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Prepared August 20, 2021 for the September 9, 2021 Hearing

TO: Coastal Commissioners and Interested Persons

FROM: Kate Huckelbridge, Deputy Director
Robert S. Merrill, North Coast District Manager

**SUBJECT: County of Mendocino LCP Amendment No. LCP-1-MEN-20-0021-1
(Accessory Dwelling Units)**

SUMMARY OF STAFF RECOMMENDATION

The County of Mendocino (County) is proposing to amend the County's certified Land Use Plan (LUP) and Implementation Program (IP) to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

Given the rural nature of Mendocino County and the fact that the proposed ADU LCP amendment does not apply to the separately certified Mendocino Town segment of the County's LCP, the proposed LCP amendment primarily raises service capacity issues and issues regarding the protection of agricultural lands and timberlands. Highway capacity is perhaps the greatest constraint to expanded residential development because of the limited capacity of Highway 1 to accommodate additional growth and remain a scenic two-lane road in the rural County, consistent with Coastal Act section 30254. During the development of Mendocino County's LCP between 1985 and 1992, the limited capacity of Highway 1 caused the Commission to significantly reduce allowable residential buildout under the LCP. As a result, the currently certified LCP prohibits second residential units outside of the Gualala Town Plan area and Town of Mendocino until service capacity issues are addressed and resolved after preparation of an updated highway capacity study.

The County has provided evidence on traffic and housing volumes and growth rates and previous traffic studies to demonstrate that a 500-unit cap on ADUS will not result in a significant impact on Highway 1 traffic capacity. As proposed, the LCP amendment would allow a total of 500 ADUs (with no limit on JADUs) and require that prior to the submittal of any further LCP amendment to change to the 500-unit cap, an analysis of Highway 1 capacity must be performed to evaluate impacts associated with future growth on the capacity of Highway 1. The proposed amendment attempts to harmonize

state ADU law requirements with Coastal Act requirements in the County's LCP in a way that continues to protect coastal resources while also reducing and eliminating barriers to the construction of ADUs.

The proposed LCP amendment would allow ADUs and JADUs in any zoning district where residences are allowed, including within agricultural and timberlands. As proposed and modified, requirements would be imposed to cluster ADU development around existing residential development on these parcels and minimize encroachment into the areas of such parcels that are used for productive agricultural operations or would be viable for timber production consistent with the resource protection policies of the Coastal Act.

The County and Commission staffs have met numerous times and collaborated closely on the proposed LCP amendment since the early stages of the County's consideration of the LCP amendment to address the unique resource concerns associated with ADU development in the Mendocino County coastal zone. Recent changes to state ADU law since the County's initial adoption of the LCP amendment have led to further collaboration on how to modify the amendment as adopted by the County to conform the amendment to state ADU law while at the same time addressing coastal resource concerns. County staff has submitted a letter indicating its support for the Commission staff recommended suggested modifications. Thus, staff recommends that the Commission reject the proposed LUP and IP amendments as submitted and approve the amendments only as modified to ensure that the LUP amendment is consistent with the Chapter 3 policies of the Coastal Act and the IP amendment is in conformance with and adequate to carry out the certified LUP policies.

The resolutions and motions are located on Pages 4 and 5. See [Appendices B and C](#) for suggested modification language.

Staff Note: LCP Amendment Action Deadline

The County transmitted the subject LCP amendment application to the Commission on March 19, 2020. The LCP amendment submittal was filed as complete by the North Coast District Office on November 17, 2020. On February 12, 2021, the Commission granted a one-year extension to the 90-day time limit for Commission action on the proposed LCP amendment. The new deadline for action is April 1, 2022.

Additional Information

For further information, please contact Bob Merrill at the Commission's North Coast District Office in Arcata at Bob.Merrill@coastal.ca.gov. If you wish to provide written comments, please do so via regular mail (directed to the North Coast District Office) or email (by emailing NorthCoast@coastal.ca.gov). Commission staff will distribute to the Commissioners any copies of written materials received from interested parties by 5:00 pm on the Friday before the scheduled Commission meeting.

TABLE OF CONTENTS

I. MOTIONS AND RESOLUTIONS	4
A. Denial of the LUP Amendment as Submitted	4
B. Certification of the LUP Amendment with Suggested Modifications	4
C. Denial of the IP Amendment As Submitted	5
D. Certification of the IP Amendment with Suggested Modifications	5
II. SUGGESTED MODIFICATIONS	6
III. PROCEDURAL ISSUES	6
A. Standard of Review	6
B. Public Participation	6
C. Procedural Requirements	6
IV. CONSISTENCY ANALYSIS.....	7
A. Amendment Description	7
B. LUP Consistency Analysis.....	13
C. IP Consistency Analysis	27
D. California Environmental Quality Act (CEQA).....	61

APPENDICES

[Appendix A – Substantive File Documents](#)

[Appendix B – LUP Amendment Suggested Modifications](#)

[Appendix C – IP Amendment Suggested Modifications](#)

EXHIBITS

[Exhibit 1 – Regional Location Map](#)

[Exhibit 2 – Highway 1 Traffic Volumes](#)

[Exhibit 3 – Zoning Districts Proposed for ADUs](#)

[Exhibit 4 – Resource Lands](#)

[Exhibit 5 – Prime Farmlands](#)

[Exhibit 6 – Groundwater Resources](#)

[Exhibit 7– Coastal Hazard Areas](#)

[Exhibit 8 – Highly Scenic Areas](#)

[Exhibit 9 – Resolution of Transmittal](#)

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, first reject the LUP and IP components of the amendment as submitted and then approve both components if modified as suggested in the staff report. The Commission needs to make four motions in order to adopt the staff recommendation.

A. Denial of the LUP Amendment as Submitted

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the appointed Commissioners.

Motion 1: I move that the Commission certify Land Use Plan Amendment No. LCP-1-MEN-20-0021-1 as submitted by the County of Mendocino.

Resolution 1: The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-MEN-20-0021-1 as submitted by the County of Mendocino and adopts the findings set forth below on the grounds that the submitted land use plan amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the land use plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment.

B. Certification of the LUP Amendment with Suggested Modifications

Staff recommends a **YES** vote. Passage of this motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion 2: I move that the Commission certify Land Use Plan Amendment No. LCP-1-MEN-20-0021-1 for the County of Mendocino if modified as suggested in this staff recommendation.

Resolution 2: The Commission hereby certifies the Land Use Plan Amendment No. LCP-1-MEN-20-0021-1 for the County of Mendocino if modified as suggested and adopts the findings set forth below on the grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant

adverse impacts on the environment that will result from certification of the land use plan amendment if modified.

C. Denial of the IP Amendment As Submitted

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation program amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion 3: I move that the Commission reject Implementation Program Amendment No. LCP-1-MEN-20-0021-1 as submitted by the County of Mendocino.

Resolution 3: The Commission hereby denies certification of Implementation Program Amendment No. LCP-1-MEN-20-0021-1 as submitted by the County of Mendocino on grounds that the implementation program amendment as submitted does not conform with, and is inadequate to carry out the provisions of the certified land use plan as amended. Certification of the implementation program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

D. Certification of the IP Amendment with Suggested Modifications

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion 4: I move that the Commission certify Implementation Program Amendment No. LCP-1-MEN-20-0021-1 for the County of Mendocino if modified in accordance with the suggested changes recommended by staff.

Resolution 4: The Commission hereby certifies the Implementation Program Amendment No. LCP-1-MEN-20-0021-1 for the County of Mendocino if modified as suggested on grounds that the implementation program, as amended, conforms with and is adequate to carry out the provisions of the certified land use plan as amended. Certification of the implementation program amendment will comply with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the modifications to the proposed LCP amendment described below and presented in full in Appendices A and B, which are necessary to make the requisite Coastal Act and LUP consistency findings. If the County accepts the suggested modifications within six months of Commission action, by formal resolution of the County Board of Supervisors, the modified amendment will become effective once the Executive Director has determined that the County's action is legally adequate and reported that determination to the Commission at a Commission meeting.

1. Suggested Modification 1: Modifications to the LUP Amendment

All suggested modifications to the LUP amendment are shown in [Appendix B](#).

2. Suggested Modification 2: Modifications to the IP Amendment

All suggested modifications to the IP amendment are shown in [Appendix C](#).

III. PROCEDURAL ISSUES

A. Standard of Review

Pursuant to Coastal Act section 30512(c), to certify the proposed amendment to the LUP portion of the Mendocino County LCP, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Pursuant to Coastal Act section 30513, to certify the proposed amendment to the IP portion of the Mendocino County LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP.

B. Public Participation

Section 30503 of the Coastal Act requires public input in preparation, approval, certification, and amendment of any LCP. The County Planning Commission and County Board of Supervisors held public hearings on the subject amendment on July 18, 2019 and November 5, 2019, respectively. The hearings were noticed to the public consistent with sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. Procedural Requirements

Pursuant to Section 13544 of the Commission's regulations, if the Commission denies the LCP amendment as submitted, but then approves it with suggested modifications, as recommended by staff, the LCP amendment will not take effect until the City accepts and agrees to the Commission's suggested modifications, the Commission Executive Director determines that the City's acceptance is consistent with the Commission's action, and the Executive Director reports the determination to the Commission at the next regularly scheduled public meeting. If the City does not accept the suggested

modifications within six months of the Commission's action, then the LCP amendment is not effective within the coastal zone.

IV. CONSISTENCY ANALYSIS

A. Amendment Description

Mendocino County proposes to amend the County's certified Land Use Plan¹ (LUP) and Implementation Plan² (IP) to regulate accessory dwelling units (ADUs)³ and junior accessory dwelling units (JADUs)⁴ in the unincorporated areas of the Mendocino County coastal zone. The amendment does not affect the Town of Mendocino segment of the certified LCP.⁵ The currently certified LCP expressly prohibits ADUs (called second residential units) outside of the Town of Mendocino and Gualala Town Plan areas because of concerns regarding water supply, sewage disposal, and traffic capacity of Highway 1, which is intended by Section 30254 of the Coastal Act to remain a scenic two-lane road. The proposed LCP amendment would remove this prohibition and allow up to 500 ADUs and an unlimited number of JADUs in the coastal zone outside of the Gualala and Mendocino Town Plan areas. The amendment would also retain an existing certified 100-unit cap on the number of permitted ADUs allowed within the Gualala Town Plan Area, with clarification that this cap does not apply to JADUs. The proposed amendment indicates that any change to the ADU cap requires a subsequent LCP amendment. Prior to adopting such an amendment, a traffic analysis must be prepared to evaluate the impacts associated with the proposed ADU allowances and future growth on Highway 1 capacity. An amendment to the cap applicable to the Gualala Town Plan area also requires demonstration that the plan area has adequate water and sewer capacity to accommodate the proposed ADU allowances.

Under the proposed amendment, ADUs and JADUs would be permitted in any zone that allows residential uses, including the County's resource lands (the Agriculture, Range Land, Forest Lands, and Timber Production Zones). The existing ADU regulations for the Gualala Town Plan area would be updated and combined with new regulations for

¹ Mendocino County General Plan.

² Mendocino County Coastal Zoning Code (Title 20 Division II of the Mendocino County Code).

³ The proposed amendment defines ADUs consistent with Government Code section 65852.2 as follows: an attached or detached residential dwelling which provides complete independent living facilities for one or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single-family dwelling.

⁴ The proposed amendment defines JADUs consistent with Government Code section 65852.22 as follows: A living space not exceeding five hundred square feet in size and contained entirely within a fully permitted single-family dwelling. A JADU shall include an efficiency kitchen and may include separate sanitation facilities or share sanitation facilities with the existing structure.

⁵ The Town of Mendocino is a separate geographic segment of the LCP with its own certified LUP and IP sections. The Town of Mendocino has its own ADU provisions that are not implicated by the subject amendment (see Mendocino County Code, Title 20, Division III).

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

ADUs and JADUs in the remainder of the unincorporated County's coastal zone (outside of the Town of Mendocino). However, certain existing Gualala Town Plan area standards would continue to apply only in the Gualala Town Plan, including a prohibition on ADUs and JADUs located west of Highway One.

Proposed standards (including but not limited to building and zoning standards related to setbacks, building square footage, parking, rental and sale, and deed restrictions) were intended to follow the provisions of state ADU and JADU law (CA Government Code sections 65852.2 and 65852.22), as they existed at the time the County initially approved the amendment in November of 2019. The proposed amendment also includes "public health and safety requirements" that: (1) require Division of Environmental Health review and approval of the availability and adequacy of water supply and sewage disposal systems; (2) require a preliminary clearance letter from CalFire and/or the local fire district in fire-prone areas, and (3) prohibit ADUs in designated flood hazard areas.⁶

The County's proposed ADU regulations strive to harmonize the state ADU law with the Coastal Act in a way that continues to protect coastal resources while also reducing and eliminating barriers to the construction of ADUs. As many areas of the County's coastal zone are subject to significant coastal resource and hazard constraints, determining whether individual ADUs and JADUs are consistent with the coastal resource and hazard policies of the LCP could result in the need for significant discretionary analysis. To instead help streamline ADU permitting through a more ministerial process, the County proposes a checklist of "objective" coastal resource protection standards that ADUs must meet. The proposed coastal resource protection standards include standards related to environmentally sensitive habitat areas (ESHA), designated highly scenic areas, landform alteration, agricultural and timber resources, public access, and minimizing risks of geologic and flood hazards associated with development near coastal bluffs, fault zones, flood plains, and other hazardous locations.

The proposed amendment states that a JADU developed consistent with the proposed new JADU regulations would be exempt under existing permit (CDP) requirements. The proposed amendment also states that detached ADUs are not exempt from CDP requirements. Attached ADUs and structural and exterior improvements associated with ADUs and JADUs are not expressly addressed under the proposed amendment but may be exempt under the Coastal Act and LCP under certain circumstances.

Non-exempt ADUs and JADUs would require a ministerial CDP not subject to a public hearing if all applicable proposed ADU/JADU standards and requirements are met.⁷ An exception could be granted to a number of the proposed coastal resource protection standards through an administrative or standard CDP process, including but not limited

⁶ This is consistent with CA Government Code section 65852.2(a)(1)(A), which allows local jurisdictions to designate areas where ADUs may be permitted based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

⁷ CA Government Code section 65852.2(a)(4) requires that the approval of ADUs shall include only ministerial provisions.

to exceptions to standards prohibiting ADUs within 100 feet of an ESHA, within 125 feet of the edge of a coastal bluff, in publicly visible locations within highly scenic areas, on prime agricultural soils, and in hazard combining districts. If certain discretionary findings demonstrating consistency with the certified LCP can be made.

Under the proposed amendment, ministerial CDPs for ADUs would be approved by the Director or his/her designee without a local public hearing or the ability for local appeals to the Board of Supervisors. However, ministerial CDPs would be appealable to the Coastal Commission in the same circumstances as standard CDPs and would be noticed⁸ at least ten calendar days prior to issuance so that members of the public have an opportunity to submit comments and establish standing for Commission appeals.

Finally, under the proposed amendment, renting of an ADU or JADU for occupancy by transient guests for compensation or profit (e.g., use as a vacation home rental) would be prohibited. However, outside of the Gualala Town Plan area, the main residence could still be used as a vacation rental. Prior to obtaining a building permit for an ADU or JADU, a recorded deed restriction would be required to include the prohibition on renting the unit for transient occupancy and other pertinent restrictions.

1. Proposed LUP Changes

LUP Policies 3.2-1 and 3.3-5 currently state in part that one housing unit is allowed for each existing agricultural and timberlands parcel, and LUP Policy 3.9-1 currently states in part that one housing unit shall be authorized on every legal parcel provided that adequate services exist and the proposed development is consistent with the LCP. The proposed LUP amendment would add language to these three LUP policies clarifying that ADUs may also be permitted on legal parcels, including agricultural and timberland parcels.

2. Proposed IP Changes

The proposed IP amendment would rewrite certified IP chapter 20.458 (“second residential units”) with proposed new allowances and standards for ADUs and JADUs. More specifically, the proposed amendment would: (1) retitle IP chapter 20.458 “accessory dwelling units;” (2) remove language prohibiting accessory dwelling units in the coastal zone outside of the Mendocino and Gualala Town Plan areas; (3) establish a cap of 500 accessory dwelling units (except in the Gualala Town Plan area where the existing cap of 100 ADUs would remain in place); (4) establish permit requirements for accessory dwelling units; and (5) establish standards and limitations for ADUs and JADUs, including but not limited to standards pertaining to health and safety, coastal

⁸ Notice would be provided to: (1) the applicant; (2) all property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership; (3) any person who specifically requested, in writing, notice of such final action; the Coastal Commission; and the County Assessor.

resource protection, and parking. Certain proposed standards and limitations would only apply to ADUs, JADUs, or ADUs and JADUs within the Gualala Town Plan area.

The proposed amendment would also: (1) add and revise definitions pertaining to ADUs and JADUs in the IP's list of definitions (in certified IP chapter 20.308); (2) amend explanations of existing residential use types to clarify their relationship to ADUs/JADUs (in certified IP chapters 20.316 and 20.456); (3) revise the IP's parking requirements (in certified IP section 20.458.050) to reference the new parking provisions in the ADU chapter; (4) add a new listed exemption to CDP requirements for JADUs (in certified chapter 20.532); (5) establish a "coastal development ministerial permit" (ministerial CDP) for ADUs (in certified chapter 20.532); and (6) outline procedures and timelines for notice, action, effectiveness, amendments, and appeals of ministerial CDPs (in certified IP chapters 20.532, 20.536, and 20.544).

3. Friendly Modifications

Although the County originally transmitted the subject LCP amendment to the North Coast District Office in March 2020, the amendment was approved by the Board of Supervisors in November 2019 before recent updates to CA Government Code sections 65852.2 and 65852.22 took effect. As a result, there are inconsistencies between the proposed amendment as adopted by the County and the new provisions of state ADU and JADU law that the County would like to address through "friendly modifications." These friendly modifications include but are not limited to modifications regarding to floor area limitations, lot coverage requirements, setbacks requirements, separate sale and conveyance, definitions (e.g., efficiency kitchen), parking requirements, owner-occupancy requirements for residences with JADUs, permitting deadlines, and allowances for ADUs on properties with multi-family residences.

In addition, the County also requests modifications to provide for other minor corrections and changes to clarify requirements for ADUs, including:

- (1) using the abbreviations "ADU" and "JADU" rather than the full terms throughout the proposed IP amendment;⁹
- (2) clarifying that JADUs are exempt from the 100-unit ADU cap in the Gualala Town Plan area (proposed IP section 20.458.010);
- (3) clarifying that certain provisions apply to JADUs as well as ADUs, such as the stipulation that ADUs qualify as accessory living units;¹⁰
- (4) fixing erroneous numbering and cross-references;
- (5) updating the existing definition of accessory buildings to clarify that the prohibition on sleeping quarters does not apply to accessory living units;
- (6) clarifying that ADUs and JADUs may be permitted in any zone that allows residential uses as a permitted or conditional use;

⁹ This change would affect proposed IP sections 20.308.035(A); 20.308.035(I); 20.308.065(A); 20.316.010; 20.316.010(D) and (E); 20.456.015(G) and (H); 20.458.005; 20.458.010; 20.458.015; 20.458.020; 20.472.015(E) and (F); 20.532.015(B); 20.532.020; 20.536.001(A); and 20.544.010(A).

¹⁰ These changes affect proposed or amended sections 20.308.020(H); 20.308.035(I); and 20.458.005.

- (7) adding a procedural section describing the effective date of a ministerial CDP (to IP section 20.536.001);
- (8) clarifying the time-frame for approvals of applications for ADUs and JADUs; and
- (9) updating existing provisions that describe the process that occurs when the County fails to act on an application within the time limits set forth in Government Code sections 65950-65957.1.

