



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT COASTAL MINOR USE PERMIT**

**DECEMBER 8, 2016
U_2016-0006**

SUMMARY

OWNER/ APPLICANT: ROBERT AND SUSAN CIMMIYOTTI
PO BOX 57
MENDOCINO, CA 95460

REQUEST: A request for a Coastal Development Minor Use Permit to convert a second floor 956 square-foot retail space into use as a Single Unit Rental.

DATE DEEMED COMPLETE: 6/15/2016

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 44771 Main Street, Mendocino (APN 119-237-07)

TOTAL ACREAGE: 9,720 square feet

GENERAL PLAN DESIGNATION: Mendocino Town Plan - Commercial (C) / Town Residential (R+)

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

SUPERVISORIAL DISTRICT: 5

APPEALABLE AREA: Yes, Special Community

PERMIT TYPE: Coastal Development Minor Use Permit

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

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. As shown in Table 1, 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.

TABLE 1 - SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Town Residential (R+)	Mendocino Town Residential 12K (MTR:12K)	0.16 acre	Residential
EAST	Commercial (C)	Mendocino Commercial 12K (MC:12K)	0.15 acre	Commercial
SOUTH	Open Space (OS)	Mendocino Open Space (MOS)	11.5 acres	Open Space / State Park
WEST	Commercial (C)	Mendocino Commercial 12K (MC:12K)	0.11 acre	Commercial

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 June 15, 2016 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.

TABLE 2 – SUMMARY OF AGENCY REFERRALS:

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Environmental Health-FB		No Comment	July 1, 2016
Building Services-FBPBS		No Comment	June 17, 2016
Planning-Ukiah PBS		No Comment	June 14, 2016
Department of Transportation		No Comment	June 30, 2016
Assessor		No Response	
Redwood Valley Rancheria		No Response	
Cloverdale Rancheria		No Response	
Coastal Commission		No Response	
Mendocino F.P.D.		No Response	
Sherwood Valley Rancheria		No Response	
MCCSD		Comments	June 16, 2016
CalFire		No Response	

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 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 the **Coastal Permit 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 and Zoning District Consistency

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.

Key Issue 2: California Environmental Quality Act (CEQA)

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.

Key Issue 3: Utilities: Water

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.

RECOMMENDATION

By resolution, accept the Categorical Exemption and grant Use Permit U_2016-0006 for the Project based on the approved project description and findings and subject to the conditions of approval.

DATE

ROBERT LAPORTE, PLANNER I

DATE

STEVE DUNNICLIFF, DIRECTOR

Appeal Fee - \$945.00 (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 – Location Map
B – Vicinity Map
C – Google Earth Imagery
D – Site Plan
E – Elevations
F – Building Sketch
G – Adjacent Parcels
H – Zoning Display
I – General Plan Classifications
J – Fire Hazard Zones & Responsibility Areas
L – Water Districts
O – Ground Water Resources

COASTAL PERMIT CHECKLIST

RESOLUTION AND EXHIBIT A (CONDITIONS OF APPROVAL