

**OWNERS:** VIRGINIA SHARKEY  
PO BOX 20  
MENDOCINO, CA 95460

TONI CERVANTES  
PO BOX 777  
ALBION, CA 95410

**APPLICANT/AGENT:** VIRGINIA SHARKEY  
PO BOX 20  
MENDOCINO, CA 95460

**REQUEST:** Coastal Development Boundary Line Adjustment to transfer equivalent areas totaling 122.8 square feet between APN 123-150-29 and APN 123-150-30 to resolve an easement dispute between these adjacent properties.

**LOCATION:** Within the Coastal Zone, in the town of Albion, 0.25± miles northeast of the intersection of Albion Street and Albion Ridge Road, located at 33810 (APN 123-150-30) and 33820 (APN 123-150-29) Albion Street.

**TOTAL ACREAGE:**

APN	BEFORE	AFTER	
123-150-29	0.12 acres	0.12 acres	Cervantes
123-150-30	0.12 acres	0.12 acres	Sharkey

**ZONING:** RV

**GENERAL PLAN:** RV

**EXISTING USES:** Residential

**SUPERVISORIAL DISTRICT:** 5

**OTHER RELATED APPLICATIONS ON SITE AND ADJACENT:**

- ZC 2009-0034: Violation for substandard structure on APN 123-150-29. The violation case was closed when permits were obtained and finalized for repairs in November 2010.

**PROJECT DESCRIPTION:** The Coastal Development Boundary Line Adjustment proposes to transfer equivalent areas totaling 122.8 square feet between APN 123-150-29 and APN 123-150-30. Maintaining the existing parcel sizes of 0.12 acres each.

APN 123-150-29 is developed with a single family residence and on-site septic. Access to this parcel is directly off of Albion Street (CR 402B). APN 123-150-30 is developed with a single family residence and on-site septic. Access to this parcel is directly off of Albion Street (CR 402B).

Both parcels are zoned Rural Village (RV) where minimum property line setbacks are twenty (20) feet in the front and rear yards and six (6) feet in the side yard. All existing structures will meet required setbacks for the zoning district as shown on the Tentative Map. Condition 9 requires compliance with required setbacks for the zoning district.

According to the California Natural Diversity Database (CNNDDB) Rarefind, the subject property is located within a non-specific area (approximately 1 mile radius) found to contain **Oregon goldthread** (*Coptis laciniata*) and **great burnet** (*Sanguisorba officinalis*). Staff has determined that a Biological Scoping Survey would not be necessary for the purpose of this project due to the fact that no development is proposed in conjunction with the adjustment and further that any future development on either site will require additional review by Planning Staff. The proposed adjustment will transfer equivalent areas between the two parcels, both of which are developed with single family residences. Project approval would not be expected to have a significant effect on the generalized Oregon goldthread or great burnet habitat found in the CNDDDB.

The purpose of the transfer is to resolve an easement dispute between the two adjacent properties.

**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 situated within an environmentally sensitive habitat area. Specifically, the California Natural Diversity Database (CNNDDB) found the parcels to lie within a large and general area containing **Oregon goldthread** and **great burnet**. Both parcels are already developed with single family residences and accessory structures. As a result, staff does not feel that a Biological Scoping Survey was warranted for the proposal. However, any future development will still be subject to the Coastal Development Permit regulations identified in Coastal Zoning Code Chapter 20.532. (See Condition Number 7);
4. The adjustment will not result in parcels having an inadequate building site.
5. No substandard lot will result from the adjustment.
6. The property subject to the adjustment is in an area designated CWR (Critical Water Resources) as identified in the Mendocino County Groundwater Study and is consistent with the Mendocino County Coastal Groundwater Study.
7. The boundary line adjustment is located on property containing pygmy vegetation.
8. The property subject to the adjustment is located in a designated "Highly Scenic" area. However, the adjustment will not provide for development that would not already be allowed.
9. The boundary line adjustment is located in an appealable area.

**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 #CDB 2014-0045, 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 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 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).
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 Environmentally Sensitive Habitat Area as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.
9. 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. That for each proposed adjusted parcel provides 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 #CDB 2014-0045 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 receipt 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."
9. The adjusted property line shall maintain the minimum required yard setbacks from existing structures. Required yard setbacks are twenty (20) feet in the front and rear yards and six (6) feet in the side yards.

