	5/4/2017
Building Inspection Fort Bragg		No Comment	5/5/2017
County Assessor		No Response	
Archaeological Commission		No Response	
Sherwood Valley of Pomo Indians		No Response	
State Clearinghouse		No Response	
CalFire	CDF #231-15	No Response	
CA Dept. Fish & Wildlife		Concurred with Recommendations	9/19/2016
Coastal Commission		No Response	
Redwood Valley Rancheria		Comment	4/12/2017
Cloverdale Rancheria		No Response	
County Addresser		No Comment	4/10/2017
Albion Central School District		No Response	
Albion Little River Fire Protection District		No Response	

KEY ISSUES

- General Plan and Zoning Consistency:** The General Plan Chapter 2.2 and MCC Chapter 20.376 identify the proposed Single-Family Residential Land Use as a principally permitted land use in the Rural Residential District. The proposed development satisfies the development standards of MCC Chapter 20.376, including standards for front, rear, and side yards; building height; and maximum lot coverage.
- Visual Resource and Special Treatment Areas:** Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504 *Visual Resource and Special Treatment Areas*. The subject parcel is located within the Highly Scenic Area (HSA), as depicted on the *Albion* LCP Map and is subject to the development criteria for Highly Scenic Areas provided in MCC Section 20.504.015(C).

The maximum permitted building height in the RR District is 28 feet above natural grade for areas within a Highly Scenic Area located east of Highway 1. Additionally, new development must be subordinate to the natural setting, minimize reflective surfaces, and building materials must blend in hue and brightness with their surroundings.

The LCP discourages ridge top development. Where there is no alternative site available below the ridgeline, development must be sited and designed to reduce visual impacts by utilizing existing

vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation, pursuant to MCC Section 20.504.015(C)(8)(b).

The proposed location is on a southern-sloping ridge, at the highest point on the parcel, and is considered the only feasible developable area of the site. The portion of the site located at lower elevations east of the existing gravel driveway and easement slopes towards a gully to the northeast, with 35 to 40 percent slopes. This area is also the location of the Thimbleberry Brambles that should remain intact due to their habitat value. Additionally an adjacent parcel has septic and driveway easements further constraining the developable area of the parcel.

In order to minimize the visual impact, the proposed single-family residence and attached garage would be 18 feet tall and are conditioned to have a slab on grade foundation. This would aid in reducing the overall height of the proposed structure that is situated at the apex of a ridgeline.

No existing vegetation would be removed and a landscaping buffer, comprised of drought-tolerant shrubs and trees (approximately 12 feet in height), is proposed along the southern portion of the property, along Albion Ridge Road. Additionally, exterior lighting is shown as downcast, shielded, and directed away from adjacent parcels.

To reduce the visual impact of a pavement, Staff explored the option of accessing the garage from a different angle. This did not appear feasible due to steep slopes and other site constraints such as location of the primary and secondary leach field and a septic easement for the neighboring parcel. The landscape plan developed for the site reduces visual impacts from the proposed driveway (which would be constructed of porous grass pavers, e.g. GRASSPAVE2); therefore staff is not recommending reorienting the driveway to satisfy visual resource requirements and is recommending that the proposed landscape plan be adopted when the project is approved or prior to issuance of a Building Permit.

- 3. Environmentally Sensitive Habitat and Other Resource Areas:** The project is consistent with the requirements of MCC Chapter 20.496 *Environmentally Sensitive Habitats and Other Resource Areas*. The purpose of this Chapter is to ensure that environmentally sensitive habitat and other designated resource areas (listed on Pages 39, 40 and 41 of the Coastal Element dated November 5, 1985), which constitute significant public resources are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations.⁶ Environmentally Sensitive Habitat Areas (ESHAs) include: riparian areas, endangered plants, habitats of rare and endangered plants and animals, and others. A *Botanical Survey and Biological Survey* was prepared for the proposed project by Spade Natural Resources Consulting on August 1, 2016. One sensitive plant community (Thimble Brambles [*Rubus parviflorus* Scrubland Alliance G4 S3]) is considered an ESHA and is located within the 35 to 40 percent sloped area to the north and east of the existing gravel driveway and vehicle easement. This area may provide habitat for migrating northern red-legged frog, Sonoma tree vole, special status birds and bats, and nesting birds protected by the Migratory Bird Treaty Act (MBTA).⁷ Several avoidance measures were recommended by the biologist to alleviate any potential impacts on the ESHA or wildlife species potential present on the property. The Department of Fish and Wildlife concurred with the biologist's recommendations (January 2016). These recommendations are included with the conditions of project approval.

In reference to allowances for separation between habitat and proposed development, MCC Section 20.496.020(A)(1)(e) allows use of existing cultural features to locate buffer zones. Staff recommends that the existing gravel driveway establishes a natural separation between the potential nesting habitat and the proposed area for development. Therefore, as conditioned, the proposed project would not have an adverse impact on any sensitive resources at the site.

- 4. Environmental Protection:** The proposed project is Categorically Exempt from the provisions of CEQA, under a Class 3(a) Categorical Exemption from CEQA, pursuant to Section 15303, New Construction or Conversion of Small Structures. A Class 3(a) exemption allows for the construction and location of limited numbers of new, small facilities or structures, including single-family residences. Since the proposed project involves construction of a new single-family residence and

⁶ Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).

⁷ Spade Natural Resources Consulting. August 1, 2016. *Botanical Survey and Biological Scoping Survey*.

appurtenant structures, the project is exempt from the provisions of CEQA. Staff notes that two single-family residences, located adjacent to the subject property, were approved with a Categorical Exemption from CEQA; they are CDP_103-1999 and CDP_2003-0111. These adjacent properties are similarly designated as Highly Scenic Area and contain land with Thimbleberry Brambles.

RECOMMENDATION

By resolution, grant the Coastal Development Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

DATE

JULIANA CHERRY

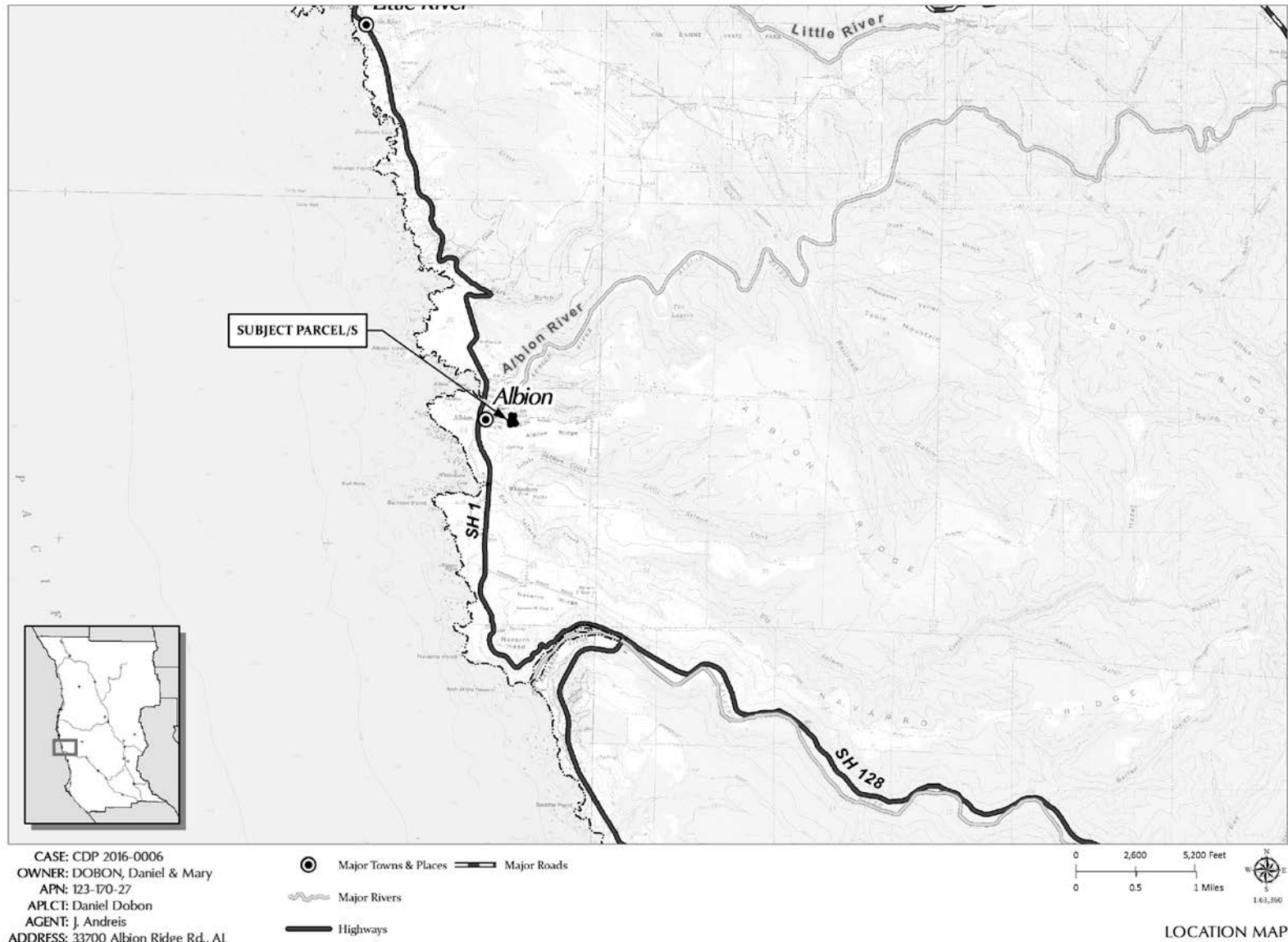
Appeal Period: 10 Days
Appeal Fee: \$1,616.00

EXHIBIT 1: RESOLUTION AND CONDITIONS OF APPROVAL

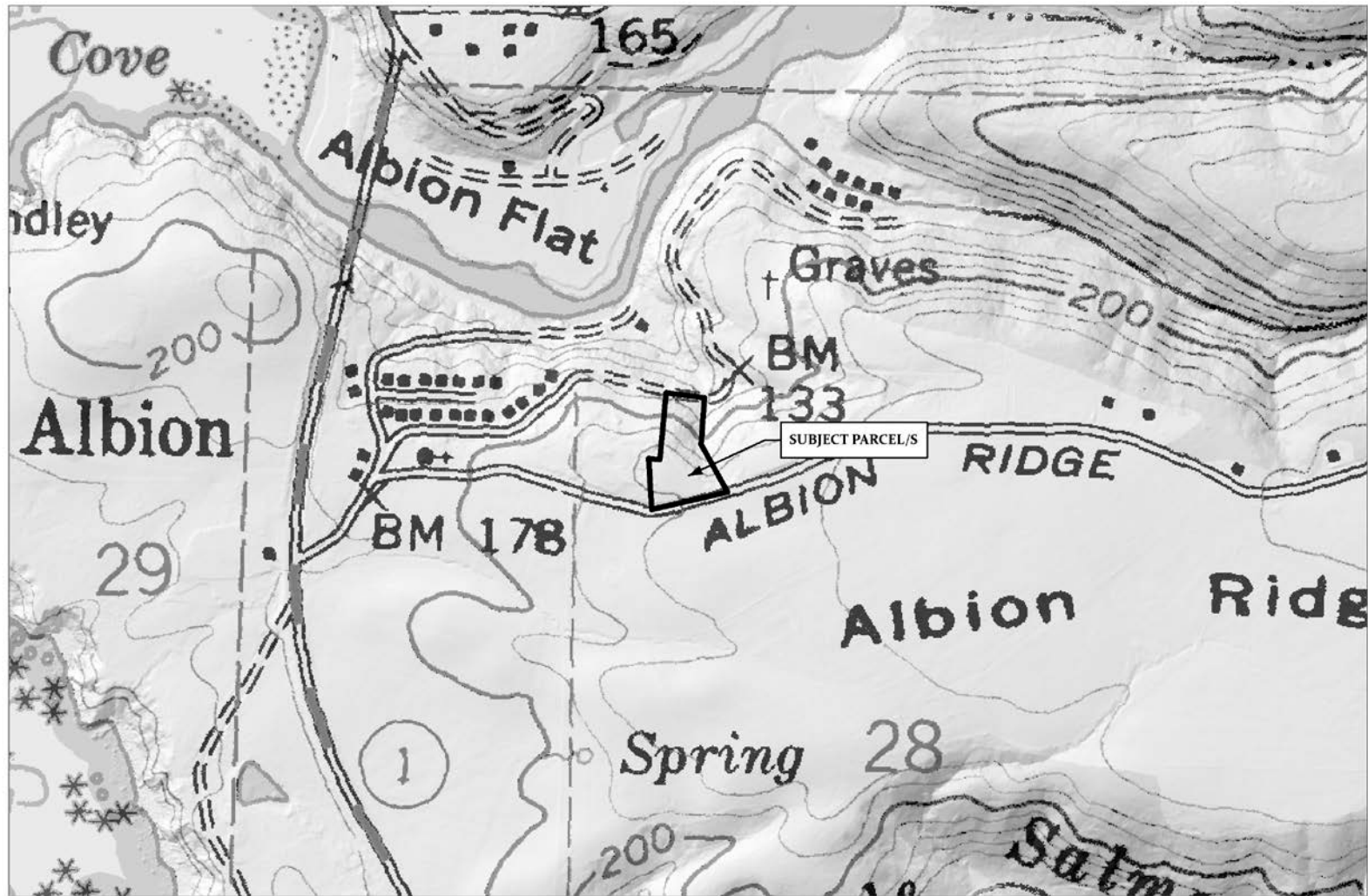
**EXHIBIT 2: EVIDENCE SUPPORTING REQUIRED FINDINGS
ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site Plan
- E. Planting Plan
- F. Detail Sheet
- G. Zoning Display Map
- H. General Plan Designations Map
- I. LCP Land Use Map 18: Albion
- J. LCP Land Capabilities and Natural Hazards Map
- K. LCP Habitats and Resources Map
- L. Appealable Areas Map
- M. Adjacent Parcels Map
- N. Fire Hazard Zones and Responsibility Areas Map
- O. Water Districts Map
- P. Ground Water Resources Map
- Q. Highly Scenic and Tree Removal Areas Map
- R. Estimated Slope Map
- S. Local Soils Map
- T. Wildland and Urban Interface Map

