



**COASTAL PERMIT ADMINISTRATOR
COASTAL DEVELOPMENT MINOR USE PERMIT**

**AUGUST 26, 2016
U_2015-0014**

SUMMARY

OWNER/ APPLICANT: GARY & Nanci STARR
5 LIBERTY DOCK
SAUSALITO, CA 94965

REQUEST: Coastal Development Minor Use Permit for a 809 square-foot Single Unit Rental in the Town of Mendocino. No exterior modifications or expansions are proposed.

DATE DEEMED COMPLETE: 8/13/2015

LOCATION: In the Coastal Zone within the Town of Mendocino, lying south of Main Street and approximately 100 feet east of its intersection with Evergreen Street, at 44771 Main Street, Mendocino; APN 119-250-32.

TOTAL ACREAGE: 17,503 square feet

GENERAL PLAN: Mendocino Town Plan - Commercial (C)

ZONING: Mendocino Commercial (MC)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt - Section 15303 of Article 19 (Class 3): The conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

RECOMMENDATION: Approve with conditions.

STAFF PLANNER: Robert LaPorte

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Minor Use Permit for an 809 square-foot Single Unit Rental (SUR) in the Town of Mendocino. No exterior modifications or expansions are proposed.

SITE CHARACTERISTICS: The approximately 17,503 square-foot parcel is located in the Town of Mendocino on the south side of Main Street and approximately 100 feet east of its intersection with Evergreen Street, at 44771 Main Street, Mendocino (APN 119-250-32). The existing two story 1,867 square-foot residence is located on the northern $\frac{1}{4}$ of the parcel with the remaining $\frac{3}{4}$ of the property landscaped as a lawn. The site is bordered by an inn to the west, a cemetery across Main Street to the north, commercial offices to the east, and State Park to the south. The first floor of the residence, approximately 1,058 square feet, would continue to be used as a single-family residence on the property. The second floor, approximately 809 square feet, would contain the SUR.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Public Facilities (PF) Mixed Use (MU)	Mendocino Public Facilities (MPF) Mendocino Mixed Use (MMU)	16K SF to 1.5 AC	Cemetery
EAST	Commercial (C)	Mendocino Commercial (MC)	18K SF	Commercial - Office
SOUTH	Open Space (OS)	Mendocino Open Space (MOS)	8.5 AC	State Park
WEST	Commercial (C)	Mendocino Commercial (MC)	10K SF	Inn

PUBLIC SERVICES:

Access: MAIN STREET (CR407E)
Fire District: MENDOCINO F.P.D.
Water District: MCCSD
Sewer District: MCCSD
School District: MENDOCINO UNIFIED

AGENCY COMMENTS: On August 13, 2015 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Agency comments are summarized below. Any comments that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Environmental Health-FB		No Comment	August 25, 2015
Building Services-FBPBS		No Response	
Planning-Ukiah PBS		No Comment	September 10, 2015
Department of Transportation		No Response	
Assessor		No Response	
US Fish & Wildlife Service		No Response	
Department of Fish & Game		No Response	
Coastal Commission		No Response	
Mendocino F.P.D.		No Response	
Regional Water Quality Control		No Response	
MCCSD		Comments	December 21, 2015
CalFire		No Comment	August 17, 2015

KEY ISSUES

Coastal Development Permit applications are subject to the findings enumerated in Section 20.720.035 of the Mendocino County Code (MCC). The *Coastal Permit Approval Checklist* individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project.

The issues listed below are drawn from *Coastal Permit Approval Checklist* and have been determined to be “key issues” because they either require special conditions for the findings to be made or they address matters of particular concern by referral agencies.

Key Issue 1: Land Use

The subject parcel is classified as Commercial by the Mendocino Town Plan, which is intended “to provide an area within the town suitable for commercial development compatible with existing commercial uses.” The principally permitted uses designated for the Commercial land use classification include residential, civic and commercial uses.

The proposed use is a SUR, which is not expressly listed as a permitted or conditional use in any land use designation in the Town Plan. The Town Plan defines SUR as follows:

Single unit rental means the use of an attached or detached structure which is used as a visitor serving unit and which is operated in conjunction with a residential use or commercial use, as a short term rental for transient occupancy, for a fee charged, and subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax of the Mendocino County Code."

The parcel currently contains an existing two story single-family residence. As proposed by the use permit application, the second floor of the single-family residence (SFR) will be converted to a SUR. The SUR will be an attached structure, which shares access with the first floor SFR, used as a visitor-serving unit operated in conjunction with the existing residential use on the property for short-term transient occupancy, consistent with the Town Plan definition of SUR.

The proposed conversion of a portion of an existing single-family residence to a SUR is consistent with the Town Plan.

Key Issue 2: Zoning

Intent: The parcel is zoned Mendocino Commercial (MC). MCC Section 20.664.005 states the intent of the MC zoning district is "to provide an area within the Town suitable for commercial development compatible with existing commercial uses." The proposed combined use of a SFR with a SUR is consistent with the intent of the MC zoning district.

Use: MCC Section 20.748 governs the establishment of SUR and VHR uses in the Town of Mendocino. Sections 20.748.015 and 20.748.020 detail permit requirements and standards for SURs. Section 20.748.25 provides exemptions for SUR permitting requirements for parcels in the MC district. The applicable code sections are expressed below:

Sec. 20.748.015 Permit

A single unit rental or vacation home rental may be permitted upon issuance of a minor use permit in any district only when all provisions of this Chapter are met.

