



**ZONING ADMINISTRATOR
STAFF REPORT- VARIANCE**

**NOVEMBER 8, 2018
V_2017-0003**

SUMMARY

OWNERS: ROBERTS SHANE & RONEISHA
800 CROMWELL DR
UKIAH, CA 95482

APPLICANT: SHANE ROBERTS
800 CROMWELL DR
UKIAH, CA 95482

REQUEST: Variance for reduction of front yard setback on Cromwell Dr. (Private) from 45 ft. of the center of the road to 20 ft. of the property line, and the placement of a 8 ft. view obscuring fence on the northwestern property line from ting on East Side Calpella Rd. (CR 227) within 20± ft. from centerline of the roadway.

LOCATION: 3.4± miles north of the city center, off Lake Mendocino Dr. (CR 227B), lying east of East Side Calpella Rd. (CR 227) at its intersection with Cromwell Dr. (Private), located at 800 Cromwell Dr., Ukiah (APN: 168-223-01).

TOTAL ACREAGE: 0.43± acres

GENERAL PLAN: Rural Residential (RR:1)

ZONING: Rural Residential (RR-1)

SUPERVISORIAL DISTRICT: 1

ENVIRONMENTAL DETERMINATION: Categorically Exempt per CEQA Section 15305: Class 5

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Eduardo Hernandez

BACKGROUND

PROJECT DESCRIPTION: Variance for reduction of front yard setback on Cromwell Drive (private) from 45 ft. to 20 ft. and the placement of a 8 foot view obscuring fence on the northwestern property line fronting on East Side Calpella Rd. (CR 227) within approximately 20 ft. from centerline of the roadway.

RELATED CASES ON-SITE: None.

RELATED CASES IN VICINITY: Variance V 5-2002 was approved on APN: 168-222-01 for a front yard setback to allow the placement of a mobile home.

SITE CHARACTERISTICS: The project site is located 3.4± miles north of Ukiah city center and is 0.43± acres in size. The parcel is a corner lot adjacent to East Side Calpella Road (CR 227) and Cromwell Drive (private). The site configuration is in transition, since there are unfinished building permit applications for a demolition and rebuild due to fire. There is currently a roof less accessory structure on the northern lot corner, and a manufactured home on the east corner. The parking area is south of the house with access from Cromwell Drive. There is currently an unpermitted light weight metal carport placed on the proposed garage area. A small pre-manufactured shed is located on the southern lot corner which would need to be relocated in order to comply with height and setback standards. There is a fence on the southern property boundary composed of a different styles and materials, there is also a wooden fence perpendicular to

Cromwell Drive which starts on the property line and violates the height and view-obscuring standards. There is no fence on the proposed fence area, however posts have been erected at about 5 ft. apart over the proposed fence area adjacent to East Side Calpella Road. Water is provided by Millview County Water District, and wastewater is handled through a permitted septic system located on the center-southwest side of the property. Electricity is provided by PG&E, there is no gas or telephone services at this property.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT ACREAGES	USES
NORTH	RR:1 & RR:2	RR-1 & RR-2	2.95±	Vacant
EAST	RR:1	RR-1	0.35±	Residential
SOUTH	RR:1	RR-1	1± & 0.85±	Residential
WEST	RR:2	RR-2	15.7±	Residential

PUBLIC SERVICES:

Access: US Highway 101 to Lake Mendocino Dr. (CR 227B) to East Side Calpella Rd. (CR 227)
 Fire District: Ukiah Valley Fire District
 Water District: Millview Water District
 Sewer District: None
 School District: Ukiah Unified School District

AGENCY COMMENTS: On July 10, 2018 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. A list of the agencies response is listed below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
MC Dept. of Transportation	Comments
MC Dept. of Environmental Health-Ukiah	Comments
MC Dept. of PBS, Building Services Division-Ukiah	Comments
MC Assessor's Office	No Comments
Ukiah Valley Fire District	Comments

KEY ISSUES

1. General Plan and Zoning Consistency: The project is consistent with the General Plan designation of Rural Residential. The Land Use Section of the General Plan states the following as the intent of the Rural Residential Land Use Category, Policy DE-14:

The RR classification is intended 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.

The subject property complies with the Rural Residential (RR:1) land use category. Given the size of the lot and soils, it will be developed as intended by the General Plan.

The Zoning classification of the proposed project is Rural Residential, which is compatible with its General Plan land use designation by the General Plan. The Zoning Ordinance states the following as intent of the Rural Residential District (Mendocino County Code Section 20.048.005):

This district is intended to create and enhance residential areas where agricultural use compatible with a permanent residential use is desired. Typically the "R-R" District would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired.

Development and Land Use Standards of Division I of Title 20 of the Mendocino County Code		
Code Section	Standard	Proposed
20.048.010 Permitted Uses	Family Residential: Single-Family	Existing
20.164.015 Accessory Buildings for Residential and Agricultural Use Types	Private garages	One private garage
20.048.035 Minimum Front and Rear Yards	20 feet	Garage: 20 feet Fence: 0 feet (on property line)
20.048.040 Minimum Side Yards	6 feet	6 feet
20.048.050 Building Height Limit	35 feet	35 feet or less
20.152.015 Allowed Standards for Fences on Front Yards	Maximum of 7 feet, non-view obscuring	8 feet, view-obscuring
20.152.020 Corridor Preservation Setback	25 feet	0 feet

Staff finds that the project is not consistent with the development standards for the RR District. The proposed project complies with standards for land use, building heights, parking and lot coverage; however, the project does not comply with standards for front yards. The property owner is requesting a variance to the minimum front yard requirement and requesting a 20 foot setback for the front yard adjacent to Cromwell Drive for the construction of a garage, and an 8 foot view obscuring fence on the property line adjacent to East Side Calpella Road.