ATTACHMENT A



ATTACHMENT B



CASE: CDP 2016-0006
OWNER: DOBON, Daniel & Mary
APN: 123-170-27
APLCT: Daniel Dobon
AGENT: J. Andreis
ADDRESS: 33700 Albion Ridge Rd, AL

Map produced by the Mendocino County Planning & Building Services, March, 2016
All spatial data is approximate. Map provided without warranty of any kind.

0 250 500 Feet
0 0.045 0.09 Miles
1:4,000
N
W
E
S
TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

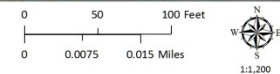
ATTACHMENT C



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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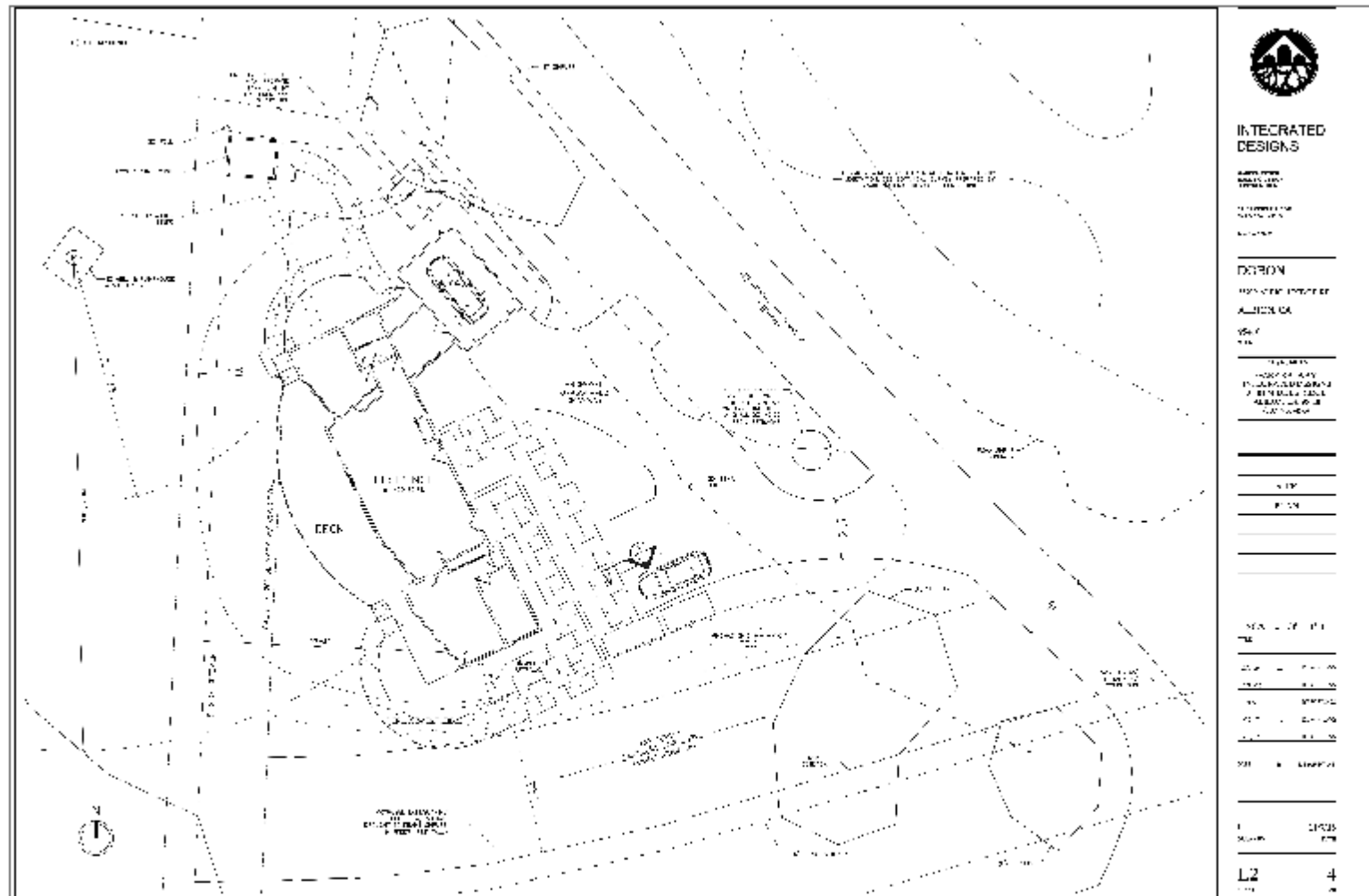
Public Roads
Driveways/Unnamed Roads



ESRI IMAGERY

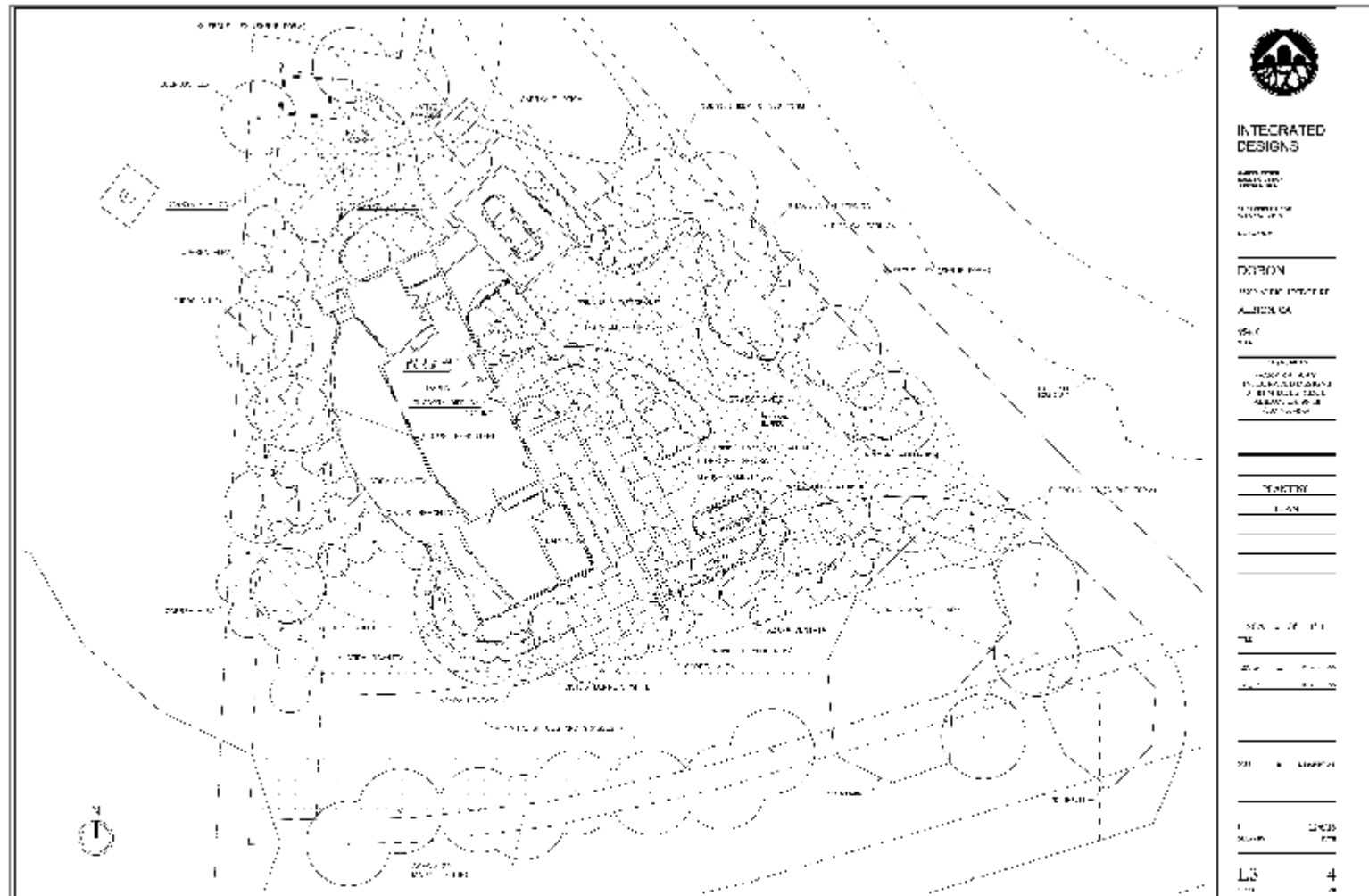
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ATTACHMENT D