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

June 1, 2015  
JA/at

\_\_\_\_\_ JULIA ACKER  
PLANNER I

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

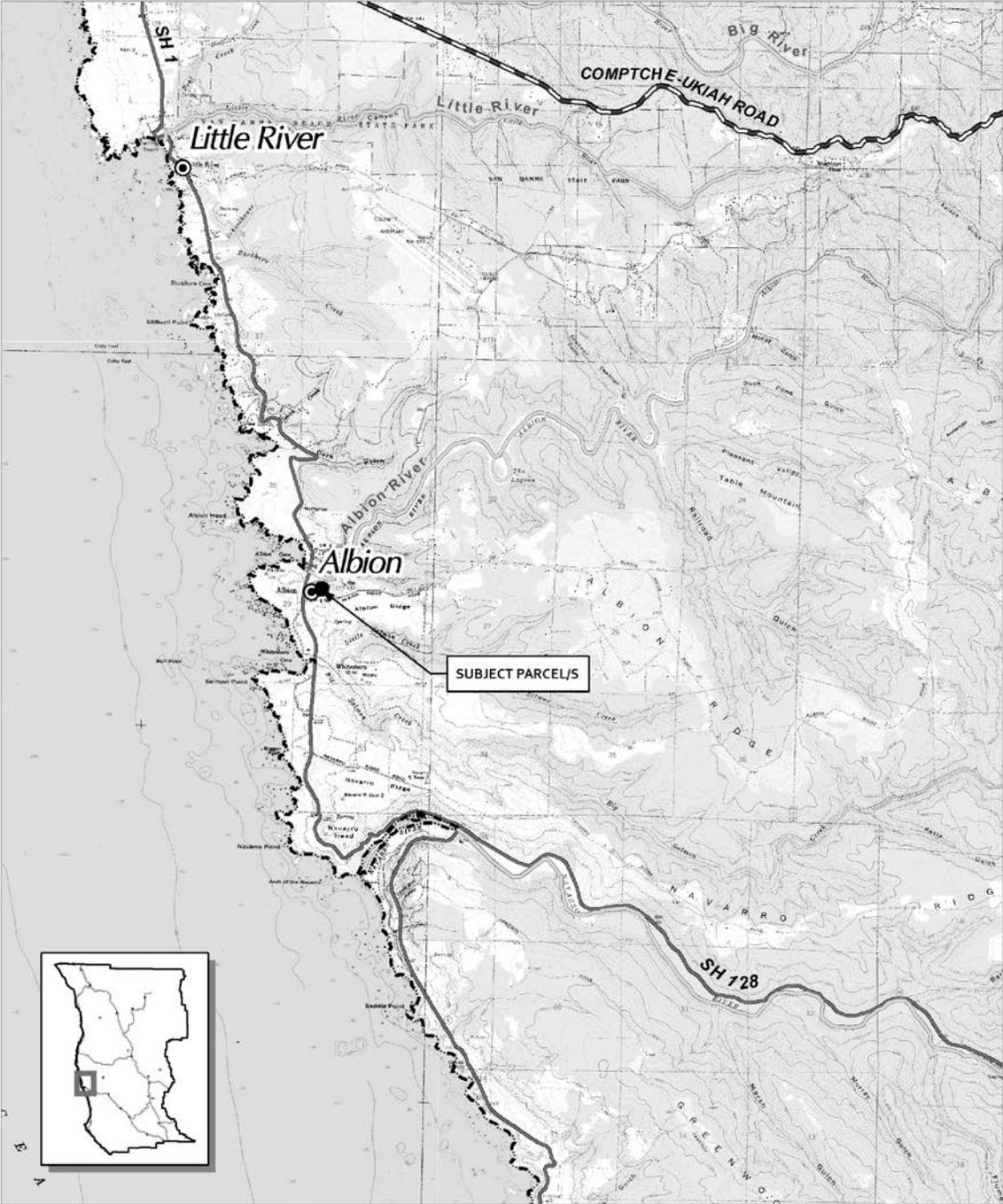
REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Planning- FB		X	
DOT	X		
Environmental Health – FB	X		
Building Inspection – FB		X	
Assessor	X		
Coastal Commission	X		
Albion Mutual Water Company	X		
Albion/Little River Fire District	X		

**ATTACHMENTS**

- A. Location
- B. Aerial Wide
- C. Aerial
- D. Tentative Map
- E. Zoning
- F. General Plan
- G. LCP
- H. Adjacent Parcels
- I. Fire Hazard Zone
- J. Ground Water Resources
- K. Highly Scenic

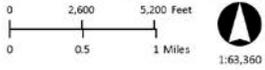
## ATTACHMENTS

CDB 2014-0045



CASE: CDB 2014-0045  
OWNER: SHARKEY/CERVANTES  
APN: 123-150-29, 30  
APLCT: Virginia Sharkey  
ADDRESS: 33820 Albion St., AL

-  Major Rivers
-  Highways
-  Major Roads



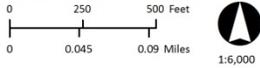
LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, June, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