As the aforementioned changes are consistent with and adequate to carry out the certified LUP and will help ensure consistency with state ADU law, which, in turn, complements and furthers the Coastal Act policy to encourage affordable housing (section 30604(f)), the County's friendly modifications are included in **Suggested Modification 2**.

Please note that additional modifications of the proposed IP amendment discussed between Commission and County staff that implicate LUP and Coastal Act Chapter 3 policy issues are discussed in the following sections. [Appendix C](#) includes all of the suggested modifications in **red** font.

4. Permitting & Development Implications for Residential Development

While ADUs are currently prohibited outside of the Town of Mendocino and the Gualala Town Plan area, the County's certified IP does allow for more than one dwelling unit¹¹ per legal parcel in various zoning districts in the form of farm employee housing, farm labor housing, family care units (a temporary use), dwelling groups, and residential clustering. The certified IP also allows for one "accessory living unit" for each legal parcel in all zoning districts which allow a single-family residence. An "accessory living unit" is either a "detached bedroom" or a "guest cottage." Detached bedrooms and guest cottages do not contain kitchens (detached bedrooms also do not contain bathrooms) and are not intended for use by people other than family members or guests of occupants of the primary dwelling. Because detached bedrooms and guest cottages do not contain complete independent living facilities, they are not considered a type of dwelling unit under the County's code and would not qualify as ADUs under California Government Code section 65852.2.

Under the proposed amendment, ADUs and JADUs would be treated as an accessory use to a single-family residence rather than a listed permitted or conditional use. ADUs and JADUs would be characterized as a new type of accessory living unit (in addition to guest cottages and detached bedrooms). Instead of changing allowed density in specific zoning districts, the ADU amendment would modify the definition of density to clarify that ADUs and JADUs are not considered to be dwelling units for the purpose of density calculations.¹²

¹¹ A dwelling unit is defined by the County to be a single residential unit containing complete, independent living facilities for a family.

¹² This provision is consistent with CA Government Code section 65852.2(a)(8) which establishes that an ADU shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located.

Under the proposed amendment, each legal parcel would be allowed one ADU and one JADU. However, ADUs and JADUs would not be allowed on any parcel that already contains a second dwelling unit in the form of farm employee housing, farm labor housing, or a temporary family care unit, or where a dwelling group or parcel clustering has been approved. Outside of the Gualala Town Plan area, in addition to an ADU and/or JADU, each legal parcel would be allowed one guest cottage or detached bedroom. Within the Gualala Town Plan area, an ADU or JADU would not be allowed on a parcel that already contains a guest cottage or detached bedroom.

5. Impetus for LCP Amendment

The proposed LCP amendment is spurred by both increasingly strong state mandates to allow for ADUs and the severe lack of long-term rental housing in the County's coastal zone. The development of housing, especially affordable housing, in rural, coastal Mendocino County is constrained in part because of development limitations designed to protect the area's bountiful coastal resources that must be protected, including many rare species that have been extirpated elsewhere, extensive agricultural lands, timberlands, and scenic public views to and along the coast. However, the largest historic and current impediment to developing housing in the County's coastal zone is limited service capacity, including water supply, sewage disposal, and traffic capacity on rural Highway One, which must remain a two-lane road consistent with Coastal Act section 30254.

In acknowledgement of these service limitations, certified IP chapter 20.458 currently prohibits the creation and/or construction of a second residential unit as defined in CA Government Code section 65852.2 based on the potential for adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic. The code section indicates the prohibition is considered temporary until such time as water supply, septic capability and traffic issues can be adequately resolved to assure that there will be no adverse impacts to the public health, safety, and welfare.

This prohibition on ADUs has been in place for over 30 years during which time the lack of affordable housing in the coastal zone has become a serious social and economic issue. The new State legislation on ADUs has altered the regulatory landscape such that State law now requires the County to establish regulations to allow development of ADUs in the coastal zone where they can be appropriately accommodated by adequate public services, and development without conflicting with Coastal Act protections for coastal resources.

6. Area of Impact

As described above, under the proposed amendment, ADUs and JADUs would be permitted in any zone that allows residential uses. The land use designations and corresponding zoning districts where single-family residences are allowed are listed in Table 1 below. These districts comprise 93% of the APNs¹³ and 88% of the land area in

¹³ It is important to note that APNs do not necessarily constitute legal parcels.

Mendocino’s coastal zone. See [Exhibits](#) for a map of the lands where ADUs and JADUs would be allowed under the proposed amendment.

Table 1. Land Use Designations and Zoning Districts Where Single-Family Residences are Permitted (Mendocino County GIS; April 2020)

Land Use Designation	Zoning District	ZD Acreage	Number of ZD APNs
Agriculture (AG)	Agricultural (AG)	5,516	148
Forest Lands (FL)	Forest Lands (FL)	1,392	83
	Timberland Production (TP)	26,328	452
Range Lands (RL)	Range Lands (RL)	19,193	465
Rural Residential (RR-1;RR-2; RR-5;RR-10)	Rural Residential (RR)	13,569	4,837
Remote Residential (RMR 20 acres; 40 acres)	Remote Residential (RMR)	11,894	1,667
Suburban Residential (SR, SR 6,000; SR 12,000; SR 40,000)	Suburban Residential (SR)	208	477
Rural Village (RV)	Rural Village (RV)	168	326
Gualala Village Mixed Use (GVMU)	Gualala Village Mixed Use District (GVMU)	40	82
Gualala Highway Mixed Use (GHMU)	Gualala Highway Mixed Use District (GHMU)	30	25
TOTAL		78,338 acres	8,562 APNs

ADUs would not be permitted in the Open Space, Public & Semi-public Facilities, Commercial, Industrial, Fishing Village, Gualala Industrial, and Gualala Planned Development Districts. The coastal zone districts where ADUs would not be permitted comprise 617 APNs on 10,530 acres.

B. LUP Consistency Analysis

1. Locating New Development

Coastal Act section 30250 states in applicable part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

Coastal Act section 30254 states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Coastal Act section 30250 is implemented in part through existing LUP Policy 3.9-1 which states:

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

The proposed amendment would amend LUP Policy 3.9-1 to add the following statement:

Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II).

Consistency Analysis: Traffic Capacity

A major constraint to residential development in Mendocino County's coastal zone is the need to limit residential density to levels which are compatible with water availability, septic capacity, and highway capacity. Very little of the County's coastal zone is served

with municipal sewer and water systems. Most development relies on the use of septic systems and water wells in areas that sometimes have inadequate soils and limited groundwater. Highway capacity is perhaps the greatest constraint to expanded residential development because of the limited capacity of Highway 1 to accommodate additional growth and remain a scenic two-lane road in the rural County, consistent with Coastal Act section 30254.¹⁴ During the development of Mendocino County's LCP

(1985-1992),¹⁵ the capacity of Highway 1 was a major issue affecting certification, resulting in the Commission changing proposed land use designations and/or maximum densities to significantly reduce allowable residential buildout. As a result, the currently certified LCP prohibits second residential units outside of the Gualala Town Plan area and Town of Mendocino until service capacity issues are addressed and resolved after preparation of an updated highway capacity study.

Although the certified IP explicitly requires analysis of traffic impacts before an LCP amendment can be approved to allow second residential units outside of the Gualala and Mendocino Town Plan areas, the County is proposing to allow ADUs without this analysis and instead address concerns about traffic capacity by adding a 500-unit cap on the number of ADUs to the proposed IP regulations. According to the County's application submittal, an allowance for 500 ADUs is being proposed as an interim measure necessary to aid with the housing crisis until such time as a comprehensive Highway 1 corridor study can be prepared. The County is not proposing to cap the number of JADUs allowed under the LCP Amendment, as JADUs are contained entirely within existing single-family dwellings and often result from repurposing an existing bedroom as a long-term rental. Dwelling units occupied by owners or long-term renters arguably have the same intensity of use and thus conversion of owner-occupied living space to long-term renter-occupied living space would not affect water and septic services or traffic capacity.

The County is deferring undertaking the corridor study update until the County is prepared to use vehicle miles traveled (VMT) as the metric of analysis in the update. The County has historically used level of service (LOS) as a metric of traffic impacts and highway capacity. However, pursuant to SB 743 (Steinberg, 2013), lead agencies analyzing the transportation impacts of new projects under CEQA must now use VMT to evaluate impacts, rather than LOS (this requirement became effective July 1, 2020).¹⁶

¹⁴ See findings for the May 8 and September 26, 1985 Commission hearings on LUP certification.

¹⁵ The County's LUP was certified with suggested modifications on September 26, 1985 and effectively certified on November 20, 1985. The IP was certified with suggested modifications on March 15, 1991 and the total LCP was effectively certified on September 10, 1992. The County assumed permit-issuing authority on October 13, 1992.

¹⁶ Traditionally, transportation impacts have been evaluated by examining whether the project is likely to cause automobile delay at intersections and congestion on nearby individual highway segments, and whether this delay will exceed a certain amount (this is known as "level of service"). VMT instead measures how much actual automobile travel (additional miles driven) a proposed project would create on public roads. If the project adds excessive car travel, the project may cause a significant transportation impact.

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

The County is currently developing vehicle miles traveled (VMT) thresholds of significance and establishing methodologies for performing VMT analysis on the rural coastline. Use of VMT as a metric to evaluate the traffic impacts of projects is consistent with Coastal Act section 30253(d) which explicitly requires new development to minimize VMT (as well as energy consumption). Use of VMT is also consistent with Coastal Act section 30250 as minimization of VMT requires concentration of development. While use of LOS to evaluate the traffic impacts of new development may discourage development in more urban areas of the County like the Fort Bragg area where automobile delay at intersections is greatest, a study that utilizes VMT to evaluate impacts is likely to have the opposite result, encouraging housing near urban services where vehicle trips can be reduced in distance or avoided through alternative means of transportation.

The correlation between development of ADUs and population growth and increased traffic volumes in coastal Mendocino is unknown. The amendment is precipitated by a dire shortage of affordable, long-term rental housing for the County's coastal workforce. Some ADUs may accommodate tenants who are currently in overcrowded and substandard rental units with no accompanying increase in population and traffic volumes. In fact, by increasing the availability of rental housing, ADU development may permit people to live closer to their workplaces, thereby decreasing VMT and traffic on Highway One. On the other hand, ADUs may accommodate population growth but result in increased traffic volumes.

Allowing 500 units prior to a comprehensive traffic analysis allows the County to base the future study on actual data on the rate of development and location of ADUs and their associated travel characteristics in the County's coastal zone. To ensure data is collected, the County's Planning & Building Services proposes to keep a log of permits issued for JADUs and ADUs in the County's database and transmit an annual report to Coastal Commission staff.

The County has provided evidence demonstrating that amending the LCP to allow for 500 units distributed along the 80-mile length of the Highway 1 corridor in Mendocino County's coastal zone will not result in a significant impact on highway capacity. Since certification of its LCP in 1985, the County has prepared two studies of Highway One capacity: the "State Route (SR) 1 Corridor Study" (Whitlock & Weinberger; 1993) and the "SR 1 Corridor Study Update" (WTrans; 2008). The 2008 update found that, "existing traffic counts in the corridor revealed that 2007 traffic counts were either slightly higher, similar, or in some cases lower than the 1993 traffic counts." The very minimal change in traffic volumes is consistent with the "Market Area Buildout"¹⁷

¹⁷ "Market Area Buildout" analyses have been performed periodically by County staff since the LCP was certified (last prepared in 2009). The analysis tracks housing development outside of urban-rural boundaries in the coastal zone (i.e., outside of Fort Bragg and vicinity; Town of Mendocino area; Point Arena; Gualala area, and outside of areas that are zoned Rural Village). The analysis originally involved querying County Assessor's records to determine parcels "under the same ownership with deeds recorded on the same day" (which are considered to be one parcel for the purpose of the analysis); and ascertaining the number of developed parcels based on the Assessor's valuation of structural

numbers maintained by the County which indicate an average annual growth rate of only 0.83% in residential housing units in the coastal zone (outside of urban centers) between 1997 and 2009 and is consistent with the understanding that some homes constructed during this period are likely second homes only occupied part-time.

As a result of slow population growth, while there are real service limitations on maximum buildout in the County, available capacity remains on Highway 1. In 2016, Caltrans prepared a transportation concept report (TCR) for Highway 1 in Mendocino that anticipated low traffic growth rates over the report’s 20-year planning horizon and found that projected future traffic volumes (for the year 2032) can be accommodated by a two-lane highway except in the urban area south of Fort Bragg where a four-lane section may be needed in the future (Caltrans, District 1; 2016; see **Table 2** below and [Exhibit 2](#)). Such capacity improvements would be within the urban area defined by the urban/rural boundary around the greater Fort Bragg area and, thus, would be consistent with the mandate that Highway 1 remain a scenic two-lane highway. The TCR concludes:

Growth and development along Route 1 is strongly influenced by economic conditions and tourism. Route 1 serves as an essential lifeline for residents of the Mendocino Coast. Due to the rural nature of the Mendocino Coast and low anticipated growth, no major long-term right-of-way needs are anticipated.

Table 2. Transportation Concept Report (TRC) Traffic Volumes. Traffic volumes are shown as Annual Average Daily Traffic (AADT) for seven segments of SR 1 in Mendocino County (AADT is a measure of year-round average daily traffic volumes and does not account for seasonal peaks. 2012 AADT is based on 2012 traffic volumes and 2032 AADT is based on Caltrans District 1 growth factors).

	SR 1 Segment	2012 AADT*	2032 AADT
1	Sonoma Co Line to SR 128	1,750	1,850
2	SR 128 to Little River	3,200	3,400
3	Little River to Fort Bragg (SR 20)	9,500	10,000
4	City of Fort Bragg	18,500	19,400
5	Fort Bragg to MacKerricher SP	5,950	5,250
6	MacKerricher SP to Westport	1,150	1,200
7	Westport to Leggett	750	800
	Total	40,800	41,900

In addition, 500 ADUs is not a substantial number of units when considering the amount of housing in the Highway 1 “traffic shed.” In 2019, an estimated 13,316 housing units

improvements, excluding agricultural outbuildings. Updates are performed by adding new parcels that have been created since the last update (either by recorded land divisions or certificates of compliance); eliminating parcels that have been merged; and utilizing building permit records to identify previously undeveloped parcels upon which an improvement has been constructed that is valued at least \$5000 by the Assessor.

were located within the Highway 1 traffic shed which comprises the coastal region of Mendocino County including areas on both sides of the coastal zone boundary and within the incorporated cities of Fort Bragg and Point Arena.¹⁸ 500 ADUs represent a 3.8% increase in the total number of units in this coastal region.¹⁹ As a result, trip generation from 500 ADUs is small when put in the context of overall daily traffic on Highway 1. Based on a trip generation rate of 4.8 daily trips per ADU,²⁰ 500 ADUs would generate 2,400 trips, which represents a 5.9% increase over 2012 AADT. It is important to remember that this number of trips (a) is a maximum number (assuming more housing will generate new trips) and (b) would be spread along the 80-miles of Highway One in the coastal County.

As noted above, the County is not proposing to cap the number of JADUs allowed under the LCP amendment. Based on the 'Market Area Buildout' analyses which have been performed periodically since the LCP was certified (last prepared in 2009), there are approximately 4,390 legal parcels and roughly 2,945 residences outside of urban-rural boundaries in the coastal zone (i.e., outside of Fort Bragg and vicinity; Town of Mendocino area; Point Arena; Gualala area, and outside of areas that are zoned Rural Village). As a result, full buildout of JADUs could result in 3,000 JADUs outside of urban boundaries. The Commission finds, however, that it is not necessary to extend the proposed cap to JADUs as JADUs are contained entirely within existing single-family dwellings and often result from repurposing an existing bedroom as a long-term rental. Dwelling units occupied by owners or long-term renters arguably have the same intensity of use and thus conversion of owner-occupied living space to long-term renter-occupied living space would not affect water and septic services or traffic capacity.

The Commission finds that for the reasons discussed above, a 500 ADU cap would avoid significant cumulative impacts on the traffic capacity of two-lane Highway 1, while at the same time opening up significant portions of Mendocino County to ADU development.

While previous traffic studies show that Highway 1 can remain a two-lane road into the future, the last study was performed in 2008, and it largely extrapolated data from the earlier 1993 study. Furthermore, the County has used this traffic data and other housing data to demonstrate that 500 ADUs will not have a significant impact on traffic and has not explored the impacts of additional units. Removing the prohibition on ADUs outside

¹⁸ Housing data was obtained by the County from the California HomeTown Locator tool which uses US Census data; searched for the 10 coastal zip codes from Westport to Gualala.

¹⁹ Because of its remoteness, Highway One in coastal Mendocino predominantly serves local traffic as opposed to interregional traffic; therefore, it makes sense to focus on local land use when considering trip generation (TRC, 2016).

²⁰ This generation rate corresponds to the lower end of the range for single family residences identified by the Institute of Transportation Engineers (ITE). Given the rural character of the Mendocino Coast, trips are more likely to be combined due to distances between destinations. Plus, restrictions on the size of ADUs may correlate to smaller household size, also lowering trip generation rates. This approach was confirmed by the author of the 1994 SR 1 Corridor Study and the 2008 Update (verbal communication between County staff and Steve Weinberger, WTrans; April 16, 2020).

of the Gualala and Mendocino Town Plan areas would result in an ADU and/or JADU being allowed in addition to one detached bedroom or guest cottage on parcels containing an existing or approved single-family dwelling in all zoning districts which allow single-family dwellings. Because the vast majority of coastal zone lands are zoned to allow single-family dwellings (78,338 acres on 8,562 APNs), removing the current prohibition on ADUs (without imposing a cap) could significantly increase the potential residential development buildout in the County and thus significant impact service capacity.

The County has not provided evidence demonstrating the availability of services for buildout of ADUs in all zones that allow single-family dwellings; as a result, the 500-unit cap is necessary to establish conformance with Coastal Act sections 30250 and 30254 until the County performs additional studies. As proposed, the cap would only be included in the County's IP.

Although the necessary cap is included in the IP, the LUP needs to contain detail and specificity sufficient to conform to the Chapter 3 policies of the Coastal Act and effectively guide the IP, as the standard of review for future IP amendments will be the LUP. LUP Policy 3.9-1 already prohibits houses from being developed if adequate access, water, and sewage disposal capacity does not exist, but does not specifically address the cumulative impacts of housing development on Highway 1 capacity. Highway capacity is correlated with cumulative traffic volumes and cannot be addressed on a parcel-by-parcel bases. Because the proposed LUP amendment would add a broad allowance for ADUs without addressing cumulative impacts on highway capacity, the proposed LUP amendment considered separately from the proposed IP amendment does not ensure that Highway 1 will remain a two-lane scenic highway consistent with Coastal Act section 30254 or will be able to accommodate the increased traffic generated by proposed increases in residential buildout, consistent with Coastal Act section 30250.

Suggested Modification 1 adds the proposed ADU caps to LUP 3.9-1, indicating that any change to the caps on the number of ADUs shall require an LCP amendment. As described in detail above, this ensures that adequate studies are conducted to evaluate potential impacts prior to development of ADUs at a level that could have significant cumulative impacts on traffic capacity on two-lane Highway 1. It is important to note that ADU law allows local governments to designate areas within the jurisdiction where ADUs may be permitted based on adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety [§65852.2(a)(1)(A)]. With the incorporation of Suggested Modification 1, the proposed LUP amendment is consistent with Coastal Act sections 30250 and 30254.