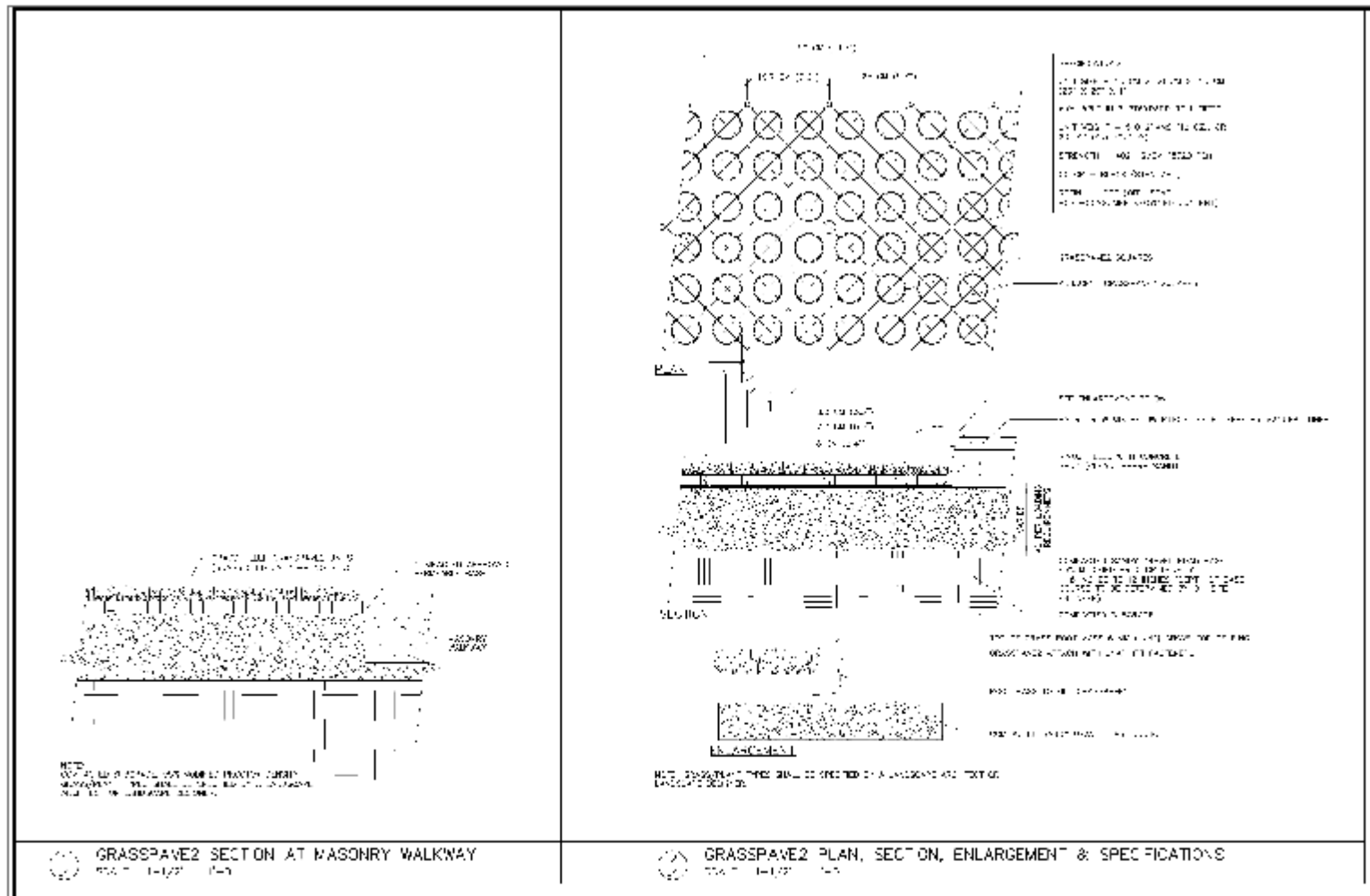
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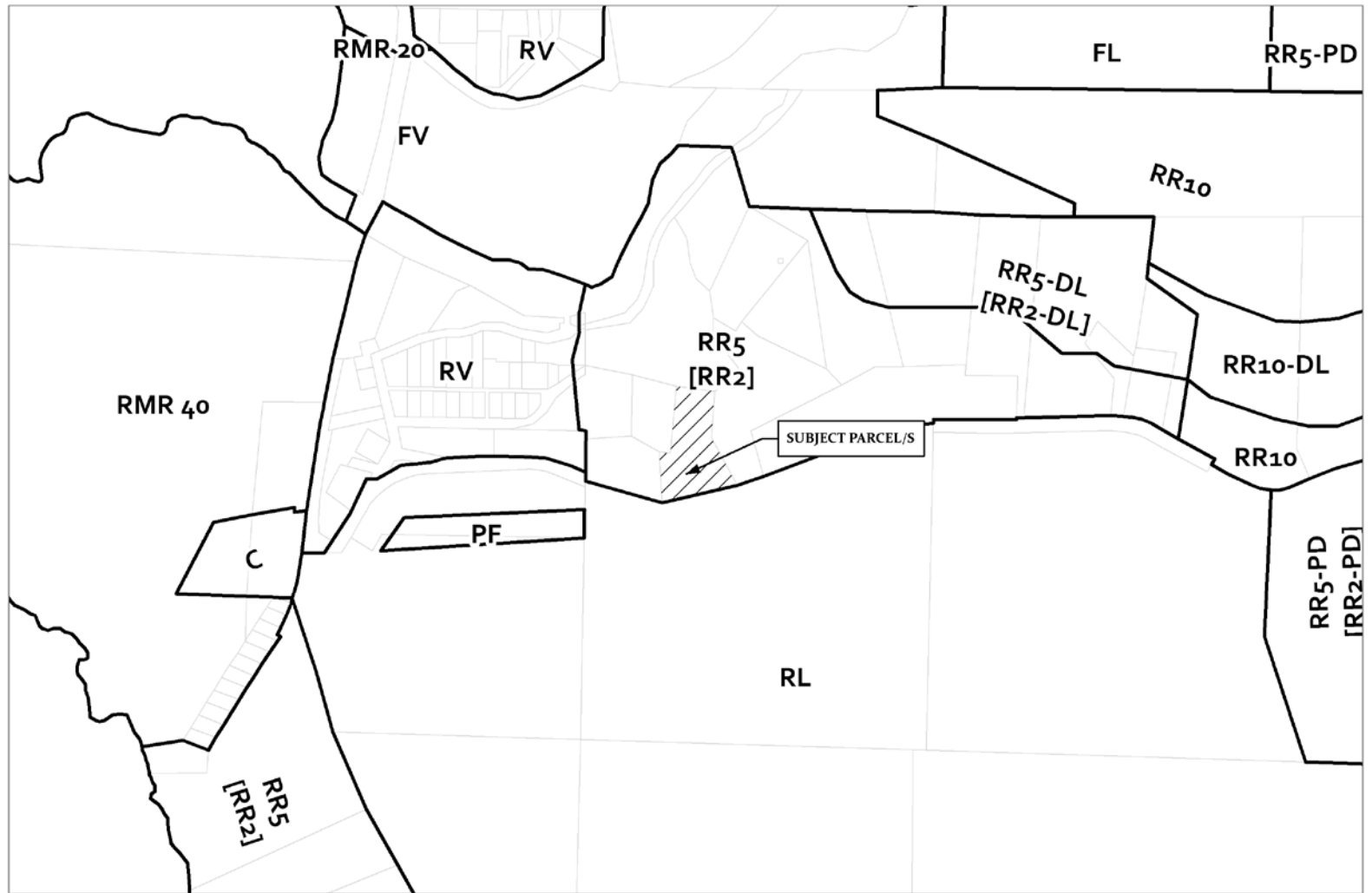
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NO SCALE

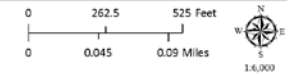
DETAIL SHEET

ATTACHMENT G



CASE: CDP 2016-0006
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 APN: 123-170-27
 APLCT: Daniel Dobon
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 ADDRESS: 33700 Albion Ridge Rd., AL

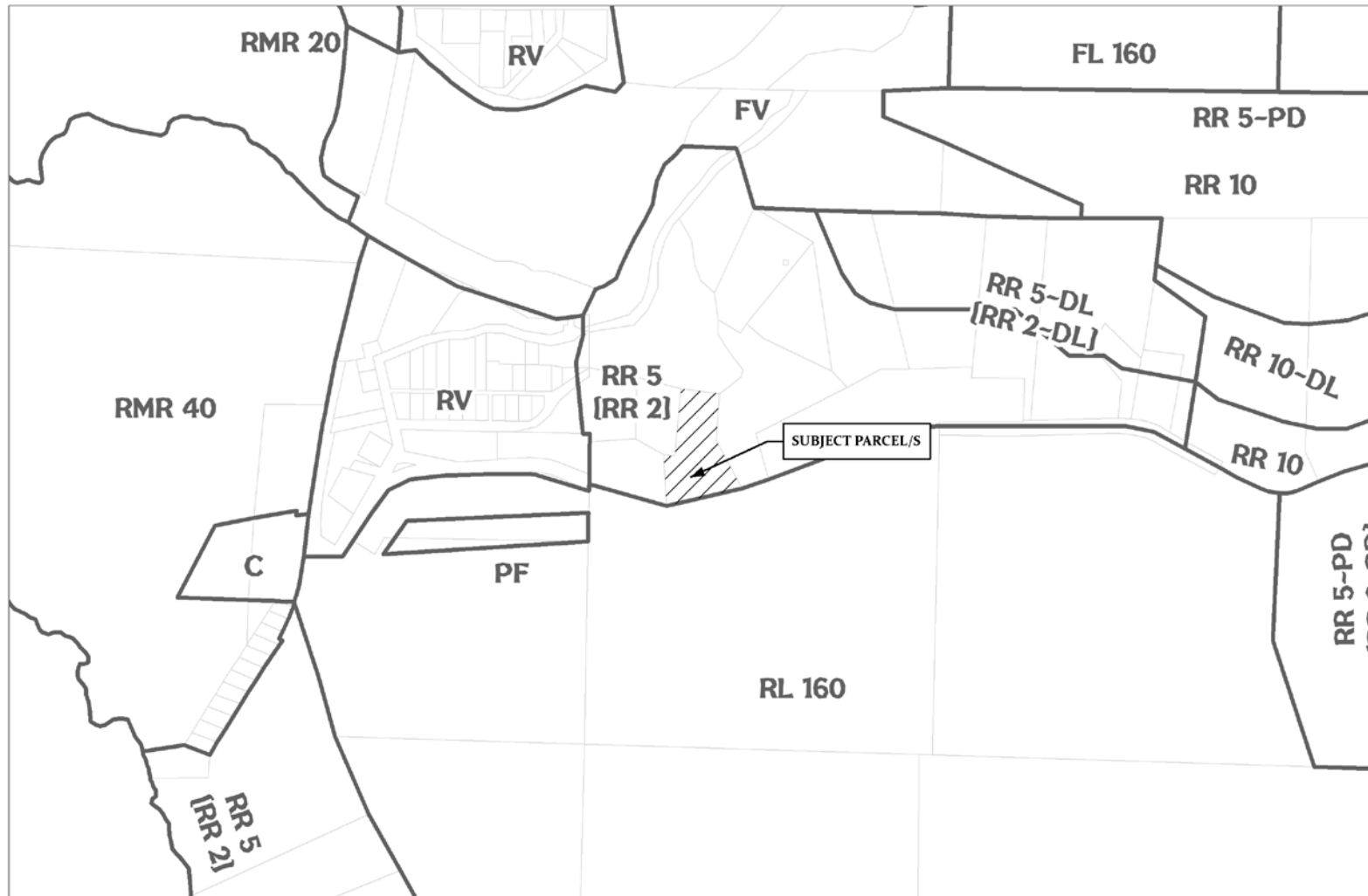
 Zoning Master



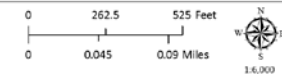
ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, March, 2016
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ATTACHMENT H



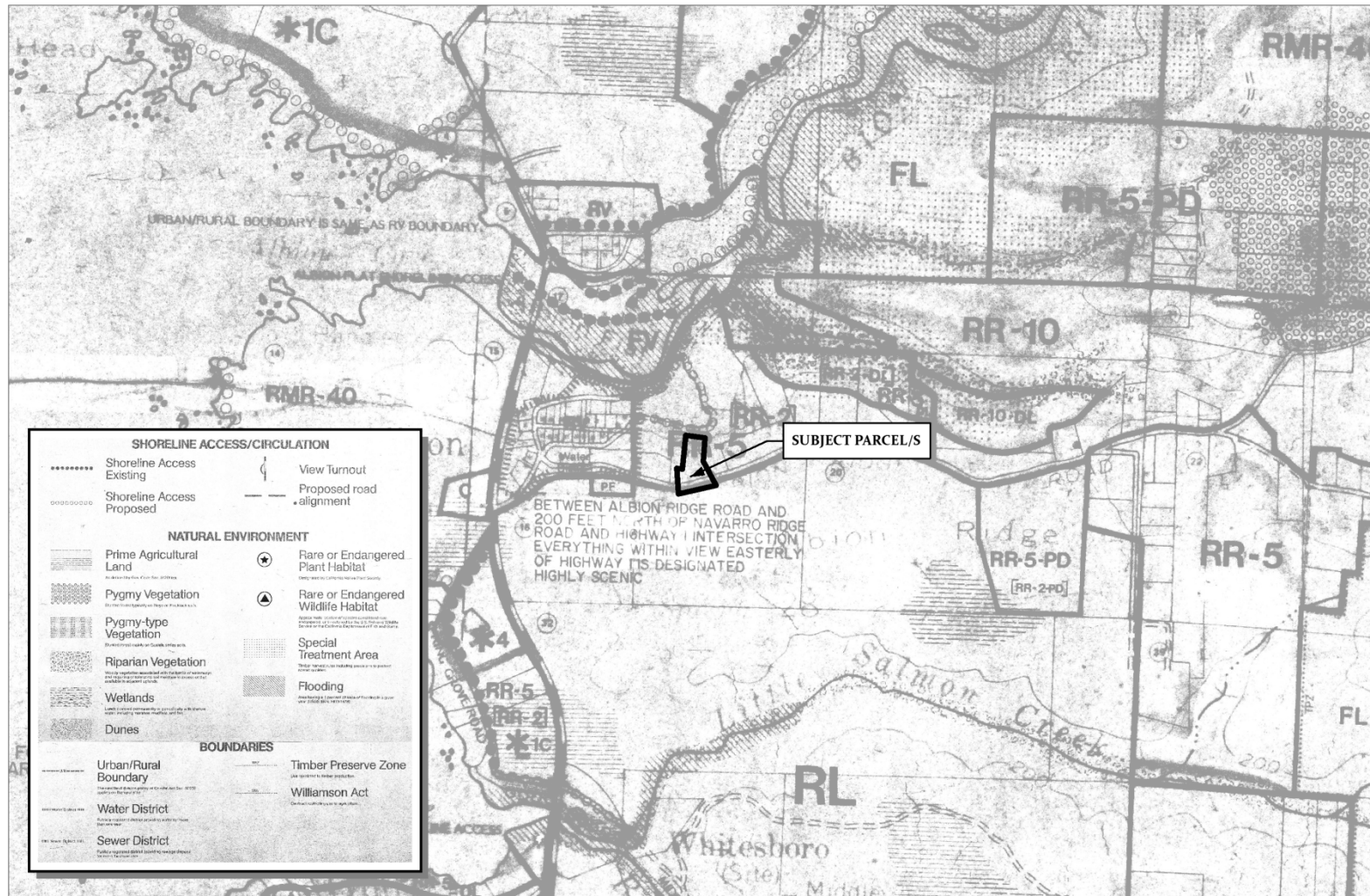
CASE: CDP 2016-0006
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GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, March, 2016
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ATTACHMENT I