2. Variance Findings: MCC Section 20.200.020 sets forth the necessary findings to approve a Variance. A variance is an exception from zone restrictions that is granted by the Zoning Administrator upon application which permits the development of real property to vary to a specified extent from area height, yard or space requirements when strict and literal interpretation of the provisions of this chapter create practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Division. Variances shall not be granted to authorize uses or activities which are not otherwise expressly authorized by the zone regulations governing the property. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the vicinity and zone. (MCC Section 20.200.005 Declaration).

Staff believes a variance to reduce the front yard setback from Cromwell Drive has been justified by the applicant due to the parcel's size, existing placement of structures basic to a residential use, etc.

Staff believes a variance to place an oversize view-obscuring fence on property line is justifiable since it could prevent cars to mistakenly enter the property, as it has occurred in the past. There are however a couple areas of concern to Staff:

1. Some type of fences could reflect light, which could endanger the commuters and residents around it. Therefore, the fence material must be non-light reflective in order to help ensure safety.
2. A tall fence on the property line of a corner lot is highly unsafe. The subject site is a corner lot since it is adjacent to both East Side Calpella Rd. (CR 227) and Cromwell Drive (a local, private road). The property is also curved in the proposed fence area. Traffic reincorporating East Side Calpella Rd. off Cromwell Drive could lose north-visibility if a tall view-obscuring fence is placed too close to its intersection. The Department of Transportation provided recommendations covering this issue, for which it has been made a condition to include a review from their Department to the fence's building permit application.

Staff recommends approving the requested variances with the provided special conditions.

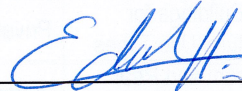
3. Environmental Protection: Staff recommends Categorically Exemption from the California Environmental Quality Act (CEQA), pursuant to Section 15305: Class 5, for projects which consist on minor alterations to the land.

RECOMMENDATION

By resolution, the Zoning Administrator accepts the Categorical Exemption and grant approval of Variance V_2017-0003, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

10/29/2018

DATE



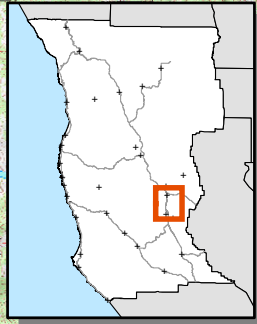
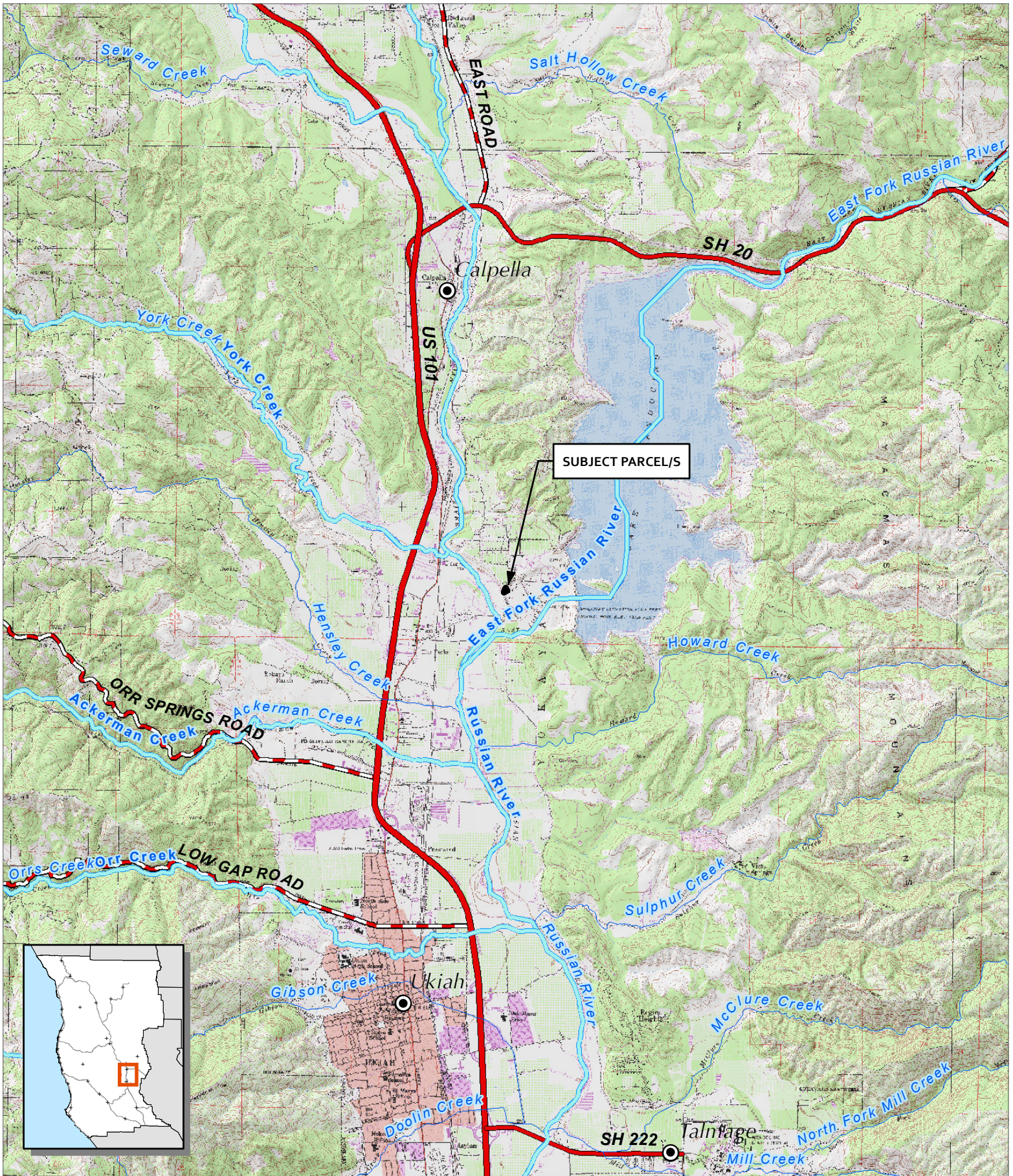
EDUARDO HERNANDEZ
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