2. Agricultural and Timber Resources

Relevant Coastal Act Policies

Coastal Act section 30241 states:

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Coastal Act section 30242 states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Coastal Act section 30243 states, in applicable part:

The long-term productivity of soils and timberlands shall be protected and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Under the County's certified LUP, all agricultural lands are designated either Agriculture (AG) or Range Land (RL), and all timberlands are designated Forest Lands (FL). Under the certified IP, there are corresponding AG and RL Districts that implement the AG and RL designations, respectively, as well as Forest Lands (FL) and Timber Production (TP) Districts that both implement the FL designation. Within the coastal zone, these "resource lands" (AG, RL, FL, and TP District lands) cover a total of 52,435 acres on

1,148 APNs, representing 59% of the land area and 14% of the APNs in the unincorporated County's coastal zone (See [Exhibit 4](#) for a map of resource lands). The proposed amendment would permit ADUs and JADUs in all land use designations and zoning districts which allow single-family dwellings, including on all agricultural lands, rangelands, and timberlands.

Under the currently certified LCP, one single-family residence is permitted in the AG, RL, FL, and TP Districts and use of the residence as a vacation home rental is also permitted.²¹ While the currently certified IP expressly prohibits ADUs outside of the Gualala and Mendocino Town Plan areas, a guest cottage or detached bedroom is allowed on resource lands as an accessory use to the primary single-family residence, a family care unit is allowed as a temporary use, and farm employee housing²² and farm labor housing²³ are allowed as conditional uses.²⁴ The certified IP limits AG, RL, FL, and TP lands to four or less dwellings per parcel whether single family residential, farm employee housing, farm labor housing, accessory living unit, or family care unit. However, farm labor housing may exceed the four dwellings per parcel limitation in the AG District.

Existing LUP Policies 3.2-1 and 3.3-5 currently state in part that one housing unit is allowed for each existing agricultural and timberland parcel. The proposed amendment modifies these two LUP policies to clarify that ADUs may also be permitted on agricultural and timberland parcels.

While the proposed amendment would affect development allowances on 52,435 acres of resource lands, only 296 resource land APNs (covering 12,773 acres) currently

²¹ Single-family residences and vacation home rentals are listed as principally permitted uses in the AG and RL Districts in addition to agricultural uses, passive recreation, and, in the RL District, fish and wildlife habitat management. Because the certified IP fails to identify one principally permitted use (or use type) for the purposes of Commission appeals pursuant to Coastal Act section 30603(a)(4), these uses are not considered "principally permitted" under 30603(a)(4) and are thus always appealable to the Commission.

²² Mendocino Coastal Zoning Code §20.316.020 defines "farm employee housing" as occupancy by a farm employee and his/her family within a single-family dwelling, or trailer coach which occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation. Mendocino Coastal Zoning Code §20.308.045(E) defines "farm employee" as any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, timber production, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market.

²³ Pursuant to Mendocino Coastal Zoning Code §20.316.020, housing for more than one farm employee and his/her family is classified as farm labor housing.

²⁴ Dwelling groups are also conditionally permitted in all four resource land districts, and cluster development is allowed in all but the TP District.

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

include structures over \$5,000 in value.²⁵ As a result, at most, 296 parcels²⁶ have existing residences and would be eligible now for ADUs and JADUs as accessory uses to existing and proposed residences. In addition, large expanses of timberlands are maintained by institutional timber companies and non-profit organizations that are not anticipated to engage in significant residential development, including 173 timberlands APNs covering approximately 12,812 acres under five such owners.²⁷ As discussed previously, the IP amendment as proposed and the LUP amendment as modified also includes 500-unit caps on the total number of ADUs allowed outside of the Mendocino and Gualala Town Plan areas. All the designated resource lands would be subject to this cap. The cap can only be modified with a further amendment to the LCP.

In addition, under the proposed amendment, the maximum number of residential structures allowed on each resource land parcel does not increase. Under the proposed ADU regulations, an ADU and JADU may be allowed on a parcel in addition to one single-family dwelling and a maximum of one other accessory living unit (i.e., a detached bedroom or guest cottage). Farm employee housing, farm labor housing, and temporary family care units are not allowed on parcels with ADUs and/or JADUs. As a result, while AG, RL, FL, and TP parcels are currently allowed up to four residential structures per legal parcel, only three residential structures could be developed on any parcel with a permitted ADU [(1) the ADU, (2) one single-family residence with a JADU contained entirely inside, and (3) one detached bedroom or guest cottage]. Therefore, the amendment would not increase the maximum number of residential structures allowed on resource lands.

Agricultural Resources

Approximately 24,709 acres or 27.8% of the total acreage in Mendocino County's coastal zone is designated either AG or RL. Coastal agriculture in Mendocino County consists primarily of cattle, dairy farms, nursery products, irrigated and range pasture, and specialty vegetable crops including beans, potatoes, and peas. Coastal agriculture represents a relatively small portion of the County's total gross value of agricultural production, which totaled \$131 million in 2001.²⁸

Coastal Act sections 30241-30243 are intended to maintain land in agricultural production and protect the viability of agricultural lands from direct, indirect, and cumulative impacts of land uses not directly related to the primary use of agricultural lands for the production of agricultural commodities. Coastal Act sections 30241 and

²⁵ 45 APNs in the AG District, 154 APNs in the RL District, 49 APNs in the TP District, and 48 APNs in the FL District include structures over \$5,000 in value.

²⁶ It is important to note that APNs do not necessarily represent legal parcels.

²⁷ These top five owners are Mendocino Redwood Company, Soper Company, Lyme Redwood Timberlands, Parker Ten Mile Ranch, and R.D. Beacon.

²⁸ Information on the agricultural economy is from the Mendocino County Coastal Conservation Plan (Mendocino Land Trust, April 2003).

30242 strictly limit the circumstances under which agricultural land can be converted to non-agricultural land uses.

Development of a non-agricultural use or structure proposed on land suitable for agriculture could constitute a conversion of agricultural land that must meet the strict conversion criteria of Coastal Act sections 30241 and 30242. In contrast, the development of a farm-related structure does not constitute an agricultural conversion and thus does not trigger the need for an analysis of consistency with the conversion criteria. Single-family dwellings including ADUs are considered farm-related structures only if they are farmer-occupied or farm labor housing necessary for the performance of agricultural operations.

In contrast to residential development that is incidental to and/or in support of agricultural production such as farm employee housing, development of residential uses on agricultural lands that are not in direct support of continued agricultural use of the property is a growing trend threatening agricultural land viability. Non-agricultural residential development has the potential to change the real estate values in agricultural areas in ways that negatively affect the viability of continuing agriculture. Such development can also conflict with on-going surrounding agriculture practices (e.g., due to noise, odors, or dust generated from agricultural activities), potentially placing pressure on agricultural productivity to be reduced. And, of course, non-agricultural residential development occupies agricultural land that might otherwise be available for production or other agricultural uses.

The proposed LUP amendment would allow ADUs on lands designated agricultural and rangeland without any explicit requirement that the ADUs be used by a farm owner, manager, or employee engaged in agricultural use of the land (or family member thereof), and thus raises issues of consistency with Coastal Act sections 30241 and 30242.²⁹

Under the certified LUP, consistent with the Coastal Act, residences on AG and RL lands must be agricultural in nature (i.e., constitute farm dwellings) or meets the strict agricultural land conversion criteria of Coastal Act sections 30241 and 30242, as these sections of the Coastal Act are incorporated into LUP Policies 3.2-4, 3.2-5, and 3.2-16. However, this is a point of contention between the County and Commission.³⁰ The County has in the past asserted that every agricultural parcel is allowed by right one

²⁹ It is important to note that the County has locally adopted (not certified by the Commission) policies and procedures for agricultural preserves and Williamson Act contracts, that require second residential units to be occupied by the farm operator or an immediate family member of the landowner or farm operator in order to qualify as a compatible use on agricultural land under a Williamson Act contract. Sixty percent of AG and RL lands in the coastal zone (14,687 acres on 283 APNs) are under Williamson Act contracts. While this is a strong standard preventing ADUs from resulting in an agricultural conversion, it only applies to 60% of AG and RL lands and is a local standard that could change at any time without Commission review.

³⁰ See, for example, Commission Appeal Nos. A-1-MEN-09-034 and A-1-MEN-09-052 of residential development on agricultural land in Mendocino County.

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

single family home regardless of whether the owner/occupier of that home farms or manages a farm, resulting in past development on AG and RL lands inconsistent with the Coastal Act. As a result, without additional LUP policy clarification, there is the potential that the proposed ADU allowance will be carried out inconsistent with Coastal Act sections 30241 and 30242.

In addition, even structures that are associated with agriculture, such as farm dwellings, can harm the long-term productivity of agricultural soils, and the cumulative effect of these structures may encourage urbanization or industrialization of an area. As proposed, the LUP amendment would allow detached ADUs to be located anywhere on AG and RL parcels, and thus could result in ADUs being developed far from existing residential structures, potentially requiring significant new driveway construction, vegetation maintenance, utility trenching, leach fields, water wells, etc. Such development would not maximize the amount of prime agricultural land in production or be protective of the long-term productivity of the soils, inconsistent with Coastal Act sections 30241 and 30243. Although the IP includes a clustering requirement, the LUP needs to contain specificity sufficient to conform to the Chapter 3 policies of the Coastal Act and effectively guide the IP, as the standard of review for future IP amendments will be the LUP.

For all the reasons described above, the LUP amendment as proposed is inconsistent with the agricultural resource protection policies of the Coastal Act.

Suggested Modification 1 modifies amended LUP Policy 3.2-1, adding a requirement that detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence. As discussed above, if the ADU is a farm dwelling accessory to and in support of active agricultural operations onsite, the ADU would not result in agricultural conversion regardless of its location. However, if an ADU does not constitute a farm dwelling, it could result in the conversion of land suitable for agriculture, and if so, must meet the strict conversion criteria outlined in Coastal Act sections 30241 and 30242.

JADUs, ADUs attached to the primary residence, and detached ADUs placed within an existing legally-authorized residential structure avoid land that is in active agricultural production. Detached ADUs clustered with the primary residence may also be located within a portion of the agricultural parcel that is not in active agriculture production because of its residential use. Given that the subject land is already covered by, directly adjacent to, or otherwise clustered with, a permanent residential structure, the suitability of the site for agriculture and the feasibility of renewed agriculture may also be severely limited. Thus, locating ADUs on AG and RL lands within or attached to existing residential structures or clustered with the primary residence can be found consistent with Coastal Act section 30241 because this siting can avoid and thus maintain prime agricultural lands in production, and can result in the development of available lands not suited for agriculture prior to the conversion of agricultural lands. This siting can also be found consistent with Coastal Act section 30242 because it likely avoids lands in agricultural production and instead places ADUs where renewed agriculture may not be feasible due to existing development.

Furthermore, the requirement to site ADUs in existing residential structures or clustered with the primary residence minimizes the amount of additional AG and RL lands that would be covered by residential development and associated infrastructure. Siting ADUs in or clustered with residential structures allows detached ADUs to rely on the same driveways and other exterior residential improvements developed for the single-family residence, minimizing the need to develop additional agricultural lands for additional external residential improvements. These limitations maximize the amount of prime agricultural land in production protects the long-term productivity of the soils, consistent with Coastal Act sections 30241 and 30243.

As a result, as modified by Suggested Modification 1, the proposed LUP amendment is consistent with the agricultural resource protection policies of the Coastal Act.

Consistency Analysis: Timberlands

Coastal Act section 30243 requires that the long-term productivity of soils and timberlands be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size be limited to providing for necessary timber processing and related facilities.

Within Mendocino's coastal zone, 27,725 acres on 533 APNs are designated as TP. While an ADU and associated external improvements are not likely to convert coastal commercial timberlands in units of commercial size, they could be sited in such a way that would compromise the utility of the remainder of a parcel for commercial harvesting (e.g., sited in the middle of an otherwise contiguous stand of trees), threatening the productivity of timberlands. As a result, the LUP amendment as proposed is inconsistent with Coastal Act section 30243.

Suggested Modification 1 modifies amended LUP Policy 3.3-5, adding a requirement that detached ADUs may only be permitted on timberland parcels if located within an existing legally-authorized residential structure and/or clustered with the primary residence. Clustering the ADU with existing residential structures would likely avoid any impact on the ability of the remainder of the land to be harvested commercially. As discussed above, locating an ADU in existing residential structures or otherwise clustering also minimizes the need for any new external development associated with the ADU (e.g., driveway access), further minimizing encroachment onto productive timberlands.

As a result, as modified by Suggested Modification 1, the proposed LUP amendment is consistent with the timber resource protection policies of the Coastal Act.

3. References to Government Code 65852.2 & Minor Correction

References to Government Code 65852.2

The proposed amendment would add the following statement to LUP Policies 3.2-1, 3.3-5, and 3.9-1:

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II).

The proposed reference to Government Code section 65852.2 is unclear and could result in interpretation of the LUP inconsistent with the Chapter 3 policies of the Coastal Act. While it is true that the intent of the amendment is to implement state ADU law, the County's proposed ADU standards may not be fully consistent with Government Code section 65852.2 as amended overtime.

Government Code section 65852.2(l) clarifies that nothing in the law supersedes or in any way alters or lessens the effect or application of the Coastal Act, except that the local government shall not be required to hold public hearings for CDP applications for ADUs. As a result, the stated intent of the County's LCP regulations is to protect coastal resources when regulating ADUs in the coastal zone, while also complying with the standards in section 65852.2 to the greatest extent feasible (proposed IP section 20.458.005).

The proposed reference to Government Code section 65852.2 could be misinterpreted as an intent to incorporate by reference this state code section into the LCP. This is problematic because (1) the government code section may contain provisions that are not in conformance with the certified LCP and (2) the code section can be changed without Commission knowledge or approval, creating additional inconsistency with the certified LCP or the Coastal Act.

Therefore, the LUP amendment as proposed with reference to Government Code section 65852.2 is inconsistent with the Coastal Act. To address this inconsistency, **Suggested Modification 1** removes the reference.

Minor Correction

The purpose of the proposed amendments to LUP Policies 3.2-1, 3.3-5, and 3.9-1 is to clarify that ADUs and JADUs may be allowed on legal parcels, including agricultural and timberland parcels. However, the proposed amendment language only references ADUs ("Accessory dwelling units may also be permitted"). The omission of JADUs from this language could become a point of confusion since ADUs and JADUs are treated as two separate dwelling types in the IP regulations (i.e., references to ADUs are not intended to apply to JADUs; JADUs are explicitly mentioned when standards apply to JADUs). Therefore, **Suggested Modification 1** adds explicit references to JADUs into the proposed amendment of LUP policies.

As modified by Suggested Modification 1, the LUP amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act.

C. IP Consistency Analysis

1. Adequacy of Services

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.5 (Visual Resources, Special Communities and Archaeological Resources), Policy 3.5-1 includes the following relevant language:

- 3.5-1 State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road...

LUP Chapter 3, Subchapter 3.8 (Transportation, Utilities and Public Services) includes the following relevant policies:

- 3.8-1 Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.

On the rural side of the Urban/Rural Boundary, consideration shall be given to Land Use Classifications, 50% buildout, average parcel size, availability of water and solid and septage disposal adequacy and other Coastal Act requirements and Coastal Element policies.

Highway capacity impacts shall be considered in determining land use classifications and density changes.

- 3.8-3 Caltrans shall be requested to conduct a study within two years after the certification of this Plan based on a detailed origin and destination survey, trip generation data from different types of housing and accommodations, and new traffic counts. Safety shall be a major consideration in any Highway 1 study.
- 3.8-4 Caltrans and/or the Coastal Commission shall be requested to monitor Highway 1 usage at two-year intervals. The Coastal Act's requirement that the highway remain a two-lane scenic road in rural areas creates an obligation to maintain accurate data on highway capacity for planning purposes.
- 3.8-7 Land divisions and subdivisions creating new parcels or building sites or other proposed development, including lot line adjustments, mergers and issuance of conditional certificates of compliance shall be approved only where a community sewage disposal system with available capacity exists and is obligated to provide service or where a satisfactory site for a sewage system exists. Leach field approval shall require satisfactory completion of a site evaluation on the site of each proposed septic system. A leach field shall not be located where the natural grade exceeds 30 percent slope or where there is less than 5 feet of soil below the trench if natural grade exceeds 20 percent slope. This septic system policy is

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

consistent with the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the Regional Water Quality Control Board on April 17, 1979.

3.8-8 Newly constructed public water supply and sewage disposal systems and expansion of existing systems should be designed to serve development consistent with that permitted by the Land Use Plan, provided that a reasonable capacity should be reserved for potential industrial development at locations designated by the plan.

3.8-9 Approval of the creation of any new parcels shall be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels and will not adversely affect the groundwater table of contiguous or surrounding areas. Demonstration of the proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June 1982, as revised from time to time and the Mendocino County Division of Environmental Health's Land Division requirements as revised.

Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to approval of the proposed use.

LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development) includes the following existing policy:

3.9-4 Following approval of each 500 additional housing units in the coastal zone, or every 5 years, whichever comes first, the Land Use Plan shall be thoroughly reviewed to determine:

- Whether the Highway 1 capacity used by non-resident travel and visitor accommodations is in scale with demand or should be increased or decreased.
- Whether the plan assumptions about the percentage of possible development likely to occur are consistent with experience and whether the allowable buildout limits should be increased or decreased.
- Whether any significant adverse cumulative effects on coastal resources are apparent.

LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development) also includes existing LUP Policy 3.9-1 which would be changed by the proposed LUP amendment and **Suggested Modification 1**. The policy as amended and modified reads as follows:

3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:

- each community's desired amount and rate of growth.
- providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

Consistency Analysis: Traffic Capacity

As discussed in more detail earlier in Section IV(B) above, Highway 1 capacity was determined to be a density-limiting factor during Mendocino County's LCP certification process, resulting in the Commission changing proposed land use designations and/or maximum densities to significantly reduce allowable residential buildout in the County's coastal zone. As a result, Mendocino's certified IP currently prohibits ADUs (which are referred to as "second residential units") in the coastal zone except in the Gualala Town Plan area and Town of Mendocino.³¹

Removing this prohibition and instead allowing ADUs on all parcels with existing or proposed residences would significantly increase allowable buildout, potentially compounding existing capacity issues. The County has not prepared any updated

³¹ Second residences (i.e., independent living units) are also allowed throughout the County's coastal zone in cases where they are permitted as farm employee housing, farm labor housing, or family care units, or through LCP provisions for dwelling groups and residential clustering (where increased residential density is offset by surrounding open space).

service studies to demonstrate that either (1) traffic capacity issues are not as great as previously believed, or (2) that the unique characteristics of ADU development will result in ADUs having negligible impacts on capacity. Therefore, there are significant questions about whether and how ADU development will impact coastal resources, suggesting that a cautious approach to expanding ADUs in Mendocino County is warranted.

To that end, the proposed IP amendment establishes a 500-unit cap on ADUs outside of the Gualala Town Plan area and the Town of Mendocino. As discussed in the LUP consistency findings in Finding B above, the proposed cap: (1) ensures there will be no significant cumulative impacts on traffic capacity; and (2) is necessary to finding consistency with Coastal Act section 30250 and 30254, which are carried out in part through the LUP Policies listed above.

As discussed in the LUP consistency findings, the County has provided evidence on traffic and housing volumes and growth rates and previous traffic studies to demonstrate that a 500-unit cap will not result in a significant impact on traffic capacity. As proposed, any change to the cap would require an LCP amendment, and would require a traffic analysis to be prepared prior to such an amendment, to evaluate impacts associated with future growth on the capacity of Highway 1 in the coastal zone of Mendocino County. This requirement is consistent with LUP Policy 3.8-1 which specifies that highway capacity impacts shall be considered in determining density changes. The trigger of 500-units also aligns with LUP Policy 3.9-4, which requires a thorough review of Highway 1 capacity following approval of each 500 additional housing units in the coastal zone.

