

OWNERS: ZUCKER REVOCABLE LIVING TRUST
PO BOX 240
ELK, CA 95432

SUSAN AND JEFFREY FRANKEL
352 TIDEWAY DRIVE
ALAMEDA, CA 94501

APPLICANTS: JEFFREY FRANKEL
352 TIDEWAY DRIVE
ALAMEDA, CA 95401

JOHN ZUCKER
PO BOX 240
ELK, CA 95432

REQUEST: Coastal Development Boundary Line Adjustment transferring 2.61 acres from APN 127-040-12 to APN 127-040-03 and creating parcels 22.91± acres and 6.67± acres in area.

LOCATION: Within the Coastal Zone, 1.2 miles north of Elk, lying on the west side of Highway 1 and north of Cavanaugh Gulch. Located at 3401 and 3400 S Highway 101, Elk; APN 127-040-03 and 127-040-12.

TOTAL ACREAGE:

APN	BEFORE	AFTER
127-040-03	20.3±	22.91± Zucker Revocable Trust
127-040-12	9.28±	6.67± Susan and Jeffrey Frankel

ZONING: Rangeland

GENERAL PLAN: Rangeland

EXISTING USES: Residential

SUPERVISORIAL DISTRICT: 5

OTHER RELATED APPLICATIONS ON SITE AND ADJACENT:

- #CDB 2006-0017 previously approved a transfer of 11.98± acres from APN 127-040-01 into APN 127-040-02. [Note: a portion of APN 127-040-12 was previously APN 127-040-01 and APN 127-040-02. These parcels are entirely owned by Susan and Jeffrey Frankel.]
- #CDB 73-93 previously approved a transfer of 4.2 acres from Parcel One, on the west side of Highway 1, into Parcel Two, on the east side of Highway 1 and undeveloped. The adjustment recognizes the highway as a natural boundary between the two parcels and results in one buildable parcel west of the highway where two buildable parcels previously existed. [Note: Both Parcel One and Two are currently owned by the Zucker Revocable Living Trust and assigned APN 127-040-03.]

- #CC 10-91 was approved with a Certificate of Compliance being recorded on three (3) separate parcels: one legal parcel consisting of APN 127-040-07 and 127-060-04; one legal parcel with APN 127-040-03X and APN 127-040-03X. [Note: The lands are currently owned by the Zucker Revocable Living Trust.]
- #CC 12-89 was approved with a Certificate of Compliance being recorded on two (2) separate parcels. Parcel 1 being a portion of APN 127-040-02 is situated on the west side of Highway 1. Parcel 2, also a portion of APN 127-040-01, is situated on the east side of Highway 1. [Note: Portion of these lands now are APN 127-0140-12, which is owned by Susan and Jeffrey Frankel.]
- #B 83-89 was approved by the Minor Subdivision Committee on August 11, 1989 reconfiguring the parcels recognized by #CC-12-89 and subsequently rescinded by the applicant on December 21, 1990.

PROJECT DESCRIPTION: The Coastal Development Boundary Line Adjustment proposes to transfer 2.61± acres from APN 127-040-12 to APN 127-040-03, creating parcels of 6.67± and 22.91± acres. The existing lot sizes are nonconforming with Section 20.368.020, which requires a 160 acre minimum lot area; the proposal continues the nonconformity of the existing lots.

The proposed 6.67± acre parcel is developed with a single-family home and three accessory structures. Access to this parcel is directly off of Highway 1. The proposed 22.91± acre parcel is also developed with a single-family home and three accessory structures. Access to this parcel is directly off of Highway 1.

According to the California Natural Diversity Database (CNNDDB) there are no known rare or endangered species located on either parcel. There are no known faults on the subject sites, but the lands include shore areas that are prone to wave rush. Since the properties are already developed, geotechnical studies were not required as a part of reviewing the proposed boundary line adjustment.

The LCP map shows existing shoreline access adjacent to Highway 1 along the proposed 6.67± acre parcel.

The Department of Environmental Health requested, and the property provided, assurance that the existing septic and leach fields do not encroach into what would be the adjusted boundary setback for septic tanks and leach fields.

The request would align a common property boundary to the natural contours of a water feature between two legal lots. The boundary line adjustment would increase the distance between existing residential structures and the proposed property line.

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 in density.
2. The boundary line adjustment will not create any new parcels nor will the adjustment created the opportunity for a future subdivision along the split zoned line.
3. The parcels subject to the adjustment are not situated within an environmentally sensitive habitat area.
4. The adjustment will not result in parcels having an inadequate building site.
5. No new substandard lot will result from the adjustment.
6. The lands are in an area designated *Critical Water Resources*, as identified in the Mendocino County Groundwater Study and the subject sites are consistent with the Mendocino County Coastal

Groundwater Study, because the sites include wells that provide access to a sufficient water source.

7. The properties are located in a designated "Highly Scenic" area. However, the adjustment will not provide for development that would not already be allowed.
8. The boundary line adjustment is located in an appealable area.

ENVIRONMENTAL RECOMMENDATION: A Class 5(a) Categorical Exemption from CEQA is recommended. Pursuant to Section 15305, minor alterations in land use limitations, including minor lot line adjustments not resulting in the creation of a new parcel, may be found exempt from the California Environmental Quality Act.

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 #CDB 2015-0001, 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.
2. The proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities.
3. The proposed boundary line adjustment is consistent with the purpose and intent of the RL Zoning District, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district.
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).
5. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource.
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.
7. The proposed development 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.
8. The proposed use is compatible with the long-term protection of resources lands.

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. For each proposed adjusted parcel boundary, one perimeter description of each parcel is provided. 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 #CDB 2015-0001 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 clearance has been given to record the new documents, a **copy** of the recorded deed(s) shall be sent to the Department of Planning and Building Services. Upon receipt of this information, a Completion Certificate will be sent.
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.

DATE

JULIANA CHERRY
PLANNER III

Categorically Exempt
Appeal Fee - \$1855.00
Appeal Period: 10 days

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Planning- Ukiah	X		
Building Inspection – FB Assessor		X	
Archaeological Commission	X as the site had been previously considered		
CalTrans	X		
Dept. Fish & Wildlife	X		
Coastal Commission	X		
Elk Fire District	X		

ATTACHMENTS LIST:

- A -Location Map
- B -Topographic Map
- C -2014 NAIP Aerial Orthophoto
- D -Tentative Map
- E -Zoning Display Map
- F -General Plan Classifications
- G -LCP Maps 19 & 20: Navarro & Elk
- H -Adjacent Parcels
- I -Coastal Ground Water Resource Areas
- J -Coastal Highly Scenic Areas
- K -Local Soils
- L -Lands in Williamson Act Contracts
- M -Wetland Designated Areas