



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT FOR ADMINISTRATIVE CDP**

**JUNE 8, 2021
CDP_2020-0032**

SUMMARY

OWNER: STEVEN JORDAN
PO BOX 1452
MENDOCINO, CA 95460

APPLICANT: ROBERT JORDAN
2445 FLAGSTONE DR.
NAPA, CA 94558

AGENT: JOHN JOHANSON
PO BOX 490
ALBION, CA 95410

REQUEST: Administrative Coastal Development Permit to construct a 600 sq. ft. guest cottage.

LOCATION: Within the Town of Mendocino, within Zone B, on the south side of Little Lake Road (CR 408) between Blair Street (CR 407U) and Wheeler Street (CR 407V), located at 44461 Little Lake Road, Mendocino; APN: 119-120-14.

TOTAL ACREAGE: 0.4± Acres

GENERAL PLAN: General Plan, Coastal Element Chapter 4.13, Rural Residential, 2-acre minimum, RR2:U

ZONING: Mendocino Town Zoning Code, Mendocino Rural Residential, 2-acre minimum, MRR:2

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt - 15303 Class 3(e) new construction of an accessory structure.

APPEALBLE: NO

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JESSIE WALDMAN

BACKGROUND

PROJECT DESCRIPTION: Administrative Coastal Development Permit to construct a 600 sq. ft. guest cottage on a developed parcel, tie in plumbing and electric utilities to existing system, and extend paved driveway for additional parking. This new structure will be accessory to an existing single family residence and will be located in the side yard approximately 60 feet northeast of the existing residence.

APPLICANT'S STATEMENT: "1-story bedroom, wood frame, 600 s.f. guest cottage."

RELATED APPLICATIONS ON-SITE:

- BF_2021-0109 – remodel existing single family residence, (under review)

Neighboring Property

- APN: 119-090-16 CE_2019-0034 (Replacement Well)
- APN: 119-120-15 CE 128-01 (Supplemental Well)
- APN: 119-120-17 CE 127-01 (Supplemental Well)

SITE CHARACTERISTICS: The 0.4± acre subject parcel is located on the south side of Little Lake Road (CR 408), 240± feet east of Blair Street (CR 407U), as shown on the *Location Map*. The subject parcel was originally developed in 1890 with additional development in 1959 and 1969. The subject parcel is currently developed with an existing single family residence, developed in 1890. Other existing development includes accessory structures including a detached garage, multiple sheds, (developed prior to 1959), and a water tower (developed prior to 1969).

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned Mendocino Rural Residential (MRR). Where the MRR adjacent parcels are developed with residential uses, as shown on the *Aerial Imagery*, *Mendocino Town Zoning*, and *Mendocino Town Land Use* maps. The proposed guest cottage and ancillary development are consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential RR	Mendocino Rural Residential MRR	1.0± Acres	Residential
EAST	Rural Residential RR	Mendocino Rural Residential MRR	0.5± Acres	Residential
SOUTH	Rural Residential RR	Mendocino Rural Residential MRR	0.5± Acres	Residential
WEST	Rural Residential RR	Mendocino Rural Residential MRR	0.5± Acres	Residential

PUBLIC SERVICES:

Access: Little Lake Road (CR 408)
Fire District: California Department of Forestry and Fire Protection (CalFire); and
Mendocino Volunteer Fire Department (MVFD)
Water District: Mendocino City Community Services District (MCCSD)
Sewer District: Mendocino City Community Services District (MCCSD)
School District: Mendocino Unified School District (MUSD)

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed development, to construct a guest cottage and associated utilities, is consistent with the goals and policies of the Mendocino Town Local Coastal Program, Coastal Element Chapter 4.13 Mendocino Town Plan, and the Mendocino Town Zoning Code (MCC), as detailed below:

Land Use: The project site is located within the boundaries of the Mendocino Town Local Coastal Program area, as shown on the *Mendocino Town General Plan* map. The subject parcel is classified as Rural Residential (RR) by the Mendocino Town Plan, as shown on the *Mendocino Town General Plan* map. The Coastal Element, Chapter 4.13, Subsection 5.2 Rural Residential classification states:

“...is intended to be a low density residential growth area. ... Single family dwelling unit and associated utilities and appurtenances. ... One primary dwelling per legally created lot and one second residential dwelling unit on parcels larger than 40,000 square feet.”

The existing residence is a principally permitted use and is consistent with Subsection 5.2, which allows for appurtenant structures such as a guest cottage.