As adopted by the County, the traffic analysis required before any change in the 500-unit cap could be approved would evaluate impacts associated with future growth on the capacity of Highway 1, but would not necessarily be required to evaluate the specific impacts of ADUs on traffic capacity. The development and use of ADUs approved under the current amendment will provide a source of data regarding the numbers and locations of ADUs and their associated travel characteristics in the County's coastal zone that will facilitate the future studies to evaluate the impacts on Highway 1 capacity. Therefore, **Suggested Modification 2** ensures that any future traffic analysis used to lift or adjust the 500-unit ADU cap evaluates impacts on highway capacity associated specifically with proposed ADU allowances in addition to general growth projections.

Ultimately, the main reason to allow ADU development now ahead of an updated traffic analysis is to address an immediate and critical need for affordable housing in the coastal zone. Due to factors such as small size limitations on ADUs and the inability to subdivide and separately sell ADUs, ADUs can be a source of affordable, long-term rental housing. With this in mind, the state legislature has recently amended the state ADU law to further limit local restrictions on ADUs and streamline and facilitate the permitting and construction of more ADUs. The proposed amendment attempts to harmonize state ADU law requirements with Coastal Act requirements in the County's LCP in a way that continues to protect coastal resources while also reducing and eliminating barriers to the construction of ADUs.

The proposed amendment does not allow ADUs or JADUs to be used as vacation home rentals but does not otherwise restrict vacation home rentals on parcels with ADUs (except within the Gualala Town Plan area, where use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited). As a result, property owners could choose to live within their ADU or JADU and rent out their primary residence to transient guests as a vacation home rental, thereby not creating any new long-term housing in the coastal zone. This proposed allowance for vacation home rentals on properties with ADUs and/or JADUs could thus defeat the purpose of the amendment to help address the housing crisis.

In addition, the premise that the 500-unit ADU cap is consistent with and adequate to carry out the policies of the LUP regarding Highway 1 and service capacity is predicated in part on the presumption that ADU development will in fact provide long-term housing for Mendocino's workforce. Given the housing shortage, many employees on the coast are currently living in crowded and/or substandard rental units and/or far from their place of employment. As a result, creating more affordable, long-term housing could result in no change in VMT (as additional units are utilized by people already driving coastal roads) or could reduce VMT (by allowing people to live closer to where they work). If instead the proposed amendment is used to create more vacation home rentals, there would likely be an increase in VMT on Highway One with additional tourists generating additional tourist traffic. As a result, the IP amendment as proposed to allow vacation home rentals on parcels with ADUs and JADUs is inadequate to carry out the LUP as conditionally amended and modified.

It is important to note that while the Coastal Act and certified LUP prioritize visitor-serving accommodations, the purpose of this particular amendment is to encourage necessary housing. Vacation home rentals are allowed on the County's resource lands and most of its residential districts,³² and the County has no cap on the number of vacation rentals allowed outside of the Mendocino Town Plan area. As a result of the certified IP's existing provisions for vacation rentals and other visitor-serving accommodations, the proposed amendment does not need to allow for vacation rental development for the IP to be consistent with and adequate to carry out the LUP's visitor-serving policies.

Suggested Modification 2 broadens the proposed restriction on vacation rentals so that, on a property with an ADU and/or JADU, use of any dwelling as a vacation rental is prohibited. This suggested modification ensures that the proposed new ADU allowance increases long-term housing stock, meeting the intent of the amendment and preventing increases in VMT that could result in inadequate Highway One capacity.

³² The LCP defines vacation rentals as a Coastal Residential Use Type and vacation rentals are allowed as a permitted use in all districts except the following: Open Space, Fishing Village, Commercial, Industrial, Public Facilities, Gualala Village Mixed Use, Gualala Highway Mixed Use, Gualala Planned Development and Gualala Industrial (i.e., vacation rentals are allowed in the RR, RMR, SR, RV, AG, FL, TP, and RL Districts). Currently there are 382 vacation home rentals within the County's coastal zone outside the Town of Mendocino (Mendocino County TOT data and GIS, April 2020).

As suggested to be modified, the proposed IP amendment is consistent with and adequate to carry out LUP policies related to limiting development to what can be accommodated by a two-lane Highway One in rural Mendocino.

Consistency Analysis: Water Supply and Sewage Disposal Capacity

Most properties in the County's coastal zone are served by individual water wells and septic systems, although there are a number of community water and sewer systems that serve particular areas in the unincorporated County's coastal zone.³³ The County's coastal groundwater supply is limited, with the vast majority of the coastal zone mapped as areas of critical and marginal water resources. Although the 500-unit ADU cap is proposed by the County to address a lack of an updated comprehensive traffic analysis, the cap is also necessary to find that the proposed amendment will not have significant cumulative impacts on water supply.

According to the Mendocino County Division of Environmental Health (DEH), in addition to areas where groundwater availability is limited, there are also parcels scattered throughout the coast region where expanding septic capacity may be an issue due to high groundwater levels or lack of adequate soil depth. As a result of scattered water and septic limitations, DEH determines the adequacy of water and septic capacity on a parcel-by-parcel basis. These studies are essential to protecting existing users and the groundwater resource.

Proposed IP sections 20.458.040(B) and 20.458.040(C) require that the Division of Environmental Health (DEH) review and approve all ADU applications for the availability and adequacy of water and sewage disposal systems in accordance with standards established in DEH's "Guidelines for Accessory Dwelling Units," and, for water systems, also in accordance with the County's "Coastal Groundwater Development Guidelines." Under these provisions, all applications for an ADU would be referred to DEH and, if adequate water and sewer capacity cannot be demonstrated, the ADU would not be approved.

The proposed standards are problematic because they require demonstration of service in accordance with uncertified local guidelines. Even if these documents were reviewed by the Commission and found to be consistent with the Coastal Act, the documents could be changed at any time without Commission knowledge or approval. Such uncertified changes could adversely affect the implementation of the LCP. In addition, water and sewer standards as proposed only apply to ADUs and not to JADUs. As JADUs (by definition) must be contained entirely within an existing single-family dwelling unit, many JADUs will just be repurposed existing bedrooms that would not increase

³³ Community water and/or sewer systems include: the North Gualala Water Company (water), Gualala Community Services District (sewer), Anchor Bay County Waterworks (sewer), Point Arena Water Works (water), Irish Beach Water Company (water), Elk Community Services District (water), Pacific Reefs California Water District (water), Albion Mutual Water Company (water), Mendocino City Community Services District (sewer), Surfwood Mutual Water Corporation (water), Caspar South Water District (water), City of Fort Bragg (water), Fort Bragg Municipal Improvement District (sewer), and Westport County Water District (water and sewer).

septic and water service demands. However, there could be cases where JADUs, for example, are created in an attached garage, converting a currently non-habitable space into an independent dwelling unit and thus increasing service demands. In such cases, where a JADU intensifies the use of an existing residence, service capacity issues may arise or existing issues may be compounded. As a result, the IP ADU regulations as proposed are inadequate to carry out the certified LUP policies that require adequate water and sewer capacity to serve proposed residential development.

Suggested Modification 2 retains the requirement for DEH to review and approve the availability and adequacy of water and sewage disposal systems for all ADUs, but removes the references to uncertified County guidelines and extends the DEH review and approval requirement to any JADUs that result in the creation of additional bedrooms. Using additional bedrooms as a trigger for DEH review and approval ensures that any JADU that could increase service demand is referred to DEH, and is consistent with DEH's current guidelines, which base septic requirements on the net increase in bedrooms on a property. The County's uncertified guidelines require property owners located in water or sewer service districts to provide written approval from the service district specifically authorizing the connection of an ADU; Suggested Modification 2 would incorporate this requirement directly into the ADU regulations of the IP. Suggested Modification 2 would also add statements that adequate water supply and sewage capacity must be available to serve the proposed new ADU or JADU as well as existing residences on the property. These requirements will ensure that adequate services are provided regardless of whether and how DEH guidelines change overtime.

Thus, the proposed IP amendment, as modified, is consistent with and adequate to carry out the water and sewer capacity requirements of the LCP.

Consistency Analysis: Gualala Existing 100-Unit Cap and Service Capacity

The North Gualala Water Company, which serves the Gualala Town Plan area, has known capacity issues and is under a State-issued water connection moratorium relating to pumping restrictions on its two water wells on the North Fork Gualala River. As a result, any increase in the number of residential structures in Gualala would be inconsistent with the service capacity policies of the certified LUP.³⁴ However, the proposed amendment maintains the existing certified 100-unit cap on ADUs in Gualala as well as the prohibition on ADUs west of Highway One and the prohibition on ADUs on any parcel with a guest cottage, detached bedroom, or second dwelling unit. As a result, the proposed amendment would not allow for development of additional residential structures beyond what is currently allowed under the certified LCP in Gualala. In addition, the proposed IP amendment as modified would require written approval from the service district specifically authorizing the connection of any ADU and would otherwise require demonstration of the availability of water supply and sewage

³⁴ To date, the County has maintained a manual log (Excel spreadsheet) of ADU permits issued in the Gualala Town Plan area. Unfortunately, due to staff turnover, the log has been misplaced. It is estimated that, at most, three ADU permits have been issued since adoption of the Gualala Town Plan in 2002.

capacity before approval. Pursuant to the proposed amendment as modified, prior to any LCP amendment to modify the 100-unit cap, the County would be required to provide information that demonstrates that the plan area has adequate water and sewer capacity for projected buildout and to prepare a traffic analysis to evaluate impacts associated with proposed ADU allowances and future growth on the capacity of Highway One in Gualala and the surrounding coastal zone. As a result, the proposed IP amendment to the ADU provisions for the Gualala Town Plan area is consistent with and adequate to carry out the LUP.

For all the reasons described above, the proposed IP amendment as suggested to be modified is consistent with and adequate to carry out the service capacity policies of the certified LUP as amended and modified.

2. Agricultural and Timber Resources

Relevant LUP Policies

The AG and RL Districts carry out the AG and RL Designations, respectively. The FL and TP Districts carry out the FL Designation. The stated intents of the AG, RL, and FL Designations [included in LUP Chapter 2 (The Land Use Plan), Subchapter 2.2 (Description of Land Use Plan Map Designations)] are as follows:

AG Designation Intent: The Agricultural Lands classification is intended to be applied to lands which are suited for and are appropriately retained for production of crops. The classification should include lands presently under Type I Agricultural Preserve contracts, lands having present or future potential for significant agricultural production, and contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize the agricultural use of agricultural lands. Permitted non-agricultural uses, to the greatest extent possible, should not occur on lands that might otherwise be devoted to crop production. Prime and non-prime lands and existing Agricultural Preserves are included. Reconsolidation of agricultural parcels into larger units shall be encouraged, especially where prime soils exist or where there are larger parcels that would be more likely to support agriculture. Encouragement shall consist of the following: A positive effort by the County of Mendocino to provide information, explaining the advantages of reconsolidation (i.e. increased agricultural potential and possible tax advantages).

RL Designation Intent: The Range Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas. The classification includes land eligible for incorporation into Type II Agricultural Preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands.

FL Designation Intent: The Forest Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber related products. The classification

includes lands eligible to be zoned Timberland Production (TPZ); intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands.

The FL land use classification standards included in LUP Chapter 2, Subchapter 2.2 also state in applicable part:

No use permit shall be granted for areas designated FL in TPZ until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products.

No use permit shall be granted for areas designated FL until a specific finding has been made that the proposed use is compatible with the long-term protection of timber resource lands.

LUP Chapter 3, Subchapter 3.2 (Agriculture) includes the following relevant policies:

3.2-4 Zoning regulations shall not discourage compatible activities that enhance the economic viability of an agricultural operation. These may include cottage industry, sale of farm products, timber harvesting, not subject to the Forest Practices Act and limited visitor accommodations at locations specified in the plan. Visitor accommodations shall be secondary to the agricultural activity. Proposed projects shall be subject to a conditional use permit. Granting of the permit shall require affirmation findings to be made on each of the following standards. The project shall:

- maximize protection of environmentally, sensitive habitats;
- minimize construction of new roads and other facilities;
- maintain views from beaches, public trails, roads and views from public viewing areas, or other recreational areas;
- ensure adequacy of water, sewer and other services;
- ensure preservation of the rural character of the site; and
- maximize preservation of prime agricultural soils;
- ensure existing compatibility by maintaining productivity of on site and adjacent agricultural lands.

No permit shall be issued to convert prime land and/or land under Williamson Act to non-agricultural uses, unless all of the following criteria are met:

- a) all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable; and
- b) agricultural use of the soils cannot be successfully continued or renewed within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act); and
- c) clearly defined buffer areas are developed between agricultural and nonagricultural uses (see Policies 3.2-9, 3.2-12 and 3.2-13); and

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

- d) the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing; and
- e) public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality; and
- f) in addition, for parcels adjacent to urban areas, the viability of agricultural uses is severely limited by conflicts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

3.2-5 All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

3.2-9 In order to minimize agricultural-residential conflicts, land divisions or site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible building site on the parcel.

3.2-16 All agricultural lands designated AG or RL shall not be divided nor converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or (3) concentrate development consistent with Section 30250. Any such permitted division or conversion shall be compatible with continued agricultural use of surrounding parcels. "Feasible", as used in this policy, includes the necessity for consideration of an economic feasibility evaluation containing both the following elements: 1. An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of proposed local coastal program or an amendment to any local coastal program. 2. An analysis of the operational expenses beyond the control of the owner/operator associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. For purposes of this policy, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal plan.

LUP Chapter 3, Subchapter 3.2 also includes existing LUP Policy 3.2-1 which would be changed by the proposed LUP amendment and **Suggested Modification 1**. The policy as amended and modified reads as follows:

3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.

LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources) includes the following relevant policies:

3.3-2 Timberlands of commercial size have been designated FL on the Land Use Plan Maps.

3.3-3 A timberland unit of commercial size shall not be divided into parcels smaller than 160 acres, and shall not be converted to uses other than the growing of timber and those compatible uses as identified in Chapter 2 under the Forest Land Classification.

3.3-8 In order to minimize forest land-residential conflicts, site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for forest lands use, unless there is no other feasible building site on an existing residential parcel.

LUP Chapter 3, Subchapter 3.3 also includes existing LUP Policy 3.3-5 which would be changed by the proposed LUP amendment and **Suggested Modification 1**. The policy as amended and modified reads as follows:

3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence. Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

A full list of relevant LUP policies is included in [Appendix B](#).

Consistency Analysis: Agricultural Resources

The proposed amendment would allow up to 500 ADUs and an unlimited number of ADUs in the County's coastal zone outside of the Gualala and Mendocino Town Plan areas, including on lands designated and zoned AG and RL. To protect agricultural resources, the proposed IP amendment would include standards (1) requiring detached ADUs on AG and RL parcels to be located within 150 feet of an existing legally-authorized structure [IP section 20.458.045(E)(1)]; and (2) prohibiting ADUs on non-prime soils [IP section 20.458.045(E)(2)]. An exception to the second standard could be allowed through an administrative or standard CDP process when it can be found that the ADU will not impact the long-term productivity of the agricultural land.

The stated purpose of the AG and RL land use classifications are to retain AG and RL lands for the growing of crops and raising of livestock, respectively. In addition, LUP Policies 3.2-5 and 3.2-16 only allow development on any lands suitable for agricultural use (or, in LUP Policy 3.2-16, designated AG or RL) if it is demonstrated that the development does not convert agricultural lands to a non-agricultural use, unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or (3) concentrate development consistent with Coastal Act Section 30250. LUP Policy 3.2-5 further requires that any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

As discussed in the LUP consistency findings above, farmer-occupied or farm labor housing necessary for the performance of ongoing agricultural operations onsite or on parcels in contiguous ownership is considered a supplemental agricultural use. In contrast, residential development that is not incidental to and in support of onsite agriculture (or grazing on RL lands) is not a supplemental agricultural use and instead may represent a conversion of agricultural lands to a nonagricultural use.³⁵ Because the County's proposed amendment does not explicitly require ADUs and JADUs to be farm dwellings, unless ADUs and JADUs and their associated development completely avoid lands suitable for agriculture, the development of ADUs and JADUs could potentially result in agricultural conversion inconsistent with the intent of the AG and RL land use classifications and the agricultural resource protection policies of the certified LUP as amended and modified.

In addition, even structures that are associated with agriculture, such as farm labor housing, can reduce the amount of land available for agricultural production and harm the long-term productivity of agricultural soils, hindering rather than supporting

³⁵ For example, in Humboldt County, the certified LUP allows two dwelling units incidental to agricultural operations on parcels zoned as Agriculture Exclusive, but only if the dwellings are occupied by the owner/operator and the parent or child of the owner/operator. Similarly, Marin County's LCP allows for one intergenerational home in addition to a farmhouse per "farm tract" for the farm operator or owner, as a principally-permitted agricultural use. Intergenerational homes are intended to allow for the preservation of family farms by facilitating multi-generational operation and succession by allowing family members to live on the farm.

continued agricultural use of a property. Therefore, whether or not structures are considered agricultural in nature, standards must be included in the certified LCP to maximize land available for agricultural production, limit the impact of structures on agricultural viability, and maintain the long-term productivity of agricultural soils consistent with Coastal Act sections 30240-30243 and implementing LUP policies.

The proposed requirement to cluster new detached ADUs with existing structures on AG and RL lands helps reduce the footprint of structural improvements on agricultural land and potentially reduces the size of any conversion of agricultural land to a non-agricultural residential use. However, the proposed clustering requirement does not go far enough to ensure consistency with the agricultural resource protection policies of the LUP described above.³⁶

First, the proposed standard only requires clustering with existing structures, not necessarily residential structures. Clustering with a barn, greenhouse, stable, or some other agricultural outbuilding defeats the intent of the regulation to avoid encroachment into agricultural areas of the property.

Second, the required 150-foot clustering distance is too large. Although the AG and RL Districts have minimum lot sizes of 60 and 160 acres, respectively, there are many existing legal nonconforming lots that are smaller than the minimum parcel size where productive agricultural land area is more limited and the certified LCP affords legal nonconforming lots all the same uses as conforming lots. With the understanding that APNs do not necessarily correspond to separate, legal parcels, only 17 of the 467 RL District APNs and 31 of the 148 AG District APNs in the coastal zone conform to the minimum lot size standard for their respective district. According to the County, 52 of the nonconforming RL District APNs are between five and ten acres in size and 110 are less than five acres. In the AG District, 16 APNs are between five and ten acres and 47 are less than five acres. While a 150-foot spacing between two residential structures on a 160-acre RL District parcel may not seem significant, on smaller parcels, the resulting expansion of the residential use could result in grazing no longer being economically viable.

In addition, while two structures sited immediately adjacent to one another can largely rely on the same fire clearance area, driveway access, and other exterior improvements, 150 feet is potentially too large a distance to afford this benefit of clustering. Furthermore, any encroachment onto agricultural lands by a non-agricultural use is a conversion of agricultural land. For ADUs that do not constitute farm dwellings,

³⁶ The existing certified IP has a maximum lot coverage standard in the RL and AG Districts of 20% for parcels less than two acres in size, fifteen percent for parcels from two to five acres in size, and ten percent for parcels over five acres in size. While this standard limits the amount of overall structural development, it does not require clustering of non-agricultural structures to minimize encroachment onto productive lands and conflict with agricultural use of the site. In addition, lot coverage is defined in the certified IP [section 20.308.075(12)] to include area covered by buildings and structures, but not, for instance, gravel driveways.

the clustering requirement is intended not just to limit but to completely avoid displacement of agricultural land by siting the ADU fully within an existing developed area of the property. As a result, the proposed IP amendment is inadequate to carry out the agricultural resource provisions of the certified LUP as amended and modified.

Suggested Modification 2 modifies the proposed clustering requirement so that a detached ADU may only be permitted on AG and RL lands if it is located (1) within an existing legally-authorized residential structure; or (2) set back no greater than 100 feet from the existing or proposed legally-authorized primary residence and relies on the primary residence's driveway or another legally authorized driveway.