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— Major Rivers  
— Highways



2014 NAIP AERIAL ORTOHPHOTO

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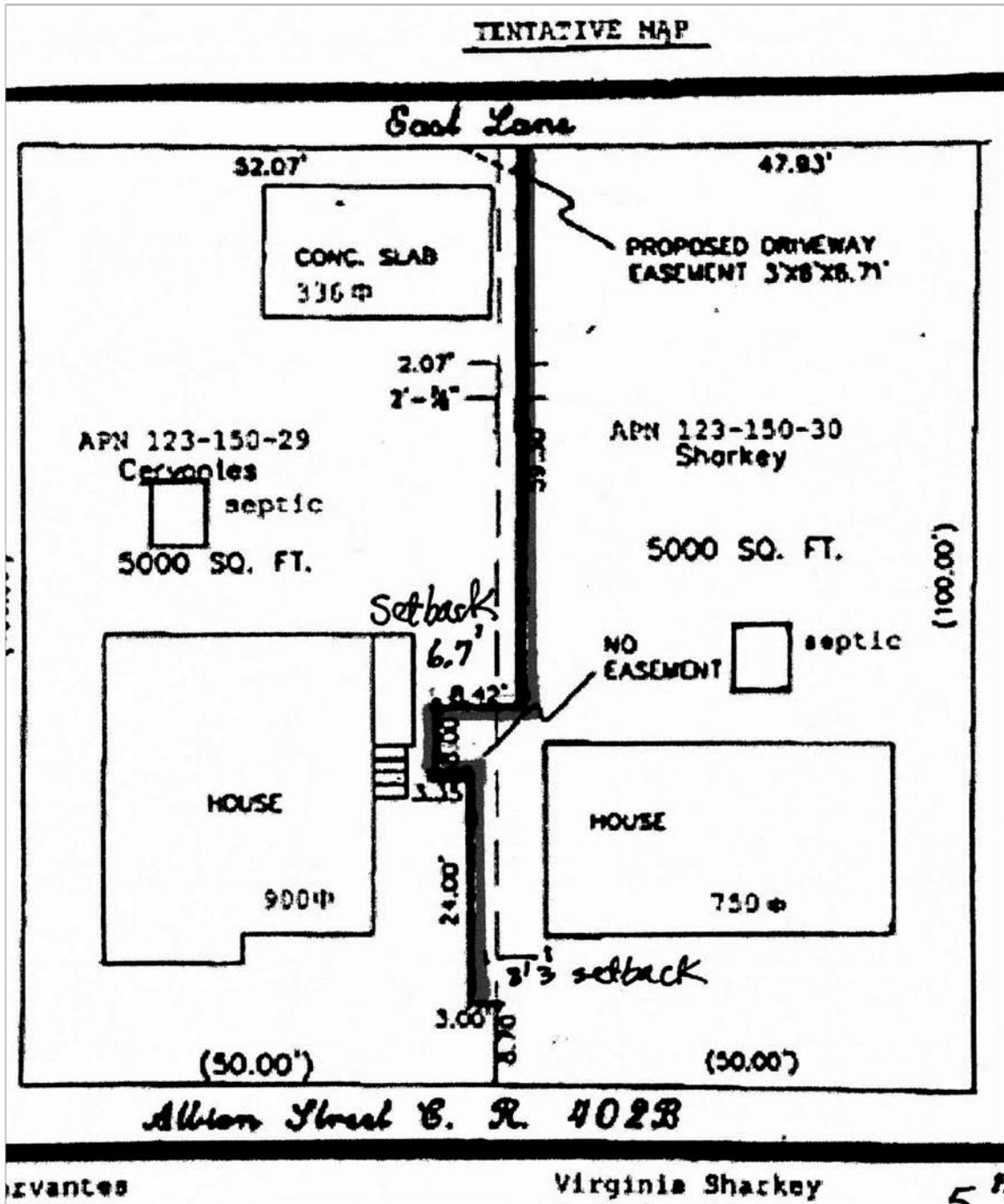


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Public Roads

0 12.5 25 Feet  
0 0.002 0.004 Miles  
1:300  
GOOGLE EARTH IMAGERY  
IMAGERY DATE: 8-17-2013

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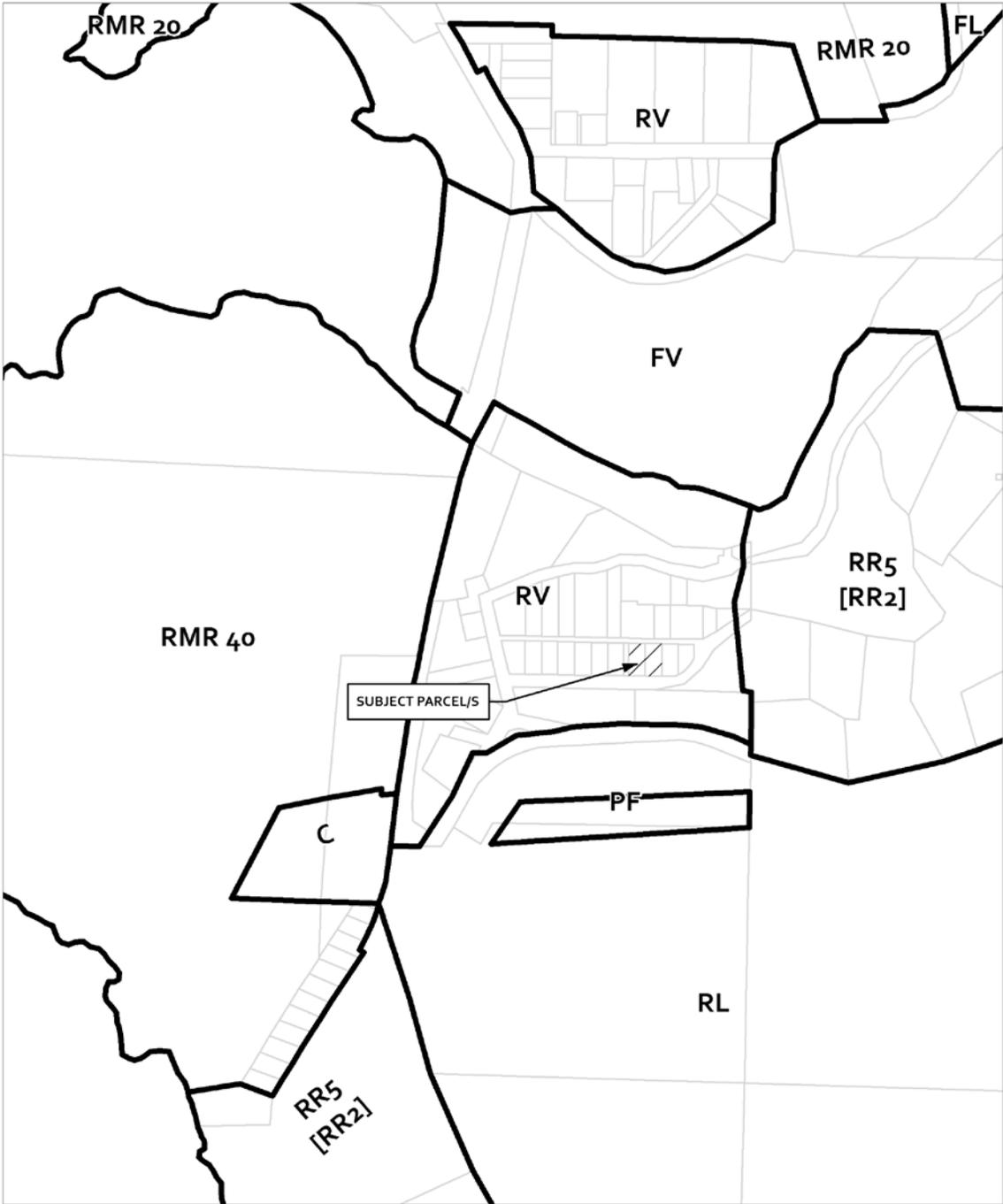