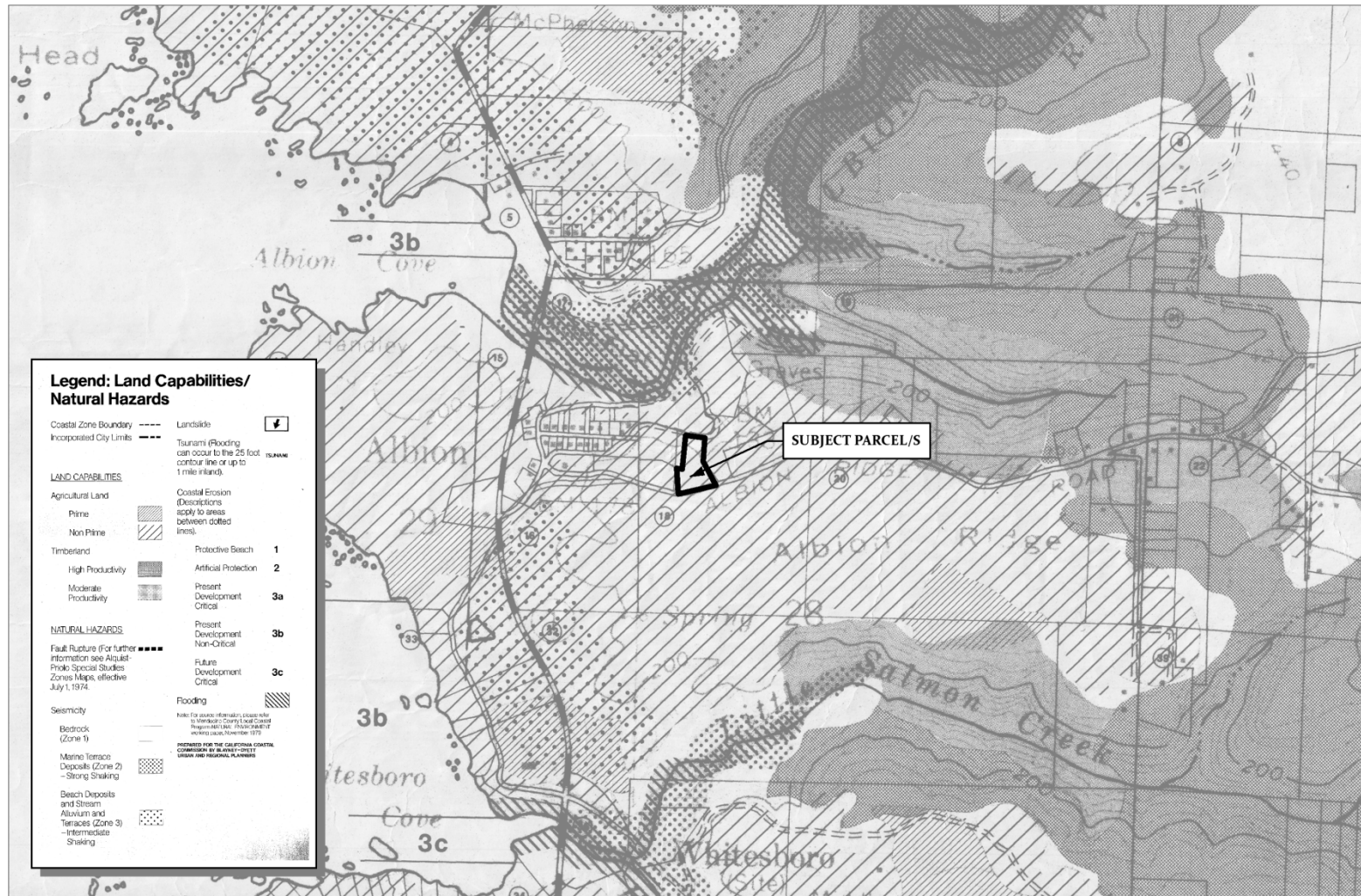


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LCP LAND USE MAP 18: ALBION

ATTACHMENT J

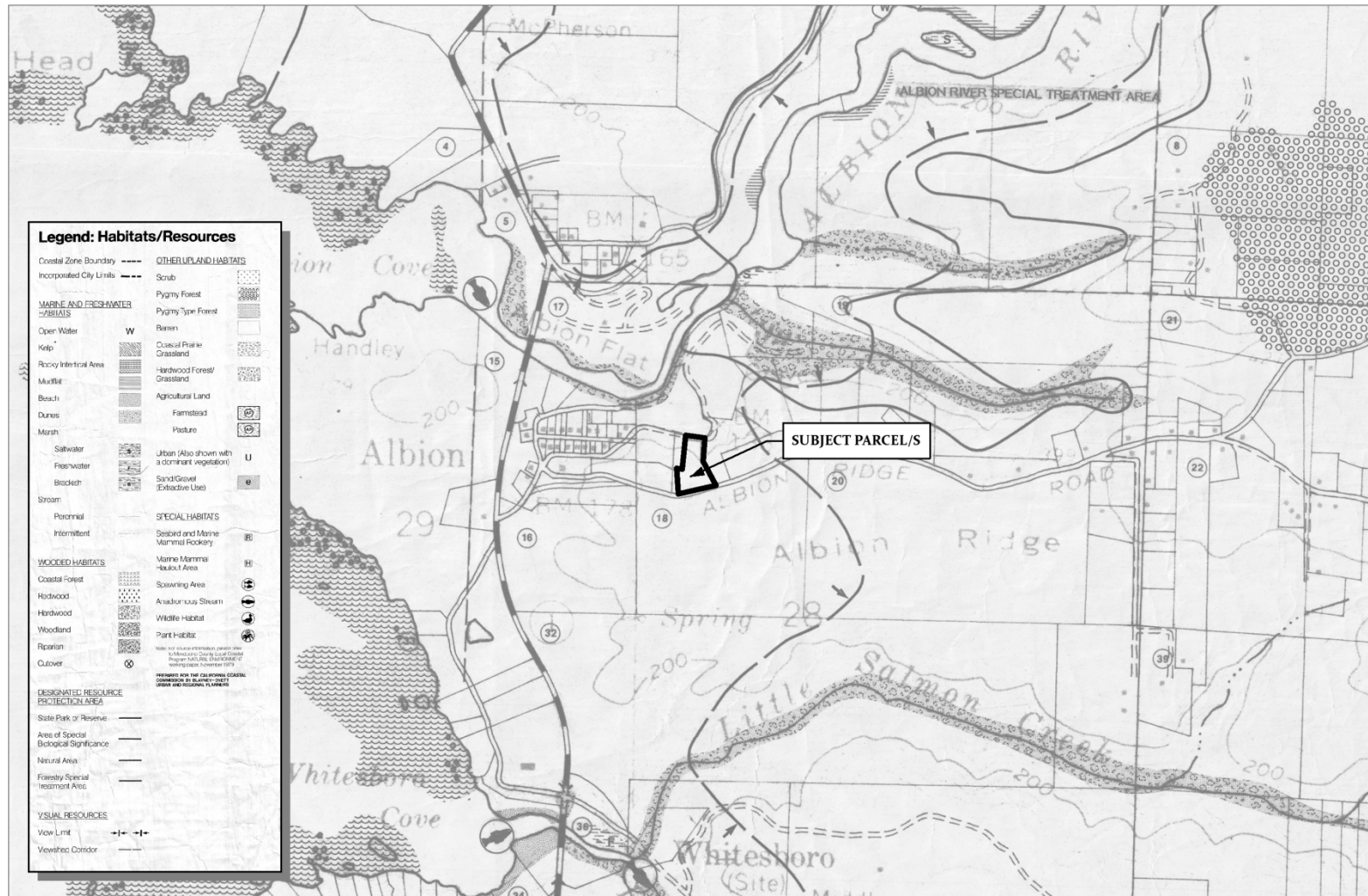


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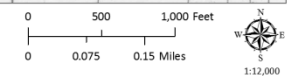
LCP LAND CAPABILITIES & HAZARDS

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ATTACHMENT K

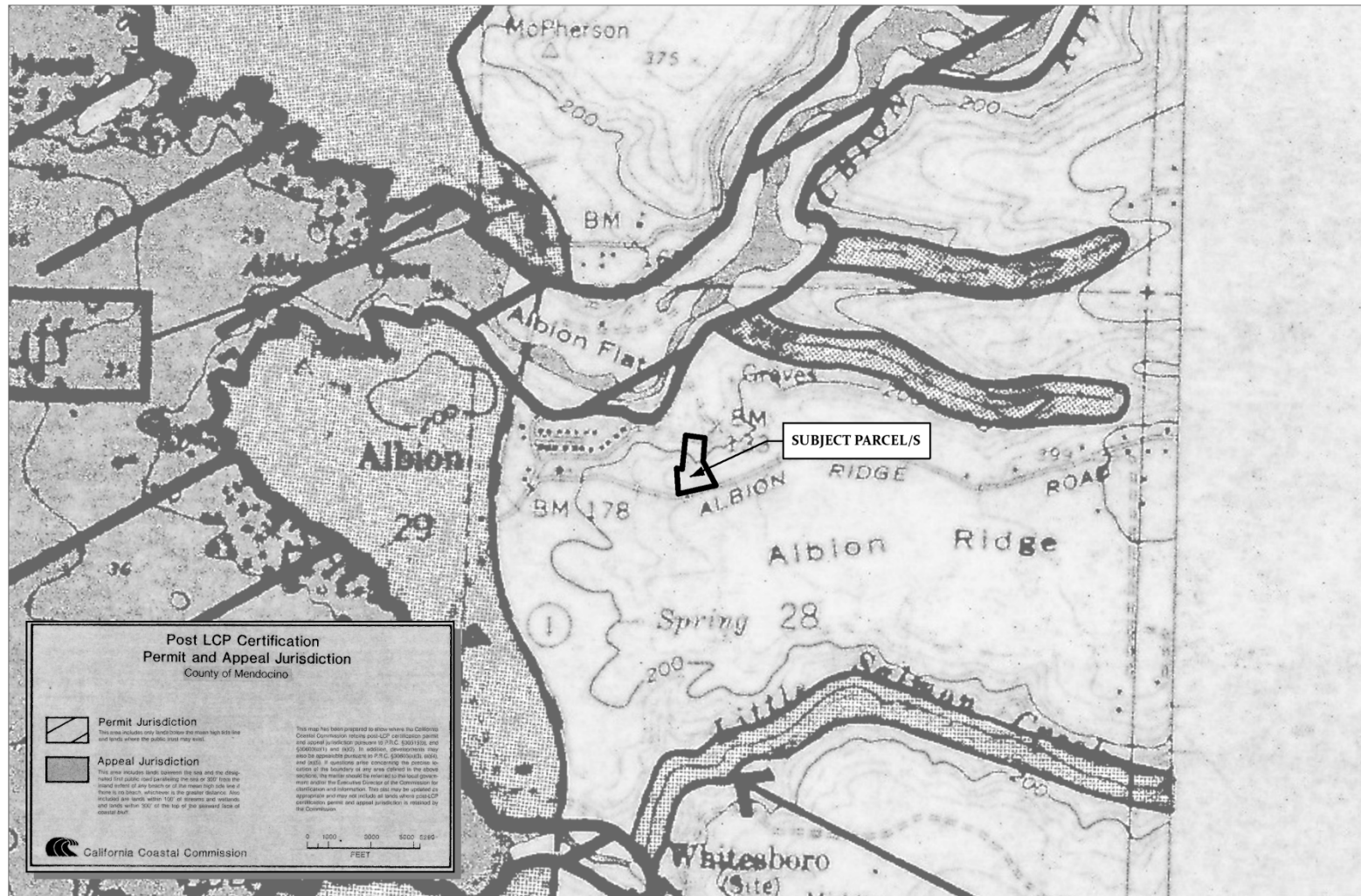


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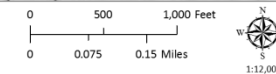


