JUNE 24, 2024 CDP_2023-0004

PROJECT PLANNER CONTACT

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PROJECT SUMMARY

OWNER:	Gabriel Stricker
	PO Box 400
	Mill Valley, CA 94942

APPLICANT: Arthur Gould

12823 Lost Lake Road Grass Valley, CA 95945

REQUEST: Coastal Development Administrative Permit to construct

a 1,198 square foot ADU with new septic system.

LOCATION: In the Coastal Zone, 1.5± miles south of Albion town

center, on the north side of a private driveway off Navarro Ridge Rd (CR 518), east of its intersection with State Route 1 (SR 1); located at 33811 Navarro Ridge Rd,

Albion; APN 123-320-06.

TOTAL ACREAGE: 5.8± Acres

GENERAL PLAN: Rural Residential - Planned Development (RR:5:PD)

General Plan (Chapter 7 – Coastal Element)

ZONING: Rural Residential five-acre minimum (RR:5)

Mendocino County Code Title 20, Division II

CODE REFERENCE: Accessory Dwelling Units

Mendocino County Code (MCC) Section 20.458.015

APPEALABLE Not Appealable

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: Approve with Conditions

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: The proposed Coastal Development Administrative Permit is to construct a 1,198 square foot accessory dwelling unit (ADU) with new septic system. The ADU would be an accessory use and structure to the existing single-family residence.

SITE CHARACTERISTICS: The subject parcel is located 1.5± miles south of Albion town center, on the north side of a private driveway off Navarro Ridge Rd (CR 518), east of its intersection with State Route 1 (SR 1). The parcel is relatively flat with a general downward slope towards the west. Vegetation is limited to non-native grasses and a row of trees lining the driveway. The parcel is currently served by an on-site well and septic system that service the single-family residence. The surrounding zoning district is also Rural Residential (RR) and the parcels are used as residential.

Public Services:

Access: Navarro Ridge Road (CR 518)

Water District: None Sewer District: None

Fire District: Albion-Little River Fire Protection District (ALRFPD)

California Department of Forestry and Fire Prevention (CalFire)

RELATED APPLICATIONS: There are no related applications to discuss.

AGENCY COMMENTS: On February 22, 2023, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions are discussed in this staff report and contained in Conditions of Approval. A summary of the submitted agency comments are listed below.

TABLE 1: Referral Agency Responses		
REFERRAL AGENCIES	COMMENT	
Archaeological Commission	Comment	
Assessor's Office	No Response	
Building Division (Fort Bragg)	No Response	
County Addresser	Comment	
Department of Transportation (DOT)	Comment	
Division of Environmental Health (EH)	Comment	
Albion Little River Fire Protection District	Comment	
Northwest Information Center	Comment	
California Department of Forestry & Fire Prevention (CalFire)	No Response	
California Coastal Commission	No Response	
California Department of Fish & Wildlife (CDFW)	No Comment	
California Department of Transportation (CalTrans)	No Response	
Regional Water Quality Control Board (RWQB)	No Response	
Sierra Club	No Response	
Cloverdale Rancheria	No Response	
Redwood Valley Rancheria	No Response	
Sherwood Valley Band of Pomo Indians	No Comment	

Archaeological Commission responded on March 22, 2023, stating the project should be scheduled for an Archaeological Commission hearing depending on the response from the Northwest Information Center.

County Addresser responded on March 6, 2023, with a comment stating that the ADU would need its own address and that the new address could be accommodated by the County.

Mendocino County Department of Transportation responded on February 27, 2023, requesting that the applicant obtain an encroachment permit and construct headwalls to a culvert on the private road accessed from Navarro Ridge Road.

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The Division of Environmental Health responded on March 2, 2023, requesting the septic system be approved prior to occupancy of the ADU.

The Albion-Little River Fire Protection District responded on February 28, 2023, requesting clarification for the use of the proposed ADU as either a long-term rental or short-term rental. Staff clarified that the use could be a long-term rental or used by another family member, but that the both the ADU and primary residence will be prohibited from using either structure for short-term rentals moving forward.

The Northwest Information Center responded on March 8, 2023, indicating that further archaeological study is not recommended.

