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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT- COASTAL BOUNDRY LINE**

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**JULY 11, 2019  
B\_2019-0012**

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**SUMMARY**

**OWNER:** AUM ISHVI BENZVI / NANCY LEBRUN &  
WILLIAM BISHOP TRUST  
PO BOX 387  
ALBION, CA 95410

**APPLICANT:** W. VANCE RICKS  
10580 WEST ROAD  
REDWOOD VALLEY, CA, 95470

**REQUEST:** Boundary Line Adjustment to reconfigure the boundaries between two existing parcels. Lot A (APN: 118-160-29) will increase from 16± acres to 17± Acres. Lot B (APN: 118-160-29) will decrease from 11± Acres to 10± Acres.

**LOCATION:** 2.8± miles northwest of the Town of Mendocino, lying on the eastside of Point Cabrillo Drive (CR 564), 0.99± miles north of its intersection with State Route 1 (SR 1), located at 13501 Point Cabrillo Dr., Mendocino (APN: 118-160-29)

**GENERAL PLAN:** Rural Residential (RR-10) PD: R

**ZONING:** Rural Residential (RR-10)

**SUPERVISORIAL DISTRICT:** 4<sup>th</sup> Supervisorial District (Gjerde)

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

**RECOMMENDATION:** Approve With Conditions

**STAFF PLANNER:** MIO MENDEZ

**BACKGROUND**

**PROJECT DESCRIPTION:** Boundary Line Adjustment to reconfigure the boundaries between two existing parcels. Lot A (APN: 118-160-29) will increase from 16± acres to 17± Acres. Lot B (APN: 118-160-29) will decrease from 11± Acres to 10± Acres. No further development is being proposed at this time. The proposal will result in the transference of a domestic water well from Lot B to Lot A (See *Tentative Map*).

**RELATED APPLICATIONS:** Although both parcels share an Accessor Parcel Number (APN), they are separate legal lots via a Certificate of Compliance completed in 2018 (CC\_2018-0026); B1990-0020 (Boundary Line Adjustment) of .0897± acres facilitated the transfer of an existing barn to an adjacent parcel (APN: 118-160-30); Coastal Development Permit (CDP\_2016-0049) allowed for a fence, domestic water well, paved encroachment, and power supply to the subject property.

**SITE CHARACTERISTICS:** The subject parcels are located between Point Cabrillo Drive (CR 564) and State Highway 1 (SR 1), approximately 2.88 miles northwest of the Town of Mendocino (See *Location Map*). Both parcels are designated as Highly Scenic areas (See *Highly Scenic/Tree Removal Map*), and both maintain a High Fire Hazard designation within a State Responsibility Area (See *Fire Hazard Zones & Responsibility Areas Map*). The *Local Coastal Plan Land Capabilities & Natural Hazards Map* indicates that

the properties feature Marine Terrace Deposits (Zone 2), which prompts a natural hazards seismicity designation. Both parcels are identified as non-prime agricultural land (See *Local Coastal Plan Land Use Map*). Additionally, both parcels are located within a designated Critical Water Area ground water resource.

Furthermore, the northern parcel has a 'Freshwater Emergent Wetland' bisecting the parcel (See Wetlands Map).

**SURROUNDING LAND USE AND ZONING:** While the subject parcels are situated between Point Cabrillo Drive (CR 564) and State Highway 1 (SR 1), properties immediately to the North and South appear similarly undeveloped. There is a 2.1± acre property to the northwest that features a single-family dwelling, as well as a barn which was transferred as a result of B1990-0020. Point Cabrillo Lighthouse State Park, as well as the Point Cabrillo Highlands, multi-unit residential property is located to the West of the subject properties.

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Rural Residential (RR 10-PD)	Rural Residential (RR 10-PD)	2.1± Acres, 17.52± Acres	Residential, Vacant
<b>EAST</b>	Rural Residential (RR 10-PD)	Rural Residential (RR 10-PD)	17.52± Acres, 74± Acres, 1.5± Acres	Residential
<b>SOUTH</b>	Rural Residential (RR 10-PD)	Rural Residential (RR 10-PD)	13.9± Acres	Vacant
<b>WEST</b>	Rural Residential (RR 5-PD)	Rural Residential (RR 5-PD)	15.44± Acres, 1± Acre, 8± Acres,	Point Cabrillo Lighthouse State Park, Residential

**PUBLIC SERVICES:**

Access: Point Cabrillo Drive (CR 564)  
 Fire District: Mendocino Fire Protection District  
 Water District: None  
 Sewer District: None  
 School District: Mendocino Unified School District

**AGENCY COMMENTS:** On April 16, 2019, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below:

REFERRAL AGENCIES	COMMENT
Mendocino County Planning (Fort Bragg)	No Comment
Department of Transportation	No Comment
Environmental Health (Fort Bragg)	No Comment
CalFire	No Comment
California Coastal Commission	No Comment

**KEY ISSUES**

**1. General Plan and Zoning Consistency:** The site is zoned and classified as Rural Residential 10 acre minimum (RR-10), and both lots feature limited improvements, but no visible structures. The stated intent of the R-R district is "to create and enhance residential areas where agricultural use compatible with a permanent residential use is desired". The R-R district is intended to apply to rural or semi-rural areas where urban levels of service are not available and where large lots are desired, which remains compatible with the tentative site configuration and revised acreages.

**2. Division of Land Regulations:** The proposed boundary line adjustment is scheduled to be reviewed by the County of Mendocino Subdivision Committee on July 11, 2019, at which time the Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required findings of Mendocino County Code Section 17-17.5. No conflicts with the Division of Land Regulations have been identified.

**3. Natural Resources:** There is an identified riparian area effectively bisecting the northern parcel. As a Boundary Line Adjustment, no additional development or site disturbance is requested or approved, and no impacts to the sensitive sites are anticipated from this project. A review of California Natural Diversity Database indicates no occurrences of special status species on the subject property. However, there are identified occurrences on adjacent parcels, and there may be additional occurrences or species within this area which have not yet been surveyed and/or mapped.<sup>1</sup> The new boundary line will not involve or be located near this riparian area, which has also been identified on the provided Tentative map. Any further development may require a Coastal Development Permit and will be further reviewed at that time.

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

1. The boundary line adjustment will not result in a change of density. The proposed adjustment does not provide for future divisions beyond that which currently exist;
2. The boundary line adjustment will not create any new parcels;
3. The parcels subject to the adjustment are situated within an environmentally sensitive habitat area. Some sensitive species or habitats were identified on the project site.
4. No substandard lot will result from the adjustment. All proposed lots will conform to district minimums.
5. The property subject to the adjustment is in an area designated CWR (Critical Water Resources) identified in the Mendocino County Coastal Groundwater Study, and is consistent with the study.
6. Any future development will require a Coastal Development Permit, unless determined to be exempt.
7. The project is located within a designated "Highly Scenic" area.
8. The project is an appealable project, as it is a boundary line adjustment.
9. An identified riparian area is located on property. No impacts to any riparian area are anticipated as a result of this Boundary Line Adjustment.

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

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

**RECOMMENDED MOTION:** The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B\_2019-0012, subject to the following conditions of approval, finding that the application and supporting documents and exhibits contain sufficient information and conditions to establish, as required by the Coastal Zoning Code, that:

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

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<sup>1</sup> Mendocino County Department of Planning and Building Services. 2017. *Natural Diversity Database*

3. The proposed boundary line adjustment is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and,
4. The proposed boundary line adjustment will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA); and,
5. The proposed boundary line adjustment 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 adjustment; and,
7. The proposed boundary line adjustment is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

**CONDITIONS OF APPROVAL:**

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

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

And,

*"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B\_2019-0012 and is intended to create no new parcel."*

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

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

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

5. After you have been given clearance to record the new documents, you must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, you will receive a Completion Certificate.
6. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

7. A note shall be placed on the deeds and/or legal descriptions stating that "Future development may require additional studies and/or may be subject to restrictions" and that "Future development shall be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."
8. A note shall be placed on the deeds and/or legal descriptions stating, "The Boundary Line Adjustment shall not relinquish, remise, release or terminate any prior right, interest in rights-of-way, easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties."

