

Resolution Number _____

County of Mendocino
Ukiah, California
January 3, 2017

U_2016-0006 - CIMMIYOTTI

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR, COUNTY
OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CLASS 3
CATEGORICAL EXEMPTION AND GRANTING U_2016-0006 FOR A
SINGLE UNIT RENTAL.

WHEREAS, the applicant, ROBERT E and SUSAN B CIMMIYOTTI, filed an application for a Coastal Development Minor Use Permit with the Mendocino County Department of Planning and Building Services to convert a second floor 956 square-foot commercial retail use into a Single Unit Rental. The site is located 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; General Plan - Commercial; Zoning – Mendocino Commercial; Supervisorial District 5; (the “Project”); and

WHEREAS, the subject property is developed with an existing commercial building as well as multi-family residence; and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator received all relevant evidence presented in writing regarding the Class 3 Categorical Exemption and the Project and administratively approved the Class 3 Categorical Exemption and the Project on January 3, 2017; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Coastal Permit Administrator regarding the Class 3 Categorical Exemption and the Project.

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

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
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 the MCC and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and

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; and
7. That the proposed development is in conformance with the design standards of Section 20.760.050.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 3 Categorical Exemption. The Coastal Permit Administrator certifies that the Class 3 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 Class 3 Categorical Exemption reflects the independent judgment and analysis of the Coastal Permit Administrator.

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

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Coastal Permit 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.

NOW, THEREFORE, BE IT RESOLVED that the Coastal Permit Administrator action shall be final on the 11th day after the proposed issuance of the Coastal Development Minor Use Permit is reported to the Mendocino County Board of Supervisors.

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

ATTEST: ADRIENNE THOMPSON
Commission Services Supervisor

BY: STEVE DUNNICLIFF
Director/ Coastal Permit Administrator

By: _____

EXHIBIT A

CONDITIONS OF APPROVAL U_2016-0006 - CIMMIYOTTI JANUARY 3, 2017

Coastal Development Minor Use Permit for a 956 square-foot Single Unit Rental.

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

CONDITIONS OF APPROVAL:

1. The permit shall become effective on the 11th day after the proposed issuance of the Coastal Development Permit is reported to the Mendocino County Board of Supervisors and shall expire and become null and void at the expiration of two years after the effective date except where use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division III of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. 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.

8. The maximum overnight occupancy of the SUR is limited to a maximum of one person per every 300 square feet. The use of the SUR for "special events" or other large gatherings is limited to that which is necessarily and customarily associated with, and appropriate, incidental, and subordinate to, the principal uses of the property.
9. The use of the structure as a SUR shall not be so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance. An action to revoke or modify this minor use permit may be initiated by order of the Coastal Permit Administrator or the Board of Supervisors.
10. This permit authorizing the use of the structure for short-term transient occupancy as a SUR is not transferable in any way.
11. The applicant shall apply for and receive a business license for operation of the SUR in accordance with Chapter 6.04 of the Mendocino County Code. The business license shall not be transferable. Failure to maintain a valid business license shall result in the expiration of this permit. The applicant shall submit to Planning and Building Services, a copy of the business license and evidence of the annual renewal(s) within 30 days of issuance of the business license and renewal(s).
12. The applicant shall pay all required Uniform Transient Occupancy taxes in accordance with Chapter 520 of the Mendocino County Code.
13. The applicant shall submit to Planning and Building Services, on an annual basis, a signed statement which indicates the dates during which the SUR was rented to transient guests during the previous year. At a minimum, in any 24 month period, the SUR shall be rented for short-term transient occupancy for at least 60 days.