PROJECT ANALYSIS

LOCAL COASTAL PROGRAM CONSISTENCY:

Land Use and Planning Areas: The subject parcel has a Rural Residential (RR) Land Use Designation. Chapter 2.2 of the Coastal Element describes the intent of the RR Designation, which is,

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

Principal Permitted Use: Residential and associated utilities, light agriculture, home occupation."

The proposed project entails the construction of an accessory dwelling unit (ADU) and a new septic system to support the ADU. The subject parcel is located within a quarter mile of the ocean and coastal bluffs which limits agricultural viability due to saltwater spray that kills plant not resistant to salt impacts. The proposed project is consistent with the RR Land Use Designation as it is in a residential subdivision and less-viable for agricultural use, due to its small size and proximity to neighbors. The project is not subject to any special planning areas. Staff finds the proposed project to be supported by land use policies of the General Plan Coastal Element and does not conflict with the RR Land Use Designation.

Zoning: The subject parcel is located within the Rural Residential Zoning District and has a five-acre minimum. Mendocino County Code (MCC) Section 20.376.005 describes the intent of the RR Zoning District which, similarly to the Coastal Element intent, is to "encourage and preserve local small-scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability."

The proposed project of a new ADU and septic system is an accessory use to the principally permitted single-family residence under MCC Section 20.456.015(G). The project would comply with the front, side, and rear yard setback requirement of 30 feet and the maximum height of 28 feet. Maximum lot coverage for the RR Zoning District is 10 percent for parcels greater than five (5) acres in size under which the proposed project would remain.

In addition to the standards of the zoning district, ADUs are regulated under MCC Chapter 20.458 which sets forth various permitting requirements and development standards. **Condition #10** is included to ensure compliance with MCC Section 20.458.020(F)(2) regarding a deed restriction to prevent the use of the ADU and existing single-family residence as a short-term rental. The project is in compliance with the remainder of standards outlined in MCC Section 20.458.020 and requirements of MCC Chapter 20.458.

Grading, Erosion, and Runoff: Grading and site preparation will be required for the project and the proposed development would occur within an area of minimal non-sensitive vegetation. The project location has a relatively flat terrain and thus concerns for erosion are limited. Staff finds the project would not result in significant run-off impacts with the use of best management practices which have been included as **Condition #11**. Staff finds the proposed project would be consistent with the policies of Coastal Element

Chapter 3.4 and the requirements of Chapter 20.492.

Environmentally Sensitive Habitat and Other Resource Areas: A Biological Scoping and Floristic Survey Report prepared by Wynn Coastal Planning & Biology (Wynn) dated October 26, 2023, was submitted with the project application. Surveying did not identify any environmentally sensitive habitat area (ESHA) within the vicinity of the project location, but at least one (1) special status bird was heard off-site. Recommendations were made to account for the identified species and adherence to the recommendations is included a Condition #12. The project is proposed to occupy a portion of the parcel that consists of a mix of common native and non-native grasses and thus is limited in applicability of MCC Chapter 20.496 regarding ESHA. The project was referred to the California Department of Fish and Wildlife who did not respond to the request for comments. GIS mapping does not associate the parcel with wetlands, Mendocino cypress woodland, or any other species that constitutes an environmentally sensitive habitat area (ESHA). Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.1 and the requirements of MCC Chapter 20.496.

Hazards Areas: The subject parcel is not associated with the following hazards: faults, floods, tsunamis, coastal bluffs, and/or landslides. The parcel is located in an area classified with a "High Fire Hazard" severity rating (see *Fire Hazards and Responsibility Areas Map*). Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Albion Little River Fire Protection District (ALRFPD). The project application was referred to CalFire and the ALRFPD for comment. CalFire Application #38-21 was submitted with the project providing approval for the proposed development; Fire Safe standards are required. Staff finds the proposed project is consistent with the policies of Coastal Element Chapter 3.5 and the requirements of MCC Chapter 20.504.

Visual Resources and Special Treatment Areas: The subject parcel is not located within a designated "Highly Scenic Area" and is therefore not subject to MCC Section 20.504.015 regarding development in highly scenic areas. Additionally, the proposed project is not subject to visual resource regulations pertaining to Special Communities and Neighborhoods, Special Treatment Areas, or Satellite Receiving Dishes. MCC Section 20.504.035 provides regulations for exterior lighting, including downcast external lights and limitations on light pollution onto adjacent parcels. Condition #13 is included to ensure the proposed ADU is compliant with such regulations. Staff finds the proposed project is consistent with the policies of Coastal Element Chapter 3.5 and the requirements of MCC Chapter 20.504.

