

From: **Jacob Patterson** <jacob.patterson.esq@gmail.com>

Date: Fri, Dec 20, 2019 at 12:57 PM

Subject: Additional Comment for January 9, 2020 continued public hearing on Use Permit No. 2018-0022

To: <gronendykek@mendocinocounty.org>

Cc: <pbs@mendocinocounty.org>

Keith,

Thank you for discussing this use permit application with me back in November. I have attached the letter I mentioned while reviewing the file for Use Permit No. 2018-0022. Please be sure this email and the attachments are included in the administrative record for this project because they provide some of the reasons why the metal building constructed without proper permits is not suitable for a cottage industry use. A proper building permit and the associated review of that building permit, is required but, as discussed, that review needs to include the proper scope of environmental analysis for the project.

As is evident from the additional photographs of the site that were presented at the initial public hearing in November, the CEQA analysis has been improperly segmented because unpermitted work was excluded from the scope of the review. In addition to the unpermitted grading and the construction of the building itself, the project includes an extension of plumbing and water use to the shop, as evidenced by recent trenching, a capped water line that terminates at the building, and an additional solar water heater that is being added. Photographs of the shop itself from Statham's Garage Facebook page show water use in the shop, including a mop bucket and cleaning supplies.

Daniel Harrington at CDFW noted that if water were to be used at the site, the environmental review would need to include analysis of the indirect impacts of hydrology changes or additional nutrients on the Sensitive Natural Community of the Mendocino Cypress Woodlands on the site. The Negative Declaration omitted this analysis because it inaccurately asserted that no additional water or septic connections will be extended to the shop based on incomplete or inaccurate information in the use permit application. This incorrect factual assertion needs to be corrected and the scope of the environmental analysis needs to include the additional water use at the metal shop building and potential exposure of the SNC to "changes in hydrology or addition of nutrients (i.e. leachfields, fertilizer runoff) or pollutants." (See May 21, 2019 email from Daniel Harrington to Keith Gronendyke.)

Best regards,

--Jacob



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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October 22, 2018

Sayre Statham
P O Box 629
Mendocino CA 95460

Re: Use Permit Application, U_2018-0022

Dear Mr. Statham,

This letter is in regards to the above noted Use Permit application submitted to the Mendocino County Planning and Building Department's coast office in Fort Bragg to ostensibly construct a 1,764 square foot pole barn in order to operate an automobile repair facility located at 24190 Prairie Flower Road in Mendocino. The following information is a timeline of events leading up to the above noted Use Permit Application with Mendocino County:

- On November 3, 2016, a building permit (BU_2016-0970) was issued to allow for the demolition of a pole barn due to the building's advanced state of rot.
- On November 18, 2016, you were issued a building permit (BU_2016-0971) to rebuild a new workshop, and under the Class K rules for unpermitted, but already constructed facilities, to replace the above noted pole barn. This building permit has not received a final building inspection and is set to expire on November 18, 2019.
- On June 30, 2017, you applied for a business license (BL_2017-0254) to operate an auto repair business at 24190 Prairie Flower Road in Mendocino. This business license application has been put on hold by the Mendocino County Planning Department pending the outcome of the Use Permit application as detailed below.
- On August 2, 2018, the Mendocino County Code Enforcement Department received an anonymous complaint about the property located at 24190 Prairie Flower Road in Mendocino operating an auto repair business in the above noted Class K structure and the parking of several vehicles on the property. A Code Enforcement representative visited the site and took photographs documenting the use of the structure as an automotive repair facility.
- On September 19, 2018, a Use Permit application (U_2018-0022) was received at the County of Mendocino's coastal office to utilize a: *"1,764 sq. ft. pole barn to be converted to automotive repair facility. Additional rock to be laid for road and parking to flatten and keep smooth."* This permit application was also to operate an automotive repair business as a cottage industry.

The above noted timeline is the sequence of events leading up to the most frequent use permit application to open a cottage industry business consisting of the automotive repair business. Staff has noted a number of issues with this application as detailed below:

- Section 20.452.025 (A) of the Mendocino County Coastal Zoning Ordinance does allow Automotive and Equipment: Repairs, Light as a cottage industry with the approval of a Use Permit.