The proposed ADU clustering requirement as modified ensures that detached ADUs either replace or are clustered with existing residential structures in a manner that allows co-reliance on associated external improvements and thus minimizes any additional residential development footprint associated with the ADU. JADUs, ADUs attached to the primary residence, and detached ADUs placed within an existing legally-authorized residential structure avoid land that is in active agricultural production. Detached ADUs clustered with the primary residence may also be located within an existing residential development compound that is not in active agriculture use. Given that the subject land is already covered by, directly adjacent to, or otherwise clustered with, a permanent residential structure, the suitability of the site for agriculture and the feasibility of renewed agriculture may also be severely limited. Thus, the clustering requirement not only minimizes structural encroachment onto agricultural lands, but also helps ensure consistency with the agricultural land conversion policies in cases where ADUs do not constitute farm dwellings. The proposed standard as modified is also consistent with the clustering requirement in LUP Policy 3.2-1 as amended and modified.

Determining whether an ADU and associated development constitutes an agricultural conversion (i.e., whether the ADU is a farm dwelling in support of an active agricultural operation), and if so, whether such a conversion meets the conversion criteria of LUP Policies 3.2-5 and 3.2-16, requires discretionary review. **Suggested Modification 2** therefore adds a standard that on parcels zoned AG or RL, development associated with ADUs and JADUs (well, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for agriculture. An exception to this standard can be secured through the administrative or standard CDP process if findings are made that the ADU will not impact the long-term productivity of the agricultural land. This standard ensures that any potential conversion of agricultural land is reviewed through a discretionary permit process to ensure consistency with all of the agricultural resource protection provisions of the certified LCP.

i. Protection of Prime Agricultural Lands

As described above, any development associated with an ADU or JADU that is not a farm-dwelling could constitute a conversion of agricultural land. LUP Policy 3.2-4 severely limits the conversion of prime agricultural land (See **Exhibit X** for a map of prime farmland in the County's coastal zone as mapped in the LCP Land Capabilities

and Natural Hazards maps).³⁷ Whether a particular non-agricultural use meets the conversion criteria of LUP Policy 3.2-4 is highly context-specific, and thus a standard requiring discretionary review for ADUs on prime land is critical to ensure that the approval process for ADU development adequately carries out the LUP. However, the proposed IP standard 20.458.045(E)(2) prohibits ministerial CDPs for ADUs on non-prime “soils” rather than “lands.” Because the definition of prime agricultural land includes more than just soil types,³⁸ the proposed standard as written is inadequate to carry out the LUP. Therefore, **Suggested Modification 2)** clarifies that this standard applies to all land designated prime agricultural land.

In conclusion, the proposed IP amendment as modified to strengthen standards for ADUs on AG and RL lands is consistent with and adequate to carry out the AG and RL land use designations and agricultural resource protection policies of the certified LUP as amended and modified.

Consistency Analysis: Timberlands

Coastal Act section 30243 is carried out by the County’s LCP in part through the Forest Lands (FL) land use designation (and corresponding FL and TPZ Districts), the intent of which is to designate lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. In addition, the LUP prohibits conversion of timberland to incompatible uses (LUP Policy 3.3-3) and requires avoidance of timberlands soils in housing development (LUP Policy 3.3-5), among other protective policies.

Proposed IP section 20.458.045(E)(3) prohibits ADUs on parcels zoned FL or TPZ in locations where “timber removal is necessary,” although an exception can be granted through an administrative or standard CDP process if it can be found that the ADU will

³⁷ According to the County, approximately nine percent (8,617 acres) of Mendocino County’s coastal zone is prime agricultural land, and approximately 30 percent (approximately 2,500 acres) of these lands are under active agricultural management. The 2003 Mendocino County Coastal Conservation Plan further clarifies that prime and active agricultural lands are highly concentrated between Elk and Point Arena, particularly in the Manchester farming area. Approximately 20 percent of eligible prime farmland and 50-60 percent of agricultural lands (active agricultural lands identified by CALVEG) in the coastal zone have been designated as Agricultural Preserves and are under Williamson Act contracts (a program which provides a preferential tax based on agricultural value in exchange for prohibitions to development for a period of 10 years).

³⁸ Coastal Act section 30113 and Mendocino Coastal Zoning Code section 20.308.095(J) define “prime agricultural land” to include land with any of the follow characteristics: (1) a rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or (2) a rating 80 through 100 in the Story Index Rating; or (3) the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or (4) the ability to normally yield in a commercial bearing period on an annual basis not less than two hundred dollars (\$200) per acre of unprocessed agricultural plant production of fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years.

not impact the long-term productivity of soils and timberlands and that the ADU is compatible with the commercial growing and harvesting of timber.

As timber removal is not defined elsewhere in the certified LCP, it is unclear whether the proposed standard prevents any tree or any tree that is a commercially harvested species from being removed, prevents a unit of commercial size from being harvested, or has some other meaning. As a result of this lack of clarity, this standard is inadequate to carry out the certified timberlands LUP policies as amended and modified. Therefore, **Modification 2** clarifies that ADUs are only permitted in areas where no major vegetation removal is required. Major vegetation removal is defined in certified IP section 20.308.080(C).

This proposed regulation severely limits tree removal directly associated with the establishment of an ADU; however, this regulation does not preclude a property owner from constructing an ADU in an area where trees were previously removed (such as through a timber harvest plan), preventing their reestablishment. The aforementioned LUP policies protecting the long-term productivity of timberlands and limiting conversion of commercial timberlands apply regardless of whether trees were recently harvested on a site. Development of an ADU could temporarily prevent the reestablishment of trees on commercial timberlands and could have long-term impacts on underlying soils. As a result, IP section 20.458.045(E)(3) as proposed is insufficient by itself to adequately carry out the timberlands LUP policies as amended and modified.

The proposed amendment includes an additional timberlands protection standard [section 20.458.045(E)(1)] that only allows detached ADUs in the FL and TP Districts if located within 150 feet of an existing legally-authorized structure. While an ADU itself is limited in size by the proposed regulations, additional space around the ADU must be maintained free of trees for access, fire safety, and other improvements. If clustered with other structures, the ADU can take advantage of the existing structure's accessway, fire clearance, etc., minimizing additional displacement of timberlands. However, a requirement to simply cluster with existing structures does not prevent encroachment into areas that would otherwise be used for forest production and processing (e.g., siting adjacent to structures used for forestry equipment). In addition, 150 feet is potentially too large a distance to reap the intended benefits of clustering, such as preventing encroachment beyond existing residential areas and allowing reliance on existing driveways and other exterior improvements associated with residential development. These limitations therefore do not adequately ensure that detached ADUs, and cumulative structural development associated with ADUs, will avoid significant further encroachment onto viable timberlands.

An ADU that results in additional displacement of area that could otherwise be used for the growing of timber could compromise use of the remainder of a FL or TP parcel for commercial timber operations. While the FL and TP Districts have a 160-acre minimum parcel size, there are many nonconforming parcels in the coastal zone with respect to minimum parcel size where productive timberlands are more limited. With the understanding that using APNs as a proxy for legal parcels may result in an overestimation of the number of nonconforming parcels, none of the 83 FL District

APNs and only 30 of the 450 TP District APNs in the coastal zone meet the minimum 160-acre parcel size. Under the County's LCP, existing legal nonconforming lots are allowed all the same uses as conforming lots and would be allowed ADUs and JADUs under the proposed amendment. As a result, there may be smaller FL and TP parcels that are just large enough to be harvested commercially, where any additional displacement of timberlands could threaten the commercial growing, harvesting and production of timber and timber-related products.

The amendment as proposed is therefore inadequate to carry out the timber resource protection policies of the certified LUP as amended and modified.

Suggested Modification 2 modifies proposed section 20.458.045(E)(1) to require detached ADUs to be set back no greater than 100 feet from the primary residence and to be reliant on the primary residence's driveway or another legally authorized existing driveway. These requirements would not apply if the detached ADU is located in an existing legally-authorized residential structure. As modified, this IP standard is consistent with LUP Policy 3.3-5 as amended and modified, which requires clustering with the primary residence unless located in a legally-authorized residential structure. The reduced minimum clustering distance imposed by Suggested Modification 1, along with the County's proposed restrictions on the maximum size of ADUs, ensure that ADUs will not significantly increase existing or proposed residential development footprints within timberlands.

Suggested Modification 2 also modifies proposed section 20.458.045(E)(3) to prohibit the issuance of ministerial CDPs where development associated with ADUs and JADUs (wells, water storage facilities, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) encroaches beyond the existing residential development footprint onto lands suitable for timber production. Unless an ADU or JADU and all exterior improvements associated with the ADU or JADU do not result in the conversion of additional timberlands, such development could compromise commercial timber operations. The suggested modification ensures discretionary review occurs in such cases so that potential impacts on the commercial growing, harvesting and production of timber and timber-related products can be fully evaluated, including potentially through economic analysis of timber production feasibility.

For all the reasons discussed above, the proposed IP amendment as modified by Suggested Modification 2, is consistent with and adequate to carry out the timber resource protection policies of the LUP as amended and modified.

3. Hazards

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.4 (Hazard Management) includes the following relevant policies:

- 3.4-1 The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from

seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.

- 3.4-7 The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works. Adequate setback distances will be determined from information derived from the required geologic investigation and from the following setback formula: $\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$ The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation. All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineering geologists report.
- 3.4-11 No development, except flood control projects, to protect existing structures, nonstructural agricultural uses, and seasonal uses shall be permitted in the 100-year floodway unless mitigation measures in accordance with FEMA regulations are provided.
- 3.4-12 Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development or public beaches or coastal dependent uses. Allowed developments shall be processed as conditional uses, following full environmental geologic and engineering review...
- 3.4-13 All new development shall meet the requirements for fire protection and fire prevention as recommended by responsible fire agencies.

Consistency Analysis

Consistent with Coastal Act section 30253, the hazard management policies of the County's certified LUP require minimization of risk to life and property in areas of high geologic, flood, and fire hazard. Regarding fire hazards, LUP Policy 3.4-13 requires all new development to meet the requirements for fire protection and fire prevention as

recommended by responsible fire agencies. To carry out LUP Policy 3.4-13, the proposed amendment includes a standard which requires ADU applications to include a preliminary clearance letter from CalFire and/or a local fire district depending on whether a property is within a State Responsibility Area or a Local Responsibility Area [IP section 20.458.040(D)].

Regarding geologic and flood hazards, proposed IP section 20.458.045(H) prohibits ADUs in areas designated as Floodplain ("FP") Combining District, Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District (see [Exhibit 7](#) for a map of these hazardous areas). These combining districts cover areas mapped as having significant flood, seismic, and/or geophysical hazards. An exception to this prohibition is allowed through a discretionary CDP review process where a licensed engineer can demonstrate that the proposed development is consistent with the IP standards established for these hazard combining districts. In addition, proposed section 20.458.040(E) prohibits ADUs without exception in designated special flood hazard areas which are shown on FEMA Flood Insurance Rate Maps.³⁹

While the proposed standards reduce risks of geologic, flooding, and fire hazards, proposed IP section 20.458.040(E) appears to conflict with proposed section 20.458.045(H), because section 20.458.040(E) prohibits ADUs in designated special flood hazard areas, while section 20.458.045(H) allows ADUs in areas designated FP Combining District (which applies to special flood hazard areas) through an administrative or standard CDP process. Such an internal inconsistency can affect implementation of the ADU regulations and thus can result in the proposed amendment being inadequate to carry out the certified LUP. **Suggested Modification 2** addresses this discrepancy by fully prohibiting ADUs without exception in special flood hazard areas and the FP Combining District (which both cover the same area).

Consistency Analysis: Blufftop Development

Certified LUP Policy 3.4-7 requires that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans and to eliminate the need for shoreline protective works, with adequate setback distances derived from a site-specific geologic investigation. Certified LUP Policy 3.4-12 prohibits shoreline protection structures unless necessary for the protection of existing development or public beaches or coastal dependent uses and only if approved as conditional uses, following full environmental, geologic, and engineering review.

In the Gualala Town Plan area, ADUs and JADUs are prohibited on parcels that are located west of Highway One, largely ensuring their safety from bluff erosion and cliff

³⁹ JADUs are not prohibited in hazard areas because, pursuant to Government Code section 65852.22(d), "For the purposes of any fire or life protection ordinance or regulations, a JADU shall not be considered a separate or new dwelling unit."

retreat consistent with LUP Policy 3.4-7. To address bluff stability in the remainder of the unincorporated County where ADUs would be allowed on blufftop parcels, the County proposes a standard that prohibits ADUs within 125 feet of the edge of a coastal bluff unless contained entirely within an existing legally-authorized structure [proposed IP section 20.458.045(B)]. As proposed, an exception to this bluff setback standard can be authorized through the standard coastal development permit process. According to County staff, the proposed 125-foot setback standard was adopted based in part on the fact that the largest bluff setback ever recommended by a geotechnical report in unincorporated Mendocino County was 100 feet.⁴⁰

To approve a ministerial CDP for an ADU, the County must find the ADU consistent with all applicable standards of the LCP (in addition to the ministerial standards proposed in the ADU chapter). However, in practice, hazard issues may be inadequately considered through a ministerial review process, and therefore a bluff setback standard is necessary to adequately carry out the hazard policies of the certified LUP.

The proposed 125-foot bluff setback standard does not apply to JADUs or ADUs contained entirely within an existing legally-authorized structure. If the existing structure within 125 feet of the bluff edge is a non-residential space (such as a shed), conversion to an ADU would constitute an intensification of use in a potentially hazardous area. The proposed use of a structure may be taken into consideration during geotechnical review of a site, and a non-habitable space may be allowed a smaller setback because the risk to life and property is lower. Therefore, the County cannot assume that prior geotechnical review for a non-habitable structure is adequate when that space is converted to an independent living space. In addition, an existing structure within 125 feet of the bluff edge could be nonconforming with the hazard management policies of the LUP, such as a single-family dwelling or accessory living unit constructed prior to the Coastal Act without an adequate bluff setback. Allowing conversion to an ADU or addition of a JADU could significantly extend the expected lifetime and economic value of the nonconforming structure as well as increase the intensity of use of the structure and risks to life and property.

Finally, the proposed bluff setback standard does not apply to exterior development associated with ADUs and JADUs, including but not limited to wells, water storage, septic improvements, parking and driveways, and vegetation removal for fire safety. Exterior improvements associated with the ADU or JADU near the bluff edge could contribute to destabilization and erosion of the bluff or could themselves be compromised by bluff retreat. If external improvements such as water wells and leach fields are compromised, that could render the ADU or JADU unusable during its anticipated lifetime. As a result, the IP bluff setback standard as proposed does not minimize geologic threat consistent with LUP Policy 3.4-1.

⁴⁰ The geotechnical report that recommended the 100-foot setback did not include a factor of safety and therefore was likely not conservative enough to ensure safety. For this reason, the County proposes a 125-foot setback for ADUs rather than a 100-foot setback.

Suggested Modification 2 would narrow the exception to the 125-foot bluff setback standard to only cover an ADU or JADU contained entirely within an existing legally-authorized residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code. At the County's request, Suggested Modification 2 also adds a definition of "legally-authorized residential structure" to the definitions section of the IP, as this is a term that is not otherwise defined or utilized in the certified IP. In addition, Suggested Modification 2 also requires all new development associated with an ADU or JADU to be located more than 125 feet from the bluff edge, unless an exception is granted through the standard CDP process.

As modified, the bluff setback exception would only apply in situations where an existing residential space is converted into an ADU or JADU, avoiding situations where sheds and other non-habitable structures are converted and result in a significant intensification of use in a hazardous area without adequate geotechnical review. The bluff setback exception as modified would also prevent JADU and ADU improvement that result in redevelopment/replacement of a nonconforming structure within 125 feet of the bluff edge. This limit on the amount of structural improvements allowed limits the extent to which development associated with an ADU or JADU extends the life and economic value of nonconforming structures. Allowing use of existing nonconforming structures without potential for redevelopment is consistent with LUP Policy 3.4-7 which requires new structures to be set back a sufficient distance from the edge of bluffs to ensure their safety during their economic lifespans. In addition, as modified, the bluff setback requirement covers all potential external development associated with JADUs and ADUs such as new driveways, septic systems, and wells that could be threatened by bluff erosion and/or could cause or contribute to bluff instability.

As suggested to be modified, the proposed amendment minimizes risk to life and property in areas of high geologic, flood, and fire hazard consistent with the hazard management policies of the certified LUP.

4. Environmentally Sensitive Habitat Area

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.1 (Habitats and Natural Resources) includes resource protection policies that (1) define environmentally sensitive habitat areas (ESHA) to include wetlands, riparian zones on streams, and other sensitive plant or wildlife habitats; and (2) limit development in and adjacent to ESHA consistent with Coastal Act section 30240. LUP Policy 3.1-2 and 3.1-7 outline protocols that must be followed when development is proposed in or near ESHA to ensure consistency with Coastal Act section 30240:

- 3.1-2 Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource. Where representatives of the

County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas.

If all of the members of this group agree that the boundaries of the resource in question should be adjusted following the site inspection, such development should be approved only if specific findings are made which are based upon substantial evidence that the resource as identified will not be significantly degraded by the proposed development. If such findings cannot be made, the development shall be denied. Criteria used for determining the extent of wetlands and other wet environmentally sensitive habitat areas are found in Appendix 8 and shall be used when determining the extent of wetlands.

- 3.1-7 A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards: 1. It shall be sited and designed to prevent impacts which would significantly degrade such areas; 2. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and 3. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.

In addition, LUP Policies 3.1-4 and 3.1-13 limit development in wetlands consistent with Coastal Act section 30233, and LUP Policy 3.1-8 provides direction for future implementation of the wetland protection policies of the LUP:

- 3.1-8 The implementation phase of the LCP shall include performance standards and mitigating measures necessary to reduce adverse impacts on wetlands and wetland buffer areas from permitted developments. Such standards and mitigating measures shall be consistent with those recommended in the California Coastal Commission's Statewide Interpretive Guidelines for Wetland and Other Wet Environmentally Sensitive Habitat Areas, adopted February 4, 1981.

Consistency Analysis

Coastal Act section 30240 requires that development in areas adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade such areas and be compatible with the continuance of such habitat areas. LUP Policy 3.1-7 implements this policy in part by requiring a minimum 100-foot-wide buffer area adjacent to all ESHA, with allowance to reduce the buffer down to 50 feet if the applicant can demonstrate, after consultation and agreement with the California Department of Fish and Wildlife (CDFW), and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The ESHA protection policies of the LUP are in part implemented through existing certified IP chapter 20.496, which outlines detailed application procedures and development criteria for proposed development in and adjacent to ESHA, as well as IP section 20.532.100, which includes supplemental findings required for development in ESHA.

The proposed ADU regulations attempt to carry out LUP Policy 3.1-7 by prohibiting ADUs within 100 feet of the boundary of an ESHA unless contained entirely within an existing legally authorized structure, only if all external development associated with an ADU (well, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) is located more than 100 feet away from any ESHA [proposed IP section 20.458.045(A)]. The proposed standard allows exceptions to these requirements through an administrative or standard CDP process. These requirements ensure adequate discretionary review in consultation with CDFW and County Planning staff when a smaller buffer is requested, consistent with LUP Policy 3.1-7.