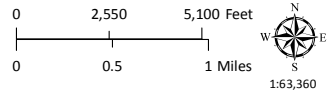
- A. Location Map
- B. Topographic Map
- C. Aerial Map (ESRI Imagery)
- D. Site Plan
- E. Zoning Display Map
- F. General Plan Classifications
- G. Adjacent Parcels
- H. Fire Hazard Zones & Responsibility Areas
- I. Mendocino County Department of Transportation letter dated July 12, 2018
- J. Site Photos taken on August 24, 2018

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



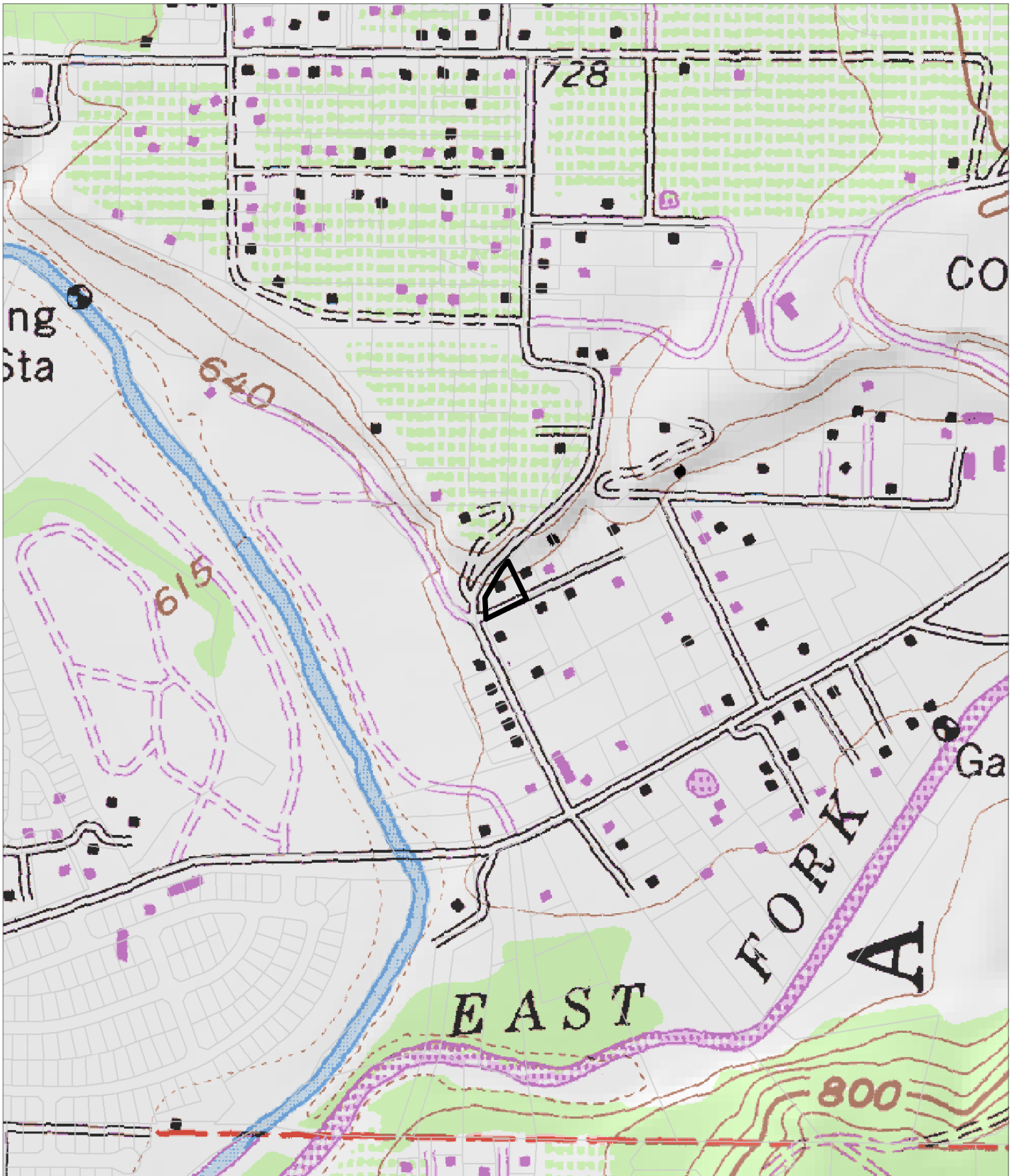
CASE: V 2017-0003
 OWNER: ROBERTS, Shane & Roneisha
 APN: 168-223-01
 APLCT: Shane Roberts
 AGENT:
 ADDRESS: 800 Cromwell Drive, Ukiah