Zoning: The project site is located within the Mendocino Rural Residential (MRR) zoning district, as shown on the *Mendocino Town Zoning* map. The MRR District, per MCC Section 20.644.005, states:

*"...is intended to create and enhance residential areas, and is intended to be a low density residential growth area, while allowing a second residential dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development, and with a Visitor Serving Facilities Combining District overlay for the Bed and Breakfast accommodations designated with an asterisk-B (*B) on the certified Town Plan Land Use and Zoning Maps."*

The proposed project, which includes construction of a guest cottage and associated utilities, is an accessory use to the principally permitted land use within the MRR District, pursuant to MCC Chapter 20.644. The proposed development will be located at the southeastern most portion of the subject parcel, as shown on the *Site Plan*.

The proposed project will comply with the minimum property line setback requirements for the MRR District, which are twenty (20) feet for front and rear yards, and six (6) feet for side yards. A corridor preservation setback of 35 feet applies along Little Lake Road (CR 408), resulting in a front yard setback of either 55 feet, or 20 feet from the front yard property line, whichever is greater. As currently proposed, the guest cottage is consistent with the yard setbacks and corridor preservation setbacks for the MRR District. The proposed project is consistent with the maximum allowed building height, which is 28 feet above natural grade. The proposed average building height is sixteen (16) feet above natural grade. A minimum of three and one-half (3.5) off-street parking spaces are required and four (4) spaces are existing, and the site has adequate capacity for the required parking. The proposed project is consistent with the maximum allowed lot coverage, which is 20 percent, where the proposed development will result in 17.5 percent, leaving 2.5 percent remaining.

Guest cottages are compatible with the MRR zoning district and are designated as a permitted accessory use pursuant to Chapter 20.704 of the Mendocino County Coastal Zoning Code, which states the following:

"Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single family residence):"

"(G) Accessory Living Unit. Not more than one (1) accessory living unit for each legal parcel."

An "Accessory Living Unit" as defined in Section 20.608.020(G) is as follows:

"... a guest cottage as defined in Section 20.608.026(H)."

A "Guest Cottage" as defined in Section 20.608.026(H) is as follows:

"... a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without a kitchen, that is clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling."

The structure is proposed to be constructed as a guest cottage. The subject structure is 600 square feet in

size. **Condition 9** is recommended to ensure the guest cottage will not have a kitchen, or cooking facilities, will be clearly subordinate, and incidental to the primary dwelling, and will not be separately rented, let, or leased whether compensation be direct or indirect.

Pursuant to Mendocino Town Zoning Code (MCC) Section 20.760.010(B), the parcel is located in the Mendocino Historical Preservation District Zone B, outside the Mendocino Historical Preservation District Zone A. The project was referred to the Mendocino Historical Review Board (MHRB), where on April 5, 2021, the MHRB had no comment on the proposed project.

With added conditions, the proposed project will conform to development standards of MCC Chapters 20.644, 20.704, and 20.714.

Visual Resources: Pursuant with Mendocino County Code (MCC) Chapters 20.504, and 20.692, the Town of Mendocino is the only recognized special community in the Coastal Element. The parcel is not located in a designated Highly Scenic Area, and is more than 200 feet away from Highway 1. **Condition 10** is recommended to require exterior lighting to be kept to the minimum necessary for safety, and security purposes, and to be downcast and shielded in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with MCC Section 20.504.035

With added conditions, the proposal is consistent with MCC Chapters 20.504 and 20.692 regulations for parcels developed within a Special Community.

Habitats and Natural Resources: Coastal Element 3.14 and Mendocino Town Zoning Codes address Environmentally Sensitive Habitat Areas (ESHA). MCC Chapter 20.719 states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures. The parcel is mapped as barren land, as shown on the *LCP Habitat and Resources* map. No botanical survey was requested as the mapping does not indicate that the area of proposed development would be adjacent to sensitive coastal resources. As proposed, the project will occur within already disturbed areas, thereby minimizing impacts to potential sensitive habitats and species within the vicinity. Staff finds the project will not significantly impact sensitive habitats or resources. The proposed project was referred to California Coastal Commission and California Department of Fish and Wildlife where no response has been received.

Without additional conditions, the proposed project will would not significantly impact sensitive habitats or resources, and is consistent with MCC Chapter 20.719 regulations.

