



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

**OCTOBER 10, 2024
CDP_2023-0006**

SUMMARY

OWNER/APPLICANT: Denise Pinkston and Jeffery Sinsheimer
2915 Pine Avenue
Berkley CA 94705

AGENT: Debra Lennox
P O Box 798
Mendocino, CA 95460

REQUEST: Standard Coastal Development Standard Permit to construct a new 2,336 square foot four bedroom single-family-residence with a 576 square foot attached garage and storage. Additional improvements include 424 square feet of porches, 1,257 square feet of patios, an entry gate, fencing, landscaping walls, stone stairs, various water storage containers, a fire pit, 6,203 square feet of landscaping and the conversion of a test well to a production well for potable water needs.

LOCATION: In the Coastal Zone, 655 ± feet east of Albion town center on the north side of Albion Ridge Road (CR 402), 700± feet east of its intersection with Albion Street (CR 407D), located at 33800 Albion Ridge Road, Albion; APN 123-170-19.

TOTAL ACREAGE: 1.01± Acre

GENERAL PLAN: Rural Village (RV)

ZONING: Rural Village (RV:40K)

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve With Conditions

STAFF PLANNER: Keith Gronendyke

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Standard Permit to construct a new 2,336 square foot four bedroom single family residence with a 576 square foot attached garage and storage. Additional improvements include 424 square feet of porches, 1,257 square feet of patios, an entry gate, fencing, landscaping walls, stone stairs, various water storage containers, a fire pit, 6,203 square feet of landscaping and the conversion of a test well to productionwell for potable water needs.

ADDITIONAL INFORMATION: A previous Coastal Development Permit, CDP_2006-0028, to construct a two-story 2,115 square foot single family residence with an attached 658 square foot garage along with other associated development was approved but appealed by the Coastal Commission. The appeal stemmed from the project not being in compliance with a number of policies of the Coastal General Plan, including: LUP Policies Visual Resources 3.5-1 and 3.5-3 along with a number of Coastal Zoning Ordinance Sections including: Section 20.504.015(C)(3), *Development Criteria*, 20.504.020(D) and 20.504.020(C)(1) *Special Communities and Neighborhoods*. Subsequent to this appeal, the applicant amended the application and made changes to the project to minimize visual impacts of the project on surrounding properties. The project revisions included the following: (1) *reducing the total square footage of the*

development from 3,551 square feet to 2,773 square feet, (2) siting the residence an additional five feet downslope from the eastern property boundary, (3) reducing the height from 27'-4" to 25'-8", (4) reducing the pitch of the roof from 8:12 to 6 1/2:12, (5) reducing the width of the west-facing elevation from 64 feet to 54 feet by eliminating ten feet of structural bulk from the southeast portion of the site and (6) installing native landscaping at the site. A number of special conditions were adopted to guarantee that these added conditions of approval were completed, such as requiring that a landscaping plan be submitted to the Mendocino County Planning Department, recording a deed that states that the property have Special Conditions of this permit recorded as covenants, conditions and restrictions (CCRs). Additional conditions included that the applicant submit evidence of the review and approval of the proposed septic system by the Mendocino County Division of Environmental Health. It was also noted that these requirements only applied to the specific application from 2006. Any new proposal would require that a new application for a CDP be filed. Subsequently, the project was not constructed and the application has expired.

The following is a list of materials being proposed with this application:

- Siding: vertical hardy plank.
- Fascia: 1"x8" wood, painted
- Trim: 1"x4", 1"x6" wood, painted
- Windows: Milgard "Ultra"
- Roofing: composition shingles and cor-ten metal
- Railings: stainless steel cable-rail with wood posts, stained-decks: hog wire with metal posts
- Exterior stairs and patio: stone and gravel walkways
- Gravel driveway: compacted gravel

APPLICANT'S STATEMENT: *"Proposed new 4 bedroom single-family-residence with attached garage and storage, porches, decks, patios, entry gate, driveway, fences, landscaping walls, stone stairs, various water storage containers, fire pit, landscaping, conversion of test well to development well."*

RELATED APPLICATIONS ON-SITE: CDP_2006-0028 proposed to construct a 2,115 square foot two story single-family-residence with an attached 658 square foot garage for a total of 2,773 square feet. Associated development included a pump house, driveway, septic system, fencing, landscaping, underground utilities and conversion of an existing test well to a production well. As noted above in the additional information section, this project was approved but appealed by the California Coastal Commission. The applicant of the property made changes to the project as recommended by the Coastal Commission, but the project was never constructed.