- Section 20.452.020 contains multiple restrictions upon a cottage industry that your proposed business does not comply with including the following subsections; (B) *“The cottage industry shall be clearly incidental and subordinate to the residential use of a parcel containing a dwelling occupied as a principal residence of the owner or operator of the Cottage Industry.”* Upon reviewing site photographs taken recently, it would appear that the already existing automotive repair business is **not** subordinate to the residential use of the property. By my estimate referring to an aerial photograph dated July 2, 2018, there appears to be at least twenty-five vehicles parked around the existing Class K building, which is a substantial number of vehicles for a purported cottage industry and does not meet the above noted intent and purpose of section 20.452.020 (B); (H) *“No equipment or process used in the Cottage Industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single family residential uses in the neighborhood...”* It can be expected that an auto repair facility will generate excess amounts of noise, fumes, dust and odors as a consequence of daily operations that would be far in excess of a shade tree mechanic working on their own vehicle. The idling of vehicles along with revving them up would contribute to both noise and fumes, the driving of vehicles upon the property on the gravel driveway and parking area would contribute to dust, while the use of various welding apparatus for at a minimum exhaust system repairs would be at least one component that would contribute to unwanted smoke. Given all of these contributing factors, it would be extremely difficult for Mendocino County to support your cottage industry use permit application.
- The building permit (BU_2016-0971) was issued to you in order to allow for the already constructed accessory structure shown in the site photographs to remain as built as a Class K structure.
- In discussions and various emails from both the Building Department and the Code Enforcement Department, staff has determined that an accessory structure constructed under the Class K regulations can only be utilized for one family for living and sleeping and is not to be used to operate a cottage industry auto repair business from.

From the issues brought up in this letter, staff feels that it would be infeasible to proceed with your Cottage Industry Use Permit application at this time, given that your business does not fall under the requirements of a cottage industry, nor is your business allowed to operate within a Class K accessory structure. If I were to move forward with this application, I would be recommending denial of this cottage industry use permit application. Within thirty days of receipt of this letter, please submit to me in writing what your intention is. I will then proceed accordingly. If you have any questions, please feel free to contact me.

Thank You,

Keith Gronendyke
Mendocino County
Planner III
Email: gronendykek@mendocinocounty.org
Phone: (707) 234-6650

Cc: Michael Oliphant, Building Official of Mendocino County
Trent Taylor Interim Manager Code Enforcement Division of Mendocino County
Dan Hamburg, Board of Supervisors of Mendocino County



Stathams' Garage

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Keith Gronendyke - RE: Statham Use Permit 2018-0022

From: "Harrington, Daniel@Wildlife" <Daniel.Harrington@Wildlife.ca.gov>
To: Keith Gronendyke <gronendykek@mendocinocounty.org>
Date: 5/21/2019 11:56 AM
Subject: RE: Statham Use Permit 2018-0022

Hello Keith,

Thanks for the prompt. I took a quick look at this one and then ran out of time to get you a comment. The only troubling part about this one is that it is a parcel that was clearly developed in Mendocino Cypress Woodland, and is still surrounded by it. The good part is that they are not expanding the development footprint, so it does not appear that direct impacts to this Sensitive Natural Community are imminent. The concern is that this SNC is particularly vulnerable to indirect impacts ... particularly any changes in hydrology or addition of nutrients (i.e. leachfields, fertilizer runoff) or pollutants. In this case there is an expansion of use, in that the building will now be used as a repair station, which has the potential of pollutants, in particular. In the end, I think the best thing for the resource would be for you to drill down on the water quality aspects of the permit, and make sure that stormwater, pollutants, etc. are all addressed in a manner that you are comfortable with, if those are good, or you can add conditions to be sure, that would be the best thing for the MCW. Let me know if there is an aspect of this that I should be thinking about that I am missing.

How did the bat exclusion at your house turn out?

Thanks,

Daniel

Daniel Harrington
Environmental Scientist
Coastal Conservation Planning – Northern Region
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From: Keith Gronendyke <gronendykek@mendocinocounty.org>
Sent: Tuesday, May 21, 2019 11:30 AM
To: Harrington, Daniel@Wildlife <Daniel.Harrington@Wildlife.ca.gov>
Subject: Statham Use Permit 2018-0022

Good Morning Daniel,

Recently, you were sent a referral for the above noted project. I was wondering if you could let me know if you are going to have any comments on this item. The business is slated to be conducted within an already constructed building and the parking area already exists as well. I don't need comments, just if you think a study might be necessary for the applicant to submit for review. I have attached the referral packet again if you need it.

Thanks,

Keith Gronendyke
Mendocino County
Planner III