- Major Towns & Places
- Highways
- Major Roads
- Major Rivers
- Named Rivers

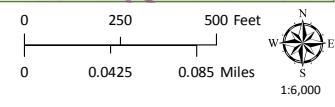


LOCATION MAP

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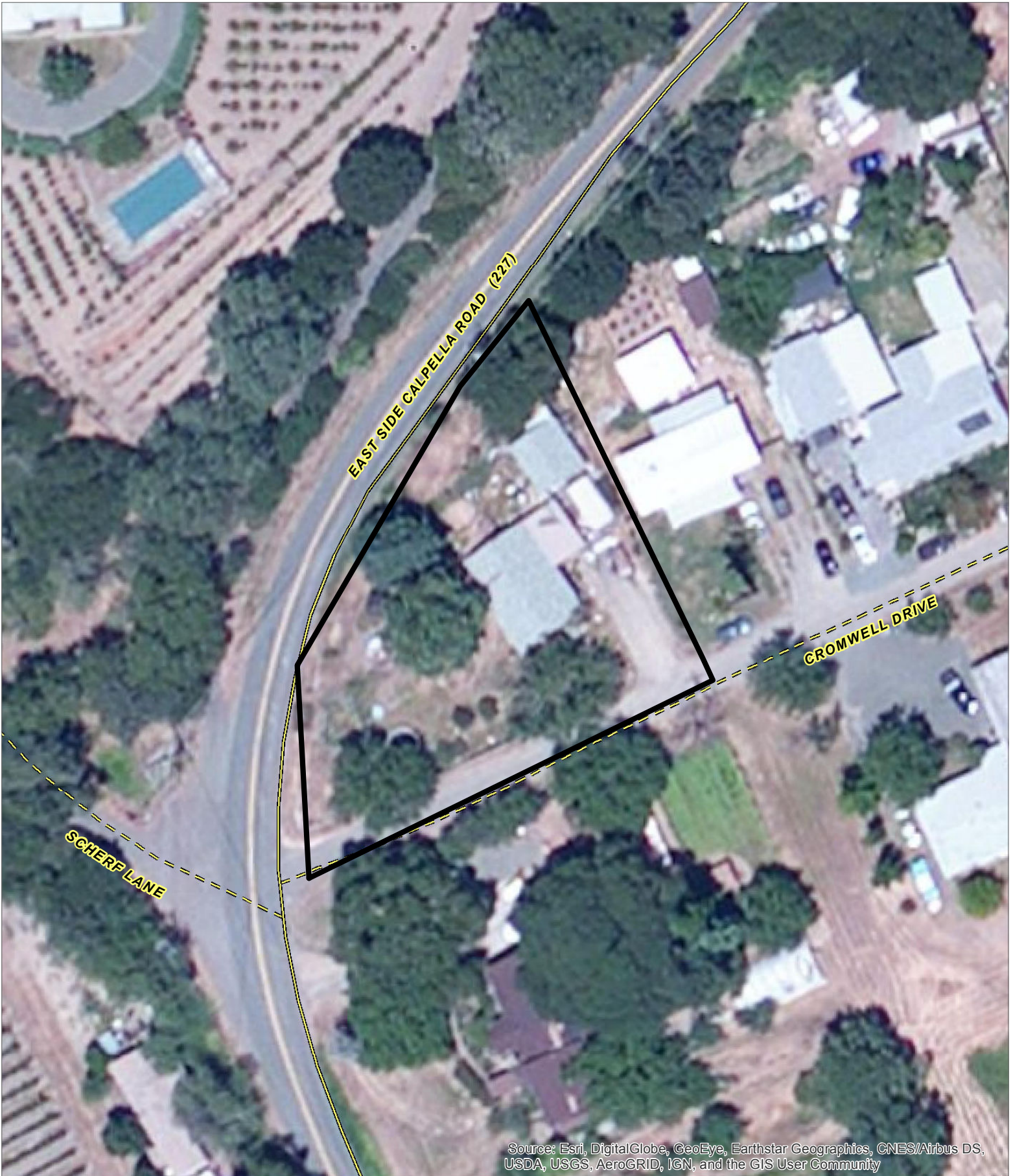


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TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

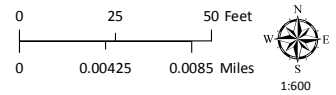
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

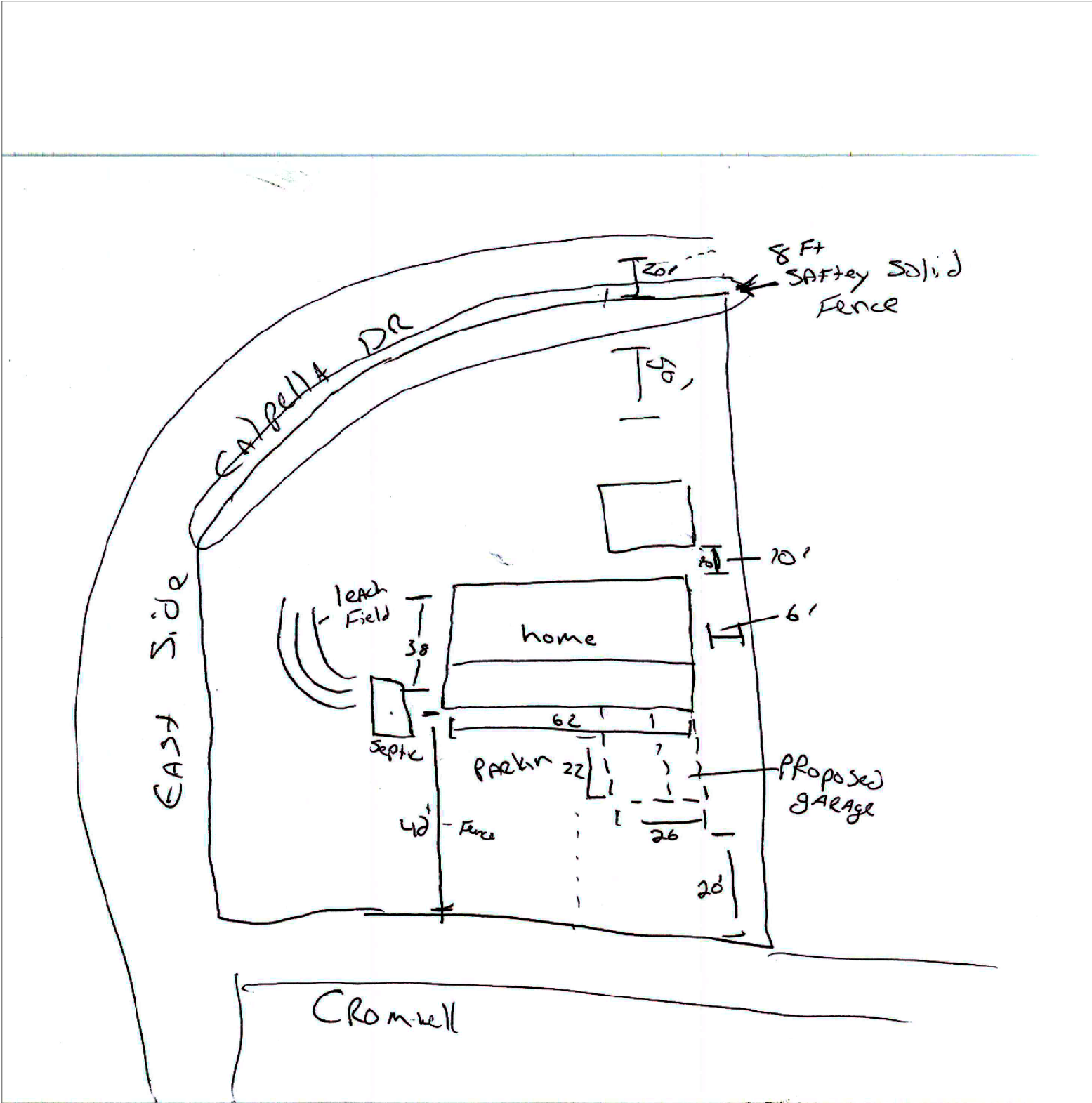
CASE: V 2017-0003
OWNER: ROBERTS, Shane & Roneisha
APN: 168-223-01
APLCT: Shane Roberts
AGENT:
ADDRESS: 800 Cromwell Drive, Ukiah