CDP_2003-0088 was for the construction of a 4,016 square foot two-story single-family-residence with a maximum average height of 28 feet from natural grade, and the installation of a septic system, underground utilities, fence with a gate, a driveway and conversion of a test well to a production well. Grading associated with placement of the structure and a retaining wall was included in the request. This project was denied by the Coastal Permit Administrator due to the potential for negative impacts to visual resources in a mapped Highly Scenic Area and inconsistency with the LCP, requiring that the scale of development and the scope of the project be consistent with surrounding structures in the Rural Village designation.

It should be noted that the current property owner submitted with the application an addendum (see attachment 6)t. This addendum addresses some of the concerns of the Coastal Commission and the appeal filed in regard to the application CDP_2006-0028 and this new application. These measures include the following:

- The house will be screened with existing and proposed plantings.
- Cluster active uses away from neighbors near Albion Ridge Road and the neighboring property's shared driveway.
- Exterior lighting will utilize downward facing, low wattage and shielded fixtures.
- The house, garage and septic system are located generally within the area proposed and approved by the Coastal Commission in 2008.

- The proposed home is similar in size to the design approved in 2008. The 2023 proposed house and attached garage square footage is 2,912 while the previously approved house and garage was proposed to be 2,773 square feet.
- The proposed home is designed consistently with nearby Albion architectural styles to be harmonious with the existing natural setting.
- The proposed home site balances a number of factors to adhere to the Local Coastal Plan requirements, site conditions and changing climate and neighbor concerns, i.e. Consistency with the 2008 approval in that the home and septic field are located in the general area of the 2008 approval.
- Preservation of views of Albion Bridge from Albion Ridge Road.
- Screening the home behind existing tall fir and pine trees form views from Albion Bridge/State Route 1, while using the current tree line to preserve the existing ridgeline views.
- Embracing all sensitive plant and habitat recommendations from Wynn Coastal Planning.
- The project has been designed to be climate friendly, such as adding solar panels and an all-electric mechanical system and on-site storm water retention and a grey water tank to reduce water use.
- Respecting the neighbors' privacy concerns.

SITE CHARACTERISTICS: The project site is approximately one-acre in size and located within a designated "highly scenic" area near the top of a ridge above the south side of the Albion River on the east side of State Route 1. The site is located adjacent to Albion Ridge Road and slopes steeply westward. The parcel sits above the clustered residential village of Albion. According to a Biological Scoping and Botanical Survey Report prepared by Wynn Coastal Planning and Biology: *"The site is primarily vegetated with grasses and low shrubs with small clusters of evergreen trees along the southern property boundary. The elevation of the subject parcel ranges from approximately 190 to 260 feet above sea level. The majority of the parcel is vegetated with coyote brush scrub. Goats were kept on the parcel in 2020 and somewhat reduced shrubby vegetation during that time. Brush has resprouted significantly. A mix of native and non-native coniferous trees occur in the northeastern portion of the study area. The north western portion of the subject parcel is dominated by non-native cotoneaster bushes and Scotch broom. A small portion of a five-acre stand of grand fir extended into the north eastern portion of the study area."*¹

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned similarly to the project site, except for the Pacific Ocean immediately to the West (See attachments General Plan Classification and Zoning Districts).