LCP HABITATS MAP

ATTACHMENT L



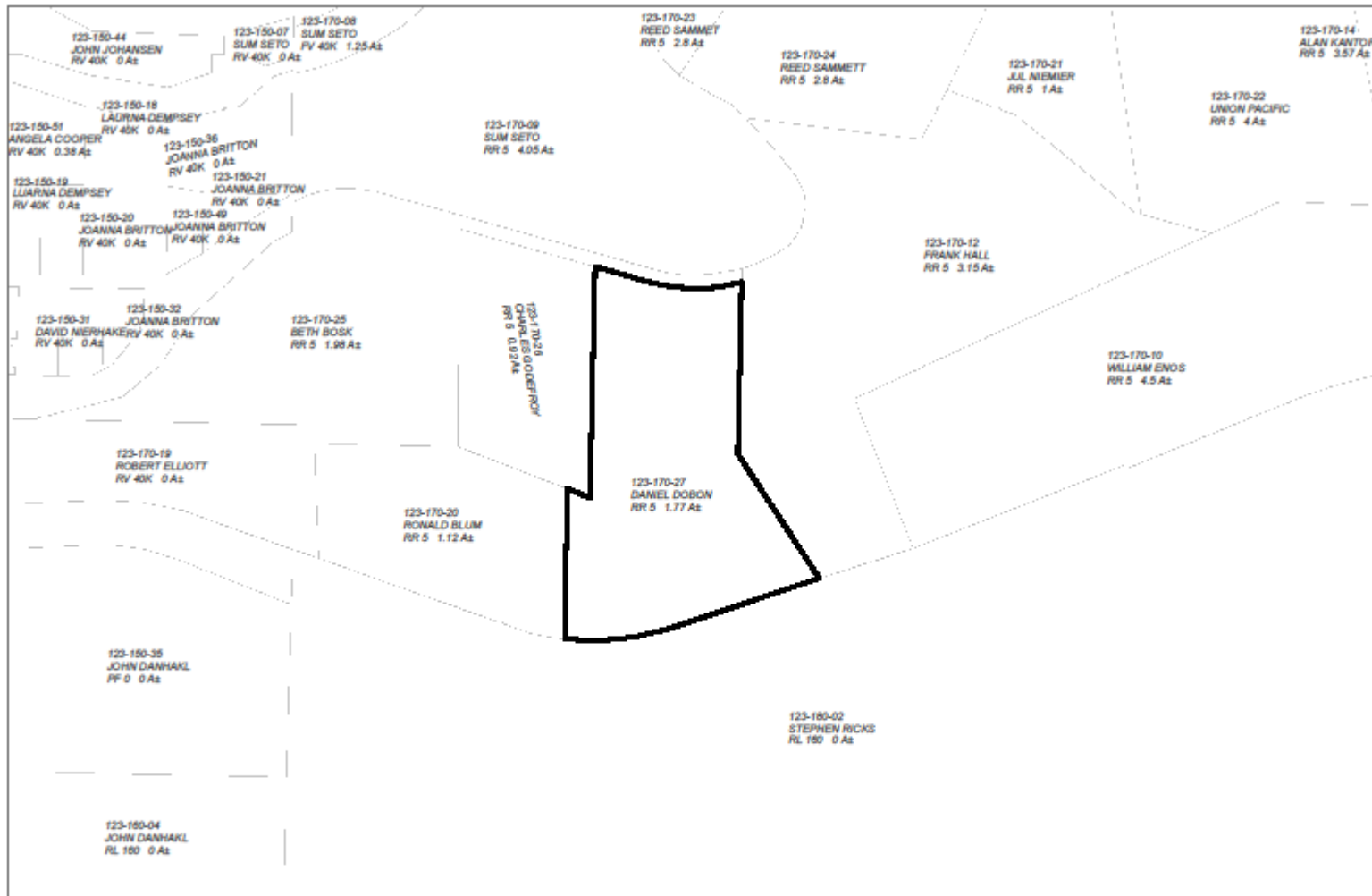
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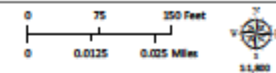
APPEALABLE AREAS

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ATTACHMENT M



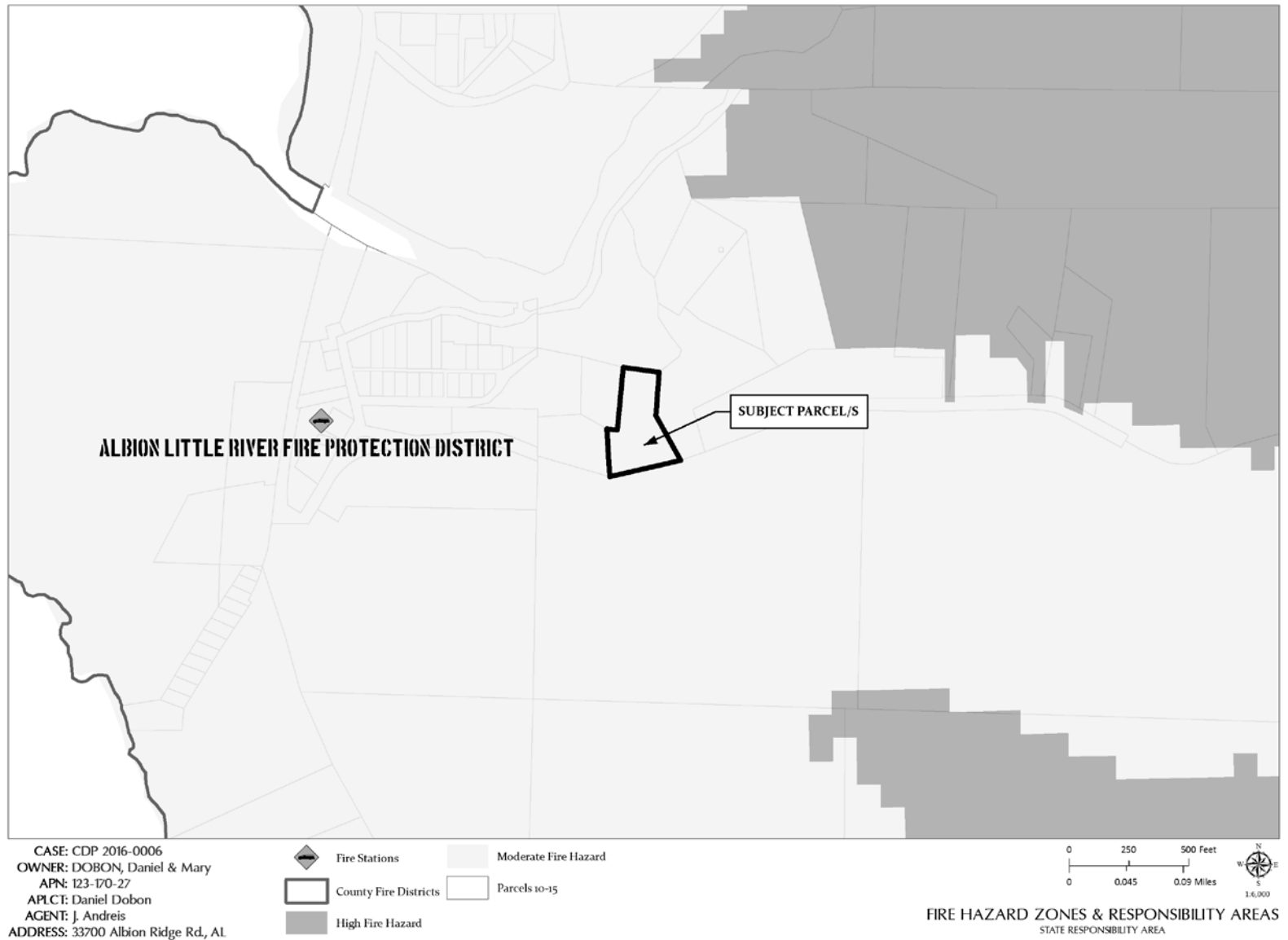
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ADJACENT PARCELS

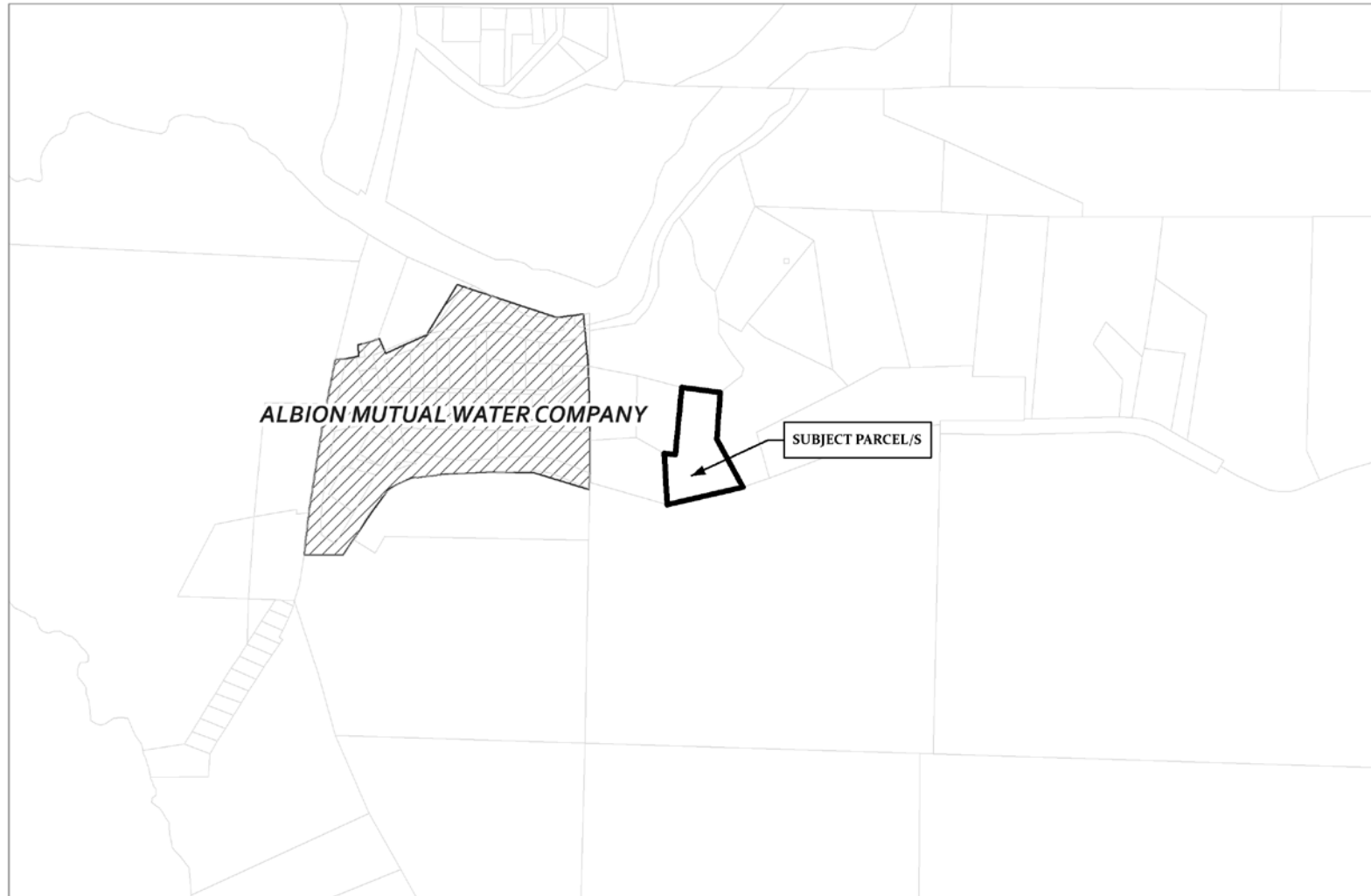
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ATTACHMENT N



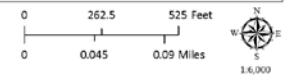
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ATTACHMENT O



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ADDRESS: 33700 Albion Ridge Rd., AL