— Public Roads
- - - Private Roads



AERIAL IMAGERY

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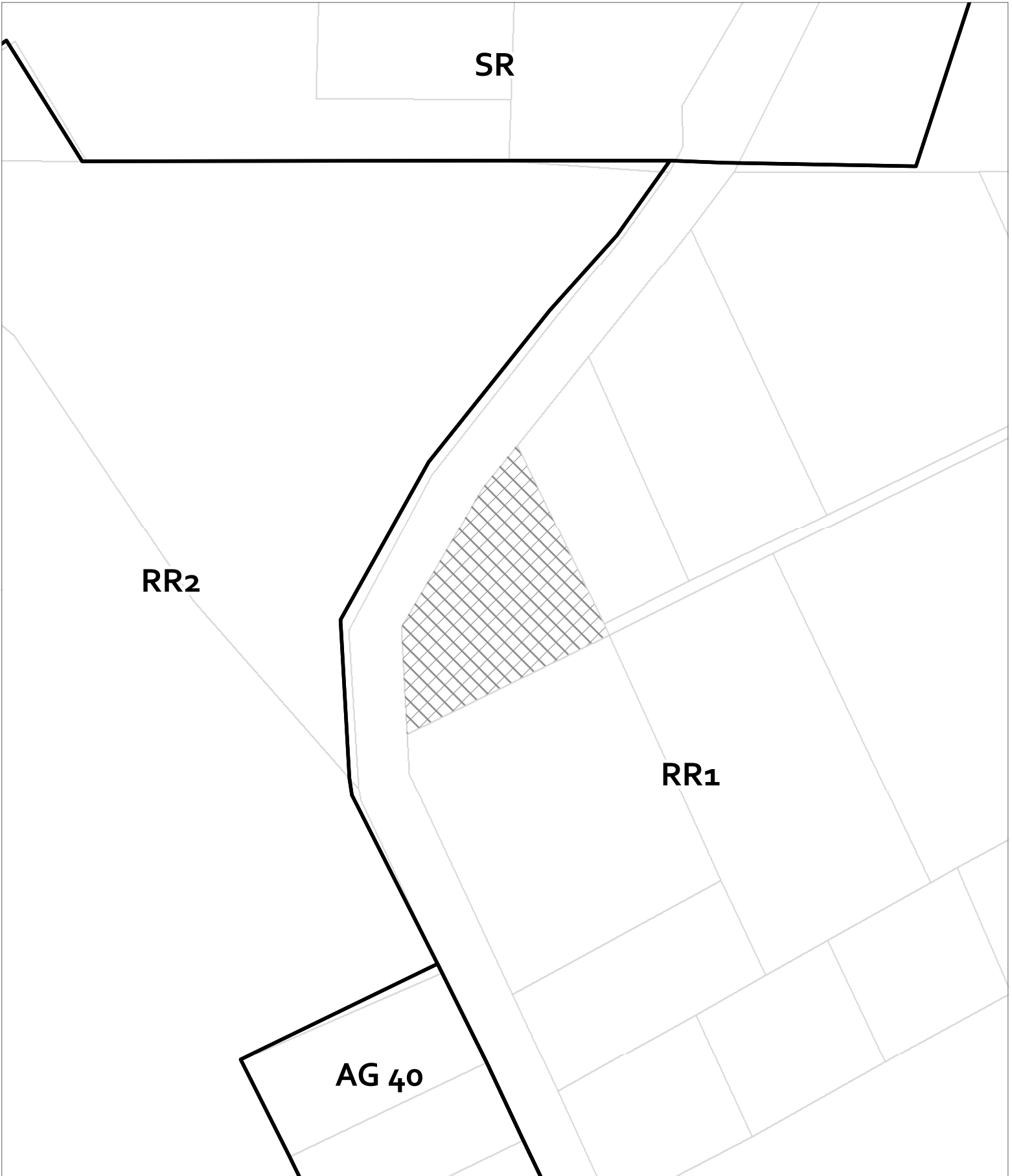