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Village- 40,000 Square foot minimum (RV 40K)	Rural Village- 40,000 Square foot minimum (RV:40K)	1.92± Acres	Residential
SOUTH	Range Land (RL 160) Public Facilities (PF)	Range Land (RL:160) Public Facilities (PF)	4.76± Acres	Vacant
EAST	Rural Residential- 5 Acre Minimum (RR 5 (2))	Rural Residential- 5 Acre Minimum (RR:5)	1.14± Acres	Residential
WEST	Rural Village (RV 40K)	Rural Village (RV:40K)	0.92	Residential

PUBLIC SERVICES:

Access: Albion Ridge Road
Fire District: Albion Little River Fire Department/CAL FIRE
Water District: Albion Mutual Water Company, but the property has a functioning and permitted well
Sewer District: None

SUMMARY OF REFERRAL AGENCY COMMENTS: On May 31, 2023, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. A comment response summary is listed below.

REFERRAL AGENCIES	COMMENT
Air Quality	No Response
Archaeological Commission	Comments
Assessor	No Response
Building Inspection	No Response
Sonoma State-Northwest Information Center	Comments
Department of Transportation (DOT)	Comments
Department of Environmental Health (DEH)	Comments
Albion Little River Fire Protection District	No Response
CAL FIRE (Land Use)	No Response
California Coastal Commission	No Response
California Dept. of Fish & Wildlife	No Response
US Department of Fish and Wildlife	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

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 project site is located within the boundaries of the LCP area, as shown on *LCP Land Use Map 22: Mallow Pass Creek*. The subject parcel is classified as Rural Village (RV 40K) in Mendocino Coastal Element Chapter 2.2 (See *attachment General Plan Classifications*).

The Coastal Element Chapter 2.2 Rural Village classification is intended to,

“... is intended to preserve and maintain the character of the rural atmosphere and visual quality of the following villages: Westport, Cleone, Caspar, Little River, Albion, Elk and Manchester and to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.”

The proposed construction of a 2,115 square foot two story single-family-residence with an attached 658 square foot garage for a total of 2,773 square feet along with other appurtenant construction is consistent with the allowed uses associated with residential development per Mendocino County Coastal Element Chapter 2.2.

The Coastal Element Section 4.9.2 states:

“In order to maintain the special community character, building permits shall require that building materials, color and architectural forms of new structures exposed to public view be similar to those existing buildings. Existing buildings shall not be remodeled in a manner that would detract from their historical value.

The color scheme for the outside of the proposed residence is dark earthtone grey colors to help the development blend into the hillside. Also, board and batten siding materials along with composition shingles and standing seam roofing materials are all featured on various other residences within the Albion Village area.

Zoning: The zoning code enforces the intent of the land use classification. This project site is located within the Rural Village (RV 40K) zoning district, as shown on the *Zoning Display* map. Mendocino County Code (MCC) Section 20.388.005 states:

The Rural Village district, per Mendocino County Code (MCC) Section 20.388.005,

“...is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.”

The proposed project, to construct a new 2,336 square foot four bedroom single family residence with a 576 square foot attached garage and storage. Along with additional improvements including 424 square feet of porches, 1,257 square feet of patios, an entry gate, fencing, landscaping walls, stone stairs, various water storage containers, a fire pit, 6,203 square feet of landscaping and the conversion of a test well to a development well for potable water needs will maintain the rural atmosphere and visual quality of the property and will not conflict with the uses within the Rural Village District (MCC Chapter 20.388 *RV – Rural Village District*). As currently proposed, the uses are consistent with the principal permitted residential uses for the Rural Village Zoning District and the coastal development standards of MCC 20.388.

The project would not impact or encroach on any property line setback requirement for the RV District per MCC Sec. 20.388.030 and 20.388.035.

Visual Resources: The project site is located within a designated "highly scenic area" and is zoned Rural Village. The proposed residence would be visible from the north on Highway 1, Albion River and Albion Flats.

Policy 3.5- 1 of the Mendocino County Coastal Element states:

“The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.”