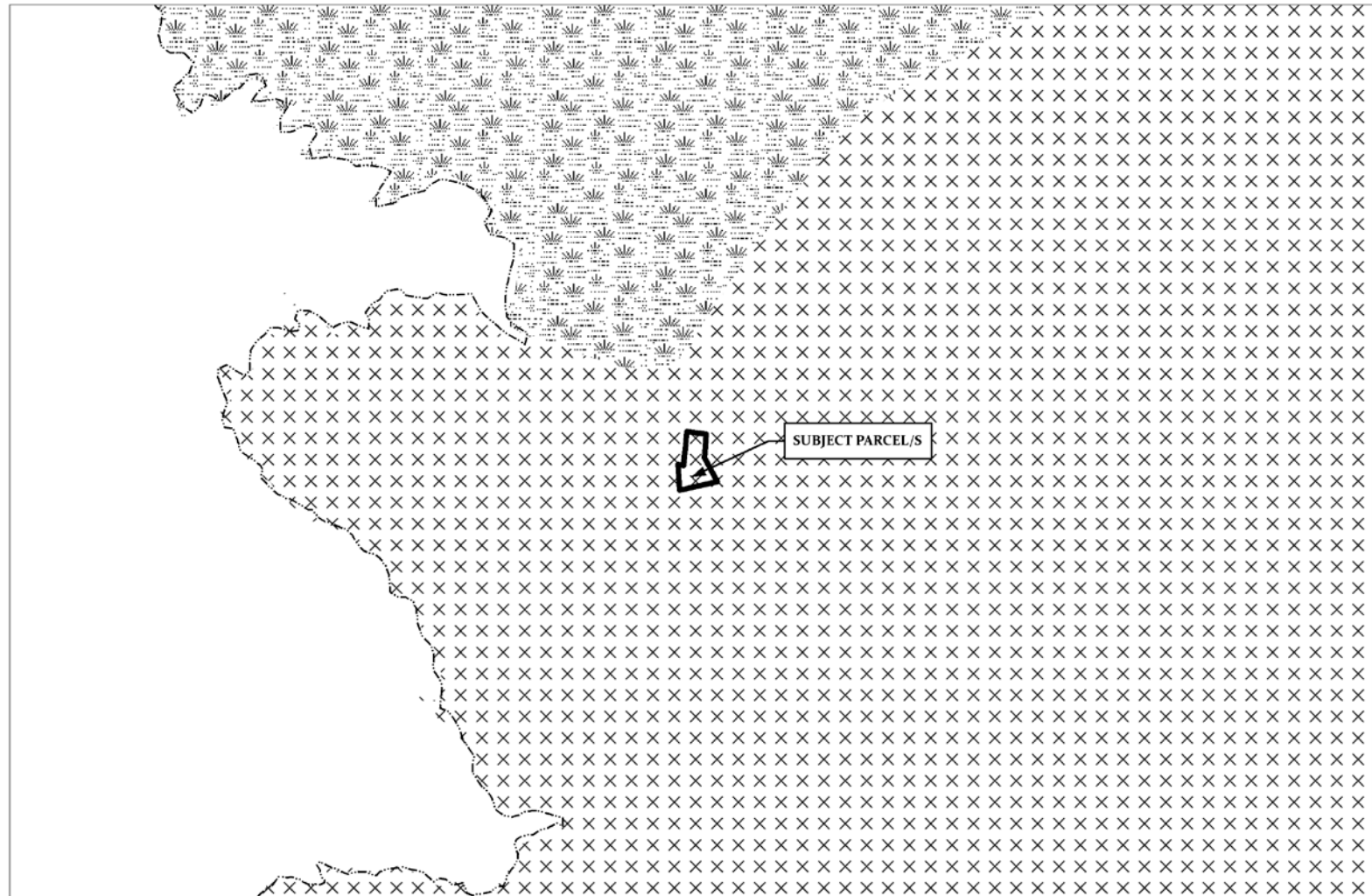
 County Water Districts





WATER DISTRICTS

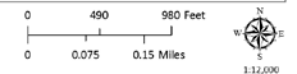
Map produced by the Mendocino County Planning & Building Services, March, 2016
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ATTACHMENT P



CASE: CDP 2016-0006
 OWNER: DOBON, Daniel & Mary
 APN: 123-170-27
 APPLICANT: Daniel Dobon
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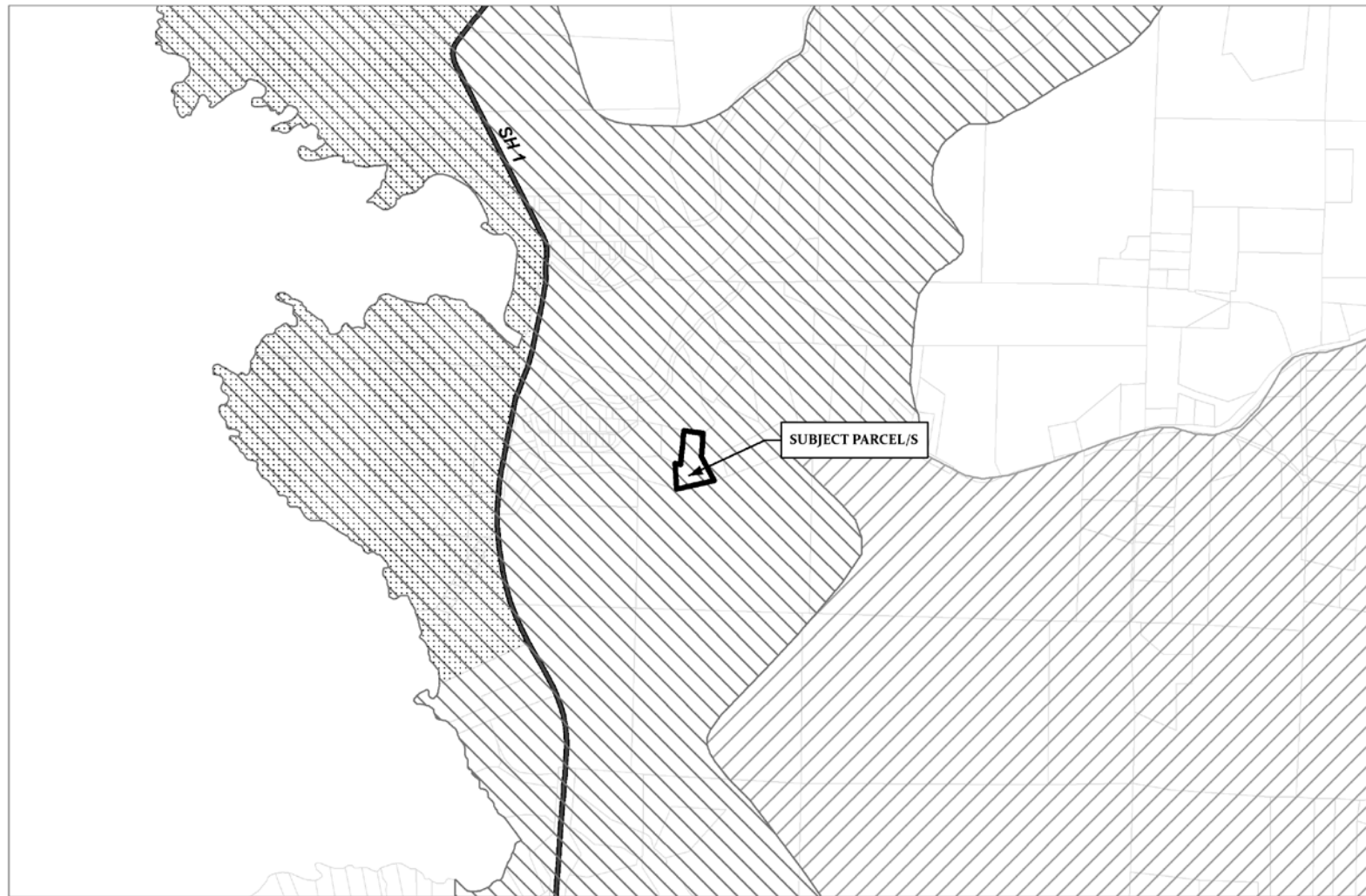
 Critical Water Areas
 Marginal Water Resources



GROUND WATER RESOURCES

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ATTACHMENT Q



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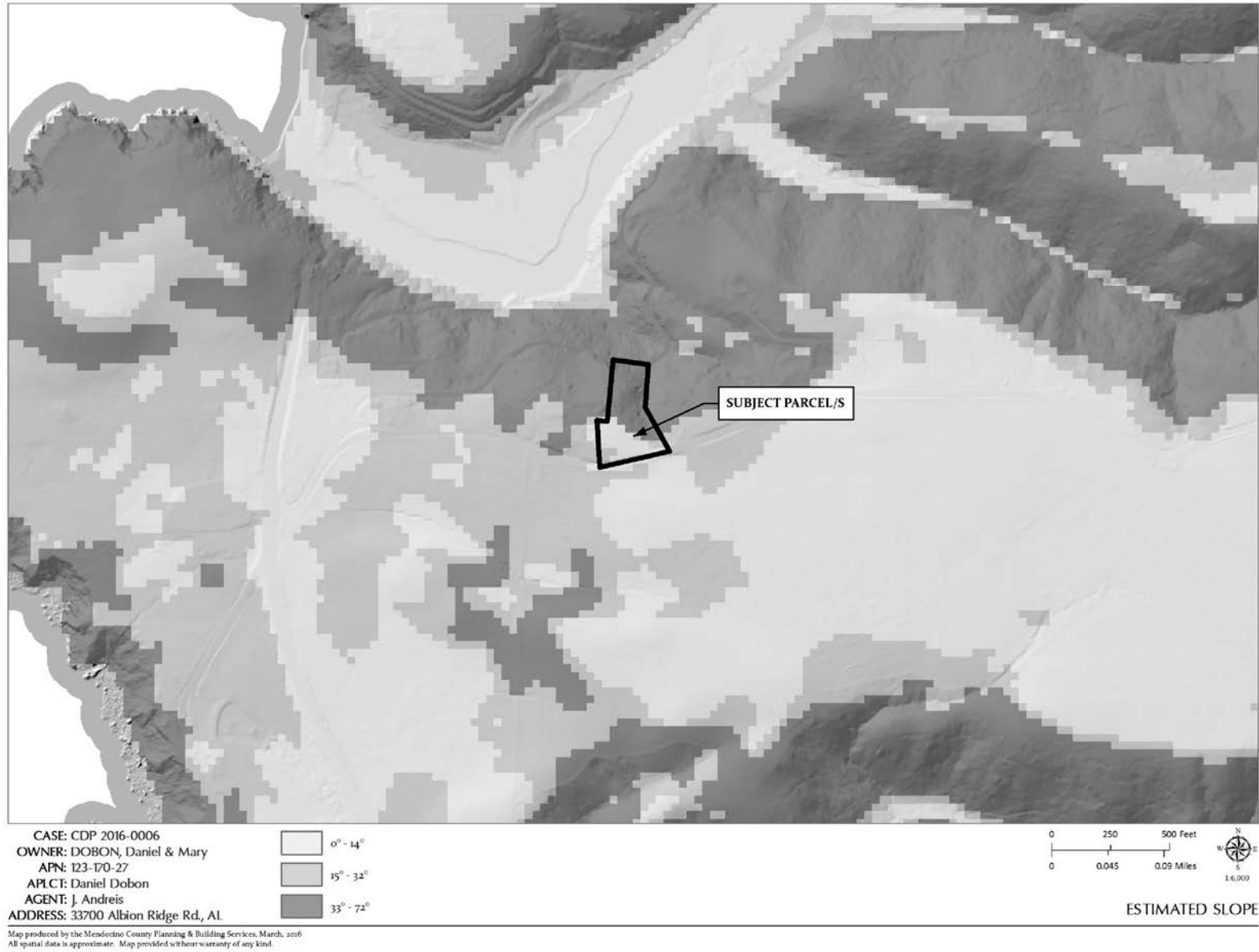
Tree Removal Area
 Highly Scenic Area
 Highly Scenic Area (Conditional)
 Highways