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NO SCALE

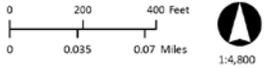
TENTATIVE MAP

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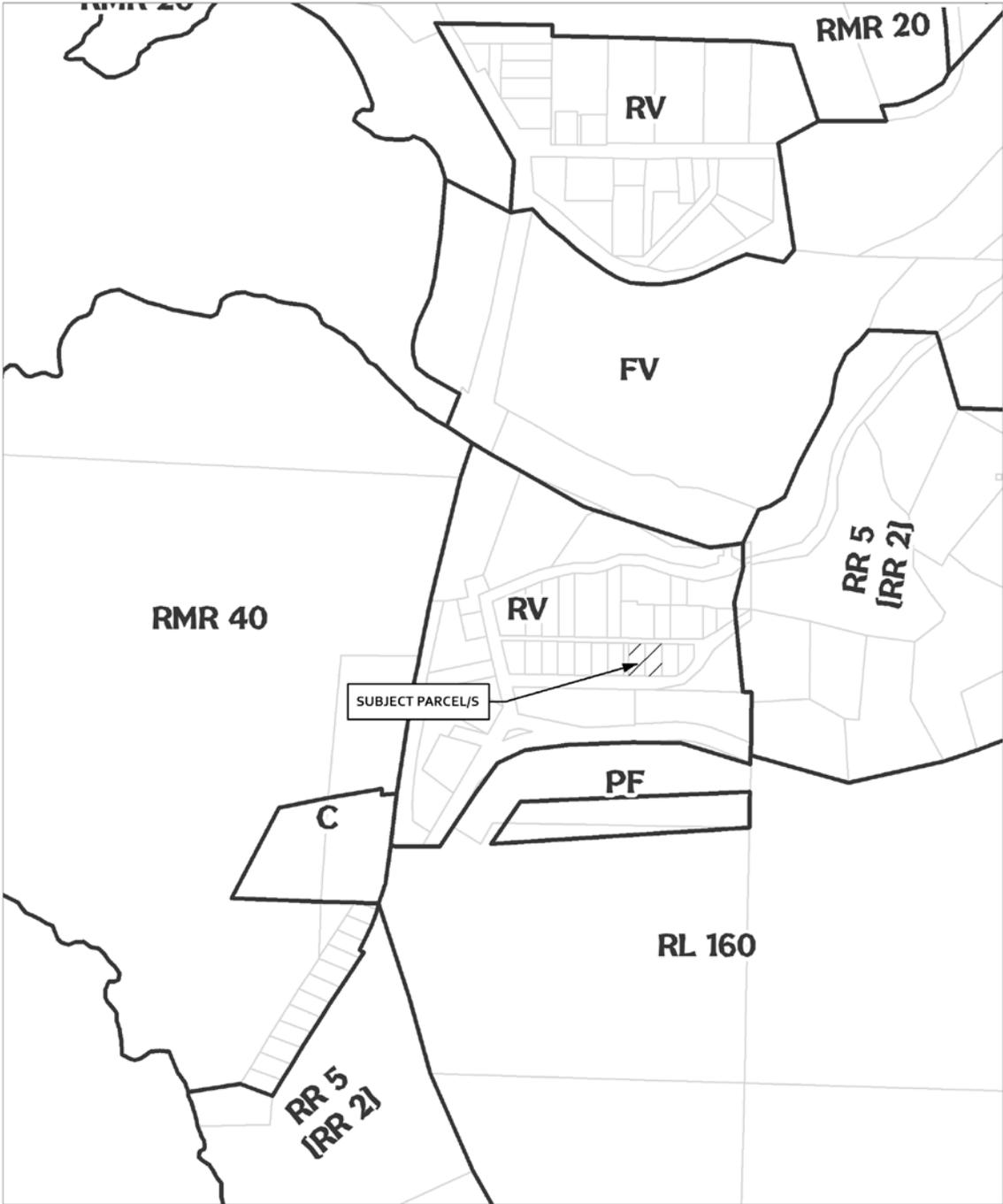
CASE: CDB 2014-0045  
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 Zoning Master