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

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

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

6/10/2019

DATE

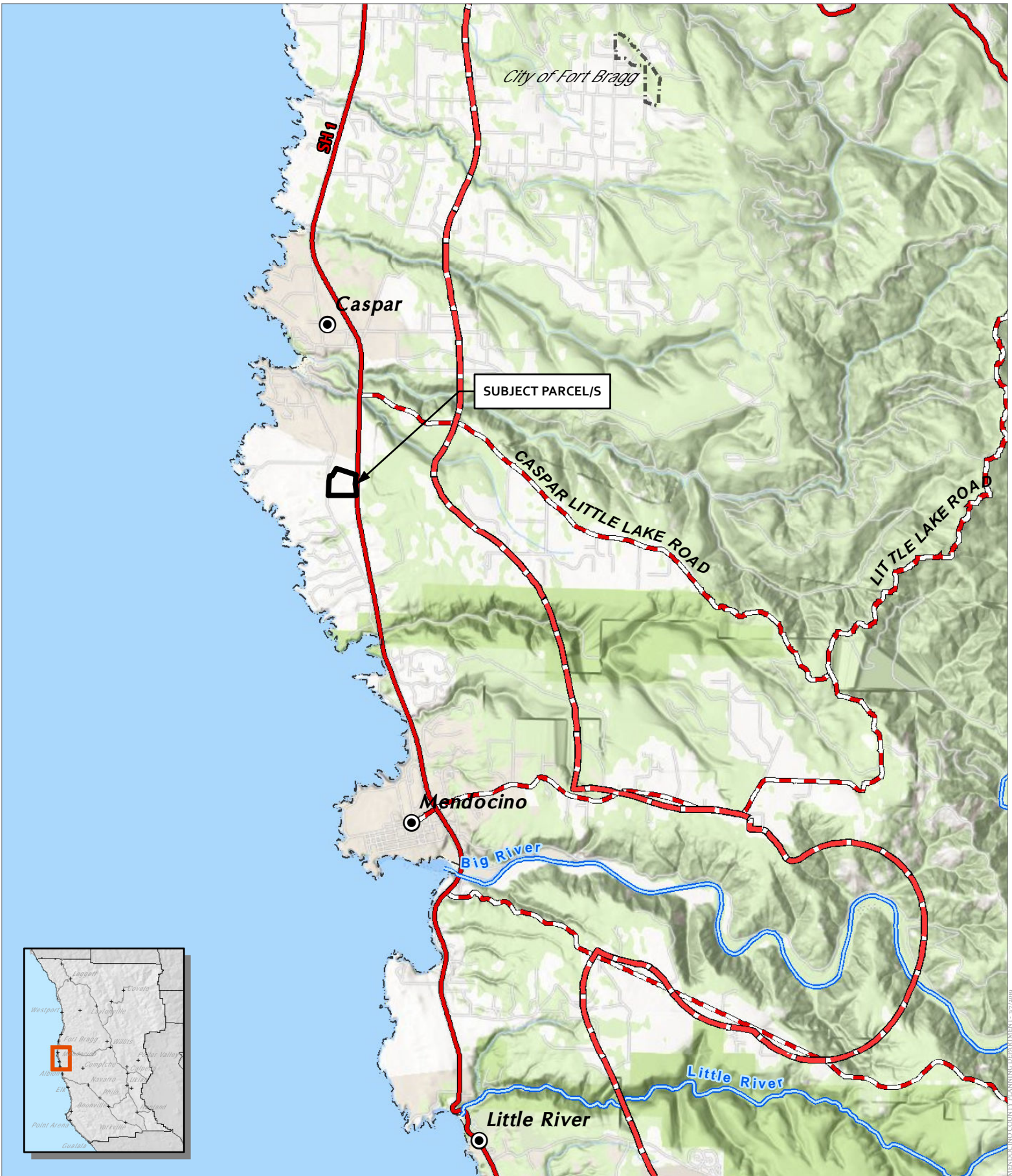


MIO MENDEZ  
PLANNER I

Appeal Period: 10 Days  
Appeal Fee: \$1616.00

**ATTACHMENTS:**

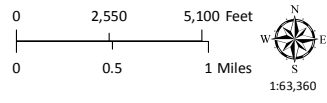
- A. Location Map
- B. Aerial Map
- C. Topographical Map
- D. Site/Tentative Map
- E. Zoning Map
- F. General Plan
- G. Local Coastal Plan Land Use Map
- H. Local Coastal Plan Land Capabilities & Natural Hazards Map
- I. Local Coastal Plan Habitats & Resources Map
- J. Appealable Map
- K. Adjacent Parcels Map
- L. Fire Hazard Zones & Responsibility Areas
- M. Wetlands Map
- N. Ground Water Resource Area
- O. Highly Scenic/Tree Removal
- P. Soils Map
- Q. Williamson Act Map
- R. Timber Production Map
- S. Wetlands
- T. Miscellaneous Map



MENDOCINO COUNTY PLANNING DEPARTMENT 3/7/2019

CASE: B 2019-0012  
 OWNER: AUM, Ishvi, ET AL  
 APN: 118-160-29  
 APLCT: W. Vance Ricks  
 AGENT: W. Vance Ricks  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

- Major Towns & Places
- City Limits
- Coastal Zone Boundary
- Major Rivers
- Highways
- Major Roads

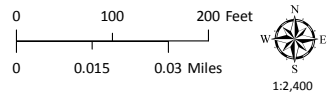


LOCATION MAP

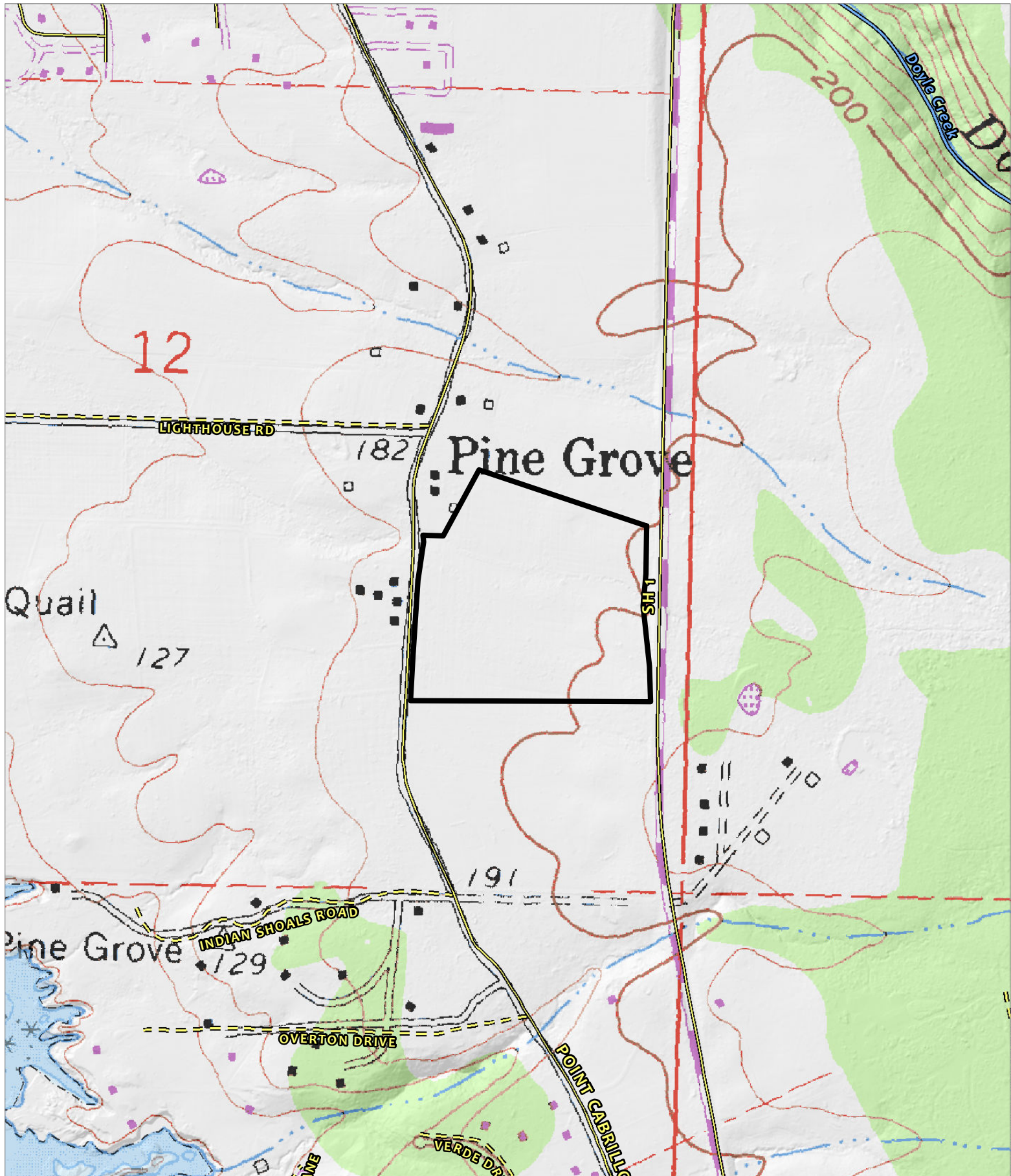


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
- Public Roads
- Private Roads