As designed, the project will have a maximum height of twenty-eight (28) and one-half (1/2) feet from grade when looked upon from the west elevation, which includes the view from Albion Ridge Road and State Route 1 to the west. The subject parcel rises in elevation from a low of approximately 210 feet above sea level at the western property line to 270 feet above sea level at the east property line. A rather large cut will have to be excavated into this slope to accommodate the residence. The applicant has indicated on the application that the amount of cut would be 379.7 cubic yards with the amount of fill being 437.3 cubic yards, along with another 57.6 cubic yards of fill required to be imported. It should be noted that a large home is currently located above and behind the subject property and visible from the same vantage points along Albion Ridge Road and State Route 1. The previous application (CDP_2006-0028) also proposed to construct a two-story structure and be placed in a cut of six (6) to eight (8) feet, which is similar to what the current application is proposing (5-7 feet of cut). The site plan submitted with the application indicates that a total of six (6) dead trees fronting along Albion Ridge Rd. are to be removed, but native grasses and other vegetation is to remain in place, which would help screen the proposed residence from view.

Policy 3.5-3 states in part:

“Any development permitted in [highly scenic} areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes...”

The project does front along Albion Ridge Rd. The public view of the ocean, when heading west along Albion Ridge Rd., would not be affected as the development would be placed in a cut, as described above and set back from the edge of the roadway at least thirty (30) feet from the center of the roadway.

Policy 3.5-4 states in part:

“Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below, rather than on a ridge, or in or near the edge of a wooded area...”(3) Designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites...(4) design development to be in scale with rural character of the area...”

Because of the existing topography of the parcel and given its long and relatively narrow physical properties running west to east, The residence's best location on the property is to the east side of the lot and on the uphill portion, as the septic system will be required to be located below the residence for natural flow of effluent into the septic tank. The relatively small cut required to site the residence will lower its actual height to better camouflage the residence from view. A large stand of tall pine trees located on an adjacent parcel to the north will aid in hiding the residence from view by providing a dark backdrop behind the residence.

Section 20.504.015 of the Mendocino County Zoning Code states, in part:

(C) Development Criteria:

- (1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams and waters used for recreational purposes.*

The view of the development, as seen from State Route 1, will not silhouette the sky and would be set back sufficiently from Albion Ridge Road so as to be compatible with the neighboring structures above and to the east.

- (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.*

The applicant has indicated that the residence will feature the following:

- Rustic farmhouse architecture with massing and features typical of Albion Ridge Road and Village including board and batten fiber cement siding, porches and pitched roof, Cor-ten and corrugated metal details.
- 1-story upslope/2-story downslope massing.
- Dark earthtone grey colors to recede into the hillside (Hardi Plank siding in BM (Benjamin Moore?) Amblar Slate coloring, Milgard windows with Black Bean frames, BM Temptation trim, Cor-ten metal accent details and landscaping walls, GAF pewter grey composition shingles and Slate Grey metal standing seam roof materials.
- Decks and porches typical of farmhouse style homes.

- Site landscape features made of weathered wood, stone, gravel, and Cor-ten steel that will age naturally and fit the rural village context.
- Significant landscape screening from existing tree preservation and the addition of new screen trees and shrubs.
- Home's outdoor use areas screened from off-site view with home existing and proposed landscape and tree screens and are concentrated near Albion Ridge Rd. and neighbor's shared driveway.

(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

(c) In or near a wooded area

As noted earlier above, the proposed residence cannot be built on the lower portion of the lot, as the septic system needs to be buried at a lower elevation to allow for the proper effluent drainage into the tank.

The house is proposed to be constructed below the ridge line, which is above and behind the proposed property's development.

The property owner has indicated that six dead trees are to be removed along the property frontage with Albion Ridge Road, but the lower area is to be left naturally vegetated. The applicant also indicated that the home would be nestled between existing pine and fir trees on the north and west sides, which will screen if from some off-site views. Additionally, existing large fir trees located on adjacent properties to the east and north will effectively screen the proposed home to protect skyline views.

(8) Minimize visual impact of development on ridges by the following criteria:

(a) Prohibiting development that projects above the ridgeline

(b) If no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing vegetation, structural orientation and landscaping and shall be limited to a single story above the natural elevation.

(c) Prohibiting removal of tree masses which destroy the ridgeline silhouette.

As noted previously, the ridgeline is located behind and to the east of the subject property.

(10) Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from the public areas."