The proposed setback standard does not apply to JADUs or ADUs contained entirely within an existing legally-authorized structure. This exception is problematic because conversion of a non-habitable structure such as a shed to a living space is an intensification of use that could result in additional impacts to biological resources if located in or within 100 feet of ESHA. For example, converting a shed to an ADU may increase the amount of exterior lighting, noise, and physical (human, vehicular, and pet) encroachment into ESHA and necessitate ground disturbance and vegetation removal for fire safety, utility improvements, driveways, etc. In addition, the repair, maintenance, and improvements to existing legally authorized nonconforming structures for purposes

of creating an ADU or JADU could significantly extend the expected lifetime of the structures and/or increase the degree of nonconformity with respect to habitat protections, resulting in new and extended impacts to ESHA. As a result, the proposed IP amendment as submitted is inadequate to carry out the ESHA protection policies of the certified LCP.

Suggested Modification 2 would narrow the exception to the 100-foot setback standard to only cover an ADU or JADU contained entirely within an existing legally-authorized residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code. At the County's request, Suggested Modification 2 also adds a definition of "legally-authorized residential structure" to the definitions section of the IP, as this is a term that is not otherwise defined or utilized in the certified IP. As modified, the ESHA setback exception would only apply in situations where an existing residential space is converted into an ADU or JADU, avoiding situations where sheds and other non-habitable structures are converted and result in a significant intensification of use in a sensitive area. Limiting the amount of improvement allowed also limits the extent to which development associated with an ADU or JADU extend the life of nonconforming structures in and adjacent to ESHA and prevents redevelopment of such structures.

For all the reasons discussed above, the proposed IP amendment, as suggested to be modified, is consistent with and adequate to carry out the ESHA protection policies of the certified LCP.

5. Visual Resources

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.5 (Visual Resources, Special Communities and Archaeological Resources) includes the following relevant policies:

- 3.5-1 State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road. The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

- 3.5-3 The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas

including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes...

- The entire coastal zone from the Ten Mile River estuary (including its wooded slopes, wetlands, dunes and ocean vistas visible from Highway 1) north to the Hardy Creek Bridge, except Westport Beach Subdivision which is a recognized subdivision containing parcels of approximately 20 acres in size covered by Policy 4.2-1 and is East of Highway 1.
- Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.
- Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Navarro River and the north boundary of the City of Point Arena as mapped with noted exceptions and inclusions of certain areas east of Highway 1.
- Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the south boundary of the City of Point Arena and the Gualala River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.

In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies.

Consistency Analysis: Highly Scenic Areas

As described in the County's Coastal Element, Mendocino's coastal zone includes beaches, dunes, high bluffs, sea stacks, jutting headlands, wetlands, heavily wooded gulches, grassy upland terraces, pygmy forests, serene river estuaries and rocky streams as well as small coastal villages with distinct character. To protect the coast's remarkable visual quality, the County has mapped specific geographic areas on the certified Land Use Maps as "highly scenic," and consistent with Coastal Act section 30251, LUP Policies 3.5-1 and 3.5-3 require that new development in highly scenic areas be subordinate to the character of its setting. LUP Policy 3.5-3 also requires that any development permitted in highly scenic areas provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points,

beaches, parks, coastal streams, and waters used for recreational purposes. These policies are carried out largely through certified IP chapter 20.504, section 20.504.015, which includes detailed development criteria for any development permitted in highly scenic areas. See [Exhibit 8](#) for a map of designated highly scenic areas.

Given that the standard of requiring subordination of development to the character of the setting is highly subjective, the proposed amendment includes a coastal resource protection standard prohibiting ministerial CDPs for ADUs located in highly scenic areas, unless the ADU is not visible from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes [proposed section 20.458.045(C)]. Any proposed ADU in a designated highly scenic area that would be visible from public areas may instead be authorized through the standard coastal development permit process to ensure consistency with the detailed standards established in Chapter 20.504. Although consistency with the entirety of the LCP is required even for ADUs approved ministerially, the ministerial CDP process does not afford the detailed, discretionary review necessary to ensure ADUs are truly subordinate to the character of the setting consistent with the aforementioned certified LUP policies.

The proposed standard is contingent on whether the ADU would be visible from public areas. The standard is problematic in that visibility can change overtime, depending on what is shielding the ADU from view. For example, vegetative screening can die or easily be removed for other reasons, making a previously invisible ADU a prominent feature in a highly scenic area, inconsistent with the requirements of LUP Policy 3.5-3. As a result, the standard as proposed is inadequate to carry out the highly scenic area policies of the LUP.

Suggested Modification 2 modifies the standard to require that an ADU is only eligible for a ministerial CDP in a highly scenic area if it is “permanently and entirely blocked from view.” This stronger standard requires the reviewing authority to consider how the ADU is being screened from view and whether that invisibility will be permanently maintained. As modified, the proposed IP amendment is consistent with and adequate to carry out the highly scenic policies of the LUP.

Consistency Analysis: Outside of Highly Scenic Areas

LUP Policy 3.5-1, consistent with Coastal Act section 32051, requires all development, regardless of whether or not it is proposed within a highly scenic area, to be sited and designed to protect views to and along the ocean and scenic coastal areas,⁴¹ minimize the alteration of natural landforms, and be

⁴¹ It is important to note that in the Gualala Town Plan area, ADUs are prohibited west of Highway One which will help ensure that ADUs do not block views to and along the ocean and scenic coastal areas.

visually compatible with the character of the surrounding area. To minimize alteration of landform, the proposed ADU amendment includes a standard prohibiting ministerial CDPs for ADUs if the total amount of grading associated with the construction of an ADU is more than 20 cubic yards [20.458.045(D)]. As a result, any ADU development that may result in significant alteration of a natural landform will require discretionary review with the certified LCP's existing strong visual standards.

However, the ADU standards as proposed are inadequate to carry out the provisions of LUP Policy 3,5-1 requiring that development be compatible with the character of the surrounding area. To ensure that permitted development outside of highly scenic areas is consistent with LUP Policy 3.5-1 and Coastal Act section 32051, the County proposes a "friendly modification" to proposed IP section 20.458.045(C) (incorporated into **Suggested Modification 2**) that requires ADUs located outside of highly scenic areas but that are visible from a public viewpoint to be of a similar architectural style, building materials and colors as the primary residence on a property. Thus, as modified, the proposed ministerial CDP standards for ADUs ensure visual resource protection both within and outside of designated highly scenic areas, consistent with and adequate to carry out the visual resource protection policies of the LUP.

6. Archaeological Resources

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.5 (Visual Resources, Special Communities and Archaeological Resources) includes the following relevant policies:

- 3.5-10 The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation Officer and Cultural Resource Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Development in these areas are subject to any additional requirements of the Mendocino County Archaeological Ordinance.

Consistency Analysis

As discussed extensively above, the proposed ADU regulations include a list of "objective" coastal resource protection standards to be used in the review of ministerial CDPs for ADUs (and in certain cases JADUs). As proposed, no archaeological resource standards are included in this list.

The County plans to use the proposed objective ADU standards as an LCP conformance checklist to ensure that ADUs approved under the ministerial CDP process are consistent with the Coastal Act and LCP's resource protection policies. While ADUs and JADUs must also comply with all applicable standards of the certified LCP,⁴² including LUP Policy 3.5-10, in practice, the ministerial CDP process may result in inadequate consideration of Coastal Act and LCP coastal resource protection policies not specifically addressed in the ADU checklist standards. In addition, the proposed ministerial CDP process does not allow for local public hearings or local appeals and includes a shortened permitting timeline which could hinder adequate archaeological resource investigation and tribal consultation in sensitive areas. As a result, the proposed ADU provisions are inadequate to carry out certified LUP Policy 3.5-10 which requires protection of archaeological resources.

County staff has requested a friendly modification (included in **Suggested Modification 2**) to amend the proposed ADU coastal resource protection checklist standards (proposed IP section 20.458.045) to require ADUs⁴³ on properties with known archaeological resources to obtain an administrative or standard CDP. The Commission further modifies this friendly modification to require that development of ADUs on properties with known archaeological resource may only be approved under an administrative or standard coastal development permit review process and only where reasonable mitigation measures are employed to protect archaeological resources. This required discretionary review process will ensure that the provisions of LUP Policy 3.5-10 are carried out in sensitive areas, including requirements for a field survey by a qualified professional and the incorporation of reasonable mitigation measures. Thus, the proposed IP amendment as suggested to be modified is consistent with and adequate to carry out the archaeological resource protection provisions of the certified LUP.

7. Public Access

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.6 (Shoreline Access and Trail/Bikeway System) is the public access component of the certified LUP and includes among other relevant policies, the following policies:

- 3.6-27 No development shall be approved on a site which will conflict with easements acquired by the public at large by court decree. Where evidence of historic public use indicates the potential for the existence of prescriptive rights, but such rights have not been judicially determined, the County shall apply research methods described in the Attorney General's

⁴² Certified IP section 20.532.095 lists required findings for all coastal development permits including that the proposed development is in conformity with the certified LCP and will not have any adverse impacts on any known archaeological or paleontological resources.

⁴³ As JADUs by definition must be contained entirely within an existing legally-authorized single-family dwelling, JADUs should not themselves result in ground disturbance that could impact buried archaeological resources and thus have not been included in this standard.

"Manual on Implied Dedication and Prescriptive Rights". Where such research indicates the potential existence of prescriptive rights, an access easement shall be required as a condition of permit approval. Development may be sited on the area of historic public use only if: (1) no development of the parcel would otherwise be possible, or (2) proposed development could not otherwise be sited in a manner which minimizes risks to life and property, or (3) such siting is necessary for consistency with the policies of this plan concerning visual resources, special communities, and archaeological resources. When development must be sited on the area of historic public use an equivalent easement providing access to the same area shall be provided on the site.

- 3.6-28 New development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement, as required by other policies in this Chapter, for public use. Such offers shall run for a period of 21 years and shall be to grant and convey to the people of the State of California an easement for access over and across the offeror's property.

Consistency Analysis

LUP Policy 3.6-28 requires new developments on parcels containing accessways identified on the County's land use maps to provide an irrevocable offer to dedicate a public access easement, and LUP Policy 3.6-27 does not allow interference with the public's right of access to the sea, including when acquired by use. These policies are carried out in part by chapter 20.528 of the certified IP, "Coastal Access Regulations and Open Space Easements."

The proposed ADU regulations retain an existing prohibition on ADUs and JADUs on parcels that are located west of Highway One in the Gualala Town Plan area. As a result, ADU development in Gualala does not have the potential to impact shoreline access. In contrast, the proposed IP amendment would allow ADUs and JADUs developed outside of the Gualala Town Plan area to be located west of Highway One where access to and along the shoreline could be implicated. However, the proposed ADU regulations include a coastal resource protection checklist standard (proposed IP section 20.458.045) prohibiting ADUs from interfering with a public or prescriptive easement for access to the blufftop and/or shoreline. In addition, to approve any coastal development permit, whether for a new ADU or JADU, or other proposed development, the existing IP requires that the approving authority to make findings of consistency with the certified LCP, and if the proposed development is located between the first public road and the sea or the shoreline of any body of water, the public access and recreation policies of Chapter 3 of the Coastal Act. To clarify these requirements apply to ministerial coastal development permits approved for ADUs, the County staff has suggested amending the proposed ministerial CPD approval provisions for ADUs to expressly require the approving authority (the Director or his designees) make findings of consistency with the existing required findings sections of the certified LCP (Chapter 458 and sections 20.532.095 and 20.532.100) that require consistency with the certified

LCP and the public access and recreation policies of the Coastal Act for development between the first public road and the sea. The change is incorporated into **Suggested Modification 2**.

As locally approved development between the first public road and the sea is appealable to the Commission, ADU development within those areas that raises issues of conformance with LCP and Coastal Act public access policies could be considered by the Commission through the CDP appeal process.

In many communities along the California coast, the public must sometimes compete with residents for parking near public access points, and the lack of parking can discourage public access use. Mendocino County's IP, like most LCPs, includes requirements that residential properties account for their parking needs on their own properties, often referred to as 'off-street' parking requirements (e.g., typically in garages, carports, covered parking, etc.). Under the proposed LCP amendment, Mendocino County would require one off-street parking space per ADU, except where state ADU law precludes off-street parking requirements, such as within half a mile of a public transportation stop, within designated historic districts, and in other specialized situations. No additional parking is required for JADUs.

The proposed ADU amendment should not result in significant impacts on public access parking. As discussed previously, Mendocino County is predominantly rural and residential densities are very low, limited for the most part to one residential unit per parcel except for the opportunity afforded by the proposed amendment to provide for a limited number of ADUs with the aforementioned off-street parking. Thus, the demand for on-street parking to serve residential uses within the County's coastal zone is very low in comparison to many parts of the California coast. In addition, the proposed amendment does not provide for ADUs and JADUs within the few areas of the County's coastal zone where residents and public access users are likely to compete for parking. The two incorporated cities in the Mendocino coastal zone, Fort Bragg and Point Arena, have their own separate certified LCPs. As discussed previously, the Town of Mendocino is covered by a separate segment of the Mendocino County LCP that is unaffected by the proposed ADU amendment. Also as discussed previously, the certified LCP does not allow for ADUs west of Highway 1 in the community of Gualala, and the proposed amendment would not change that existing requirement. Although there is a scattering of additional rural villages elsewhere along the Mendocino coastal zone, the populations are very small and opportunities for parking on streets or in other public areas are generally plentiful.

Therefore, the proposed IP amendment as submitted is consistent with and adequate to carry out the public access provisions of the certified LUP and Coastal Act.

8. Coastal Development Permit Requirements

Relevant LCP Sections

The County's Coastal Zoning Code (certified IP) section 20.532.010 requires coastal development permit authorization for proposed development within the Coastal Zone:

Any person, partnership, corporation, state or local agency or special district proposing to undertake any development as defined in Section 20.308.035(D) shall obtain a coastal development permit in accordance with the provisions of this Chapter, in addition to any other permit or discretionary approval required by any local agency or special district or any State or Federal agency as authorized by law or ordinance. If a coastal development permit is required pursuant to this section, no building permit, water well permit, septic permit, business license, grading permit, transient occupancy registration certificate, encroachment permit, occupancy permit or other entitlement for use shall be issued prior to the issuance of a coastal development permit.

Certified IP section 20.308.035(D) broadly defines "development" as follows:

"Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

As used in this section, removal or harvesting of major vegetation is further defined in Section 20.308.080.

Certified IP section 20.532.020 sets forth provisions for exempting certain types and classes of development from the need to obtain a CDP:

The following developments shall be exempt from this Chapter:

- (A) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted;

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

- (B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;
- (C) Improvements to single family residences except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter;
- (D) Improvements to any structure other than single family residence or a public works facility, except as otherwise specified in Subchapter 7.5, Title 14, California Administrative Code and any amendments thereafter;
- (E) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.480.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk, of the destroyed structure by more than ten percent (10%) and shall be sited in the same location on the affected property as the destroyed structure;
- (F) Within the Gualala Town Plan planning area, structures which are destroyed by involuntary means or forces out of control of the owner(s), provided that the structure reconstructed after involuntary loss does not exceed the floor area, height, or bulk of the previously existing structure by more than ten percent (10%), restoration is started within one (1) year of the destruction, and the structure conforms to this Division;

As used in this section "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

As used in this section, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this section "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

The County also has an adopted a categorical exclusion order (Categorical Exclusion Order No. E-91-2A) which was approved in 1992 and amended in 1995. The order excludes the following categories of development from the requirement to obtain a CDP: (1) single family residences in mapped exclusion areas; (2) water wells throughout the coastal zone subject to certain criteria; and (3) septic systems throughout the coastal zone subject to certain criteria.

Consistency Analysis: Proposed Permit Exemption for JADUs

The proposed IP amendment would add an additional CDP exemption to certified IP section 20.532.020 exempting JADUs which are consistent with the requirements of IP

chapter 20.458 (i.e., the proposed ADU/JADU regulations) from the need for a CDP. In contrast, section 20.458.020 would be amended to state that ADUs located within an existing legally permitted detached bedroom, guest house, or non-residential structure shall not be exempted from CDP requirements.

Minor changes to an existing legally established residential structure that do not involve the removal or replacement of major structural components (i.e. roofs, exterior walls, foundations, etc.) and that do not change the size or the intensity of use of the structure may not qualify as development as defined by the certified LCP and Coastal Act, or may qualify as development that is exempt from coastal permit requirements. In many instances, JADU creation and use either doesn't constitute development or is development that is exempt from CDP requirements under Coastal Act section 30610 and the Commission's regulations. However, determinations as to whether JADU creation and use either don't constitute development or are exempt are very fact specific and must be based on an interpretation of the Coastal Act and the Commission's regulations. For example, even if the JADU use does not constitute development, physical improvements associated with the JADU (e.g., structural improvements to the residence or external improvements such driveway improvements, water storage, well, or septic improvements) may rise to the level of development. This associated development may still fall under permitting exemptions for repair and maintenance or improvement to an existing single-family residence or may be exempted from permitting by the County's categorical exclusion order. However, in certain circumstances, such as where there is a risk of substantial adverse environmental impact or future development restrictions imposed on a parcel through previous permit conditions, this associated development would require a CDP.⁴⁴ As a result, the JADU exemption as written is too broad to be consistent with the permitting requirements of the LCP and Coastal Act. Although ADU creation and use is more likely to constitute development which is not exempt from CDP requirements than JADU creation and use under the Coastal Act and the Commission's regulations, there may be instances where aspects of ADU creation and use could be found not to require CDP authorization. An LCP cannot exempt development that is not exempt under the Coastal Act and the Commission's regulations.

Suggested Modification 2 deletes the proposed CDP exemption language that would be added to section 20.532.020 by the amendment. This modification ensures that section 20.532.020 remains consistent with the permitting and exemption provisions of the certified IP and Coastal Act. As a result, the proposed IP amendment as modified is consistent with and adequate to carry out the certified LUP.

Consistency Analysis: Proposed Findings of Approval of a Ministerial CDP

⁴⁴ For instance, Title 14 of the Government Code, section 13250(b)(1) (incorporated by reference into certified IP section 20.532.020) requires a CDP for "improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff."

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

Proposed IP section 20.532.015(B) states that the purpose of a ministerial CDP is to provide for the administrative issuance of CDP for ADUs which comply with the objective requirements specified in proposed section 20.458.045. This proposed purpose statement could be misinterpreted to mean that the proposed ADU-specific standards in IP chapter 20.458 outside of section 20.458.045 or other LCP standards beyond chapter 20.458 do not apply.

Certified IP section 20.532.095 includes a list of required findings that must support granting or modification of any coastal development permit by the approving authority. Among other findings, this list requires a finding that the proposed development is in conformity with the certified LCP. Certified IP section 20.532.100 also includes a list of supplemental findings that are required for CDPs in certain circumstances (e.g., development in environmentally sensitive habitat areas, development on resource lands, development that converts agricultural lands, etc.). Because these sections apply to any coastal development permit approval, they should apply to ministerial CDPs for ADUs. This is consistent with Government Code section 65852.2(l), which states that nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act, except that the local government shall not be required to hold public hearings.

As proposed, the ministerial CDP provisions could be misinterpreted to mean that the rest of the LCP (beyond the checklist coastal resource standards in proposed section 20.458.045) do not apply to ministerially approved ADU, and thus are inadequate to carry out the certified LUP. To address this issue, **Suggested Modification 2** adds a sentence to proposed IP section 20.532.015(B) stating that approval of a ministerial CDP requires findings of consistency with the entirety of the ADU IP chapter as well as the required and supplemental findings in certified sections 20.532.095 and 20.532.100 as applicable. This friendly modification clarifies that ministerially approved ADUs must be consistent with all applicable policies of the LCP and not just with the proposed “objective” ADU checklist standards. As a result, the proposed IP amendment as modified is consistent with and adequate to carry out the certified LCP.

Consistency with State ADU Law Prohibition on Local Public Hearing

Among other requirements, Government Code Section 65852.2(a) prohibits local government from holding a public hearing on permit applications for ADUs and JADUs. Although Section 65852.2(a) states that the section shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act, an exception is made regarding the prohibition on local public hearings on applications for ADUs and JADUs. Local public hearings are not required for CDP applications for ADUs and JADUs.

