

**COASTAL PERMIT CHECKLIST  
DECEMBER 8, 2016**

**PROJECT TITLE:** U\_2016-0006 (CIMMIYOTTI, SINGLE UNIT RENTAL)

**PROJECT LOCATION:** In the Coastal Zone within the Town of Mendocino on the north side of Main Street (CR 407E) and approximately 150 feet west of its intersection with Kasten Street (CR 407L), at 45120 Main Street, Mendocino (APN 119-237-07)

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

**ZONING DISTRICT:** Mendocino Commercial (MC) / Mendocino Town Residential (MTR)

**DESCRIPTION OF PROJECT:** Coastal Development Minor Use Permit to convert a second floor 956 square-foot commercial retail use into a Single Unit Rental.

**SITE DESCRIPTION AND SETTING:** The approximately 9,720 square-foot parcel is located in the Town of Mendocino on the north side of Main Street (CR 407E) and approximately 150 feet west of its intersection with Kasten Street (CR 407L), at 45120 Main Street, Mendocino (APN 119-237-07). The parcel contains two existing structures, a two-story 2,156 square-foot commercial building with attached storage as well as a two-story 1,006 square-foot residential duplex. Approximately 600 square feet of the yard is paved with the remaining 7,364 square feet of yard unimproved or landscaped. The first floor of the subject commercial building would continue to be used as a commercial retail use. The second floor of the subject building would contain the SUR. No changes are proposed to the use of the duplex. No exterior alterations or modifications to the property are proposed. The site is bordered by commercial uses to the east and west, residential to the north, and State Park to the south. The subject parcel is classified by the Mendocino Town Plan with a split designation of Town Residential as well as Commercial. The proposed project is entirely within the Commercial zoning designation on the property.

**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
<b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b>				
(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 type="checkbox"/>	<input checked="" 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"/>

20.720.035 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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"/>
(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 type="checkbox"/>	<input checked="" 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>(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:</b>				
(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 serves as an element of the General Plan and includes Division III of Title 20, the Mendocino Town Plan, of the Mendocino County Code (MCC), 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**

The Coastal Act mandates that new development shall reduce potential risks and avoid substantial alteration of natural landforms. Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone and MCC Section 20.500 (Hazard Areas) provides regulations for those areas. The following is a discussion of the major environmental hazards in the Coastal Zone and potential impacts with the subject project.

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 located in an area with soil that may have conditions conducive to liquefaction. The proposed use is located in an existing building and does not propose any structural alterations and therefore would not increase exposure to the potential liquefaction hazard. 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 and will not increase any potential for landslides.

Erosion: The project site is relatively level and located approximately 285 feet from the edge of an ocean bluff. 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). The project will not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam.

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. The proposed project does not propose any physical alterations to the property and is consistent with the General Plan fire safety standards.

### 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 (without conditions of approval)*

Chapter 3.8 of the Mendocino County General Plan Coastal Element addresses Transportation, Utilities and Public Services within the Coastal Zone. Coastal Element Policy 3.8-1 provides general guidelines for all development in the coastal zone, requiring that:

*Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.*

### 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 and they indicated that the applicants had submitted an application for a Groundwater Extraction Permit for the addition of a SUR without a kitchen. On June 21, 2016 Planning and Building Services received notice from MCCSD

that the application was approved under Section (a) of the MCCSD Groundwater Extraction Permit Ordinance No. 07-1, for no increase in water demand. The proposed use will not require a hydrological study as MCCSD determined that no increase in water extraction will occur (MCC Sec.744.025).

The existing commercial building is currently serviced with an electric utility.

The parcel is serviced with adequate utilities to support the proposed change in 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 by the Mendocino Town Plan with a split designation of Town Residential as well as Commercial. The proposed change in use is applicable only to the portion of the property designated Commercial. The Commercial classification is intended "to provide an area within the town suitable for commercial development compatible with existing commercial uses" (Chapter 4.13 of the Mendocino Town Plan). 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 a two story commercial building. As proposed by the use permit application, the second floor of the building would be converted to a SUR. The SUR would be contained in the second floor and used as a visitor-serving unit operated in conjunction with the existing commercial 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 commercial building 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 Commercial use 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 minor 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 956 square feet, allowing for a maximum overnight occupancy of three 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 twenty-four percent of the property, within the maximum permitted lot coverage on the parcel. The proposed change in use proposes no expansion of the structures or exterior development.

With the conditions of approval met, the proposed use will be consistent with the purpose and intent as well as the regulations of the zoning district.

Parking: The MC zoning district requires one and one-half (1 ½) on-site parking spaces for each dwelling unit, and one (1) off-street parking space for each four hundred (400) square feet of non-residential gross floor area. The existing commercial use of the 2,156 square-foot commercial building would require six (6) off-street parking spaces, however, no parking spaces are provided and the use is nonconforming with the parking requirement. The change in use of the 956 second floor from commercial to SUR, treated equivalent to a dwelling unit, would require one and one-half (1 ½) parking spaces and the 1200 square-foot first floor commercial use would require three (3) off-street parking spaces. The change in use to a SUR represents a reduction in parking demand from six (6) spaces to four and one-half (4 ½) spaces and is compatible with adjacent land uses.

- **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 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.

- **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 (without conditions of approval)*

Chapter 3.8 of the Mendocino County General Plan Coastal Element addresses Transportation, Utilities and Public Services within the Coastal Zone. Coastal Element Policy 3.8-1 provides general guidelines for all development in the coastal zone, requiring that:

*Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.*

#### Solid Waste

The Caspar Transfer Station is approximately six 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. Solid waste disposal is adequate to serve the proposed development.

#### Roadway Capacity

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.

#### Water Supply

Chapter 20.744 of the MCC establishes requirements for the evaluation of the adequacy of ground water resources for new developments in the Town of Mendocino.

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 and they indicated that the applicants had submitted an application for a Groundwater Extraction Permit for the addition of a SUR without a kitchen. On June 21, 2016 Planning and Building Services received notice from MCCSD that the application was approved under Section (a) of the MCCSD Groundwater Extraction Permit Ordinance No. 07-1, for no increase in water demand. The proposed use will not require a hydrological study as MCCSD determined that no increase in water extraction will occur (MCC Sec.744.025).

The parcel will be served with adequate services 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.