Transportation, Utilities, and Public Services: The subject parcel gains access from a private road off Navarro Ridge Road (CR 518). The project was referred to the Mendocino County Department of Transportation (DOT) who replied with a recommendation to construct headwalls on the culvert where the private road meets CR 518, as well as an encroachment permit for any work in the County right of way. However, staff is unable to find the nexus between the requested condition regarding the headwall and the proposed project. The requested condition, while part of Standard A51B for residential driveway approaches, only seeks to improve the function of the existing culvert by removing vegetation and constructing a concrete structure to improve ingress and egress for the underground pipe. Staff's understanding is that the headwalls serve the purpose of moving water under the driveway; the headwalls do not improve upon the integrity of the driveway itself, for example, preventing the collapse of the culvert pipe. In other words, the driveway would not fail from increased traffic as a result of the project but rather it would fail due to the erosion from water should a storm event release more water than the capacity of the culvert, and the headwalls would help to prevent the latter as opposed to the former. Additionally, the subject parcel is downslope from the culvert and no area of the subject parcel would drain through the culvert.

Staff communicated this determination to DOT's Alexander Sequeira who responded with additional comments via email. Alexander stated that driveway improvements are typical for accessory dwelling units; that DOT could have requested the whole driveway approach and headwalls were only a portion (thus cheaper); and that ADUs increased usage of the access. Staff contacted Alexander via phone regarding his response and discussed the issue where staff was informed that the headwalls assist the culvert function during heavy waterflow and that the driveway itself did not need to meet the full A51B standards. While staff provided verbal agreement to the condition over the phone, staff has since reconsidered and feels that because an entire standard driveway approach was not requested that access to the parcel is currently adequate relative to project impacts (i.e. lack of nexus to project impacts); a request for an entirely new standard residential driveway approach would have demonstrated inadequate access. In terms of DOT's

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comment regarding increased usage of the access, staff would note that other types of projects could increase usage as well and not require a CDP or review by DOT, such as additional bedrooms, a guest cottage, or a small personal business (e.g. therapist, lawyer, etc.) that allows up to 10 customers per day.

The subject parcel is not located in a water and/or sewer district and therefore relies on on-site utilities for water supply and wastewater management. A well currently exists on the parcel to serve the existing single-family residence. MCC Section 20.458.040(B) and the Coastal Groundwater Development Guidelines require proof water for ADUs and parcel with critical groundwater resources, respectively. The applicant submitted a 17-hour proof of water test with the project application and was referred out with the other project materials. The Division of Environmental Health did not raise any concerns with the 17-hour proof of water test demonstrating adequate supply of water to support both single-family residence and the ADU. The Division of Environmental Health requested the septic system be installed for the proposed project thus Condition #14 is recommended to ensure the septic system is functional prior to occupancy of the ADU. Staff finds the proposed project is consistent with the policies of Coastal Element Chapter 3.8 and the requirements of MCC Chapter 20.516.

Archaeological and Cultural Resources: As a Coastal Development Permit, the proposed project is subject to the requirements of MCC Chapter 22.12 regarding archaeological resources. The application was referred to the Northwest Information Center (NWIC) to obtain a recommendation of a survey. On March 8, 2023, NWIC responded to the referral stating that no further study was recommended at this time. As provided by MCC Section 22.12.050(A), a recommendation of "no further study" by NWIC indicates the project does not need a full review by the Archaeological Commission. **Condition #8** has been included and requires the Discovery Clause be adhered to as part of the proposed project.

The project also was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. Only the Sherwood Valley Band of Pomo Indians responded but did not provide any recommendations for the project beyond requesting their tribe be considered "Most Likely Descendants" for the project location. Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.5 and the requirements of MCC Chapter 22.12.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. The proposed project to construct an accessory dwelling unit and new septic system meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under California Code of Regulations (CCR) Section 15303 for New Construction or Conversion of Small Structures. CCR Section 15303(a) specifically identifies one single-family residence, or second dwelling unit, may be constructed under this exemption; an ADU can be considered a second dwelling unit for these purposes. Additionally, CCR Section 15303(d) address utilities that support the construction of other exempt project components; this would include the new septic system that will support the proposed ADU. Therefore, the project is exempt from the requirements of CEQA.