The proposed IP amendment would preclude public hearings for ministerial coastal CDP applications for ADUs and JADUs, but would not preclude public hearings for administrative or standard CDP applications for ADUs and JADUs, inconsistent with Section 65852.2(a). Therefore, Suggested Modification 2 modifies the IP amendment to preclude public hearing requirements for all CDP applications the County process for ADUs and JADUs. The County and Commission staffs have collaborated on developing

the suggested modification language contained in Suggested Modification 2 that would make minor changes to the IP amendment to incorporate the prohibition on local public hearings for all CDP applications for ADUs and JADUs. As modified, the proposed IP amendment is consistent with the prohibition of Government Code Section 65852.2(a) against local public hearings on CDP applications for ADUs and JADUs, and is consistent with and adequate to carry out the certified LUP.

D. California Environmental Quality Act (CEQA)

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a LCP.⁴⁵ The Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§13542(a), 13540(f), and 13555(b)].

The City's LCP amendment consists of both LUP and IP amendments. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as it is set forth in full. As discussed throughout the staff report and hereby incorporated by reference, the LUP amendment as originally submitted does not meet the requirements of or conform with the Chapter 3 policies of the Coastal Act, and the IP amendment does not conform with and is not adequate to carry out the policies of the certified LUP. The Commission, therefore, has suggested modifications to bring the LUP and IP amendments into full conformance with the Coastal Act and LUP, respectively. These modifications represent the Commission's detailed analysis and thoughtful consideration of all public comments received, including with regard to potential direct and cumulative impacts of the proposed LCP amendment, as well as potential alternatives to the proposed amendment, including the no project alternative.

As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Therefore, the Commission finds that there are no other feasible alternatives or mitigation

⁴⁵ In addition, pursuant to CEQA Guidelines section 15282(h), "the adoption of an ordinance regarding second units in a single-family or multi-family zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code" is statutorily exempt from CEQA, based on Public Resources Code section 21080.17.

LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

measures which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

CALIFORNIA COASTAL COMMISSION

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**LCP-1-MEN-20-0021-1
(MENDOCINO COUNTY ADU REGULATIONS)**

SEPTEMBER 9, 2021

APPENDICES

Appendix A: Substantive File Documents 1

Appendix B: LUP Amendment Suggested Modifications 2

Appendix C: IP Amendment Suggested Modifications 4

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

LCP Amendment Application No. LCP-1-MEN-20-0021-1 and associated file documents.

Mendocino County Certified Local Coastal Program and adopted findings.

Caltrans, District 1. (2016). Transportation Concept Report – State Route 1.

Mendocino County. (2016, January 1, amended in 2017 and 2018). Policies and procedures for agricultural preserves and Williamson Act contracts.

WTrans. (2008). State Route 1 corridor study update.

APPENDIX B:

LUP AMENDMENT SUGGESTED MODIFICATIONS

Language of the currently certified LUP is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

Suggested modification additions and deletions are shown in **bold, double-underlined text** and ~~**bold, double-strike-out text**~~, respectively.

Modify LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] as follows:

3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:

- each community's desired amount and rate of growth.
- providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. **Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs)** may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment.** Determination of service capacity shall be made prior to the issuance of a coastal development permit.

Modify LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] as follows:

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). ~~Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.~~

Modify LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] as follows:

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). ~~Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.~~ Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

APPENDIX C:

IP AMENDMENT SUGGESTED MODIFICATIONS

Relevant excerpts of the County's IP are included below to show the context of the County's proposed changes to the IP in concert with the Commission staff's suggested modifications.

Language of the currently certified IP is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

Suggested modification additions and deletions are shown in red, bold, double-underlined text and ~~red, bold, double-strike-out text~~, respectively.

The suggested modifications include "friendly modifications" requested by the County after submittal of the LCP application to make minor corrections, provide clarification and address recent changes in State ADU laws.

Section 20.308.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.020 – Definitions (A).

- (A) "Access" means the permission, ability and means to enter and pass to and from property.
- (B) "Access, Blufftop" means a public accessway which runs along the bluff edge of a property.
- (C) "Access, Coastal" means public rights-of-way to and along the sea.
- (D) "Access, Lateral" means a public accessway for public access and use along the shoreline.
- (E) "Access, Vertical" means a public accessway which extends from the first public road to the shoreline, a bluff edge for public viewing or to a lateral accessway.
- (F) "Accessory Building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site, i.e., private garage, storage shed, farm outbuildings, etc. In no case shall such accessory structure dominate, in purpose, the principal lawful structure or use. This definition, by itself, is not intended to prohibit an accessory structure which is greater in size than the main structure. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy except for "Accessory Living Units" and "Accessory Dwelling Units" as provided in Chapter 20.456 (Accessory Use Regulations) and Chapter 20.458 (Accessory Dwelling Units).

- (G) "Accessory Dwelling Unit" or "ADU" means an attached or detached residential dwelling in compliance with Chapter 20.458, which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a **proposed or existing** single-family **or multi-family** dwelling. See Chapter 20.458 (Accessory Dwelling Units).
- (GH) "Accessory Living Unit" means a detached bedroom as defined in Section 20.308.035(B), ~~or~~ a guest cottage as defined in Section 20.308.050(I), or an **accessory dwelling unit ADU** as defined in Section 20.308.020(G), or a **JADU** as defined in Section 20.308.065(A).
- (HI) Accessory Structure. See Accessory Building.
- (IJ) "Accessory Use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (JK) "Aggrieved Person" means any person who, in person or through a representative, appeared at a public hearing held by the County of Mendocino in accordance with these regulations, or who, by other appropriate means prior to action on a development permit or variance, informed the County of his or her concerns about the application for such permit and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.
- (KL) "Airport" means any area of land or water which is used or intended for use, for the landing and take-off of aircraft, and other appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities located thereon.
- (LM) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.
- (MN) "Amendment" means any change, modification, deletion, or addition to the wording, text or substance of the Zoning Code, including any alteration in the boundaries of a zone, when adopted by ordinance and passed by the Board of Supervisors in the manner prescribed by law.
- (NO) "Anadromous Stream" means fresh water stream used as a migration corridor and spawning and nursery habitat by fish, such as salmon and steelhead trout, that live most of their lives in saltwater.
- (OP) "Animal Raising." See Light Agriculture.
- (PQ) "Animal Waste Processing" means processing of animal waste and byproducts, including but not limited to animal manure, animal bedding waste, and similar byproducts of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment.
- (QR) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.
- (RS) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.

- (~~ST~~) "Applicant" means the person, partnership, organization, corporation or state or local government agency applying for a coastal development permit or other land use approval pursuant to this Division.
- (~~TU~~) "Approving Authority" means the Planning and Building Services Department, Coastal Permit Administrator, Planning Commission or Board of Supervisors authorized by this Division to make decisions affecting the Administration or enforcement of this Division.
- (~~UV~~) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.
- (~~VW~~) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section EII of the California Environmental Quality Act (CEQA). Any person who in the preparation for or in the process of excavating or otherwise disturbing earth, discovers any archaeological or paleontological site shall cease and desist from all further excavation within one hundred (100) feet of the discovery and notify the Director of the Department of Planning and Building Services in conformance with Mendocino County Code Chapter 22.12. See also Paleontological Site.
- (~~WX~~) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).
- (~~XY~~) "Automobile Wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, dumping or abandonment of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

Section 20.308.035 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.035 – Definitions (D).

- (A) "Density" means the number of dwelling units per acre or square feet, calculated as the total number of dwelling units divided by the total lot area within the boundaries of the lot. ~~Accessory dwelling units ADUs and junior accessory dwelling units JADUs~~ are not considered to be dwelling units for the purpose of density calculations.
- (B) "Detached Bedroom" means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred fifty (150) feet from the main

structure and shall not exceed five hundred (500) square feet of floor area. See Chapter 20.456 (Accessory Use Regulations).

- (C) Detached Building. See Building, Detached.
- (D) "Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

As used in this section, removal or harvesting of major vegetation is further defined in Section 20.308.080.

- (E) "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings and boardinghouses, but not including hotels, motels, inns, bed and breakfast accommodations, hostels or other visitor accommodations.
- (F) "Dwelling, Single-Family" means a building containing not more than one (1) dwelling unit and designed for occupancy for not more than one (1) family.
- (G) "Dwelling, Two-Family (Duplex)" means a building containing two (2) dwelling units.
- (H) "Dwelling, Multifamily (Apartment)" means a building or portion thereof containing three (3) or more dwelling units.
- (I) "Dwelling Group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership. A parcel with a single-family dwelling and an ~~accessory dwelling unit~~ ADU and/or JADU is not considered to be a dwelling group.
- (J) "Dwelling Unit" means a single unit containing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen.

Section 20.308.040 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.040 – Definitions (E).

- (A) "Easement" means a recorded right or interest in the property of another, which entitles a holder thereof to use, privilege or benefit over said property.
- (B) "Efficiency Kitchen" means a small food preparation area for a ~~junior accessory dwelling unit JADU~~ that includes the following:
 - ~~(1) A sink with a maximum waste line diameter of 1.5 inches.~~
 - ~~(12) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~
 - ~~(23) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit JADU.~~
- (BC) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- (CD) "Emergency Shelter" means a facility for the temporary shelter and feeding of indigents, disaster victims, or homeless persons that is limited to occupancy of six (6) months or less, as defined in Section 50801(b) of the California Health and Safety Code.
- (DE) "Endangered Species" means a species of animal or plant whose survival and reproduction in the wild are in immediate jeopardy from one (1) or more causes, including loss of habitat, change in habitat over-exploitation, predation, competition, disease, or other factors; or a species of animal or plant shall be presumed to be endangered as it is listed in (1) Sections 670.2 or 670.5, Title 14, California Administrative Code; or (2) Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as endangered.
- (EF) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (FG) "Energy Facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.
- (GH) "Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.

(H) "Estuary" means a coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by freshwater runoff from the land.

Section 20.308.065 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.065 – Definitions (J).

- (A) "Junior Accessory Dwelling Unit" or "JADU" is a living space not exceeding five hundred (500) square feet in size and contained entirely within ~~a legally-authorized an existing or proposed~~ single-family dwelling. A ~~junior accessory dwelling unit~~ JADU shall include ~~a separate entrance from the main entry to the single-family dwelling~~, an efficiency kitchen and may include separate sanitation facilities or share sanitation facilities with the existing ~~structure~~ single-family dwelling. See Chapter 20.458 (Accessory Dwelling Units).
- (AB) "Junk Yard" means any land, lot or portion thereof where there is more than (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet, or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like; excepting a site on which such uses are conducted within a completely enclosed structure.

Section 20.308.075 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.075 - Definitions (L).

~~(A1)~~ "Land Use Plan" means the relevant portions of a local government's general plan, or coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

~~(B2)~~ Lateral Access. See Access, Lateral.

~~(C)~~ "Legally Authorized Residential Structure" is a dwelling unit, accessory living unit or garage that has either been constructed with required permits and approvals from the California Coastal Commission and County of Mendocino or is a legal, non-conforming structure (see Section 20.308.050(D)).

~~(D3)~~ "Living Area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure.

~~(E4)~~ "Living Unit" means any building or vehicle designed or used for human habitation, including but not limited to a dwelling, accessory living unit, farm employee housing, farm labor camp, or mobile home.

~~(F5)~~ Living Unit, Accessory. See Accessory Living Unit.

~~(G6)~~ "Local Coastal Element" means that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to Division 20 of the Public Resources Code, or such additional elements of the local government's general plan prepared pursuant to Section 65303 of the Government Code, as the local government deems appropriate.

~~(H7)~~ "Local Coastal Program" means a local government's (1) land use plans, (2) zoning codes, (3) zoning district maps, and (4) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this Division at the local level.

~~(I8)~~ Lodging house. See Hotel.

~~(J9)~~ "Lot" means a single parcel of contiguous real property shown as a delineated parcel of land with a number or other designation on a map of subdivision created pursuant to the Subdivision map Act and recorded in the Mendocino County Recorder's office; or a parcel of real property that qualifies for a Certificate of Compliance pursuant to Government Code Section 66499.35. "Lot" shall also mean "parcel," but does not include road easements or right-of-way.

~~(K10)~~ "Lot Area" means the total area, within the boundary lines of a lot, exclusive of easements as required in the County Division of Land Regulations for parcels zoned RR, SR, RV, FV, C, I and PF.

~~(L11)~~ "Lot, Corner" means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

~~(M12)~~ "Lot Coverage" means the percentage of gross lot area covered by all buildings and structures on a lot, including decks, and porches, whether covered or uncovered, and all other projections except eaves.

~~(N13)~~ "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

~~(O14)~~ "Lot Depth" means the horizontal distance of a straight line between the mid points of the front and rear lot lines.

~~(P15)~~ "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

~~(Q16)~~ "Lot, Interior" means a lot other than a corner lot.

~~(R17)~~ "Lot, Key" means an interior lot adjacent to a corner lot, the side lot of which is contiguous with the rear lot line of the corner lot.

~~(S18)~~ "Lot Line" means any property line bounding a lot.

~~(119)~~ "Lot Line, Exterior" means a property line abutting a public or private road or street.

~~(220)~~ "Lot Line, Front" means the line separating the front of the lot from the street right-of-way. When a lot or buildings site is bounded by a public street and one (1) or more alleys or private easements or private streets, the front line shall be the lot line that is nearest to the public street. In the case of a flag lot, the front lot line shall also include the lines, or portion of lines, on both sides of the strip of land that connects the lot with the street, the line that is closest to and generally parallel to the street right-of-way, and the line that is established by projecting the line that intersects the strip of land, across the strip of land. In the case of irregular frontage or access, the front lot line shall be determined by the Coastal Permit Administrator.

~~(321)~~ "Lot Line, Rear" means the most distant lot line opposite and parallel to the front lot line; in the case of an irregular lot, the line most closely paralleling the front lot line.

~~(422)~~ "Lot Line, Side" means any lot lone other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.

~~(523)~~ "Lot Line, Street" means any lot line abutting on a street.

~~(624)~~ "Lot Line, Nonconforming" means a lot which has been lawfully separated from adjoining property by map or a metes and bounds description as on a deed but does not meet the standards required of a lot or building site.

~~(T25)~~ Lot Size. See Lot Area.

~~(U26)~~ "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

~~(V27)~~ "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Division.

Section 20.316.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.316.010 - Family Residential.

The Family Residential use type refers to the residential occupancy of dwelling units by families on a monthly or longer basis. Typical uses include occupancy of dwelling or apartment. ~~Accessory dwelling units ADUs and junior accessory dwelling units JADUs~~ are considered an accessory use and are not counted as dwelling units for purposes of the Family Residential definition. The following are family residential use types:

- (A) **Family Residential: Single-Family.** The use of a parcel for only one (1) dwelling unit.

- (B) **Family Residential: Two-Family.** The use of a parcel for two (2) dwelling units within a single building.
- (C) **Family Residential: Multifamily.** The use of a parcel for three (3) or more dwelling units in one (1) building.
- (D) **Family Residential: Dwelling Groups.** The use of a parcel for more than one (1) but not more than four (4) single-family dwellings. On the Remote Residential, Agricultural, Range Land, Forest Land, and Timber Land Production Districts, open space easements or other methods may be required on all open space land not included in the residential development area. ~~Accessory dwelling units ADUs and junior accessory dwelling units JADUs~~ are not permitted on parcels where a dwelling group is approved.
- (E) **Family Residential: Cluster Development.** The use of a parcel for more than four (4) dwelling units when clustered to enhance and protect the agriculture or natural resources of a site. Typical uses are single-family, two (2) family, or multiple-family units which shall meet the requirements in Chapter 20.412 (Clustering Development Combining District). ~~Accessory dwelling units ADUs and junior accessory dwelling units JADUs~~ are not permitted on parcels where a cluster development is approved.
- (F) **Family Residential: Boarding House.** The use of a building or portion thereof, other than an inn, bed and breakfast, hotel, motel, hostel, vacation home rental, or student/instructor temporary housing, where regular meals and/or lodging are provided for compensation or profit by prearrangement for periods of thirty (30) days or more for three (3) or more persons who do not constitute a family.

Section 20.456.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.456.015 - Residential and Agricultural Use Types.

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:

- (A) **Private garages.**
- (B) **Children's playhouse, patios, porches, gazebos, etc.**
- (C) **Windmills.**
- (D) **Shops** (non-business purposes).
- (E) **Barns.**
- (F) **Private swimming pools and hot tubs** (not subject to setback requirements in the side or rear yards of any district).
- (G) **Accessory Living Unit.** Not more than one ~~accessory living unit~~ guest cottage or detached bedroom may be permitted on for each legal parcel. An ~~accessory~~

~~dwelling unit ADU~~ and/or a ~~junior accessory dwelling unit JADU~~ may also be permitted, subject to the limitations established in Chapter 20.458.

- (H) **Room and Board.** The renting of not more than one (1) room for occupancy by transient guests for compensation or profit, except in an ~~accessory dwelling unit ADU~~ or a ~~junior accessory dwelling unit JADU~~ where such use shall be prohibited.
 - (I) **Day care center, family care home, or school,** for six (6) or less persons.
 - (J) **Travel Trailer or Camper.** The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.
 - (K) **Home Occupations.** Subject to Chapter 20.448.
 - (L) **Household Pets.** The keeping of dogs and cats and other household pets, but not including kennels.
 - (M) **Accessory Parking.**
 - (1) The parking of one (1) large vehicle or construction equipment upon private property forty thousand (40,000) square feet or less in size.
 - (2) The parking of two (2) large vehicles or construction equipment upon private property greater than forty thousand (40,000) square feet but less than five (5) acres.
 - (3) The parking of three (3) large vehicles or construction equipment upon private property in excess of five (5) acres.
 - (4) Nothing in this subsection shall restrict the number of vehicles or construction equipment used by the property owner for their own agricultural or home use.
- As used in this subsection "large vehicle" shall mean vehicles of three-ton tare (unladen weight).
- (N) **Public Access.** The offer to dedicate and acceptance of a dedication for an accessway except that the construction of a public access trail and/or construction of a staircase accessway on a bluff face (as determined by the Department of Planning and Building Services) will require a Coastal Development Use Permit.
 - (O) **Other Necessary and Customary Uses.** Accessory non-residential uses and non-residential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use, as determined by the Director of Planning and Building Services.

The title of Chapter 20.458 of the Mendocino County Code is hereby amended to read as follows:

Chapter 20.458 - ~~SECOND RESIDENTIAL~~ ACCESSORY DWELLING UNITS

Section 20.458.005 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.458.005 - Declaration.

The intent of this chapter is to regulate the creation of ~~second residential accessory dwelling units ADUs and JADUs~~ ADUs and JADUs in all zones within the unincorporated areas of the Coastal Zone of Mendocino County as required by Section 65852.2 and Section 65852.22 of the California Government Code, as amended. Section 65852.2 and Section 65852.22 establish es specific requirements for the regulation of ~~accessory dwelling units ADUs and JADUs~~ ADUs and JADUs with the goal of increasing statewide availability of smaller, more affordable housing units. In accordance with Section 65852.2, ~~accessory dwelling units ADUs and JADUs~~ ADUs and JADUs are not considered new residential units for the purpose of calculating residential density. This chapter is intended to protect coastal resources when regulating ~~accessory dwelling units ADUs and JADUs~~ ADUs and JADUs in the Coastal Zone, while also complying with the standards in Section 65852.2 and Section 65852.22 to the greatest extent feasible.