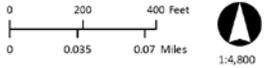
ZONING DISPLAY MAP

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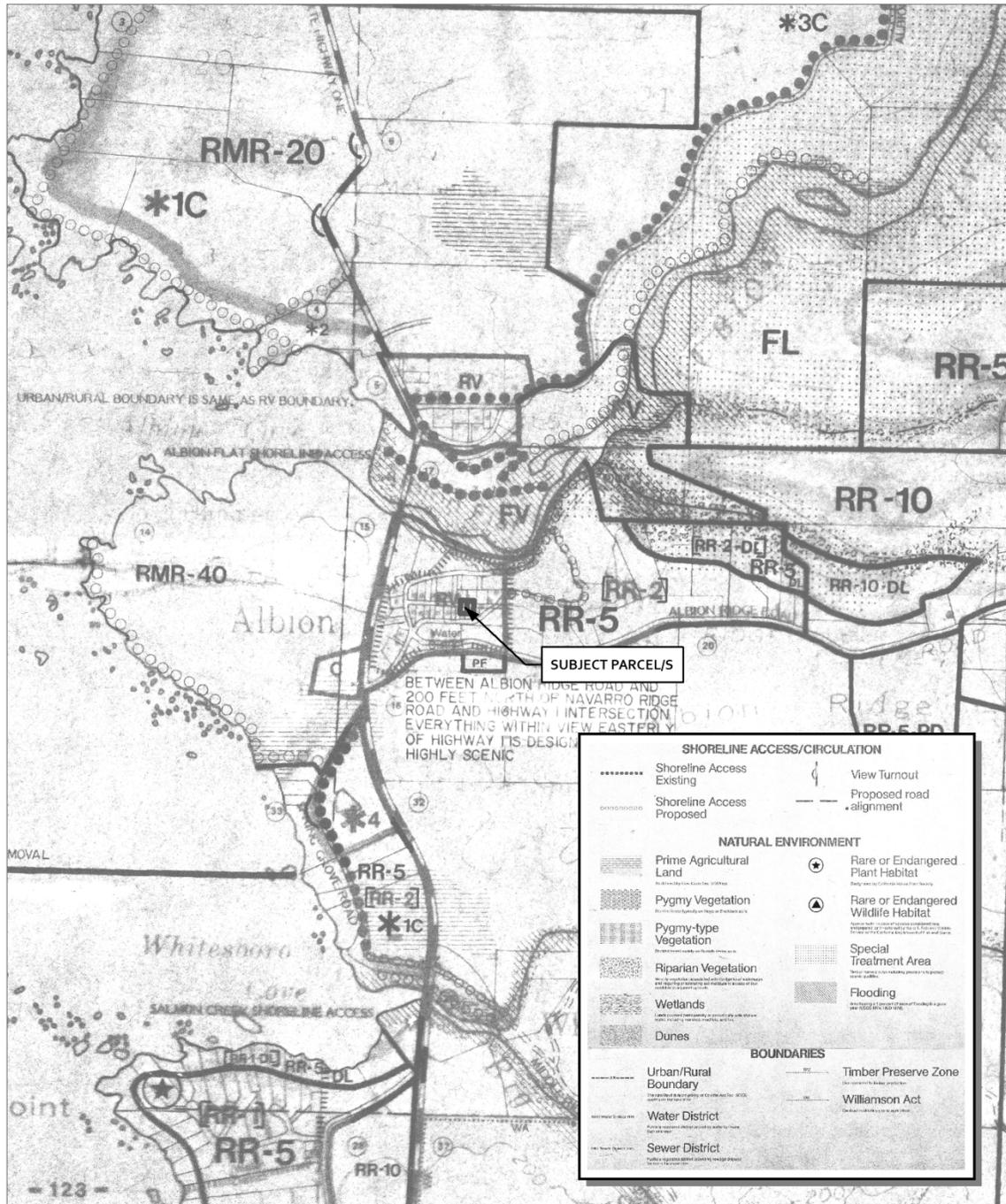
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 General Plan Master