While new trees are not proposed to be planted, existing trees are to be utilized to help screen the residence from coastal/ocean views, as will the tall vegetation existing currently behind the proposed residence. A landscape plan will be a requirement to be submitted to the Planning Department prior to the issuance of a building permit (see **Condition 26**).

The project site is located within the portions of Albion that are subject to the Development Criteria established in Section 20.504.020(C) of the Mendocino County Zoning Code:

(C) Development Criteria

- (1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*

The applicant has opined in a project narrative that: *“Existing Albion Village structures, sited on a slope overlooking Albion bridge feature tall pitched roofs, multi-story downslope massing, often with decks and porches and wood (or wood appearing) siding including board and batten and tongue and groove, in a range of colors. Along Albion Ridge Rd., immediately adjacent 1 and 2 story homes are more modern structures often with darker colors that tend to recede into the natural hillside setting.*

To be consistent with the styles of the existing Albion Village and rustic natural setting, our proposed home features:

- Rustic farmhouse architecture with massing and features typical of Albion Ridge Road and Village including board and batten fiber cement siding, porches and pitched roof, Cor-ten and corrugated metal details.*
- 1-story upslope/2-story downslope massing.*
- Dark earthtone grey colors to recede into the hillside (Hardi Plank siding in BM (Benjamin Moore?) Amblar Slate coloring, Milgard windows with Black Bean frames, BM Temptation trim, Cor-ten metal accent details and landscaping walls, GAF pewter grey composition shingles and Slate Grey metal standing seam roof materials.*
- Decks and porches typical of farmhouse style homes.*
- Site landscape features made of weathered wood, stone, gravel, and Cor-ten steel that will age naturally and fit the rural village context.*
- Significant landscape screening from existing tree preservation and the addition of new screen trees and shrubs.*
- Home’s outdoor use areas screened from off-site view with home existing and proposed landscape and tree screens and are concentrated near Albion Ridge Rd. and neighbor’s shared driveway.*

Staff agrees that the proposed home design is within the scope and character of existing development in the surrounding neighborhood.

- (2) New development shall be sited such that public coastal views are protected*

As noted previously above, staff feels that the proposed development is sited such that public coastal views are protected, mostly for westbound travelers on Albion Ridge Rd.

- (3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structures, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated and only minor alteration have been made in character with the original architecture.*

While the size and massing of the proposed structure is more than likely larger than other structures in the Albion Village area, the proposed architectural features along with outdoor amenities, such as decking and porches will be compatible with existing development in the Albion Village area. This would include farmhouse architecture, board and batten siding, a high pitched roof with metal roofing materials and muted exterior paint colors leaning towards the grey color variety

- (4) *Building materials and exterior colors shall be compatible with those of existing structures.*

As noted above, the color scheme for the outside of the proposed residence is dark earthtone grey colors so as to aid in the development to recede into the hillside. Also, board and batten siding materials along with composition shingles and standing seam roofing materials are all featured on various other residences within the Albion Village area.

- (D) *The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.”*

As noted previously, the proposed development is located amongst existing vegetation to partially screen it from view, it is nestled within a six (6) to eight (8) foot cut, large trees behind the residence to the north would help to screen it from being silhouetted against the sky and the residence is not proposed to be located along the ridge top.

Additionally, there is an existing tree located on the northeast corner of the subject property, which staff believes to be an important visual screening resource. In order for the project to be in compliance with the section noted above that requires the structure not create a silhouette, this established tree must be retained in perpetuity, with a 1:1 ratio replacement when the natural lifespan of the tree is reached.

Staff feels that the proposed project complies with the development criteria, if all recommended conditions and mitigation measures are implemented.

Hazard Management: The project, consisting of the construction of a 2,336 square foot four bedroom single family residence with a 576 square foot attached garage and storage. and assorted decking and concrete work will have minimal to no impact on geologic, fire, and flood hazards. The subject parcel is not a bluff top parcel. The site is rated as “Moderate Fire Hazard”, and fire protection services are provided by Fort Bragg Rural Fire Protection District and CAL FIRE, as shown on the *Fire District, The Fire Hazard Zones and the Fire Responsibility Areas* maps. The parcel is not located in a flood hazard area. the proposed project will not conflict with Coastal Element 3.4, and complies with MCC Chapter 20.500 *Hazard Areas*, including geologic, faults, bluffs, tsunamis, landslides, erosion fire, and flood hazards.