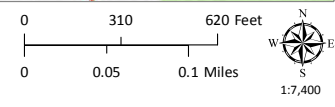


AERIAL IMAGERY



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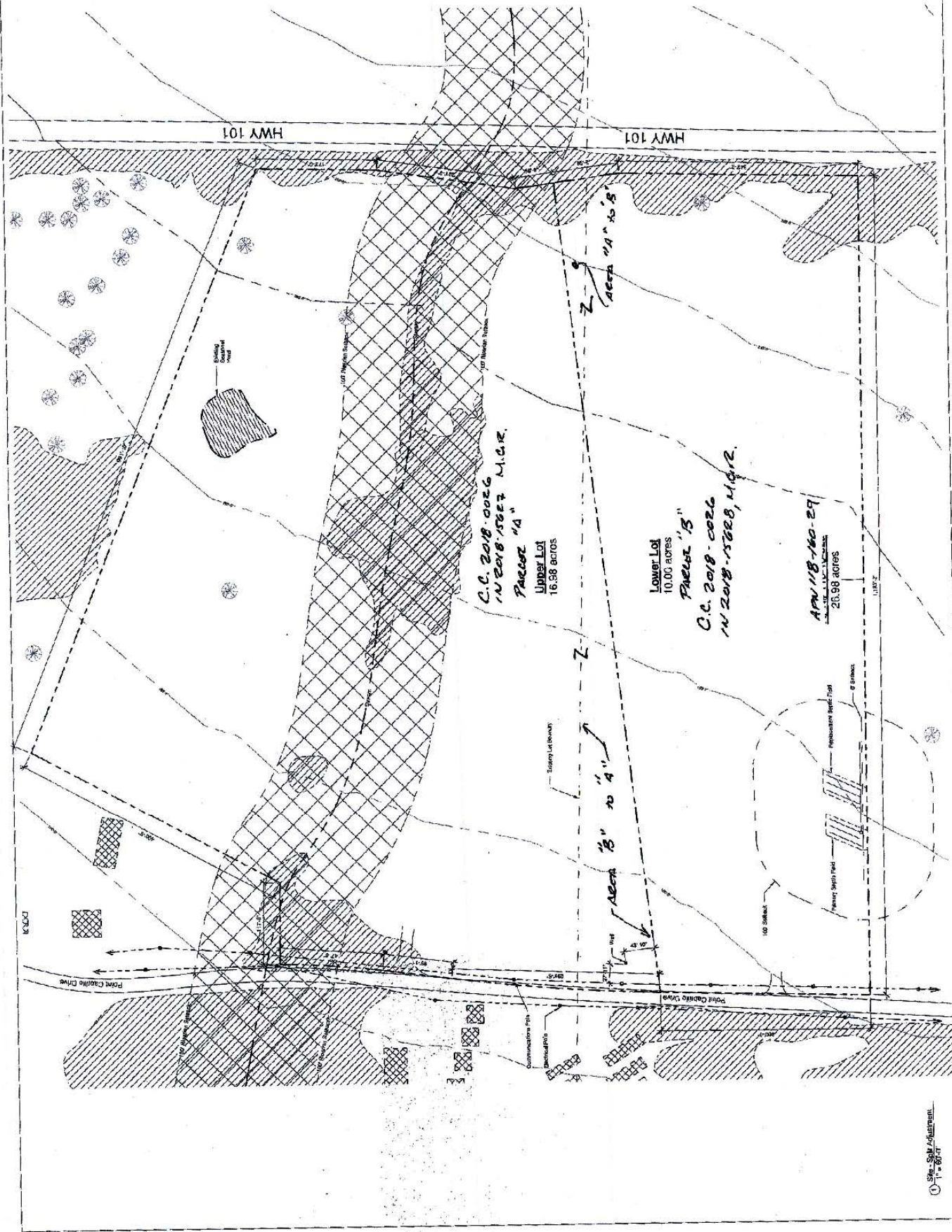
-  Named Rivers
-  Public Roads
-  Private Roads



**TOPOGRAPHIC MAP**  
 CONTOUR INTERVAL IS 40 FEET

MENDOCINO COUNTY PLANNING DEPARTMENT 4/27/2019

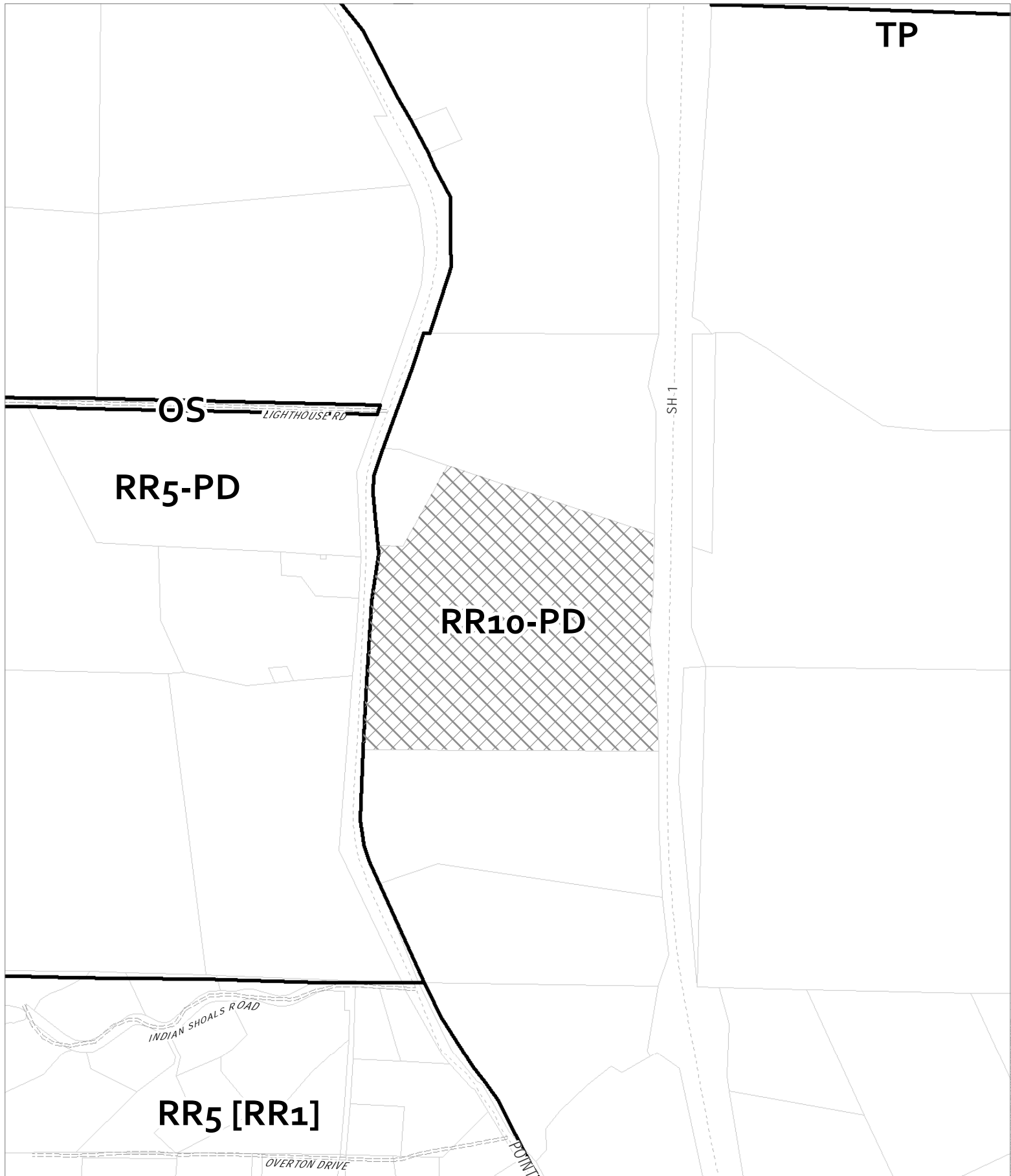






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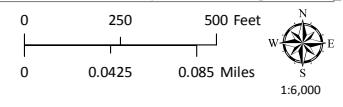
NO SCALE

TENTATIVE MAP



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 Zoning Districts  
 Public Roads