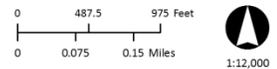


GENERAL PLAN CLASSIFICATIONS

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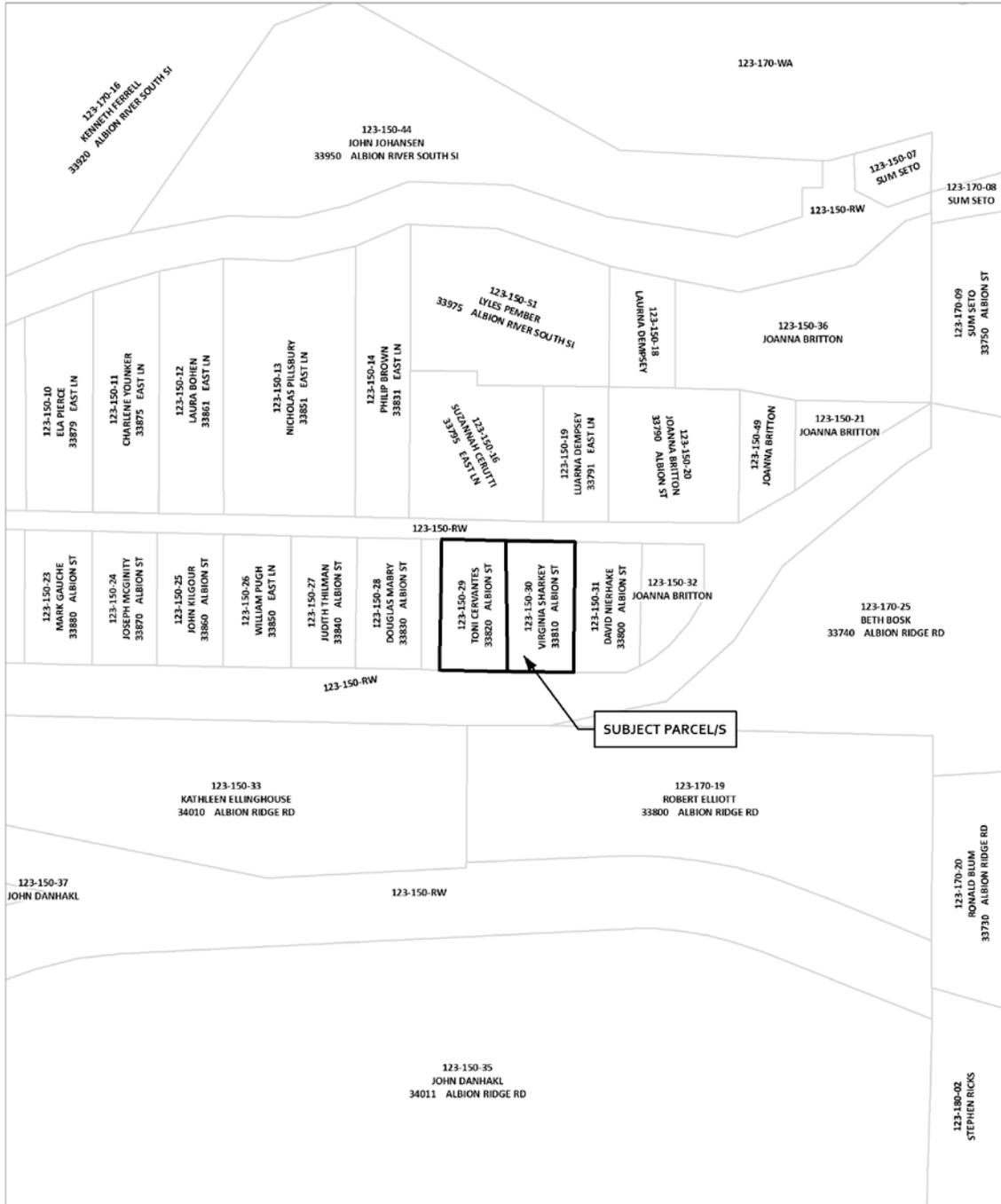


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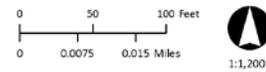