The proposed project was referred to the Fort Bragg Rural Fire Protection District. On May 31, 2023. There was no response.

Habitats and Natural Resources: A Biological Scoping and Botanical Survey Report was conducted by Asa Spade of Wynn Coastal Planning and Biology, which is dated November 4, 2022. The study was done to locate potential Environmentally Sensitive Habitat Areas (ESHAs, special status plants and communities, wetlands and riparian areas and special status animals and/or habitats and to determine if they would be directly or indirectly by the proposed development.

The project was designed to avoid all special status resources by at least fifty (15) feet. The conclusion of the report was: *“The location of the single-family-residence cannot be moved further from the Grand fir forest because the view of the residence must be screened by vegetation due to the highly scenic nature of the area and viewshed from the Albion residential village and Albion River Bridge. The proposed development is not expected to have any significant negative impact on any of the special status natural resources present.”*

One special status plant community was observed within the study area and north of the subject parcel. This plant community consisted of Grand fir forest. The area was not closely examined because it is on a neighboring private property.

As a result of the Grand fir forest discovery, a Reduced Buffer Analysis was conducted to assist in the determination of suitable protection for potential sensitive species and presumed sensitive habitat in the study area, including birds, amphibians and the subject Grand fir forest. This Reduced Buffer Analysis lists specific mitigation measures to ensure all impacts from proposed development will have a less than significant effect on the identified sensitive resource. These mitigation measures have been added to the **Conditions of Approval as numbers 11 to 21.**

On May 31, 2023, the proposed project was referred to the California Coastal Commission (CCC) and California Department Fish and Wildlife (CDFW). No further response was received from either agency.

Grading, Erosion and Run Off: The applicant submitted a Geotechnical Investigation report prepared by Jim Glomb of Geotechnical and Environmental Consulting Inc. and dated May 21, 2021. The report's intended purpose was to: "...*assess the relative soil and geologic conditions of the site of the proposed construction of a new residence and to provide appropriate geotechnical design criteria for foundations, grading, retaining walls and drainage...*" The report did not observe groundwater or seepage at the time of the study. Also, the soil observed at the site was determined to be generally low to moderate in expansion potential, depending on the variable clay content. The report also noted the presence of the San Andreas fault approximately 4.34 miles to the west of the subject property. The site was also evaluated for the potential for liquefaction, which was deemed to be very low.

The report concluded that: "*Based on our investigation, we judge that development of the site as planned is feasible from a geotechnical standpoint. The primary geotechnical concerns are the presence of loose near-surface soils, localized expansive bedrock and earthquake ground shaking at the site.*" Grading concerns have been included as **Conditions of Approval numbers 22 and 23.**

Groundwater Resources: The site is designated as having critical water resources by the Mendocino County Coastal *Groundwater Study*, as shown on the *Ground Water Resources* map. The project was referred to the Mendocino County Division of Environmental Health (DEH)-Fort Bragg for input on water well and septic developments. Comments from the Fort Bragg office of Environmental Health listed the site as being served by the Albion Mutual Water Company for potable water needs, but the project agent has indicated that in communicating with the Division of Environmental Health in Fort Bragg that the project site has a functional well already on site to provide for potable water needs.

Archaeological/Cultural Resources: Comments received from the Northwest Information Center at Sonoma State University requested that an archaeological survey be completed for the proposed development. A survey was completed by Alta Archaeological Consulting. This report was then submitted to the Mendocino County Archaeological Commission for its review. At the October 12, 2023 Commission meeting the study was approved and added that the Discovery clause applies as well. Staff has **added Condition 10** to satisfy the Archaeological Commission's requirements.

Comments were requested from the following tribes: Cloverdale Rancheria, Redwood Valley Rancheria and Sherwood Valley Band of Pomo Indians, but no comments were received. The proposed project complies with MCC Sections 22.12.090 *Discoveries* and 22.12.100 *Discoveries of Human Remains*.