ZONING DISPLAY MAP

MENDOCINO COUNTY PLANNING DEPARTMENT - 3/7/2019



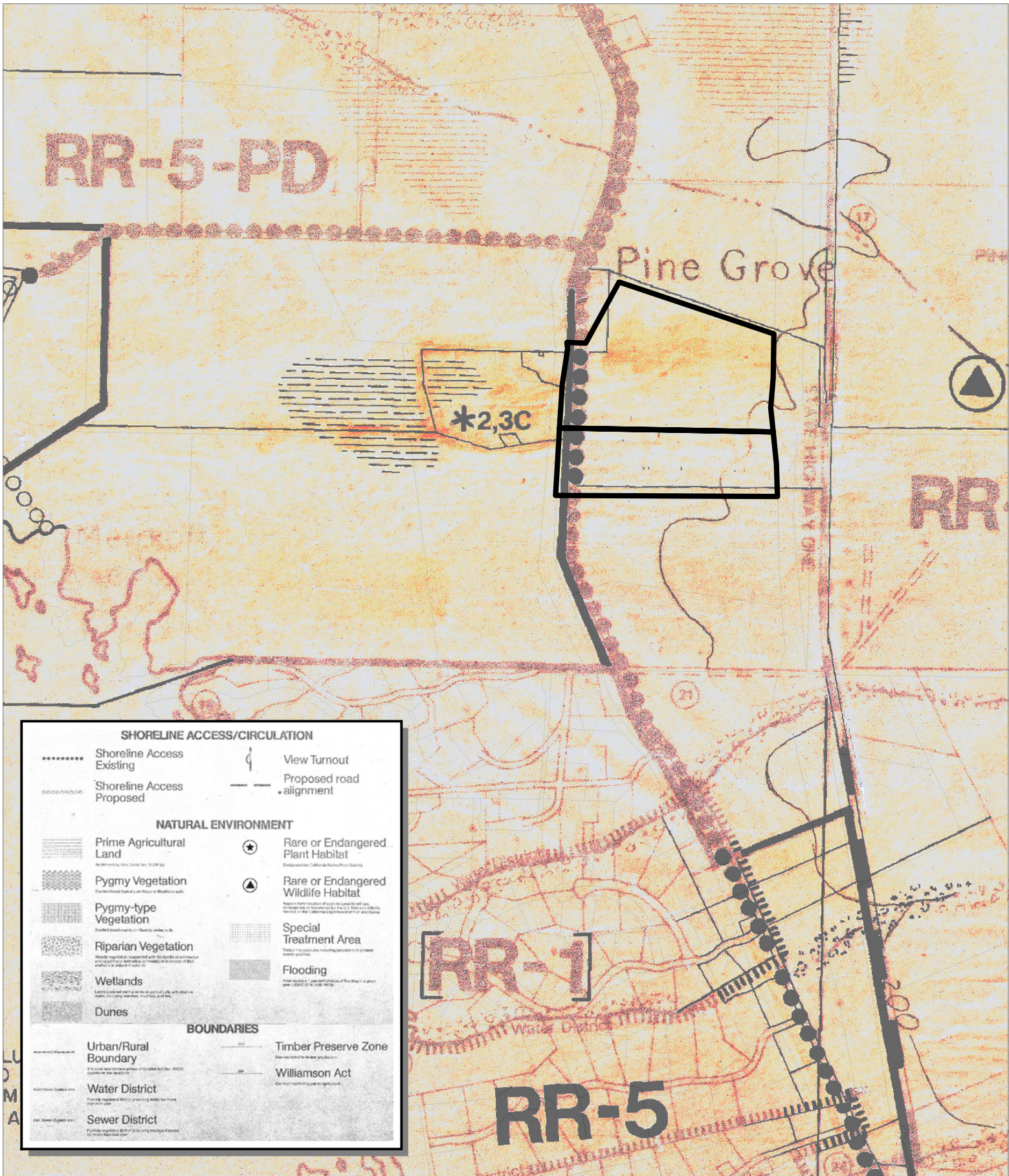
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 General Plan Classes

0 250 500 Feet  
 0 0.0425 0.085 Miles  
 N  
 W E  
 S  
 1:6,000

**GENERAL PLAN CLASSIFICATIONS**



**SHORELINE ACCESS/CIRCULATION**

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

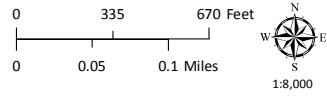
**NATURAL ENVIRONMENT**

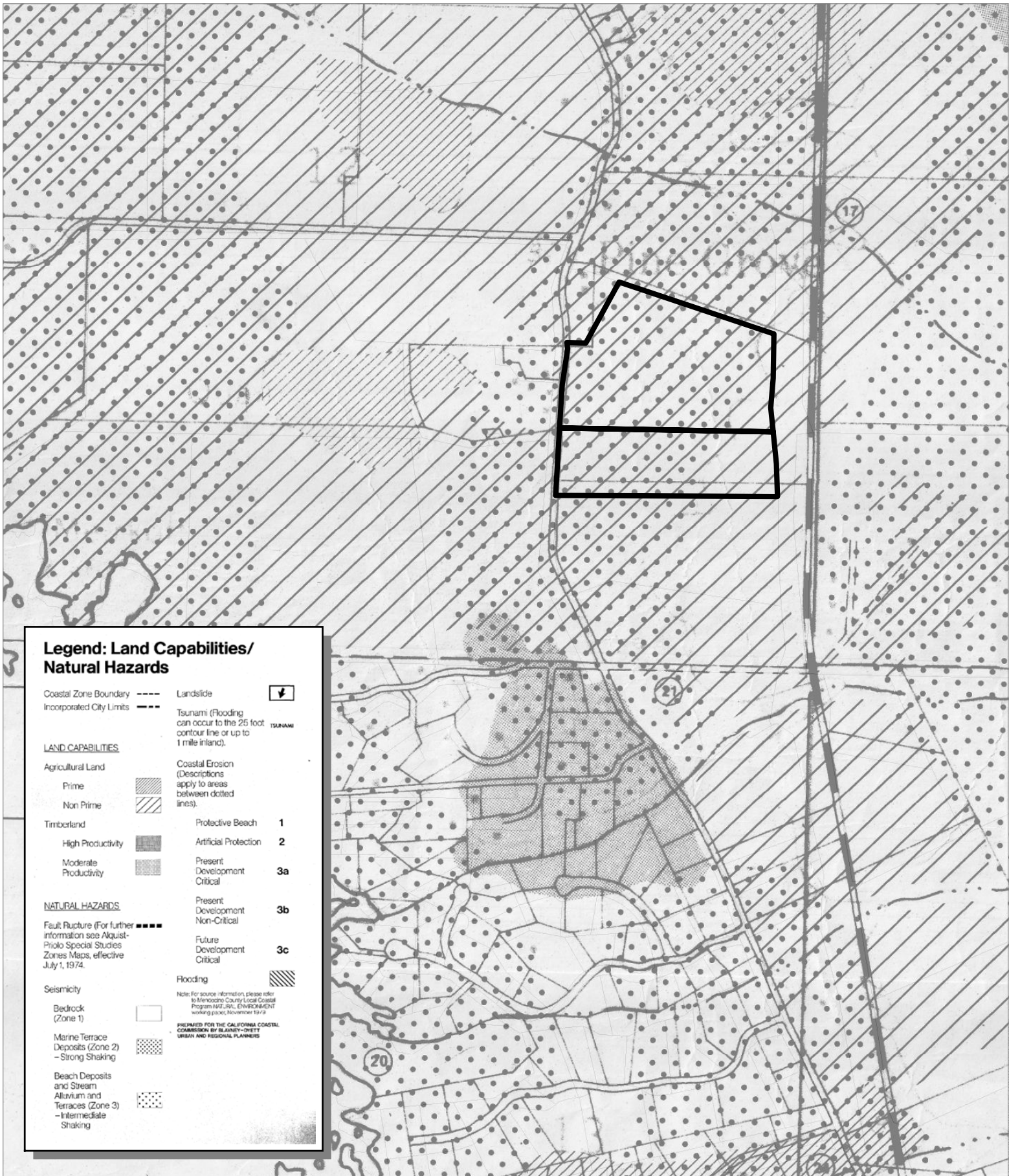
- Prime Agricultural Land
- Pygmy Vegetation
- Pygmy-type Vegetation
- Riparian Vegetation
- Wetlands
- Dunes
- Rare or Endangered Plant Habitat
- Rare or Endangered Wildlife Habitat
- Special Treatment Area
- Flooding

**BOUNDARIES**

- Urban/Rural Boundary
- Water District
- Sewer District
- Timber Preserve Zone
- Williamson Act

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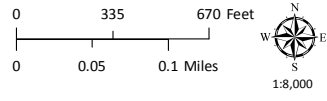