LCP MAP 18: ALBION

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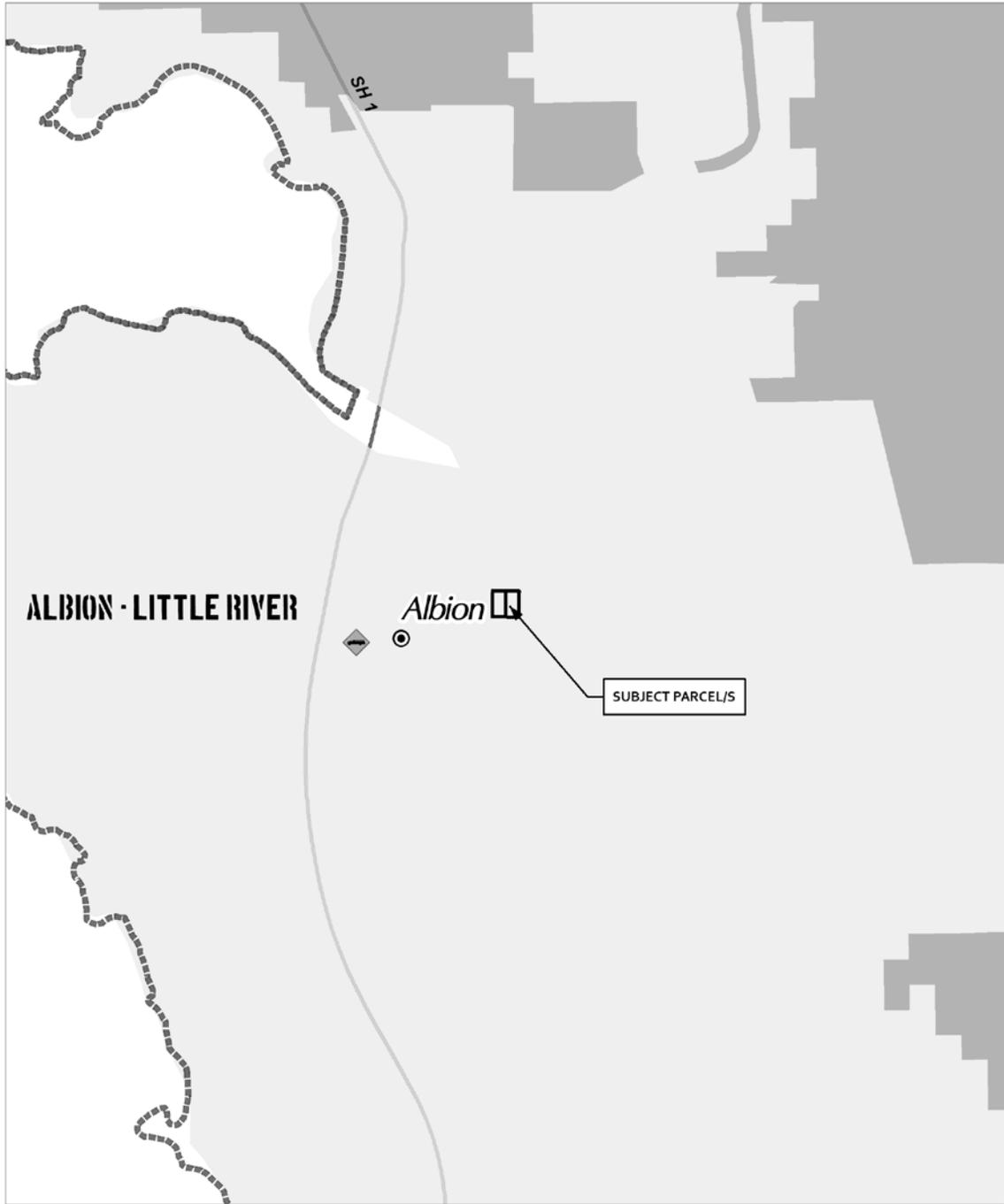


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ADJACENT PARCELS

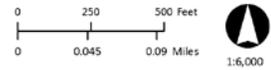
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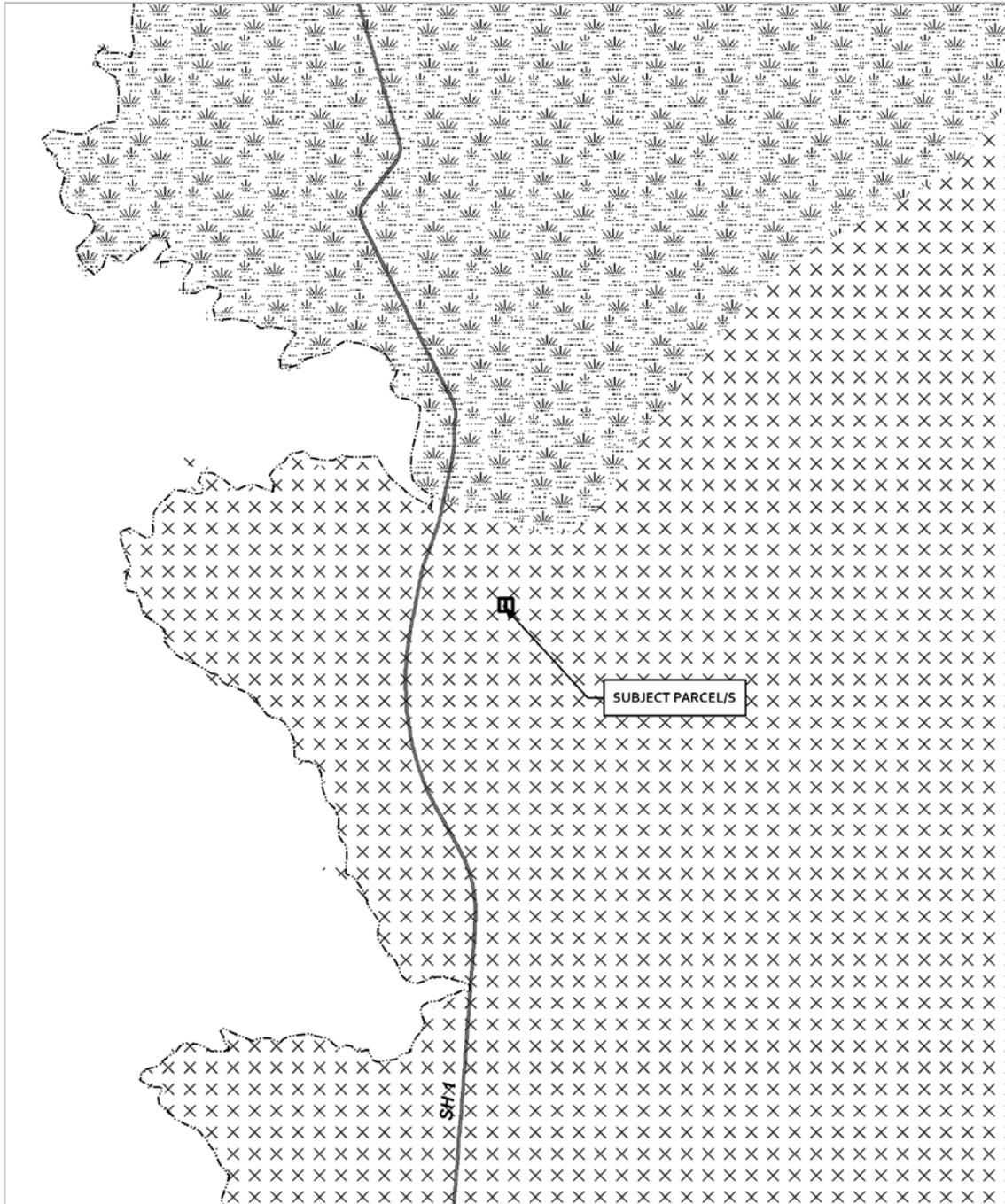
-  Fire Stations
-  County Fire Districts
-  High Fire Hazard