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NO SCALE

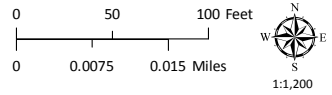
SITE PLAN

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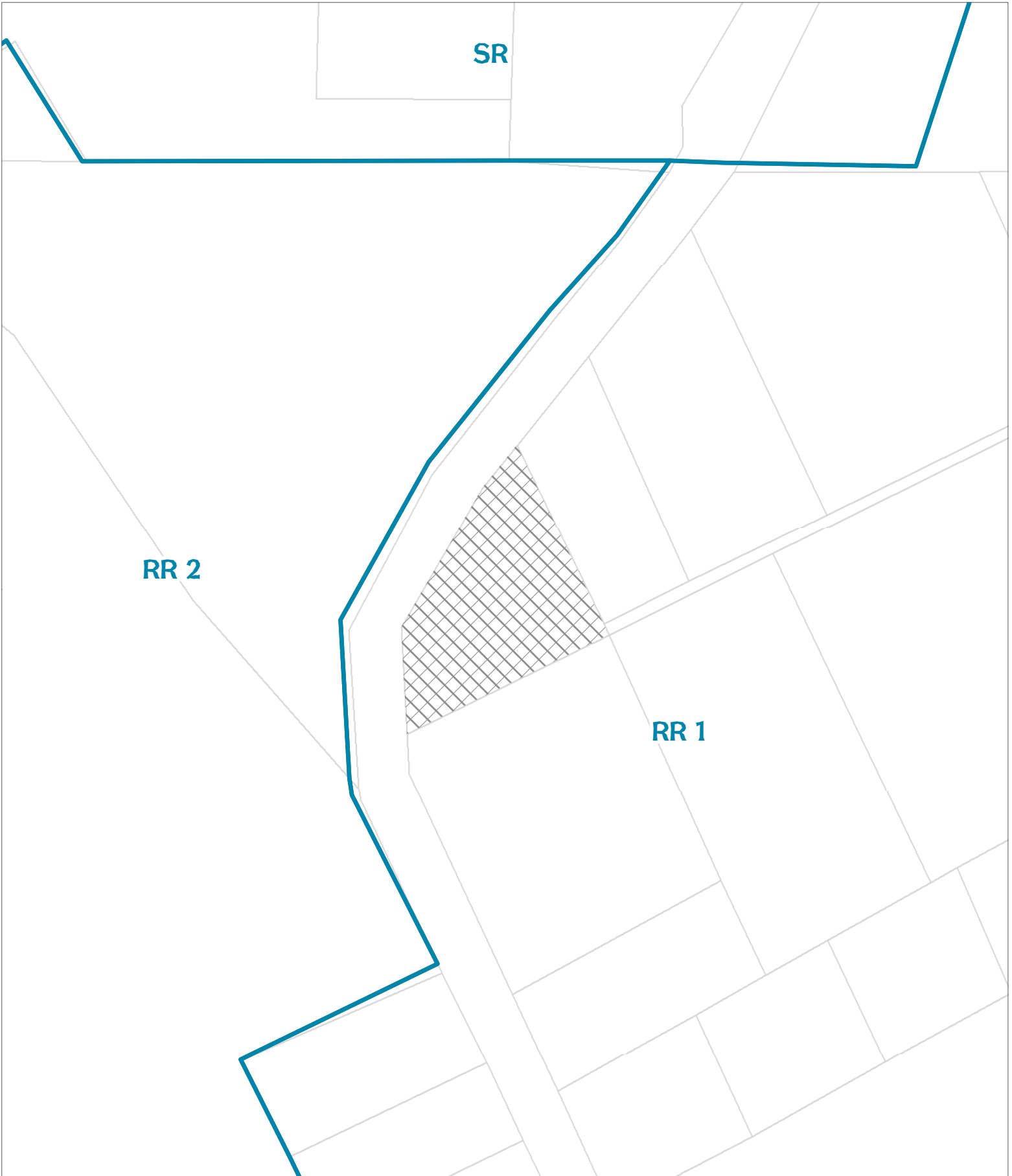
CASE: V 2017-0003
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 Zoning Districts




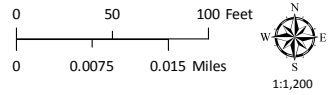
ZONING DISPLAY MAP

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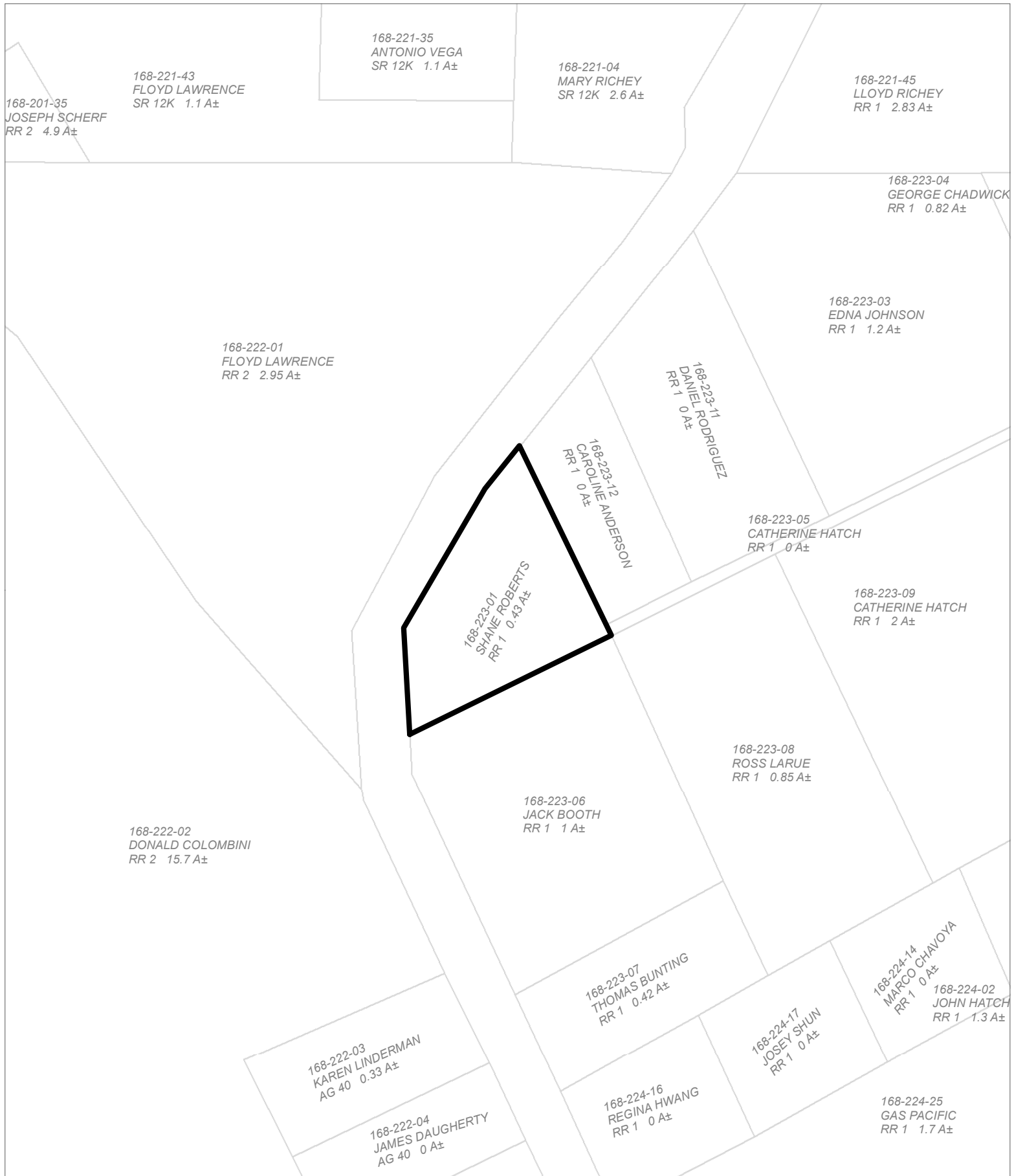
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 General Plan Classes