**Legend: Land Capabilities/  
Natural Hazards**

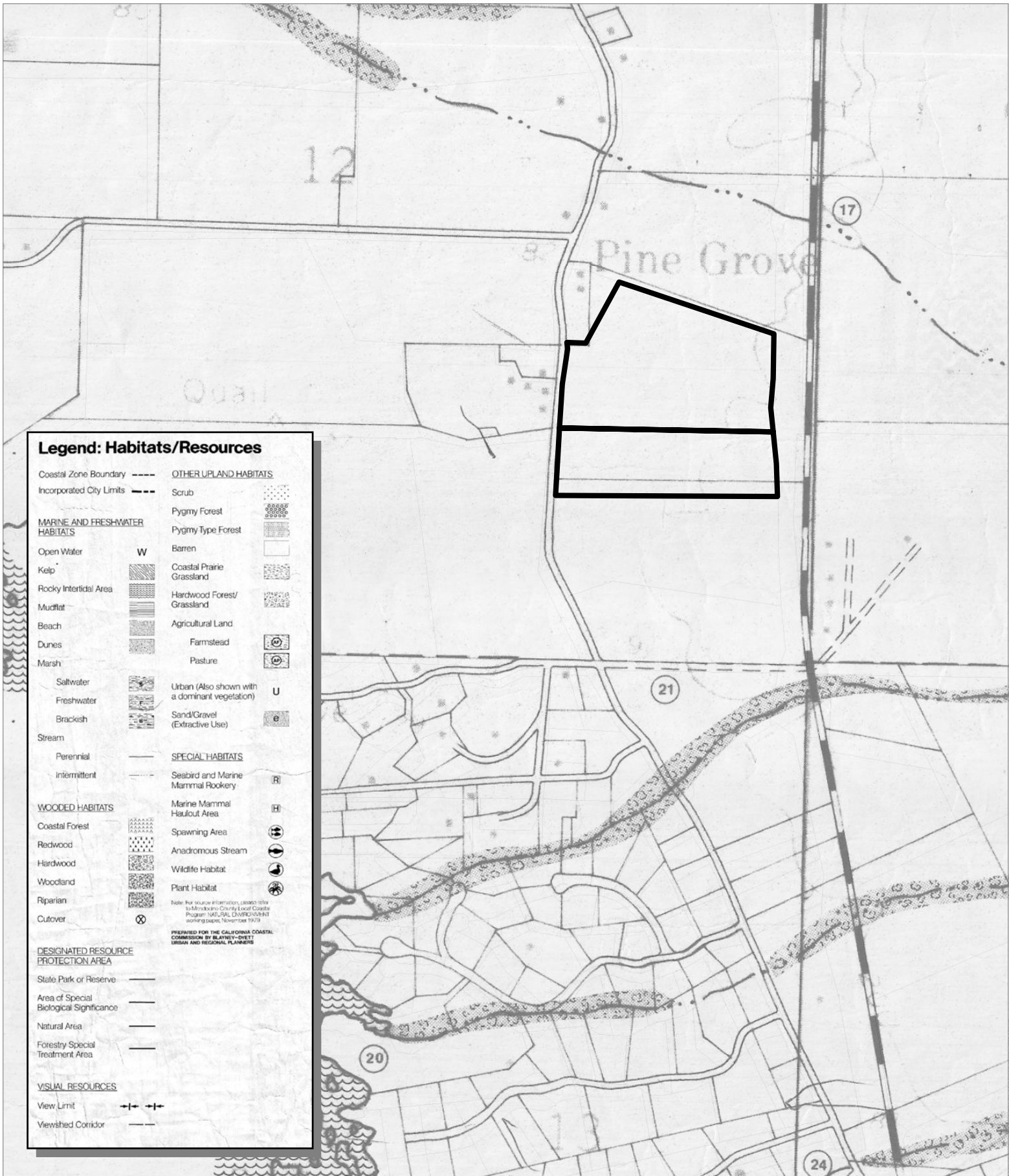
- Coastal Zone Boundary - - - - -
- Incorporated City Limits - - - - -
- LAND CAPABILITIES**
- Agricultural Land
  - Prime [diagonal hatching]
  - Non Prime [diagonal hatching]
- Timberland
  - High Productivity [cross-hatching]
  - Moderate Productivity [stippled]
- NATURAL HAZARDS**
- Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974.) [dashed line]
- Seismicity
  - Bedrock (Zone 1) [white box]
  - Marine Terrace Deposits (Zone 2) - Strong Shaking [cross-hatching]
  - Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [stippled]
- Landslide [arrow pointing down]
- Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). [wavy line]
- Coastal Erosion (Descriptions apply to areas between dotted lines). [dotted line]
- Protective Beach 1 [diagonal hatching]
- Artificial Protection 2 [diagonal hatching]
- Present Development Critical 3a [diagonal hatching]
- Present Development Non-Critical 3b [diagonal hatching]
- Future Development Critical 3c [diagonal hatching]
- Flooding [diagonal hatching]

Note: For source information, please refer to Mendocino County Local Coastal Program (MCLCP), ENVIRONMENT working paper November 14/17.  
 PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAVNEY-DWETT URBAN AND REGIONAL PLANNERS

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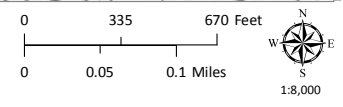
**Legend: Habitats/Resources**

Coastal Zone Boundary	---	<b>OTHER UPLAND HABITATS</b>
Incorporated City Limits	---	Scrub
<b>MARINE AND FRESHWATER HABITATS</b>		Pygmy Forest
Open Water	W	Pygmy Type Forest
Kelp	[Pattern]	Barren
Rocky Intertidal Area	[Pattern]	Coastal Prairie Grassland
Mudflat	[Pattern]	Hardwood Forest/Grassland
Beach	[Pattern]	Agricultural Land
Dunes	[Pattern]	Farmstead
Marsh	[Pattern]	Pasture
Saltwater	[Pattern]	Urban (Also shown with a dominant vegetation)
Freshwater	[Pattern]	Sand/Gravel (Extractive Use)
Brackish	[Pattern]	
Stream		<b>SPECIAL HABITATS</b>
Perennial	—	Seabird and Marine Mammal Rookery
Intermittent	---	Marine Mammal Haulout Area
<b>WOODED HABITATS</b>		Spawning Area
Coastal Forest	[Pattern]	Anadromous Stream
Redwood	[Pattern]	Wildlife Habitat
Hardwood	[Pattern]	Plant Habitat
Woodland	[Pattern]	
Riparian	[Pattern]	
Cutover	⊗	
<b>DESIGNATED RESOURCE PROTECTION AREA</b>		
State Park or Reserve	—	
Area of Special Biological Significance	—	
Natural Area	—	
Forestry Special Treatment Area	—	
<b>VISUAL RESOURCES</b>		
View Limit	---+---+---	
Viewshed Corridor	---	

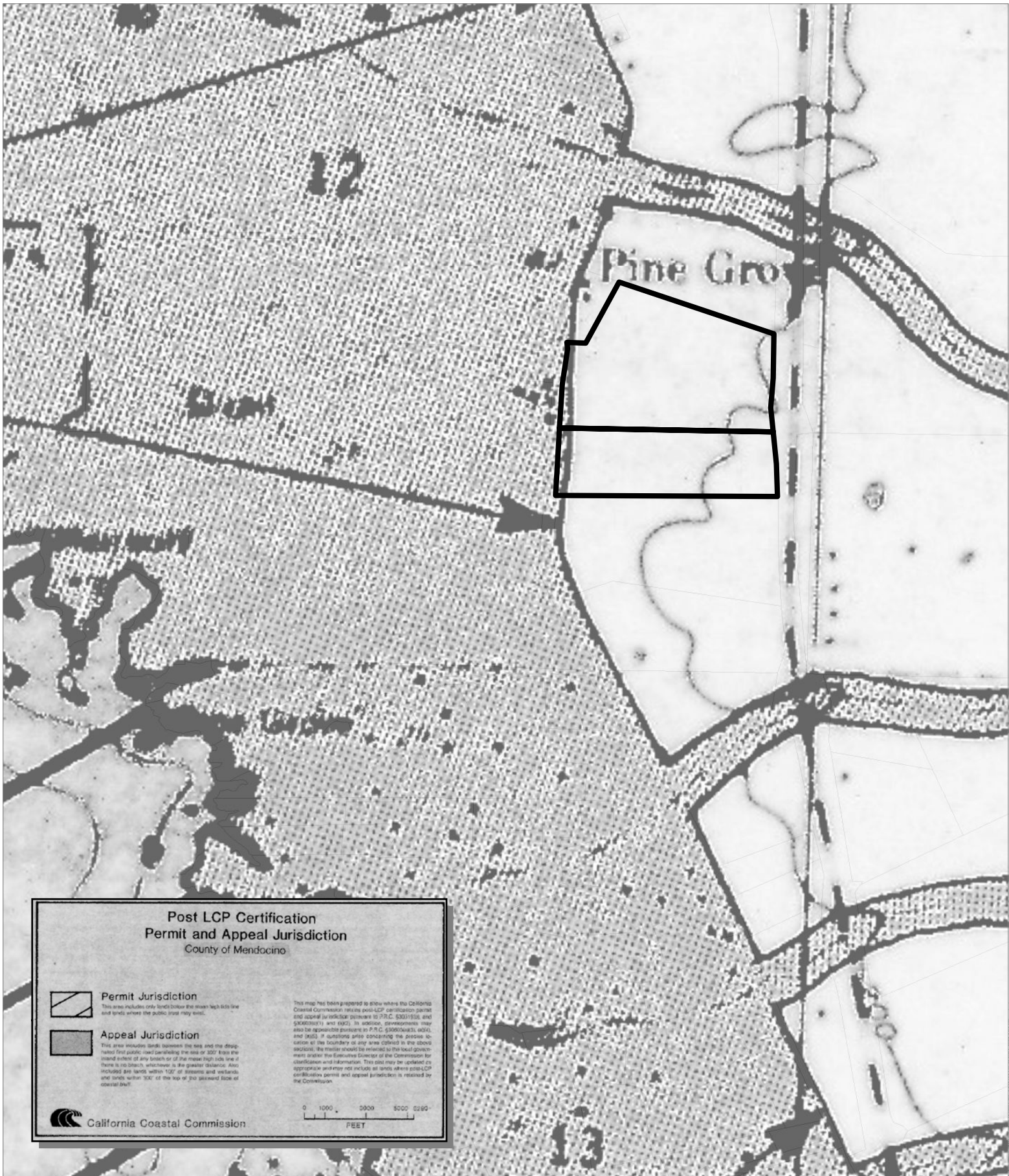
Note: For source information, please refer to Mendocino County Local Coastal Program: NATURAL ENVIRONMENT Working Paper, November 19/21

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAYNEY-DVETT URBAN AND REGIONAL PLANNERS

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MENDOCINO COUNTY PLANNING DEPARTMENT - 3/7/2019



**Post LCP Certification  
Permit and Appeal Jurisdiction  
County of Mendocino**

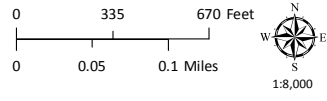
**Permit Jurisdiction**  
 This area includes only lands below the mean high tide line and lands where the public trust may exist.