Transportation/Circulation: The project would contribute minimal new sources of traffic on local and regional roadways. The project would not impact transportation or circulation and adequate access for residential use of the parcel will be part of the development, consisting of a new driveway accessed off of Albion Ridge Road. The project was referred to Mendocino County Department of Transportation (MCDOT) for input. MCDOT responded with conditions of approval to meet the requirements of the MCDOT. Staff has added **Conditions 6 and 7** to address MCDOT's concerns. The proposed project complies with MCC Section 20.516.015 (C) (2) *Transportation Systems*.

ENVIRONMENTAL DETERMINATION: Based on the Biological Scoping Survey report prepared by WCPB, the project would not directly impact endangered plant or animal species, but mitigation measures were proposed. An Initial Study was prepared by staff to comply with the requirements of the California Environmental Quality Act. After completing the study, staff has prepared a Mitigated Negative Declaration. The mitigation measures proposed by Wynn Coastal Planning and Biology were added as conditions of approval.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532.095 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions:

FINDINGS:

1. Pursuant to MCC Section 20.532.095(A)(1), the single-family-residence and garage along with other development comply with the certified Local Coastal Program. The single-family-residence and attached garage along with other development are not in conflict with the Rural Village (RV:40K), land use classification, the proposed development would support a future additional residential use of the site, which is consistent with the intent of the Rural Village Classification; and
2. Pursuant to MCC Section 20.532.095(A)(2), the single-family-residence and attached garage along with other development would support future residential uses of the site and not have any adverse impact on future utilities, access roads, drainage, and other necessary facilities; and
3. Pursuant to MCC Section 20.532.095(A)(3), the single-family residence and attached garage along with other development are consistent with the purpose and intent of the Rural Village District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code.
4. Pursuant to MCC Section 20.532.095(A)(4), the single-family-residence and attached garage along with other development, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and a Mitigated Negative Declaration has been prepared; and
5. Pursuant to MCC Section 20.532.095(A)(5), the single-family-residence and attached garage along with other development will not have any adverse impact on any known archaeological or paleontological resources, and **Condition 10** is in place if archaeological sites or artifacts are discovered; and
6. Pursuant to MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the site. The site is currently undeveloped, and the single-family-residence and attached garage along with other development will not affect demands on public services.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “*”):**

General

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. 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. In the event of further mitigation processes needed regarding this project, the permit holders have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. Prior to the start of construction of the single-family-residence, proof of sufficient potable water to supply the accessory dwelling unit and the existing single-family-residence shall be submitted to the Mendocino County Division of Environmental Health.
4. 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.

5. This permit shall be subject to the securing of all necessary permits for the proposed test wells from County, State, and Federal agencies having jurisdiction.

Transportation

6. Prior to commencement of construction activities or issuance of a building permit, the applicant shall construct a residential driveway approach onto Albion Ridge Road (CR 402), in accordance with Mendocino County Road and Development standards No. A51A, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt or comparable surfacing to the adjacent road. concrete driveways shall not be permitted.
7. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within the County right-of-way.
8. 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.
9. 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.

Archaeological

10. 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.

Biological Resources

11. "This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Wildlife Code are submitted to the Mendocino County Department of Planning and Building Services. **Said fee of \$2,966.75 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the action by the Planning Commission.** Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to ensure timely compliance with this condition.**