PROJECT FINDINGS & CONDITIONS OF APPROVAL

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, the Coastal Permit Administrator approves CDP_2023-0004, finds the project Categorically Exempt from the California Environmental Quality Act, and adopts the following findings and conditions.

FINDINGS:

1. Pursuant to MCC Section 20.532.095(A)(1), the proposed project to construct an accessory dwelling unit and new septic system is in conformity with the certified local coastal program. The ADU is an accessory use to the single-family residence that is considered a principal permitted use the RR Coastal Element Land Use Classification. Additionally, a new septic system will be constructed to support the ADU and is also considered a principal permitted use in the RR Classification; and

- 2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development to construct an accessory dwelling unit and new septic system will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The ADU will be provided water from the existing on-site well that services the single-family residence and the new septic system will be constructed to manage wastewater for the ADU specifically. As demonstrated in this staff report, the proposed project would have adequate access off Navarro Ridge Road and drainage would not be significantly impacted; and
- 3. Pursuant to MCC Section 20.532.095(A)(3), the proposed development to construct an accessory dwelling unit and new septic system is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserve the integrity of the zoning district. The ADU is considered an accessory use to a single-family residence per MCC Section 20.456.015(G). Additionally, the ADU is compliant with the standards of MCC Chapter 20.458 regarding accessory living units which include ADUs. The new septic system is also considered a permitted use in support of principal permitted and accessory uses; and
- 4. Pursuant to MCC Section 20.532.095(A)(4), the proposed development to construct an accessory dwelling unit and new septic system, 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. The proposed project is considered categorically exempt from the requirements of CEQA under a Class 3 exemption (CCR Section 15303) for new construction of a second residential unit (ADU) and associated utilities; and
- 5. Pursuant to MCC Section 20.532.095(A)(5), the proposed development to construct an accessory dwelling unit and new septic system will not have any adverse impacts on any known archaeological or paleontological resource. The project was referred to NWIC who responded that no further survey was recommended. Additionally, the ADU was referred to the tribal agencies seeking to provide input on proposed projects and no significant comments were received; 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 proposed development to construct an accessory dwelling unit and new septic system. The closest solid waste facility is the Albion Transfer Station 3 miles to the northeast and the public roadway capacity was considered when the road was established.

CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Board of Supervisors has expired and no appeal has been filed with the Board of Supervisors. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration. Such permit vesting shall include approved permits associated with this project (i.e. building permits, septic permits, well permits, etc.) and physical construction in reliance of such permits, or a business license demonstrating establishment of a use proposed under this project.
- 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. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- 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 development from County, State and Federal agencies having jurisdiction.
- 6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
- 9. Conditions approving this coastal development permit, CDP_2023-0004, shall be attached to or printed on any building permit application and shall be a part of on-site construction drawings.
- 10. Prior to issuance of the building permit associated with the ADU, a deed restriction, approved by the County, prohibiting the use of any dwelling on the subject parcel for transient habitation pursuant to Mendocino County Code Section 20.458.020(F)(2), shall be recorded with the County Recorder's office.
- 11. The applicant shall acknowledge in writing, by submittal of a signed letter to the Department of Planning and Building Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best management Practices". The applicant has sole responsibility to ensure compliance with this Condition and that any contractors involved in the Project are aware of this Conditions:
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.

- f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
- g. Pursuant to the California Building Code and Mendocino County Building Regulations, a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
 - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3m³) on any one lot and does not obstruct a drainage.
- 12. The applicant shall adhere to all recommendations outlined on page 14 in the Biological Scoping and Floristic Survey Report prepared by Wynn Coastal Planning & Biology dated October 26, 2023. Mitigation measures include those regarding the impact to birds and avoidance of bird occurrence seasons, nesting, and construction impacts.
- 13. All lighting installed on any component of this project shall be downcast and shielded. Any building permit request associated with this coastal development permit shall include exterior lighting schedules on the building plans consistent with Mendocino County Coastal Element Chapter 3.5 policies and Mendocino County Code Section 20.504.035 and shall be part of on-site construction drawings.
- 14. <u>Prior to the final inspection of the building permit associated with the ADU</u>, the applicant shall obtain final approval for the septic system permit intended to serve the proposed development from the Mendocino County Division of Environmental Health.
- 15. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.