**Appeal Jurisdiction**  
 This area includes lands between the sea and the dike-rated first public road (averaging the sea or 100' from the inland shore of any beach or of the mean high tide line if there is no beach, whichever is the greater distance). Also included are lands within 150' of streams and wetlands and lands within 100' of the top of the seaward face of coastal dune.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.C. 5301950, and 5300000's and 6000. In addition, developments may also be approvable pursuant to P.C. 5300000a3, 4024, and 5000. In situations arising concerning the precise location of the boundary of any area covered in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

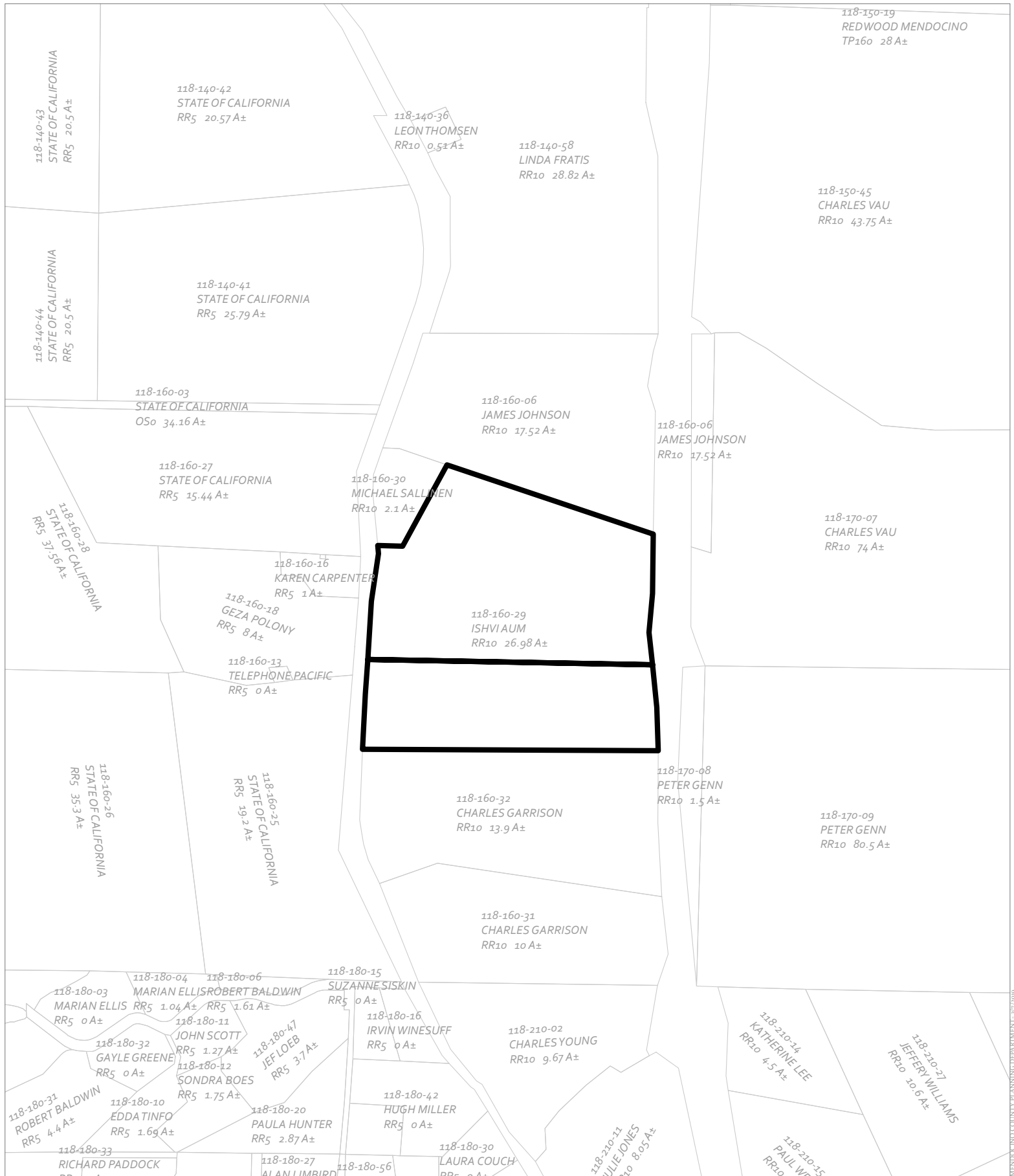
FEET

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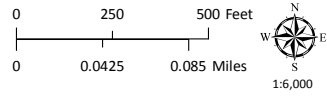


**APPEALABLE AREAS**

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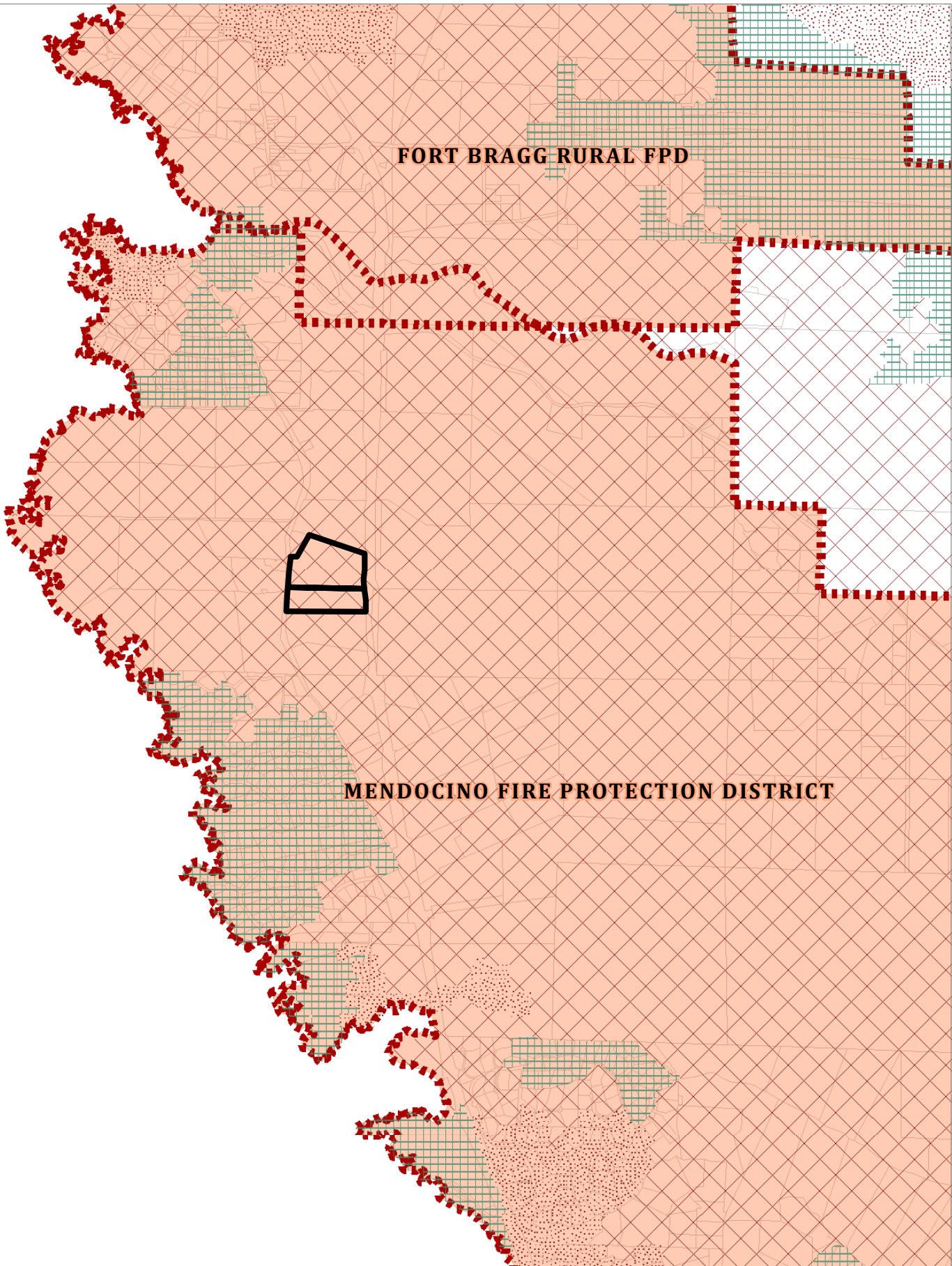
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**ADJACENT PARCELS**