0 500 1,000 Feet
 0 0.075 0.15 Miles
 N
 W E
 S
 1:12,000

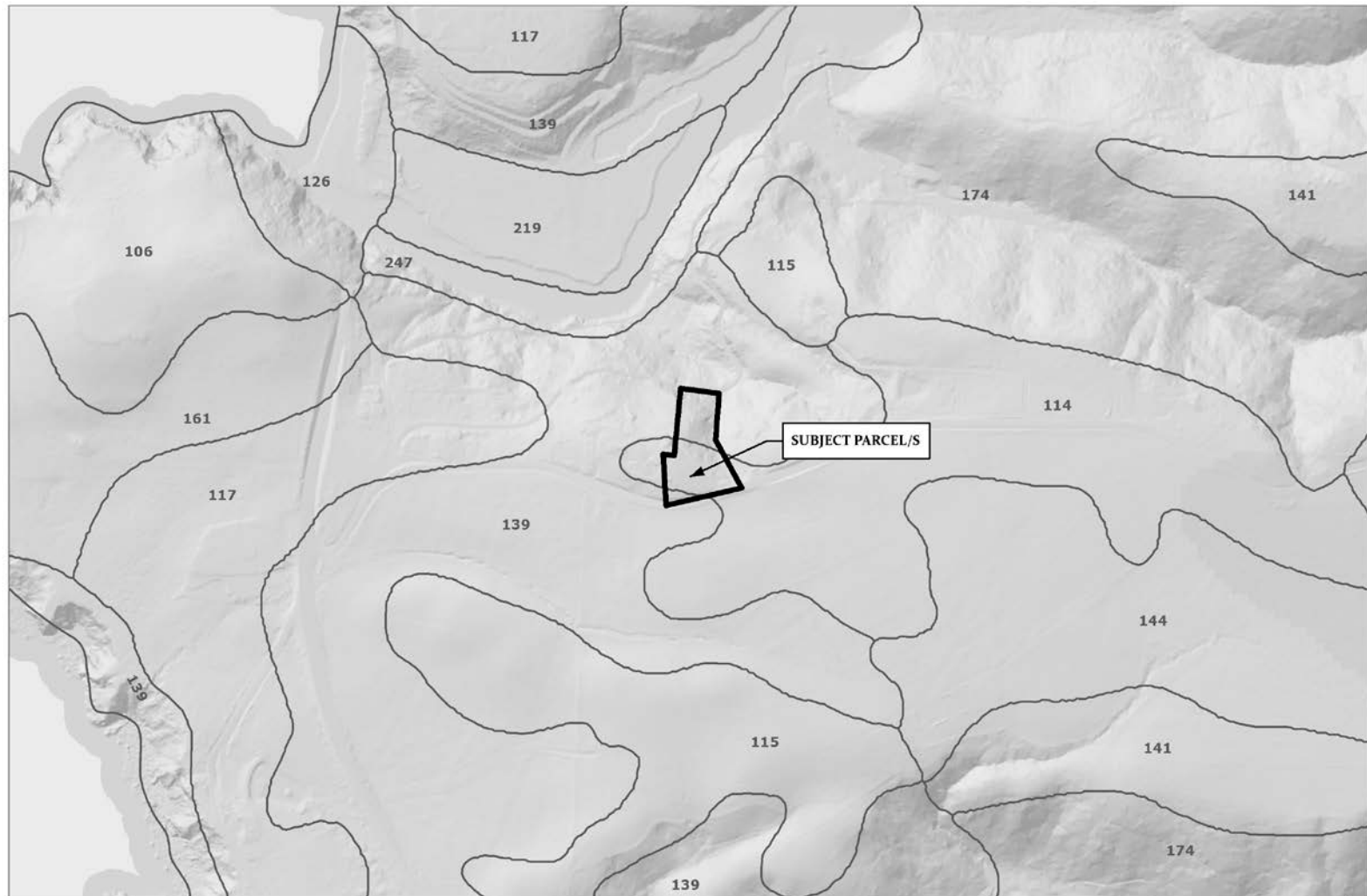
HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, March, 2016
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ATTACHMENT R

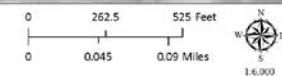


ATTACHMENT S



CASE: CDP 2016-0006
OWNER: DOBON, Daniel & Mary
APN: 123-I70-27
APLCT: Daniel Dobon
AGENT: J. Andreis
ADDRESS: 33700 Albion Ridge Rd., AI

 Western Soils



LOCAL SOILS

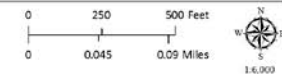
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ATTACHMENT T



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Water
Parcels 10-15



WILDLAND-URBAN INTERFACE

Map produced by the Mendocino County Planning & Building Services, March, 2016
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Resolution Number _____

County of Mendocino
Ukiah, California
JULY 26, 2017

CDP_2016-0006 DANIEL AND MARY DOBON

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, FINDING THE
PROJECT CATEGORICALLY EXEMPT AND GRANTING A STANDARD
COASTAL DEVELOPMENT PERMIT TO CONSTRUCT A 1,450-
SQUARE-FOOT RESIDENCE AND ACCESSORY STRUCTURES.

WHEREAS, the applicants, Mary and Daniel Dobon, filed an application for Standard Coastal Development Permit with the Mendocino County Department of Planning and Building Services for the construction of a 1,450-square-foot residence with deck; 480-square-foot attached garage; 150-square-foot pump house; installation of a 500-gallon propane tank; 2,200-gallon water storage tank; 100-foot long porous-paver driveway; and septic system which includes a replacement leach field. The site is located on the north side of Albion Ridge Road, approximately 0.25 miles east of its intersection with Highway 1, APN 123-170-27, 33700 Albion Ridge Road; General Plan RR5(2):R; Zoning RR:5; Supervisorial District 5; (the "Project"); and

WHEREAS, the application for the Project was deemed completed on June 2, 2017; and

WHEREAS, 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 an initial study; and therefore, the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3(a); and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, July 26, 2017, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Class 3(a) Categorical Exemption and the Project. All interested persons were given an opportunity to hear and be heard regarding the Class 3(a) Categorical Exemption and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Coastal Permit Administrator regarding the Class 3(a) Categorical Exemption and the Project.

NOW, THEREFORE, BE IT RESOLVED that based on the evidence and analysis in the Staff Report, including its Exhibit 2, the Coastal Permit Administrator makes the following findings:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program. Mendocino County's Local Coastal Plan lists of Coastal Residential Land Use Types as principally permitted in the Rural Residential Land Use Classification and RR District; therefore, the proposed single-family residence, accessory structures (deck, attached garage, driveway), and infrastructure (septic system, water storage tank) conform with the goals and policies of the LCP ; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed single-family residence 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 single-family residence is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, including additional development standards applicable to Highly Scenic Areas, such as minimizing development on ridges (MCC Section 20.504.015(C)(8)(b)), and preserves the integrity of the zoning district; and

4. Pursuant with MCC Section 20.532.095(A)(4), the proposed single-family residence, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, and meets the criteria for a Class 3(a) Categorical Exemption within the meaning of the California Environmental Quality Act; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource as there are none known in the vicinity; 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; and
7. Pursuant with MCC Section 20.532.100(A)(1)(a), the proposed development, as conditioned, will not significantly degrade identified Environmentally Sensitive Habitat Areas, or ESHA, and will avoid impacts of development on ESHA; and

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Standard Coastal Development Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

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

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

BY: IGNACIO GONZALES
Interim Director/Coastal Permit Administrator

EXHIBIT A

**RECOMMENDED CONDITIONS OF APPROVAL
CDP_2016-0006
7-26-2017**

**A COASTAL DEVELOPMENT STANDARD PERMIT TO
CONSTRUCT A SINGLE FAMILY RESIDENCE AND
ACCESSORY STRUCTURES**

CONDITIONS:

Standard conditions:

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. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
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 applicant 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 Applicant shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

Resource Protections:

9. All construction activity, including ground disturbance, staging, and stockpiles, shall be limited to areas outside of the required 50-foot buffer area from the Thimbleberry Brambles located east of the existing driveway, identified in the Botanical Survey and Biological Survey prepared by Spade Natural Resources Consulting on August 1, 2016. All contractors and their crew shall be made aware of the sensitivity of the Thimbleberry Brambles area and the need to avoid disturbance.
10. The Thimbleberry Brambles area shall be protected from detrimental impacts during ongoing residential use of the property, and shall be maintained so that this sensitive plant community can continue to thrive. No grading, ground disturbance, landscaping, or garden planting, trampling, materials storage, or other development shall occur within the Thimbleberry Brambles. Any invasive plant species in and near this plant community shall be removed regularly with hand tools as feasible.
11. Landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the adjacent plant communities.
12. Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the northern red-legged frog. During ground disturbing activities, construction crews shall begin each day with a visual search around the construction area to detect the presence of frogs. During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.
13. If a rain event occurs during the ground disturbance period, then all ground-disturbing activities shall cease for a period of 48 hours after the rain stops. Prior to resuming construction, trained construction crew member(s) shall examine the site for the presence of frogs. If no special status frogs are found during inspections, ground-disturbing activities may resume.
14. If a special status frog is detected, construction crews shall stop all ground disturbing work and shall contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from the CDFW shall be required prior to re-initiating work. The CDFW shall be consulted and shall be in agreement with protective measures needed for these special status frogs.
15. The ground-disturbing initiation of construction shall occur outside of bird breeding season, which typically extends from February to August. If these activities cannot occur in the non-breeding season (September to January), and tree or brush removal is to occur, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

Visual Resource Protections and Specific Development Requirements:

16. The project shall utilize the proposed building materials and color palette, in accordance with MCC Section 20.504.015(C)(3) of the Mendocino County Code, which requires new development be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings.
 - a) As proposed, roof material shall be composite shingle with a GAF Stonewood (or dark brown) color. Roofing material and flashing (metal) shall blend in hue and brightness with their surroundings.
 - b) As proposed, exterior building finish shall be Cedar shingles with wrapped corners and painted white pre-finished wood trim. Decking shall be similar in color, hue, and brightness.
 - c) Landscaping walls shall be finished with Manzanita-color Eldorado Stone "Cliffstone" or material with similar color, hue, and brightness.
 - d) As proposed, window frame color shall be white fiberglass clad frames or similar material, hue, and color.

- e) The Trellis shall be painted white or finished in natural Redwood.
 - f) To comply with MCC Section 20.504.015(C)(3), reflective metal surfaces shall be patinated or oxidized. Within one year of their installation, metal materials shall blend in hue and brightness with their surroundings; for example, the proposed copper flashing and steel railing shall have limited reflective surfaces and blend in hue and brightness with their surroundings.
17. To comply with MCC Section 20.504.015(C)(5)(a), development shall be sited near the toe of a slope, below a ridge, and near a wooded area.
- a) The driveway shall be oriented to have the shortest route between the garage and vehicle access easement and the driveway pavement shall be constructed from porous grass pavers.
 - b) Finished building height shall be below 17.75 feet and structures shall be constructed with a slab-on-grade foundation.
 - c) Existing and proposed landscaping shall screen views of the development from public areas, such as Albion Ridge Road, Highway 1, and public access points, trails, and shorelines.
18. A septic design compatible with the septic layout approved by the Department of Environmental Health (DEH) on November 15, 2015 (ST 24447) shall be submitted and approved for the proposed project. The primary and reserve leach field shall be installed prior to occupancy of the residence. The septic system shall be installed to the satisfaction of Environmental Health and will include alternating the discharge between the primary and reserve leach field at durations specified by Environmental Health.
19. Landscaping shall not conflict with the intent of MCC Chapters 20.504 and 20.496 nor shall it conflict with the septic design (including leach field and replacement leach field). Prior to issuance of a Building Permit or Environmental Health Permit, the property owner shall either (a) submit a landscape plan and request the Coastal Permit Administrator's concurrence that no conflict exists or (b) amend CDP_2016-0006 to include specific landscape criteria, plans, or conditions of approval.
20. To comply with MCC Sections 20.504.015(C)(10) and 20.504.015(C)(8), the property owner shall maintain all landscaping in good condition at all times.
21. 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.
22. The project shall comply with Section 20.504.015(C)(11) of the Mendocino County Code. The property owner may defer undergrounding overhead transmission lines.
23. The property owner shall underground overhead power distribution lines in accordance with Section 20.504.015(C)(12) of the Mendocino County Code.

To approve this project, the Coastal Administrator must determine that the applicants submitted evidence in support of the required findings in MCC Section 20.532.095(A):

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, and meets the criteria for a Class 3(a) Categorical Exemption within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
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; and

MCC Section 20.532.095(A)(1). The proposed development is in conformity with the certified Local Coastal Program.

Land Use: The project is consistent with Land Use Plan, Chapter 2.2 of the Coastal Element of the General Plan. The land use designation for the site is Rural Residential (RR-5[RR-2]), as designated on the LCP Map 18 *Albion*.¹ Residential uses are consistent with the principally permitted use types in the RR Classification.

Public Access: Public access to the shore is currently provided southwest of the subject site, with additional shoreline public access proposed north of the property.² Staff finds that the project would have no impact on public access.