Hazards Management: The property is in an area of "Moderate Fire Hazard" severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire), and the Mendocino Volunteer Fire Department. The proposed project was referred to both fire protection agencies, where no response has been received. A State Fire Safe Regulations Application Form, CalFire File Number 455-20, was issued for the project. **Condition 4 and 5** will require the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction, which ensures any fire protection policy or plan will be addressed.

With added conditions, the proposed project is consistent with MCC Chapter 20.500, regulations for hazard areas, including geologic hazards (faults, bluffs, tsunamis, landslides, and erosion), fire and flood hazards.

Archaeological/Cultural Resources: For small projects, such as accessory use of a guest cottage in conjunction with permitted development, such as the existing single family residence, Mendocino County Department of Planning and Building Services' procedure is to not refer these types of projects to either California Historic Resource Information System (CHRIS), or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005, and again in 2014, and was determined to be an appropriate guidance document for which projects require archaeological review.

Staff notes that **Condition 8** advises the property owners of a, "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project. As conditioned, Staff finds that the project is consistent with Mendocino County policies for the protection of the paleontological, and archaeological resources.

The project was referred to three local tribes for review, and comment, including Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Rancheria. As of this date, no response has been received from the tribes.

Groundwater Resources: The project site is located within a mapped Critical Water Resources Area, as shown on the *Ground Water Resources* map. The proposed development will have access to an existing community water, and sewer system with Mendocino City Community Services District (MCCSD). The proposed project was referred to MCCSD and Mendocino County Division of Environmental Health (DEH) for comment, where no response has been made, by either agency, at this time

Conditions 4 and 5 require the applicant to secure all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction, which ensure the proposed development will have access to an adequate water supply and sewer connection, and will be consistent with MCCSD, DEH, and MCC Chapter 20.744 regulations.

With added conditions, the proposed project will be consistent with the Local Coastal Program policies related to groundwater resources and DEH regulations.

Grading, Erosion, and Run Off: The area of the proposed guest cottage is relatively flat with gentle sloping towards the west, parallel with Little Lake Road (CR 408), and some grading will be required to accommodate the proposed development. Also included within the proposed project is to grade a gravel driveway directly accessed from Little Lake Road (CR 408). If the amount of grading requires a permit from the Building Division, the Coastal Permit Administrator, or their designee shall review and approve the grading permit to determine its consistency with MCC Chapter 20.492 and 20.717 regulations. Grading activities, including maintaining driveway and parking areas, and any work associated with an Encroachment Permit, shall comply with MCC Chapters 20.492 and 20.717 regulations. While the subject parcel is located within the Town of Mendocino, the proposed development does not fall under the use types resulting in water quality concerns, per MCC Section 20.717.015. **Conditions 4 and 5** will require the applicant to secure all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction ensures any grading, erosion, and runoff protection, and hazard area policies or plans will be addressed.

With added conditions, the proposed project is consistent with MCC Chapters 20.492 and 20.717 regulations for Grading, Erosion and Runoff Standards.

Transportation/Circulation: The project will not contribute a significant amount of new traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. Additionally, the site is located east of State Route 1 (SR 1), on the south side of Little Lake Road (CR 408), where multiple parcels have already been developed and have homes that are occupied; therefore, construction of ancillary development, such as a guest cottage, is not anticipated to generate a significant amount of additional traffic beyond what currently exists.

The proposed project was referred to Mendocino County Department of Transportation (DOT) where DOT requested two (2) conditions of approval, including conditions requiring (1) *"a residential driveway approach shall be constructed onto Little Lake Road (CR 408) in accordance with Mendocino County Road and Development Standards No. A51A, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted, and (2) Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for work within County right-of-way."*

Condition 11 is recommended to ensure the proposed project has access, prior to final inspection of a building permit, consistent with DOT regulations.

With added conditions, Staff finds the proposed project is consistent with DOT regulations.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes or 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 proposed accessory structure, a guest cottage, meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Section 15303, Class 3(e), which reads “the new construction of small structures, such as accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.”