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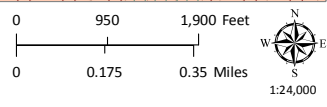


**FORT BRAGG RURAL FPD**

**MENDOCINO FIRE PROTECTION DISTRICT**

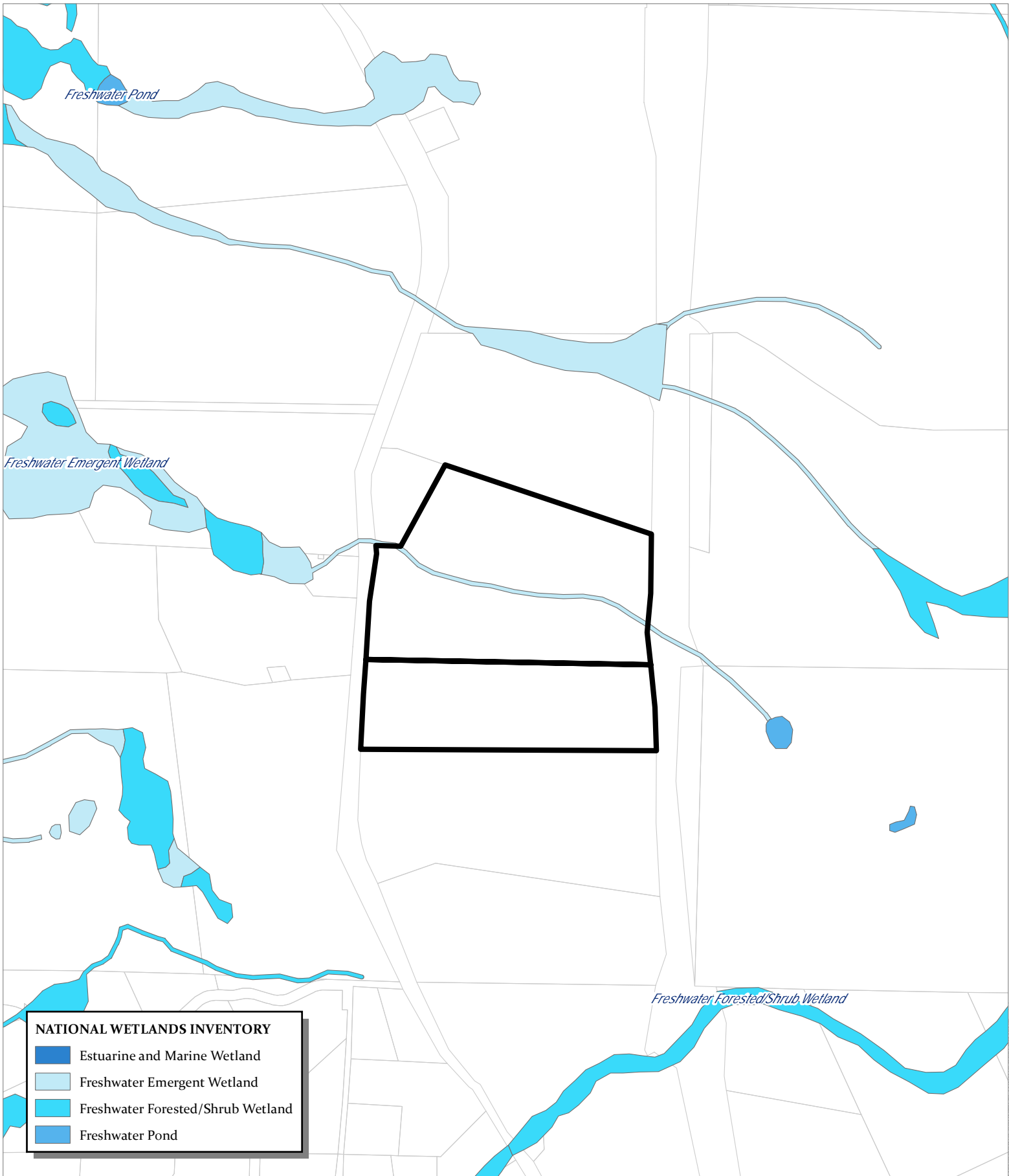
CASE: B 2019-0012  
 OWNER: AUM, Ishvi, ET AL  
 APN: 118-160-29  
 APLCT: W. Vance Ricks  
 AGENT: W. Vance Ricks  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts



**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

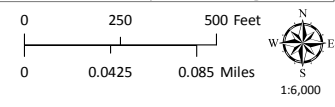
MENDOCINO COUNTY PLANNING DEPARTMENT 2/7/2019



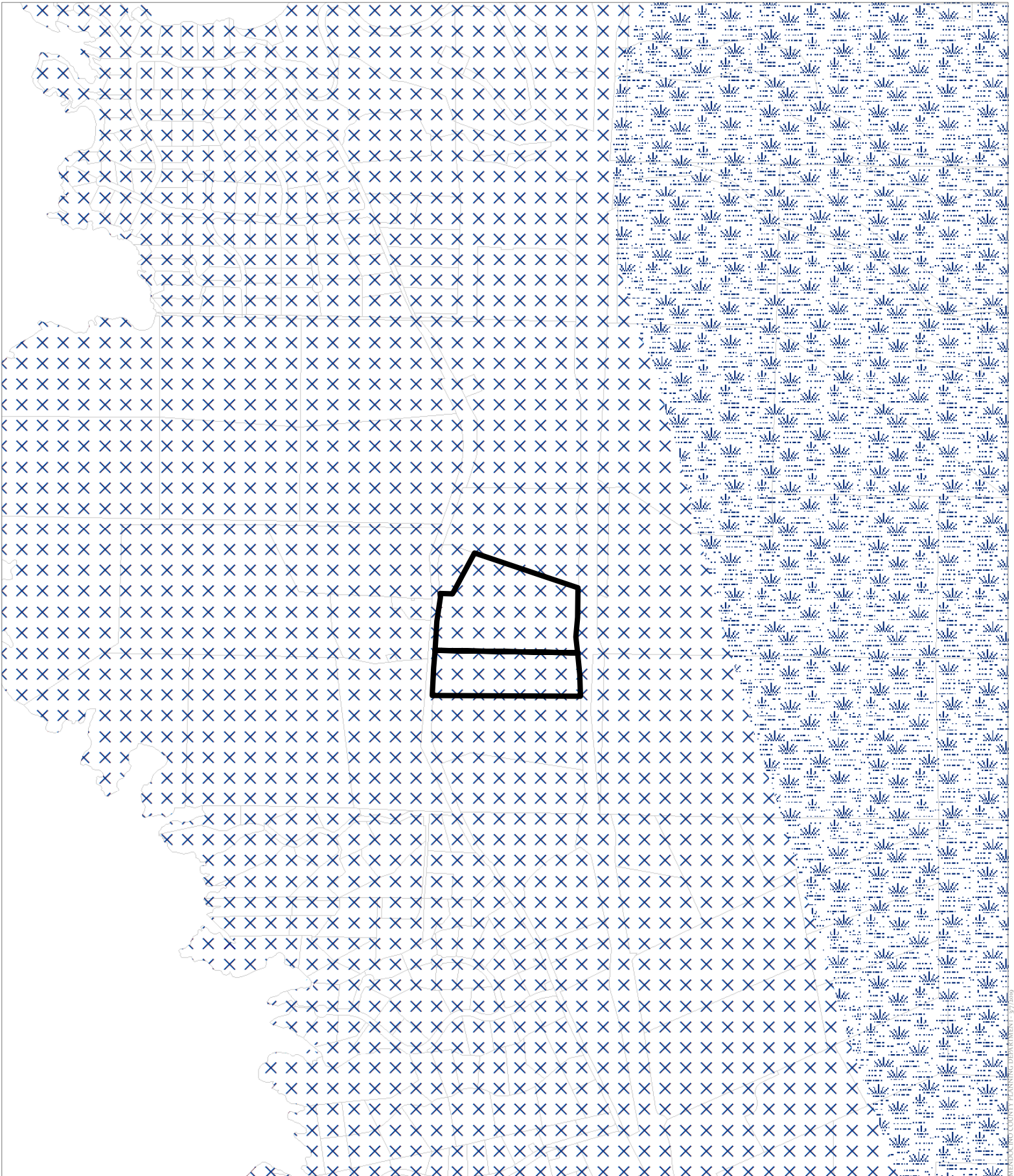
**NATIONAL WETLANDS INVENTORY**

- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond



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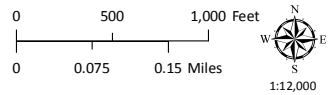