Hazards: Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazard. The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.³ The San Andreas Fault is located approximately 0.4 miles west of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan. There are no mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.⁴

The parcel is located in an area characterized by a moderate fire-hazard severity rating and is located within the Albion Little River Fire Protection District service boundary.⁵ The project application was referred to the California Department of Forestry and Fire Protection (CAL FIRE) and the Albion Little River Fire Protection District for input; however, no response was received. CAL FIRE permit No 231-15 was submitted with the initial application submittal. In order to ensure the project is in compliance with all requirements regarding address, driveway, driveway, setbacks, defensible space, and maintenance standards, a condition is recommended that would require the project to secure all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction.

Visual Resources: The subject parcel is located within the Highly Scenic Area (HSA), as depicted on LCP Map 18 *Albion* and, pursuant to MCC Section 20.504.015(C), the site is subject to additional

¹ Mendocino County Department of Planning & Building Services. March 2016. *LCP Land Use Map 18: Albion* [map].

² Mendocino County Department of Planning & Building Services. March 2016. *LCP Land Use Map 18: Albion* [map].

³ State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

⁴ Federal Emergency Management Agency. *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1385 of 2100, Map Number 06045C1385F. Accessed May 15, 2016. Available at: <https://msc.fema.gov/portal>.

⁵ Mendocino County Department of Planning & Building Services. March 2016. *Fire Hazard Zones & Responsibility Areas* [map].

development standards applicable to Highly Scenic Areas. The proposed structures on the property (residence, attached garage, pump house, propane tank, and water storage tank) would not exceed height limitations. No existing vegetation would be removed and a landscaping buffer, comprised of drought-tolerant shrubs and trees (12± feet in height), is proposed along the southern portion of the property, along Albion Ridge Road. Additionally, exterior lighting is shown as downcast, shielded, and directed away from adjacent parcels.

Ideally, ridge top development would be avoided at this location. Since there is no alternative site available below the ridgeline, development would be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and would be limited to a single story above the natural vegetation, pursuant to MCC Section 20.504.015(C)(8)(b).

Due to the project's location on a ridge top and the property's location within a Highly Scenic Area, conditions are recommended by Staff to reduce the height of the proposed structures and the visual impacts associated with the proposed project. These include requiring installation of the proposed porous grass pavers, a landscape plan and perpetual maintenance of landscaping, and slab-on-grade foundation to reduce the maximum building height below 17.75 feet, as proposed.

Natural Resources: No special status plants or wildlife of concern were identified on the property during full floristic botanical and biological scoping surveys that were conducted at the site; however, Spade Natural Resources Consulting has recommended avoidance measures from one sensitive plant community (Thimbleberry Brambles [*Rubus parviflorus* Scrubland Alliance G4 S3]) located within the 35 to 40 percent sloped area to the north and east of the existing gravel driveway and easement. This area may provide habitat for migrating northern red-legged frog, Sonoma tree vole, special status birds and bats, and nesting birds protected by the Migratory Bird Treaty Act (MBTA), and is therefore considered an Environmentally Sensitive Habitat Area (ESHA).⁶ Several conditions are recommended, including a 50-foot buffer from the sensitive plant community, to avoid any potential impacts.

The proposed project would be located in the least sensitive portion of the site. Furthermore, Staff finds that the existing driveway establishes a natural separation between the Thimbleberry Brambles and areas of existing and proposed development, pursuant to MCC Sections 20.496.020(A)(1)(b) and 20.496.202(A)(1)(e). As conditioned, the proposed project would not have an adverse impact on any sensitive resources at the site.

Groundwater Resources: The property is located within a "Critical Water Resources" area and would be served by an on-site well.⁷ Although this would typically require a hydrologic study, in this case no study is required because the well was approved at the time of subdivision.

MCC Section 20.532.095(A)(2). The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.

Site Utilities The project would be served by an on-site well, on-site septic system, and electrical service would be extended to the site. Based on comments from Environmental Health, the primary and reserve leach field shall be installed prior to occupancy of the residence. The septic system shall be installed to the satisfaction of Environmental Health and will include alternating the discharge between the primary and reserve leach field at durations specified by Environmental Health. Pursuant with MCC Section 20.504.015(C)(12), the property owner is required to underground overhead power distribution lines.

Access/Transportation/Circulation: The property is located along Albion Ridge Road, east of Highway 1. An existing 14-foot wide easement and gravel driveway intersects Albion Ridge Road and bisects the development site to provide access for an existing residence located on an adjacent parcel north of the subject site. An approximately 100-foot driveway comprised of pervious pavers would be installed from the existing gravel driveway and easement to provide direct access to the proposed residence. The Mendocino County Department of Transportation (MCDOT) was invited to provide comment on the project application and a response was received on May 18, 2017. MCDOT had no comment on the project and noted that the existing driveway appears to be constructed to County standards. A letter to an adjacent property from MCDOT, dated March 16, 2017, details that MCDOT did a final inspection on Permit TU_2014-0113 and determined that the work was completed satisfactorily, and, as a result, the

⁶ Spade Natural Resources Consulting. August 1, 2016. *Botanical Survey and Biological Scoping Survey*.

⁷ Mendocino County Department of Planning & Building Services. March 2016. *Ground Water Resources* [map].

permit is completed and closed out. Staff finds that the proposed development would be provided with adequate access roads.

Drainage and Other Necessary Facilities: The site will be designed to allow drainage to sheet flow and will not be concentrated. No additional drainage facilities are required.

MCC Section 20.532.095(A)(3). The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district.

Table 3 lists development and land use criteria that are applicable to the review of the proposed project and relate project components to code requirements. The proposed project satisfies the development regulations of MCC Chapter 20.376 Rural Residential Districts, Corridor Preservation Setbacks, and Off-Street Parking.

Table 3: Rural Residential Development Land Use Standards and other Development Regulations		
CODE SECTION	STANDARD	PROPOSED
Principal Permitted Land Use	Family Residential: Single-Family	Family Residential: Single-Family
Minimum Front and Rear Yards	20 feet	65 feet
Minimum Side Yards	6 feet	20.5 feet and 158 feet
Building Height Limit	28 feet above natural grade	17.75 feet or less
Maximum Lot Coverage	20 percent	3.4 percent
Corridor Preservation Setback	30 feet	95 feet
Minimum Vehicle Parking	Two off-street spaces	Three off-street spaces

The proposed development is situated within a designated Highly Scenic Area and proposes development on the apex of a ridgeline. In compliance with the regulations of Chapter 20.504, the applicant has explored a variety of development solutions in a setting that is constrained by habitat, vehicle access easement, proximity to an existing well, suitable location for the proposed leach field and replacement leach field, and an existing easement for the adjoining property's septic system, which is in place. The applicant proposes to site development in a feasible location that does not impact these constraints and mitigates visual impacts by proposing slab-on-grade foundation (to further reduce the building height), use of porous grass pavers (to reduce the visual impact of the proposed driveway), and provides a landscape plan that is intended to screen portions of the proposed development from public views along Albion Ridge Road and Highway 1. Table 4 lists the development criteria of MCC Section 20.504.015(C) and proposed project development solutions.

Table 4: Visual Resource - Highly Scenic Area Development Criteria	
MCC SECTION 20.504.015(C)	EVIDENCE BASED ON PROPOSED PROJECT
1. Protection of coastal views from public areas.	Development would be sited and designed to reduce visual impacts from Albion Ridge Road, Highway 1, and the Pacific Ocean. The project is not visible from Albion Harbor.
2. In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps...	Project site is situated east of Highway 1.
3. New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.	No reflective building materials would be used (with the exceptions of windows). The proposed color palette includes use of cedar shingles, stone veneers, redwood with patinated copper, and blending the driveway pavement with the color of surrounding soils.

4. [Any] proposed divisions of land and boundary line adjustments within highly scenic areas ...	No land division is proposed.
5. Buildings and building groups that must be sited in highly scenic areas shall be sited: (a) Near the toe of a slope; (b) Below rather than on a ridge; and (c) In or near a wooded area.	Development is proposed on the apex of the ridge. Development would be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and would be limited to a single story.
6. Minimize visual impact of development on hillsides by the following criteria: (a) Requiring grading or construction to follow the natural contours; (b) Re-siting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms; (c) Designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites; (d) Concentrate development near existing major vegetation; and (e) Promote roof angles and exterior finish which blend with hillside.	No existing vegetation would be removed and a landscaping buffer would be provided along the site's southern boundary along Albion Ridge Road.
7. Minimize visual impacts of development on terraces ...	The site is not on a terrace.
8. Minimize visual impact of development on ridges ...	Since there is no alternative site available below the ridgeline, development would be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and would be limited to a single story above the natural vegetation, pursuant to MCC Section 20.504.015(C)(8)(b). Additionally, conditions are recommended by Staff to further reduce the height of the proposed structures and the visual impacts associated with the proposed project.
9. In specific areas, as designated on the Land Use Maps and other circumstances in which concentrations of trees unreasonably obstruct views to and along the ocean and scenic coastal areas, tree thinning or removal shall be made a condition of permit approval.	A landscaping buffer comprised of native, drought-tolerant shrubs and trees (12 feet tall) is proposed along the site's southern boundary along Albion Ridge Road. Maintaining landscape is a recommended condition of project approval.
10. Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas.	Landscaping would screen buildings and would not interfere with public views to or from the coast.
11. Power transmission lines shall be located along established corridors where possible and where the corridors are not visually intrusive.	Existing power transmission lines are located along Albion Ridge Road.
12. Power distribution lines shall be placed underground in designated "highly scenic areas" west of Highway 1 and in new subdivisions. East of Highway 1, power lines shall be placed below ridgelines if technically feasible.	Power distribution lines are required by condition to be underground; as development is proposed above the ridgeline.

13. Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway 1 where an alternate configuration is feasible.	A 100-foot long driveway is proposed from the existing 14-foot wide driveway and access easement. The applicant proposes use of porous grass pavers to reduce visual impact of the proposed driveway.
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Staff recommends that the project be found consistent with the standards for the RR Zoning District, ESHA, and Highly Scenic Area. The proposed project complies with standards for yard setbacks, building height, lot coverage, parking, ESHA buffer areas, and the development standards for new development within a designated Highly Scenic Area.

MCC Section 20.532.095(A)(4). The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, and meets the criteria for a Class 3(a) Categorical Exemption within the meaning of the California Environmental Quality Act (CEQA).

The proposed project is Categorical Exempt from the provisions of CEQA, under a Class 3(a) Categorical Exemption from CEQA, pursuant to Section 15303, New Construction or Conversion of Small Structures. A Class 3(a) exemption allows for the construction and location of limited numbers of new, small facilities or structures, including single-family residences. Since the proposed project involves construction of a new single-family residence and appurtenant structures, the project is exempt from the provisions of CEQA.

MCC Section 20.532.095(A)(5). The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.

The project was referred to the Archaeological Commission, Sherwood Valley Band of Pomo Indians, Redwood Valley Rancheria, and Cloverdale Rancheria on April 5, 2017. A letter was received from the Redwood Valley Little River Band of Pomo Indians, dated April 12, 2017, which states that the property 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. The project is already conditioned to limit vegetation removal and to not disturb the intact Thimbleberry Bramble habitat. The *Botanical Survey and Biological Survey* prepared for the project did not identify any tan oak at the project site. A Standard Condition advises the applicant of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities. Staff does not believe there would be any impact to cultural resources.

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.

The Caspar Transfer Station is located 7.8± miles north of the project site, providing for the disposal of solid waste resulting from the residential use. Additionally, curbside pickup is available, should the property owner(s) choose to purchase the service. Solid waste disposal is adequate to serve the proposed development.

The subject property is located at 33700 Albion Ridge Road, which is 0.25± miles east of its intersection with Highway 1. Construction of a single family residence and accessory structures will generate few additional vehicle trips per day. The State Route 1 Corridor Study Update provides traffic volume data for Highway 1. The subject property is located approximately 0.3 miles northwest of the intersection of Albion Ridge Road and Highway 1 where the existing peak hour Level of Service is reported as "A".⁸ No change in service levels is anticipated as a result of the project.

⁸ *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Accessed May 17, 2017, at: <http://www.mendocinocog.org/pdf/SR%201%20Corridor%20Study%20Update.9-18-08.pdf>.

MCC Section 20.532.100(A)(1) Development in Environmentally Sensitive Habitat Areas. No Development shall be allowed in an ESHA unless findings (a) through (c) are made.

The location of the proposed development is beyond the identified bounds of habitat suitable for nesting birds. An existing vehicle access easement and existing driveway is an established cultural feature (MCC Section 20.496.020(A)(1)(e)) and delineates Thimbleberry brambles, which has potential for nesting bird habitat areas, from existing and proposed developed lands.