

**COASTAL PERMIT APPROVAL CHECKLIST
AUGUST 26, 2016**

PROJECT TITLE: CDU_2015-0014

PROJECT LOCATION: 44771 MAIN STREET
MENDOCINO, CA 95460

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Robert LaPorte
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GENERAL PLAN DESIGNATION: Mendocino Town Plan - Commercial (C)

ZONING DISTRICT: Mendocino Commercial (MC)

DESCRIPTION OF PROJECT: Coastal Development Minor Use Permit for a 809 square-foot Single Unit Rental (SUR) in the Town of Mendocino

SITE DESCRIPTION AND SETTING: 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 ¼ of the parcel with the remaining ¾ 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.

DETERMINATION: The proposed project satisfies all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.720.035 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.720.035 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20.720.035 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6) Other services, including but not limited to, solid waste, public roadway capacity and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(7) That the proposed development is in conformance with the design standards of Section 20.760.050.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:				
(1) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Findings

- **20.720.035(A)(1) The proposed development is in conformity with the certified local coastal program.**

☒ *Consistent (without conditions of approval)*

The Local Coastal Program sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program (LCP) serves as an element of the General Plan and includes Zoning Regulations for the Coastal Zone, and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

Hazards

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone. The San Andreas Fault is located approximately 5 miles to the west of the project site and is the nearest active fault. There is no evidence to suggest there is an unrecognized fault on the site. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction. The project is consistent with the seismic standards of the General Plan.

Landslides: According to California Department of Conservation Division of Mines and Geology maps, the subject property is not located on or near any known geologic or geomorphic features related to

Landsliding (Kilbourne, R.T., 1983, *DMG Open-File Report 83-15, Geology and Geomorphic Features Related to Landsliding, Mendocino 7.5' Quadrangle, Mendocino County, California, Scale 1:24,000.*). The project does not propose any physical alterations to the property.

Erosion: The project site is located approximately 250 feet from the edge of an ocean bluff. This site consists of relatively flat terrain with a residence on the northern portion of the parcel, which is furthest from the bluff, and the remainder of the yard is lawn. No physical alterations, including grading, are proposed as a result of this project, and the project is therefore consistent with General Plan erosion standards.

Flooding: There are no mapped 100-year flood zones on the subject parcel, as mapped by the Federal Emergency Management Administration (FEMA).

Fire: The project is located in an area that has a “moderate” fire hazard severity rating, as determined by the California Department of Forestry and Fire Prevention (CalFire). Both CalFire and Mendocino Fire Protection District (MFPD) received referrals of the application. CalFire had no comment and the MFPD did not return comments.

Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and Section 20.504 of the Mendocino County Coastal Zoning Code.

The subject property lies within the Town of Mendocino, and is not located in an area that is designated Highly Scenic by the Local Coastal Program. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. The change in use, which lacks any exterior alterations to the structure, will not have any effect on visual resources.

- **20.720.035(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

☒ *Consistent (with conditions of approval)*

Utilities

The project site is located within the Mendocino City Community Services District (MCCSD), and is served by public sewer and a well. 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. 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.

The existing single family residence is currently serviced with an electric utility and gas, the SUR will be serviced by these existing utilities. With the conditions of approval met, the parcel will be served with adequate utilities to support the proposed use.

Access Roads

Mendocino County Department of Transportation (DOT) had the opportunity to comment on the application concerning access. DOT provided no comment to the application referral. The proposed change of use will not result in an increase in traffic volumes or a discernible change in circulation patterns on local or regional roadways.

Drainage

Drainage is subject to Section 20.492.025 of the MCC. The proposed development will not increase the amount of impervious surfaces on this parcel, as no exterior development is proposed.

- **20.720.035(A)(3)** The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.

☒ *Consistent (with conditions of approval)*

General Plan 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.

Zoning District

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.

- **20.720.035(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

☒ *Consistent (without conditions of approval)*

The project is Categorically Exempt from the provisions of CEQA, pursuant to Class 1 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.

- **20.720.035(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

☒ *Consistent (without conditions of approval)*

The proposed use occurs only within the confines of the existing structure. No archaeological or paleontological resources will be affected by the proposed change of use.

- **20.720.035(A)(6) Other services, including but not limited to, solid waste, public roadway capacity and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed development.**

☒ *Consistent (with conditions of approval)*

The Caspar Transfer Station is approximately three miles from the project site, providing for the disposal of solid waste resulting from the uses on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. An existing dumpster enclosure currently exists on the parcel to serve the solid waste needs of the building. Solid waste disposal is adequate to serve the proposed development.

The site has access to Main Street. DOT had the opportunity to comment on the application concerning access, and replied with no comment. The existing public roadway capacity is sufficient to serve the proposed SUR.

The project site is located within the Mendocino City Community Services District (MCCSD), and is served by a well. 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. 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 15** is recommended to ensure that MCCSD requirements for the SUR conversion are met.

With the conditions of approval met, the parcel will be served with adequate utilities to support the proposed use.

- **20.720.035(A)(7) The proposed development is in conformance with the design standards of Section 20.760.050.**

☒ *Consistent (without conditions of approval)*

MMC Section 20.760 designates the Mendocino Historical Districts as well as design criteria ensuring development is compatible with surrounding development.

The subject property is located in Historical Zone A. The proposed change in use proposes no expansion of the structures or exterior development. The proposed project is therefore exempt from Mendocino Historical Review Board approval and is consistent with the design standards of the Historical District.

References

Kilbourne, R.T., 1983, *DMG Open-File Report 83-15, Geology and Geomorphic Features Related to Landsliding, Mendocino 7.5' Quadrangle, Mendocino County, California, Scale 1:24,000*.

Mendocino County Coastal Zoning Code.1992. Ukiah, CA.

Mendocino Town Zoning Code.1995. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *The Mendocino Town Plan*. 1992. Ukiah, CA.