-  Moderate Fire Hazard
-  Highways



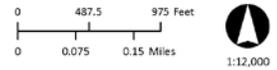
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA

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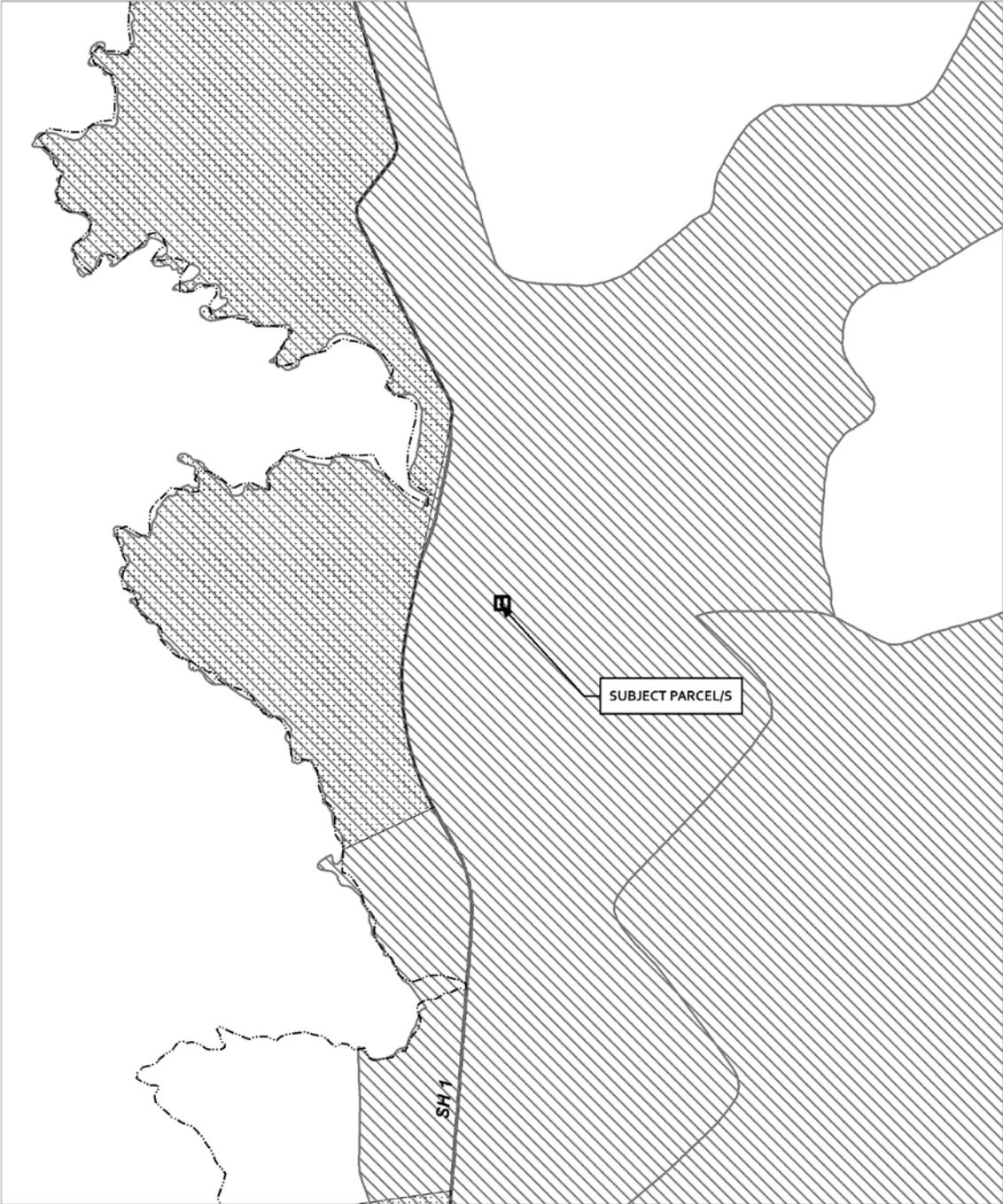
CASE: CDB 2014-0045  
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- X > Critical Water Areas
- ~ Marginal Water Resources
- Highways



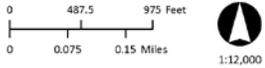
GROUND WATER RESOURCES

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-  Highly Scenic Area
-  Tree Removal Area
-  Highways



HIGHLY SCENIC & TREE REMOVAL AREAS

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