PROJECT RECOMMENDATION

The Coastal Permit Administrator grants the Administrative Coastal Development Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

6/24/24

DATE

SAM VANDY VANDEWATER SENIOR PLANNER

DATE

JULIA KROG

COASTAL PERMIT ADMINISTRATOR

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

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ATTACHMENTS:

- A. Location
- B. Aerial Imagery
- C. Topographical Map
- D. Site Map
- E. Architectural Plans
- F. Zoning
- G. General Plan
- H. LCP Land Use Map 19: Navarro
- I. LCP Habitats & Resources
- J. LCP Land Capabilities & Natural Hazards

- K. Post LCP Certification & Appeal Jurisdiction
- L. Adjacent Parcels
- M. Fire Hazard Zones & Responsibility Areas
- N. Wildlands Urban Interface
- O. Wetlands
- P. Coastal Ground Water Resources
- Q. Highly Scenic & Tree Removal
- R. Estimated Slope
- S. Western Soil Classifications
- T. Important Farmlands

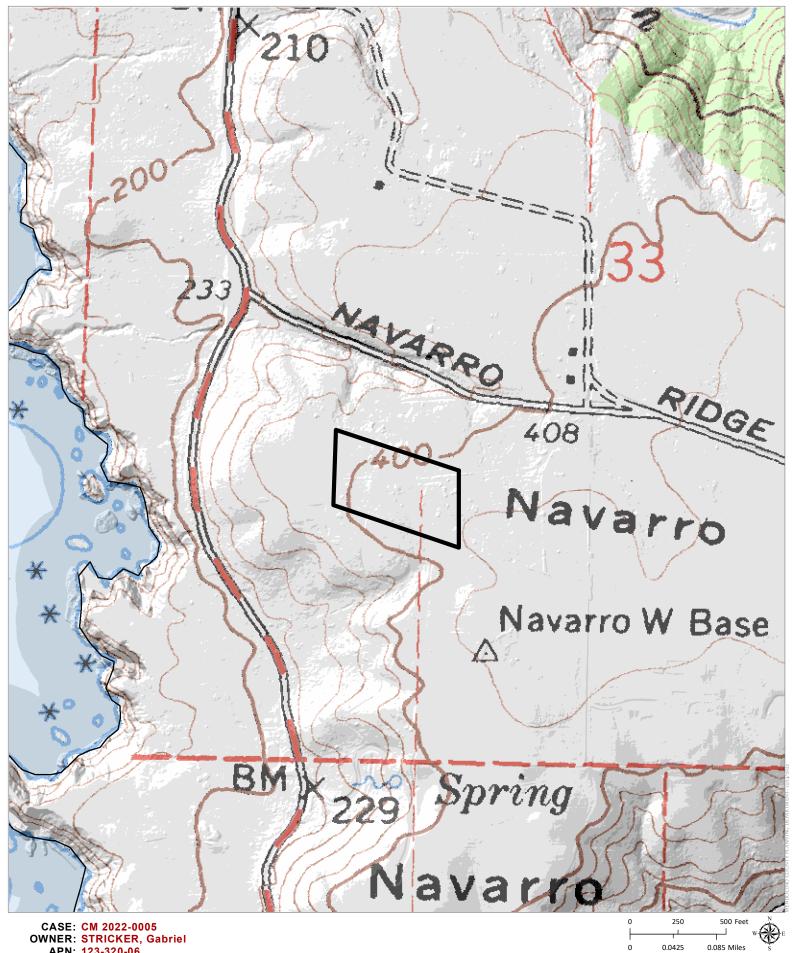




CASE: CM 2022-0005
OWNER: STRICKER, Gabriel
APN: 123-320-06
APLCT: Arthur Gould
AGENT: Arther Gould
ADDRESS: 33811 Navarro Ridge Rd., Albion

0.01 0.02 Miles

AERIAL IMAGERY



APN: 123-320-06 **APLCT: Arthur Gould**

AGENT: Arther Gould ADDRESS: 33811 Navarro Ridge Rd., Albion

TOPOGRAPHIC MAP CONTOUR INTERVAL IS 40 FEET