Sec. 20.748.020 Standards

Single unit rentals and vacation home rentals shall meet all of the following requirements:

- (A) To preserve town character and maintain the town as a residential community with limited commercial services, the County shall maintain, at all times, for new vacation home rentals or single unit rentals approved subsequent to the effective date of this section, a ratio of thirteen (13) long term residential dwelling units to either one (1) single unit rental or vacation home rental. The County shall not require any reduction in the number of vacation home rentals or single unit rentals in existence on the date of certification by the Coastal Commission of this section.*
- (B) No application for a new single unit rental or new vacation home rental shall be granted complete and no permit shall be granted until and unless thirteen (13) new residential dwelling units have been completed since approval of the last previous single unit rental or vacation home rental.*
- (C) Single unit rentals and vacation home rentals shall be subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code.*
- (D) Permits for a single unit rental may be granted only in conjunction with an existing residential dwelling unit or commercial use on the same site.*

(E) (Omitted – only applies to Vacation Home Rentals)

(F) *Permits for a single unit rental or a vacation home rental shall not be transferable in any way.*

(G) *Applications for single unit rentals and vacation home rentals shall be considered and acted upon in chronological order from the date the application is received, except that permits for a vacation home rental shall be granted only when all pending applications for single unit rentals have been approved.*

(H) *A second residential dwelling unit may not be converted to a single unit rental.*

Sec. 20.748.025 Exemption

A single unit rental located in the MC District shall be exempt from meeting the standards of Section 20.748.020(A) and Section 20.748.020(B) (emphasis added).

The proposed SUR may be permitted as a use on this parcel with approval of this use permit application.

An excessive number of transient occupants in SUR can result in overflow parking demands, excessive noise, and an overall activity level in excess of that typically associated with single-family residential use. For this reason, staff recommends **CONDITION 8** to limit the number of overnight occupants based on the size of the structure. The limitation restricts occupancy to one occupant per 300 square feet, which is derived from Uniform Building Code dwelling occupant loads for establishment of egress requirements. The proposed SUR is 809 square feet, allowing for a maximum overnight occupancy of two guests.

Recommended **CONDITION 9** clarifies that this permit may be subject to modification or revocation if operation of the SUR results in substantive and unresolved complaints from nearby property owners and/or residents. Additionally, recommended **CONDITIONS 10** through **13** establish requirements for the operation of a SUR in the Town of Mendocino.

Density: The proposed change of use will not alter the existing dwelling density on the parcel, an SUR is not considered a dwelling unit.

Yards: The MC zoning district requires no front, rear or side yard. The application is consistent with zoning setback standards.

Lot Coverage: The maximum permitted lot coverage in the MC zoning district is twenty-five percent. Lot coverage is defined in Sec. 20.608.031(13) as “the percentage of gross lot area covered by all buildings and structures on a lot, including decks, porches and walkways; excluding uncovered required parking areas, landscaping, patios and terracing.” The existing development covers approximately eight-percent of the property, well within the maximum permitted lot coverage on the parcel. The proposed change in use proposes no expansion of the structures or exterior development.

Minimum Vehicle Parking: One and one-half parking spaces are required for each dwelling unit in the MC zoning district (MCC Sec. 20.664.055). Conversion of the second floor of the residence to a SUR, while maintaining the bottom floor as a residence, is likely to increase parking demand. Currently there are three on-site parking spaces at the property, which is adequate to serve the proposed use while also meeting the parking requirement for the zoning district.

Key Issue 3: Utilities: Water and Sewer

The project site is located within the Mendocino City Community Services District (MCCSD), and is served by public sewer. The project was referred to MCCSD for comment. As indicated in the referral response letter from MCCSD dated August 17, 2015, the applicant met all requirements for Groundwater Extraction and Sewer Use for the change in use to convert a portion of the residential unit to a SUR. The parcel will be served with adequate utilities to support the proposed use.

MCCSD, in a letter received December 21, 2015, wrote that the applicant withdrew his MCCSD application for the conversion of a single-family residence to a commercial visitor serving facility and would be required to re-apply with MCCSD for the change in use upon issuance of County use permit. **CONDITION 14** is recommended to ensure that MCCSD requirements for the SUR conversion are met.

Key Issue 4: California Environmental Quality Act

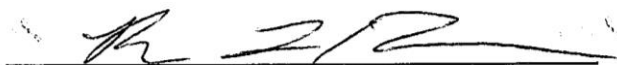
The project is Categorically Exempt from the provisions of CEQA, pursuant to Section 15303 (Class 3) of Article 19 of the California Environmental Quality Act Guidelines. The Class 3 exemption finds that "the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure", meeting the criteria of Section 15303, has "been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA." The application proposes the conversion of a small structure from one use to another where no modifications are made in the exterior of the structure. The project will not have any adverse impacts on the environment within the meaning of CEQA.

RECOMMENDATION

By resolution, accept the Categorical Exemption and grant Coastal Development Minor Use Permit U_2015-0014 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

8/26/2016

DATE



ROBERT LAPORTE
PLANNING TECHNICIAN II

DATE

ANDY GUSTAVSON
COASTAL PERMIT ADMINISTRATOR

Appeal Fee - \$1100.00 (For an appeal to the Mendocino County Board of Supervisors.)

Appeal Period - Ten (10) calendar days for the Mendocino County Board of Supervisors.

ATTACHMENTS:

- A – Coastal Permit Approval Checklist
- B – Location
- C – Aerial Wide
- D – Aerial
- E – Floor Plan
- F – Zoning
- G – General Plan
- H – LCP
- I – Adjacent Parcels
- J – Fire Hazard Zones
- K – Coastal Groundwater Resource