12. **No nesting bird surveys are recommended if activity occurs in the non-breeding season (September to January). If vegetation removal or development is to occur during the breeding season (February to August), a pre-construction survey is recommended within 14 days of the onset of vegetation removal or construction to ensure that no nesting birds will be disturbed during development.
13. **If active bird nests are observed, no vegetation removal or construction activities with the potential to disrupt nesting shall occur within a 100-foot exclusion zone. These 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 should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
14. **Construction should occur during daylight hours to limit disturbing construction noise and minimize artificial lights.
15. **Within two weeks prior to construction activities, project contractors will be trained by a qualified biologist in the identification of frogs and salamanders that occur along the Mendocino County coast. Workers will be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that special status amphibians are observed during construction.
16. **During ground disturbing activities, construction crews will begin each day with a visual search around the staging and impact area to detect the presence of amphibians.
17. **During construction and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.
18. **If a rain event occurs during the ground disturbance period, all ground disturbing activities will cease for a period of 48 hours, starting after the rain stops. Prior to resuming construction activities, trained crew member(s) will examine the site for the presence of special status amphibians. If no special status amphibians are found during inspections, ground disturbing activities may resume. If a special status amphibian is detected, construction crews will stop all ground disturbing work and will contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from CDFW will then be needed prior to reinitiating work. CDFW will need to be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians.
19. **A suitable buffer should be established between special status plant communities and proposed development. A reduced buffer analysis has been conducted and a buffer distance of 50 ft. was found to be suitable to protect the resources present. No construction or materials staging shall occur within 50 ft. of the special status plant communities identified and mapped as presumed ESHA.
20. **Storage and staging of building materials and construction vehicles shall maintain a minimum distance of 50 feet from Environmentally Sensitive Habitat Areas (ESHAs) at all times.
21. **While many ornamental landscapes on the California coast use non-native plants, invasive plants should not be planted. Some invasive plants commonly seen on the coast that should be avoided are: Iceplant (*Carpobrotus edulis*, *C. Chiloensis* & *Delosperma* sp.) cotoneaster (*Cotoneaster franchettii* & *C. pannosus*), English Holly (*Ilex aquifolium*), English ivy (*Hedera helix*) cape ivy (*Delairea odorata*) pampas grass (*Cortaderia jubata* & *C. selloana*), cape weed (*Arctotheca calendula* & *A. prostrata*), *Crocsmia* sp., blue gum eucalyptus (*Eucalyptus globulus*), redhot poker(*Kniphofia uvaria*), periwinkle (*Vinca major*), bulbil bugle lily (*Watsonia meriana*) and callalily (*Zantedischia aethiopica*).

Grading:

22. Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Areas of bare soil should be seeded with native erosion

control seed mix and/or covered with biodegradable erosion control materials (e.g. coconut fiber, jute, weed free straw).

23. Heavy machinery such as excavators and skid steers that may be used onsite have the potential to spread invasive plant material from use on other sites. Heavy machinery that is used in dirt needs to be power washed offsite to eliminate seeds and other propagules.
24. Exterior lighting shall be kept to the minimum necessary size and wattage for safety and security purposes and shall be downcast, shielded and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
25. The property owner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the property owner.
26. The property owner understands that the site may be subject to extraordinary geologic, fire, flood, and other hazards and the property owner assumes the risk from such hazards.

8-14-2024

DATE



KEITH GRONENDYKE
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

ATTACHMENTS:

- | | |
|---|------------------------------------|
| 1. Location Map | 13. LCP Habits and Resources |
| 2. Aerial Imagery General | 14. Water District |
| 3. Aerial Imagery Specific | 15. Flood and Tsunami Zones |
| 4. Application | 16. Wetlands |
| 5. Plan Set | 17. Coastal Ground Water Resources |
| 6. Applicant Statement | 18. Wester Soil Classifications |
| 7. Site Photographs | 19. Topographic Map |
| 8. Photo Simulations | 20. Estimated Slope |
| 9. Zoning Map | 21. Crop Type |
| 10. General Plan Map | 22. Post LCP Certification |
| 11. LCP Land Use Map 18: Albion | 23. Important Farmlands |
| 12. LCP Land Capabilities and Natural Hazards | 24. Fire Hazard Zones |
| | 25. WUI |
| | 26. Highly Scenic and Tree Removal |
| | 27. Adjacent Parcels |

**** Missing website location of the MND docs**

REFERENCES:

Chapter 3. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan-Coastal Element*. 2005. Ukiah, CA.

Chapter 4 Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan-Coastal Element*. 2005. Ukiah, CA.

Coastal Development Permit April 17, 2009, California Coastal Commission

Biological Scoping and Botanical Survey Report November 4, 2022, Wynn Coastal Planning and Biology

Geotechnical Investigation, May 21, 2021, Geotechnical and Environmental Consulting Inc.