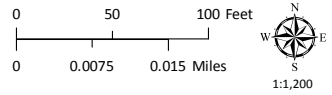


GENERAL PLAN CLASSIFICATIONS

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ADJACENT PARCELS

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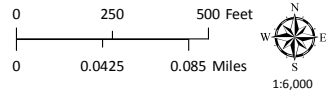
**UKIAH VALLEY FIRE PROTECTION DISTRICT
LOCAL**



US FOREST SERVICE

CASE: V 2017-0003
 OWNER: ROBERTS, Shane & Roneisha
 APN: 168-223-01
 APLCT: Shane Roberts
 AGENT:
 ADDRESS: 800 Cromwell Drive, Ukiah

-  County Fire Districts
-  Local Responsibility Areas
-  Moderate Fire Hazard



FIRE RESPONSIBILITY AREAS

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Howard. N. Dashiell
DIRECTOR OF TRANSPORTATION

Road Commissioner
County Engineer, RCE 42001
County Surveyor, PLS 7148



FUNCTIONS

Administration & Business Services
Airports
Engineering
Land Improvement
Roads and Bridges
Landfills

COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION
340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

July 12, 2018

TO: Eduardo Hernández, Planner
Department of Planning and Building Services

FROM: Amber Muñoz, Deputy Director
Department of Transportation

SUBJECT: Variance V_2017-0003

We have reviewed the application for the above referenced variance under cover of your referral dated July 10, 2018, and recommend approval with the following conditions:

- 1. View-obscuring fence shall not reduce existing sight distance from Cromwell Drive onto East Side Calpella Road (CR 227).**
- 2. View-obscuring fence must be placed entirely outside the County right-of-way. Applicant is solely responsible to determine the location of the County right-of-way.**
- 3. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work performed within the County right-of-way.**

If you have any questions regarding this, please contact me at (707) 234-2838.

cc: V_2017-0003







Resolution Number: _____

County of Mendocino
Ukiah, California
November 8, 2018

V_2017-0003 – SHANE & RONEISHA ROBERTS

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICAL EXEMPTION AND GRANTING A VARIANCE TO REDUCE THE FRONT YARD SETBACK OF A LOCAL PRIVATE ROAD FROM 45 TO 20-FEET AND THE PLACEMENT OF AN 8-FOOT VIEW OBSCURING FENCE ON THE PROPERTY LINE FACING A COUNTY ROAD

WHEREAS, the applicant, SHANE ROBERTS, filed an application for a VARIANCE with the Mendocino County Department of Planning and Building Services to reduce the front yard setback on Cromwell Dr. (Private) from 45 ft. of the center of the road to 20 ft. of the property line, and the placement of a 8 ft. view obscuring fence on the northwestern property line from ting on East Side Calpella Rd. (CR 227) within 20± ft. from centerline of the roadway at 800 Cromwell Drive, Ukiah (APN: 168-223-01).

WHEREAS, a CATEGORICAL EXEMPTION, CLASS 5 (MINOR ALTERATIONS IN LAND USE LIMITATIONS) was prepared for the Project available for agency and public review on October 29, 2018 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, November 8, 2018, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the CATEGORICAL EXEMPTION and the Project. All interested persons were given an opportunity to hear and be heard regarding the CATEGORICAL EXEMPTION and the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the CATEGORICAL EXEMPTION and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. General Plan Findings: The subject property is classified Rural Residential (RR:1) under the General Plan. The proposed variance is consistent with the General Plan and the Ukiah Valley Area Plan.
2. Zoning Findings: The subject property is zoned Rural Residential (RR-1), 40,000 square-foot minimum. Although the lot size is about half an acre, it is considered legal non-conforming as it is developed per its zoning designation. The project is consistent with the Variance provisions of Chapter 20.200 of the County Code.
3. Variance Findings for the garage: The Zoning Administrator approves V_2017-0003 subject to the conditions of approval recommended by staff, and further finding:

(A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;

The property is a corner lot to East Side Calpella Road (CR 227) and Cromwell Drive (a private road). Cromwell Drive is considered a local private road since at least 5 different parcels can be

benefited from this road. The property is subject to 2 (two) corridor preservation setbacks. The portion of East Side Calpella Road is mainly used for people passing by since there are no crosswalks, nor many driveways around it. There is one driveway originated off East Side Calpella Road by its intersection with Cromwell Drive which forms a "Y," the other closest driveway formed off East Side Calpella Road is about 560-feet north of the subject property and is on the west-side of the road. The northernmost portion of the property is a hillside with a steep elevation drop from the road line into the property. The built environment on and near the property is residential and access.