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.720 of the Mendocino Town Zoning Code, the Coastal Permit Administrator approves the proposed project to construct a guest cottage and associated utilities, and adopts the following findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.720.035(A)(1), the proposed guest cottage is in conformity with the certified Mendocino Town Local Coastal Program, as the proposed land use is intended for the Rural Residential classification in which it is proposed; and
2. Pursuant with MCC Section 20.720.035(A)(2), the proposed guest cottage would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The residential lot has access to water and sewer connection; and, as conditioned, a residential driveway approach is required; and
3. Pursuant with MCC Section 20.720.035(A)(3), the proposed guest cottage is consistent with the purpose and intent of the Mendocino Rural Residential District, as well as all other provisions of the Mendocino Town Zoning Code and Mendocino County Coastal Zoning Code, including building height, setback from property boundary and lot coverage; and
4. Pursuant with MCC Section 20.720.035(A)(4), the proposed guest cottage, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. New Construction or conversion of small structures, such as accessory structure to be used as a guest cottage, are categorically exempt pursuant to under Article 19, Section 15303, Class 3(e); and
5. Pursuant with MCC Section 20.720.035(A)(5), the proposed guest cottage would not have any adverse impact on any known archaeological or paleontological resources, and Condition 8 is in place when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.720.035(A)(6), other public services, including but not limited to, solid waste, and public roadway capacity have been considered, and are adequate to serve the site. The proposed guest cottage would not affect demands on public services; and
7. Pursuant with MCC Section 20.720.035(A)(7), the proposed guest cottage is in conformance with the design standards of Section 20.760.050 as development, located within the Mendocino Historic Preservation District Zone B and outside of the Mendocino Historic Preservation District Zone A, and the proposed architecture is similar to development on adjacent lots; and

CONDITIONS OF APPROVAL:

1. This action shall become final and effective on the 11th day following the decision unless an appeal is filed pursuant to Section 20.720.045(G) of the Mendocino Town Zoning Code. The permit shall expire, and become null and void at the expiration of two years after the effective date except where construction, and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
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 property owners shall secure all required permits for the proposed development as required by the Building Inspection Division of the Department of Planning and Building Services, Department of Environment Health, Department of Transportation and Mendocino City Community Services District.
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. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Prior to issuance of any Building Permits in reliance of this Coastal Development Permit, the applicants shall execute, and record a deed restriction stating that the guest cottage shall not contain facilities, either permanent or temporary, and portable, for the cooking or preparation of food beyond those authorized for temporary construction support, shall not be used as an independent dwelling unit until such time as appropriate permits are obtained, shall be clearly incidental, and subordinate to the primary dwelling on the parcel, and shall not be separately rented, let, or leased whether

compensation be direct or indirect as defined by MCC Section 20.608.026(H).

10. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details for approval from the Coastal Permit Administrator, or to the satisfaction of the Director of Planning and Building Services.
11. Prior to final of a Building Permit, the property owner shall furnish evidence of access to the parcel, per Department of Transportation regulations, as follows:
 - a. Construct a residential driveway approach onto Little Lake Road (CR 408), in accordance with Mendocino County Road and Development Standards No. A51A, or as modified by applicant, and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted, and
 - b. An encroachment permit shall be obtain from the Mendocino County Department of Transportation for work within County right-of-way.
12. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.

6-8-2021

DATE

JESSIE WALDMAN

JESSIE WALDMAN
PLANNER II

6-8-2021

DATE

IGNACIO GONZALEZ

IGNACIO GONZALEZ
INTERIM DIRECTOR

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Topographical Map
- D. Site
- E. Floor Plan
- F. Elevations
- G. Mendocino Town Zoning Display Map
- H. LCP Land Use Map 17: Mendocino
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resources
- K. Appeal Map
- L. Adjacent Owner Map
- M. Fire Hazards Map
- N. Ground Water Resource Area

SUMMARY OF REFERRAL AGENCIES COMMENTS:

	Comments
Archaeological Commission	No Response
Assessor's Office	No Comment
Building Division (FB)	No Response
CALFIRE (Land Use) (Case Number 455-20)	No Response
California Coastal Commission (CCC)	No Response
Cloverdale Rancheria	Comments
Department of Transportation (DOT)	No Response
Environmental Health (EH)(FB)	No Comment
Mendocino City Community Services District (MCCSD)	No Response
Mendocino Volunteer Fire Department (MVFD)	No Comment
Mendocino Historical Review Board (MHRB)	Comments
Planning Division (Ukiah)	No Comment
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	

REFERENCES:

Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan, Coastal Element Chapter 4.13 Mendocino Town Plan. 2017. Accessed April 22, 2021, at: <https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element>

Mendocino County Department of Planning and Building Services. 1991. Division II of Title 20 of the Mendocino County Code. Accessed April 22, 2021, at: https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20_ZOOR_DIVIIMECOCOZOZO

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Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed April 22, 2021, at: http://www.co.mendocino.ca.us/planning/pdf/12x36_Coastal_Groundwater_Areas.pdf