MENDOCINO COUNTY PLANNING DEPARTMENT - 3/7/2019

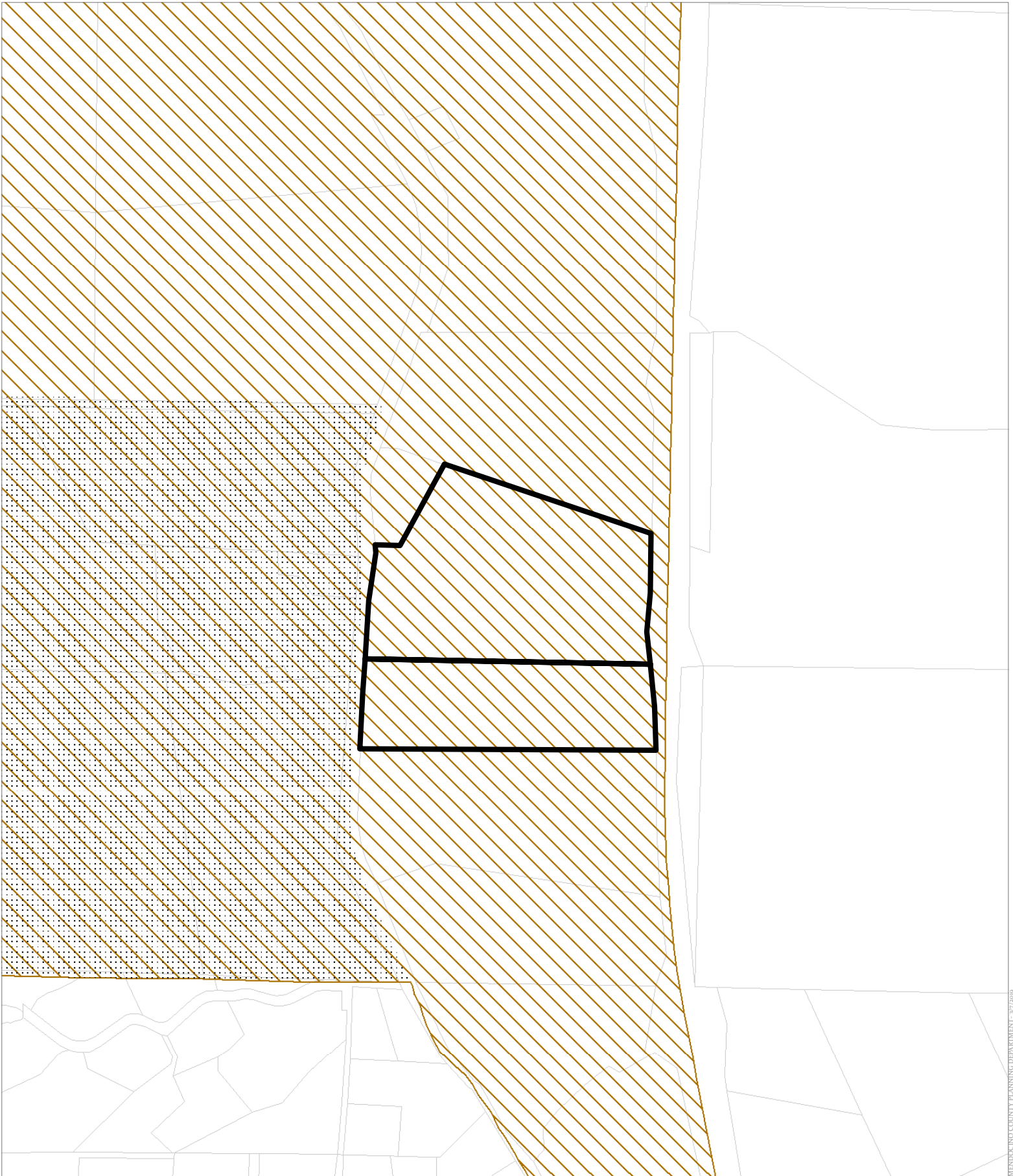


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-  Critical Water Areas
-  Marginal Water Resources

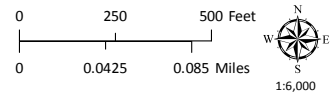


**GROUND WATER RESOURCES**

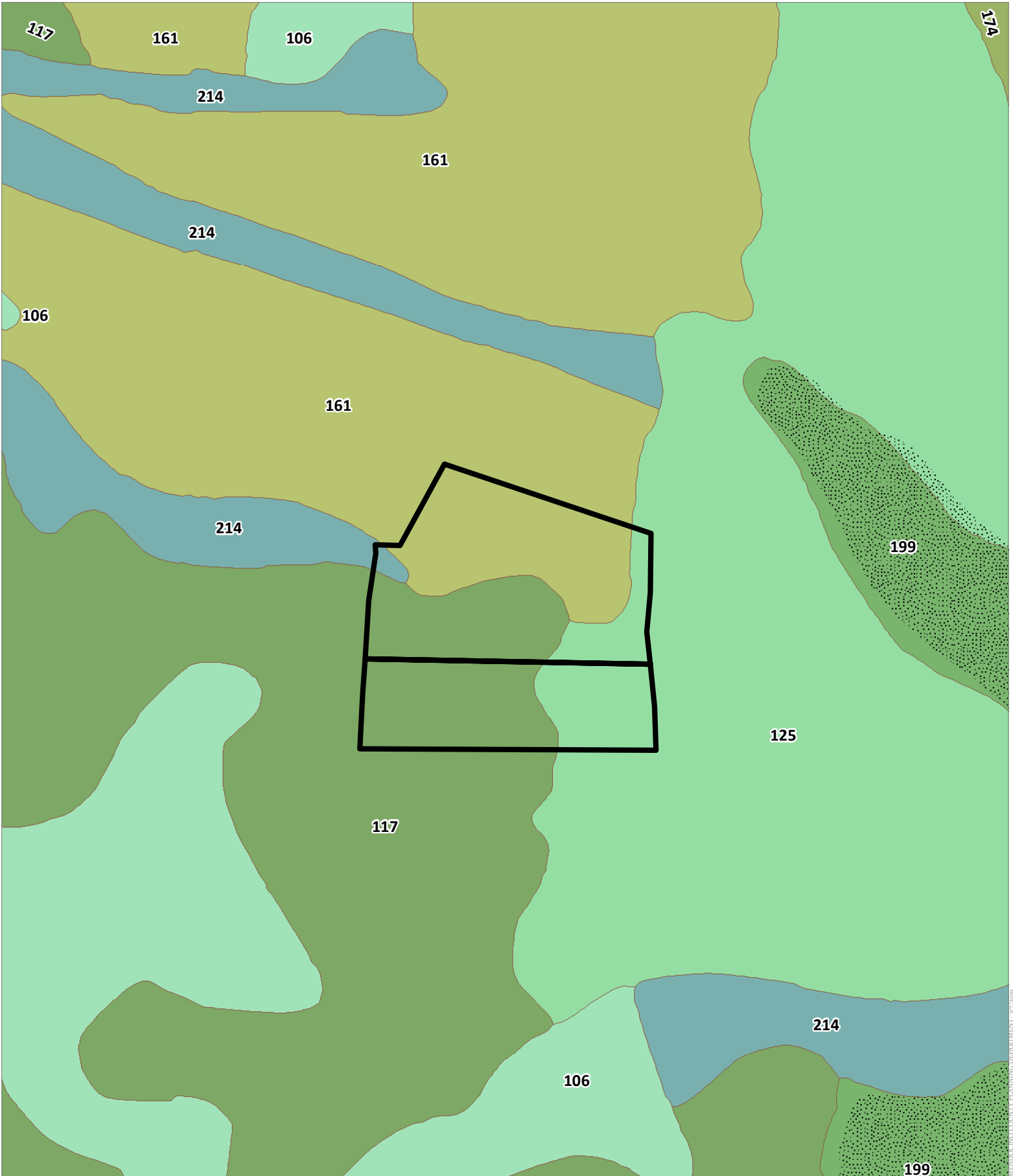


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

-  Tree Removal Area
-  Highly Scenic Area

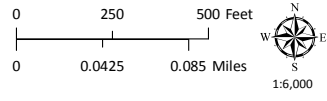


**HIGHLY SCENIC & TREE REMOVAL AREAS**



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 Shinglemill-Gibney Complex  
 Western Study Soil Types





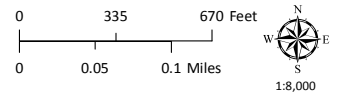
LOCAL SOILS

Point Cabrillo Light Station

4

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 Supervisorial Districts 2010  
 State Parks



MISC DISTRICTS