The requested variance for reduction of the front yard setback on Cromwell Drive from 45-feet from the center of the road to 20-feet from the property line is to allow permitted uses in the property. A garage is a permitted use, as described in the Mendocino County Code Section 20.164.015 Residential and Agricultural Accessory Use Types. There is no other place on the property to build the existing residence's garage. The parcel is about half-acre in size, is a corner lot subject to 2 (two) front yard and corridor preservation setbacks, developed with a residence, existing septic, and steep hillside on the northern portion of the property. Therefore, this finding can be made.

The requested variance to allow the placement of an 8-foot view obscuring fence on the northwestern property line fronting East Side Calpella Road is intended to protect the residential lot. The East Side Calpella Road portion adjacent to the property is a corridor without traffic calming measures, south-bound traffic is subject to a declining road grade and a counter-clockwise curve. Additionally, the steepness in the portion adjacent to the proposed fenced perimeter has the potential to add velocity to any vehicle entering the property from the county road. There has been multiple incidents in the past, including people entering the property after losing control of their cars while driving on East Side Calpella Road. Therefore, this finding can be made.

(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division;

The requested variance to reduce the front yard setback on Cromwell Drive is not due to an applicant's action on site. The triangular-shaped corner lot is developed with a residence, septic system, and a small structure damaged by fire. Although the existing residence was placed in the recent years, its size is standard and there are no much space for a garage in the property without encroaching into any setbacks dictated by the Zoning Ordinance. Therefore, this finding can be made.

The requested variance to allow the placement of an 8-foot view obscuring fence on the property line adjacent to East Side Calpella Road is not due to an applicant's action on site. The fence is intended to prevent vehicles commuting on the county road from losing control and getting into the property. The environmental setting has made it easier in the past for drivers to lose control of their vehicles and end up inside the property. Therefore, this finding can be made.

(C) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.

The requested variance to reduce the front yard setback on the private road would allow the residents to enjoy an accessory structured allowed by the zoning ordinance as it is a private garage. Structures accessory to the existing residence would complement the residential use on-site. Multiple neighbors who share access through the private road have existent garages. Finally, allowing the proposed setback would allow the applicant to build a garage, increasing the property's value. Therefore, this finding can be made.

The requested variance to allow the placement of an 8-foot view obscuring fence on a portion of the northern property line would increase the site's residents' enjoyment by providing them with a sense of safety. The property owner fears more cars will get into the property if a variance for an 8-foot metal fence is not approved to be placed on the northern property line adjacent to the county road. The subject property is unique in topography and adjacency to an internal curve in the vicinity. The property's enjoyment of current and future residents would be secured by the approval of this requested variance. Therefore, this finding can be made.

(D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located;

The granting of the requested variance to reduce the front yard setback adjacent to the private road, will not be detrimental to the public welfare or injurious to the property or improvements in the vicinity. The requested setback variance is to build a garage. Encroachment into a neighbor's property or right-of-way would not occur upon the approval of this variance or further development. Therefore, this finding can be made.

The granting of the requested variance to allow the placement of the over-sized metal fence will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity as long as it is conditioned. It is projected that the proposed fence will provide commuters coming down-hill on East Side Calpella Road (CR 227) with a sense of where the road ends and a property begins; impeding them from unknowingly driving into the property. For the commuters going up-hill on the county road, or driving out of Cromwell Drive (private road), an oversize view-obscuring fence would have the potential of endanger them and people in the vicinity. Per comments of the Mendocino County Department of Transportation, there is a sight distance to be maintained in order to prevent road-related accidents in the future. In order to maintain the sight distance and avoid any future accidents related to the fence, the perimeter covered by the fence is limited. Therefore, this finding, as conditioned can be made.

(E) That the granting of such variance will not adversely affect the General Plan (including the Ukiah Valley Area Plan).

The granting of the setback reduction variance would not adversely affect the General Plan. The variance is associated with the existing residential use on a parcel designated rural residential by the General Plan. The requested variance would not influence the density, use or lot size of the subject parcel. The variance would further a goal of the Ukiah Valley Area Plan by visually complementing the residential aspect of the vicinity. Therefore, this finding can be made.

The granting of the variance to allow the placement of the oversize metal fence would not adversely affect the General Plan. The variance would not reduce the livability of the subject property, nor reduce the area for agricultural or residential use as mandated by the General Plan. The variance would not influence the density, use or lot size of the subject parcel. As conditioned, the variance would further a goal of the Ukiah Valley Area Plan by enhancing circulation and safety in a residential area. Therefore, this finding can be made.

3. Variance Findings for the garage: The Zoning Administrator approves V_2017-0003 subject to the conditions of approval recommended by staff, and further finding:

BE IT FURTHER RESOLVED that the Zoning Administrator hereby adopts the Categorical Exemption and the set forth in the Conditions of Approval. The Zoning Administrator certifies that the Categorical Exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Categorical Exemption reflects the independent judgment and analysis of the Zoning Administrator.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested VARIANCE subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL V_2017-0003 – SHANE ROBERTS NOVEMBER 8, 2018

APPROVED PROJECT DESCRIPTION: Variance for reduction of front yard setback on Cromwell Dr. (Private) from 45 ft. of the center of the road to 20 ft. of the property line, and the placement of a 8 ft. view obscuring fence on the northwestern property line from ting on East Side Calpella Rd. (CR 227) within 20± ft. from centerline of the roadway.

CONDITIONS OF APPROVAL:

1. 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.
2. This permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State, and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

The requested fence and proposed garage are subject to building permits. The building permit application for the fence must be reviewed and approved by the Department of Transportation prior to its placement. The fence may also require engineering plans depending on its structural characteristics.

3. The pending building permit applications must be re-instated and finalized prior to the issuance of a building permit for the requested fence. The existing wooden fence perpendicular to Cromwell Drive must be either removed or modified in order to be in compliance with the view obscuring and height provisions of MCC Section 20.152.015(E), prior to the issuance of the building permit for the requested fence.
4. That the application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith shall be mandatory, unless a modification has been approved by the Zoning Administrator.
5. The applicant is advised that this variance will expire at the end of years, on June 9, 2018, unless construction of the signs is commenced and diligently pursued in compliance with required building permits prior to that date.