Section 20.458.010 of the Mendocino County Code is hereby amended in its entirety to read as follows:

~~Sec. 20.458.010 - Prohibition.~~

~~The creation and/or construction of a second residential unit as defined in Section 65852.2 of the California Government Code is prohibited. This prohibition does not apply in the Town of Gualala Plan planning area and to farm employee housing, farm labor housing, family care units, dwelling groups or residential clustering where such dwelling units are specifically provided for in other sections of this Division.~~

Section 20.458.010 - Cap on Number of Accessory Dwelling Units.

The number of permitted ~~accessory dwelling units ADUs~~ ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. ~~Junior accessory dwelling units JADUs~~ JADUs are exempted from this cap.

Any change to the cap on the number of ~~accessory dwelling units ADUs~~ ADUs shall require a Local Coastal Program amendment. Prior to a Local Coastal Program amendment to modify the cap, a traffic analysis shall be prepared to evaluate impacts associated with proposed ADU allowances and future growth on the capacity of State Route 1 in the Coastal Zone of Mendocino County.

Within the Gualala Town Plan area, a maximum of one hundred (100) ~~accessory dwelling units ADUs shall~~ **may** be permitted. ~~JADUs are exempted from this cap.~~ When this number has been reached, a review shall be conducted to determine if ~~accessory dwelling units ADUs~~ are meeting the intent of providing additional affordable housing and whether additional ~~accessory dwelling units ADUs~~ can be accommodated. Any change to the maximum number of ~~accessory dwelling units ADUs~~ in the Gualala Town Plan area shall require a Local Coastal Program amendment. **Prior to a Local Coastal Program amendment to increase or remove the cap, the County shall provide information that demonstrates that the plan area has adequate water and sewer capacity for projected buildout and a traffic analysis shall be prepared to evaluate impacts associated with proposed ADU allowances and future growth on the capacity of State Route 1 in Gualala and the surrounding coastal zone area.**

Section 20.458.015 of the Mendocino County Code is hereby amended in its entirety to read as follows:

~~Sec. 20.458.015 – Findings.~~

~~Section 65852.2 of the California Government Code authorized a local agency to establish, by ordinance, designated areas where second residential units may be permitted. This section further provides that the designation of such areas may be based on criteria including, but not limited to, the adequacy of water and sewer services, and the impact of second units on traffic flow.~~

~~Additional criteria which the Board of Supervisors determines to be applicable to the designation of areas for second units in the Coastal Zone of Mendocino County further include the regulation of second units by the California Coastal Commission and the policies of the Coastal Element of the General Plan, adopted in conformance with and pursuant to the provisions of Public Resources Code Section 30000 et. seq.~~

~~Of particular importance to the Board of Supervisors, and one of the main purposes for this Chapter, is that the Coastal Element does not include provisions for second residential units. It is fully the intent of the Board of Supervisors to initiate an amendment to the Coastal Element of the General Plan to provide for construction of second residential units within appropriate areas of the Coastal Zone.~~

~~When considering appropriate locations for the designation and allowance of second residential units, the Board intends to address the following issues:~~

- ~~(1) The adequacy of water, based upon the findings of the Coastal Groundwater Study;~~
- ~~(2) Minimum parcel sizes and general soil characteristics to assure adequacy of septic capability;~~
- ~~(3) Potential traffic impacts, based upon existing development patterns, urbanizing areas, and highway capacity studies in progress.~~

~~The Board of Supervisors reluctantly concluded in 1985 that the development of second units in the unincorporated Coastal Zone of Mendocino County, in excess of those allowed pursuant to the provisions of the Coastal Element and this Division, may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic.~~

~~The Board further finds and declares that the prohibition of second residential units at this time shall not be construed to mean that there are no suitable areas in the Coastal Zone where second residential units could be constructed. The Board recognizes that an absolute prohibition on second units will limit housing opportunities of the region. Therefore, this prohibition is only considered temporary until such time as the issues identified above can be adequately resolved to assure that there will be no adverse impacts to the public health, safety and welfare.~~

Section 20.458.015 - Permit.

~~**Accessory dwelling units ADUs** or **junior accessory dwelling units JADUs** may be permitted in any zone that allows residential uses **as a permitted or conditional use.** **Accessory dwelling units ADUs** or **junior accessory dwelling units JADUs** may be permitted in accordance with one of the following determinations:~~

- ~~(A) Determined to be exempt from the requirement to obtain a coastal development permit pursuant to Section 20.532.020; or~~
- ~~(B) Determined to meet the criteria for a coastal development ministerial permit pursuant to Section 20.532.015(B); or~~
- ~~(C) Determined to require a coastal development permit pursuant to Section 20.532.015 (A) **or (E).**~~

Section 20.458.020 of the Mendocino County Code is hereby amended in its entirety to read as follows:

~~Sec. 20.458.020 – Gualala Town Plan Second Residential Units.~~

~~Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential accessory dwelling units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.~~

- ~~(A) **Permit requirement.** A standard Coastal Development Permit shall be required for all second residential units.~~
- ~~(B) **Number of Second Residential Units.** Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, a maximum of one hundred (100) second residential units shall be permitted within the Gualala Town Plan area. When this number has been~~

~~reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require a Local Coastal Program Amendment.~~

~~(C) — **Permitted locations for Second Residential Units.**~~

- ~~(1) Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of one hundred (100). Second residential units shall not be permitted on parcels located west of Highway 1.~~
- ~~(2) Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.~~
- ~~(3) Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.~~
- ~~(4) Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.~~

~~(D) — **Specific Standards for Second Residential Units.**~~

- ~~(1) All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence but may be rented for long-term occupancy.~~
- ~~(2) On parcels that are less than ½ (0.5) acre in size, second residential units shall be attached to the primary residence or as a second story to a detached garage.~~
- ~~(3) Detached second residential units shall be restricted to a maximum size of nine hundred sixty (960) square feet.~~
- ~~(4) Attached second residential units shall be restricted to a maximum size of five hundred (500) square feet.~~
- ~~(5) Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.~~
- ~~(6) Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~
- ~~(7) Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of~~

Environmental Health, shall be available to serve the second residential unit.

Section 20.458.020 - General Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units.

~~Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs)~~ shall conform to the following standards:

- (A) An ADU or JADU shall only be permitted on a parcel that either contains an existing **or proposed** single-family dwelling ~~or for which a building permit has been issued for the single-family dwelling.~~ **A proposed single-family dwelling means a dwelling that is the subject of a coastal development permit or Categorical Exclusion application and that meets the requirements for permitting. A ministerial or administrative coastal development permit application for an ADU or JADU submitted with the permit application for the proposed single-family dwelling shall be acted on after the application for the proposed single-family dwelling has been acted on and all appeal periods have ended. A certificate of occupancy for an ADU shall not be issued before the certificate of occupancy is issued for the primary dwelling.**
- (B) An ADU may be attached to the single-family dwelling or located in a detached, separate structure.
- (C) An existing legally-authorized **accessory structure, accessory living unit, detached bedroom, guest cottage,** or family care unit may be converted into an ADU consistent with the provisions of this Chapter.
- (D) Where a dwelling group or parcel clustering is approved, no ADU or JADU shall be allowed.
- (E) ADUs and JADUs may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence **except when the primary dwelling and the ADU are built by a qualified non-profit corporation and the ADU will provide low-income housing in accordance with California Government Code Section 65852.26.**
- (F) ADUs and JADUs are intended to increase the supply of non-transient housing. Restrictions regarding use of ADUs and/or JADUs as vacation home rentals are as follows:
- (1) In the coastal zone , **on a property with an ADU and/or JADU, use of an ADU or JADU any dwelling for transient habitation as a vacation home rental or by transient guests** shall be prohibited. Existing licensed vacation home rentals in legal, non-conforming ADUs shall be phased out as business licenses are abandoned or expire. Vacation home rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the property owner serves as a trustee, which shall not be

deemed a change of ownership for purposes of Section 6.04.070(g) of the County Code.

- (2) Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include ~~the pertinent restrictions and limitations for the ADU and/or JADU~~ (a) the prohibition on the use of any dwelling for transient habitation and (b) for ADUs and JADUs proposed within 125 feet of the bluff edge that require the construction of a new structure, result in an expansion of an existing structure, or require repair or improvements to an existing structure to the extent that it constitutes a replacement structure pursuant to section 13252 of Title 14, California Administrative Code, a prohibition on the development of bluff or shoreline protective devices to protect the ADU or JADU from bluff retreat, erosion, or other coastal hazards in the future. The deed restriction, and which shall run with the land, and be binding upon any future owners, heirs, or assigns.

~~(3) See Section 20.458.035(F) for restrictions on use of ADUs and JADUs as vacation home rentals in the Gualala Town Plan area.~~

A new Section 20.458.025 is added to the Mendocino County Code as follows:

Section 20.458.025 - Specific Standards for Accessory Dwelling Units.

ADUs are subject to the following specific standards and criteria:

- (A) In the coastal zone outside of the Gualala Town Plan area, ~~on properties with zoning classifications that do not allow multi-family residential uses,~~ an ADU shall not be allowed if more than one (1) dwelling unit (including farm employee housing, farm labor housing, temporary family care unit, but not including a JADU) is located on the parcel, or if there currently exists more than one guest cottage or detached bedroom on the parcel.
- ~~(B) On properties with zoning classifications that allow multi-family residential units (i.e., Commercial, Suburban Residential, Gualala Village Mixed Use, Gualala Highway Mixed Use, or Gualala Planned Development) and which have existing two-family or multifamily dwelling structures, at least one ADU shall be allowed within an existing two-family or multifamily structure. Multiple ADUs up to 25 percent of the existing multifamily dwelling units may be allowed if each ADU complies with State building standards for dwellings. No more than two detached ADUs shall be permitted on a parcel with an existing multifamily dwelling.~~
- ~~(C) In the coastal zone outside of the Gualala Town Plan area, on properties with zoning classifications that allow multi-family residential units which have an existing single-family dwelling, an ADU and a JADU may be allowed, in addition to a guest cottage and/or detached bedroom.~~

(DB) ADUs shall conform to height, setback, ~~lot coverage~~, site plan review, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located with the following exceptions:

(1) An existing legally-authorized ~~garage accessory structure~~ which does not meet ~~front, rear or side yard~~ setback requirements may be converted to an ADU or reconstructed to the same dimensions as the existing structure and converted to an ADU and would not be considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.

(2) A minimum setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU.

(EC) ADUs are subject to the following floor area limitations:

(1) For a detached ADU, total floor space may not exceed 1,200 square feet.

(2) For an attached ADU, total floor space may not exceed 1,200 square feet or 50 percent of the floor space of the existing or proposed single-family dwelling, whichever is less. In no instance shall the floor space of an attached ADU be restricted to less than 1,000 square feet for an attached ADU that provides more than one bedroom or less than 850 square feet for an attached ADU that provides one or less bedroom.

~~(3) Floor area limitations for ADUs in the Gualala Town Plan area are established in Section 20.458.035.~~

(FD) See Section 20.458.035 for additional and more restrictive standards for ADUs on properties within the Gualala Town Plan area.

A new Section 20.458.030 is added to the Mendocino County Code as follows:

Section 20.458.030 - Specific Standards for Junior Accessory Dwelling Units.

JADUs are subject to the following specific standards and criteria:

(A) In the coastal zone outside of the Gualala Town Plan area, a JADU may be allowed on a legal parcel in addition to one single-family dwelling, an ADU, and a maximum of one other accessory living unit (i.e., detached bedroom or guest cottage).

(B) ~~A-After January 1, 2025, a~~ JADU may only be established when either the single-family residence in which the JADU is created or the JADU will be occupied by the owner of the residence.

(C) No more than one JADU may be located on a parcel.

(D) A JADU must be contained entirely within a legally-authorized single-family dwelling and total floor space may not exceed 500 square feet.

(E) A JADU may be located within an existing legally-authorized single-family dwelling that does not meet setback requirements and it would not be

considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.

- (F) A separate entrance to the JADU shall be provided, ~~and interior access to the remainder of the single-family dwelling shall be maintained.~~
- (G) A JADU may share a bath with the single-family dwelling or have its own bath.
- (H) A JADU is required to include an efficiency kitchen as defined in Section 20.308.040(B).
- (I) For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.
- (J) Prior to obtaining a building permit for a JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a JADU **including, but not limited to, the prohibition on use of the unit for transient habitation, restrictions on size, and prohibition on sale separate from the sale of the single-family dwelling,** which shall run with the land, and be binding upon any future owners, heirs, or assigns.
- (K) See Section 20.458.035 for additional and more restrictive standards for JADUs on properties within the Gualala Town Plan area.

A new Section 20.458.035 is added to the Mendocino County Code as follows:

Section 20.458.035 - Specific Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in the Gualala Town Plan Area.

ADUs and JADUs in the Gualala Town Plan area are subject to all of the standards and requirements of this Chapter in addition to the following more restrictive standards:

- (A) An ADU or JADU may not be permitted on parcels where there is more than one (1) dwelling unit (including temporary family care unit) or a guest cottage or detached bedroom.
- (B) ADUs or JADUs are prohibited on parcels that are located west of State Route 1.
- (C) On parcels that are less than one-half (0.5) acre in size, ADUs shall be required to be attached to the primary residence or as a second-story to a detached garage.
- ~~(D) ADUs are subject to the following floor area limitations:
 - ~~(1) For a detached ADU, total floor space may not exceed 960 square feet.~~
 - ~~(2) For an attached ADU, total floor space may not exceed 500 square feet.~~~~
- ~~(E) A JADU must be contained entirely within a legally authorized single-family dwelling and total floor space may not exceed 500 square feet.~~

~~(F) The use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited. Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations for the ADU and/or JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.~~

A new Section 20.458.040 is added to the Mendocino County Code as follows:

Section 20.458.040 - Public Health and Safety Requirements.

- (A) ADUs and JADUs shall comply with applicable local building code requirements. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required in the single-family dwelling.
- (B) The Division of Environmental Health shall review and approve the availability and adequacy of the water system for all ADUs ~~and any JADUs that are not exempt from CDP requirements pursuant to Section 20.532.020(G) and result in the creation of additional bedrooms. An adequate water supply must be available to serve the proposed new residence as well as existing residences on the property. If the property is located in a service district, the property owner must provide written approval from the service district specifically authorizing the connection of the ADU, in accordance with standards established in the "Coastal Groundwater Development Guidelines" and the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."~~
- (C) The Division of Environmental Health shall review and approve the availability and adequacy of the sewage disposal system for all ~~ADUs and any JADUs that are not exempt from CDP requirements pursuant to Section 20.532.020(G) and result in the creation of additional bedrooms. Adequate sewage capacity must be available to serve the proposed new residence as well as existing residences on the property. If the property is located in a service district, the property owner must provide written approval from the service district specifically authorizing the connection of the ADU, in accordance with standards established in the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."~~
- (D) For ADUs, a preliminary clearance letter from CalFire shall be required for all ADUs on properties within a State Responsibility Area (SRA). For properties within a Local Responsibility Area, a letter shall be required from the local fire district indicating that all fire safety requirements can be satisfied. A letter from the local fire district shall also be required for properties within an SRA if the local fire district requests that ADU applications be referred for review and approval.

- (E) ADUs are prohibited in areas designated as Floodplain ("FP") Combining District and/or designated special flood hazard areas which are shown on Flood Insurance Rate Maps as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

A new Section 20.458.045 is added to the Mendocino County Code as follows:

Section 20.458.045 - Coastal Resource Protections.

All ADUs shall comply with the following requirements for the protection of coastal resources; **JADUs shall comply where applicable:**

- (A) ~~An~~ ADUs and JADUs may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area unless contained entirely within ~~an~~ existing a legally-authorized existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code. All new development associated with an ADU (well, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) must also be located more than 100 feet from the boundary of an Environmentally Sensitive Habitat Area. An exception to this these requirements may be authorized through the administrative or standard coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.496.
- (B) ~~An~~ ADUs and JADUs may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within ~~an existing~~ a legally-authorized existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code. All new development associated with an ADU or JADU must also be located more than 125 feet from the edge of a coastal bluff. An exception to this these requirements may be authorized through the standard administrative coastal development permit process where the development is consistent with the standards established in Chapter 20.500.
- (C) An ADU may not be located within a Highly Scenic Area unless the ADU would not be permanently and entirely blocked from view visible from all public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. An exception to this requirement may be authorized through the standard administrative coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.504. ADUs located outside of Highly Scenic Areas that are visible from a public viewpoint shall be of a similar architectural style, building materials and colors as the primary residences on the property.
- (D) An ADU may not be permitted if the total amount of grading associated with construction of the ADU is more than 20 cubic yards. An exception to this

requirement may be authorized through the administrative ~~or standard~~ coastal development permit process, as applicable, in circumstances where the grading is consistent with the standards established in Chapter 20.492.

- (E) The following standards are established for the protection of agricultural and timber resources in the Coastal Zone:
- (1) On parcels zoned AG, RL, FL or TPZ, a detached ADU may only be permitted, if it is ~~located within 150 setback no greater than 100 feet of~~ ~~from the~~ existing ~~or proposed~~ legally-authorized ~~structures~~ ~~primary residence and relies on the primary residence's driveway or another legally-authorized existing driveway. An ADU established within a legally-authorized residential structure existing as of the effective date of the ordinance establishing these requirements is exempt from these requirements.~~
 - (2) On parcels zoned AG or RL, an ADU may ~~only not~~ be located on ~~non-prime soils~~ land designated "Prime Agricultural Land." On parcels zoned AG or RL, development associated with ADUs and JADUs (wells, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for agriculture. An exception to ~~this~~ ~~these~~ requirements may be authorized through the administrative ~~or standard~~ coastal development permit process, as applicable, in circumstances where the applicant can demonstrate through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2) and (B), as applicable, that the ADU will not impact the long-term productivity of the agricultural land and that the ADU is compatible with the commercial growing and harvesting of timber.
 - (3) On parcels zoned FL and TPZ, an ADU may only be permitted in locations where no ~~timber~~ ~~major vegetation~~ removal ~~or harvesting~~ is necessary. On parcels zoned FL or TPZ, development associated with ADUs and JADUs (wells, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for timber production. An exception to ~~this~~ ~~these~~ requirements may be authorized through the administrative ~~or standard~~ coastal development permit process, as applicable, in circumstances where the applicant can demonstrate through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2) that the ADU will not impact the long-term productivity of soils and timberlands and that the ADU is compatible with the commercial growing and harvesting of timber.
- (F) An ADU may not be permitted ~~in a residential area~~ on a parcel within 200 feet of lands that are designated AG, RL, FL or TPZ unless it is attached to an existing legally-authorized residence and does not extend further into the

setback from the parcel with AG, RL, FL or TPZ zoning. In such cases, the ADU would not be considered an expansion of a legal, non-conforming use.

(G) An ADU may not interfere with a public or prescriptive easement for access to the blufftop and/or shoreline.

(H) An ADU may not be permitted in an area designated as **Floodplain ("FP") Combining District**, Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District **unless a report, prepared by** ~~An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where~~ a licensed engineer can demonstrate that the proposed development is consistent with the standards established in ~~Chapter 20.492~~, Chapter 20.416, and Chapter 20.432, **respectively**.

(I) ADUs may not be permitted on a property with known archaeological resources unless an administrative or standard coastal development permit is applied for and received and where reasonable mitigation measures shall be employed to protect archaeological resources.

A new Section 20.458.050 is added to the Mendocino County Code as follows:

Section 20.458.020050 - Parking Requirements.

The following requirements and standards for off-street parking shall apply to ADUs and JADUs:

(A) No additional parking is required for a JADU.

(B) ADUs which meet any one of the following criteria are exempt from the parking requirements in this section:

(1) Located within one-half mile **walking distance** of a public transportation stop along a prescribed route according to a fixed schedule.

(2) Located within one block of a car share parking spot.

(3) Located entirely within the **principal primary** residence and the ADU does not result in a net increase in habitable floor area on the property.

(4) Located in an area where on-street permit parking is required, but such permits are not available to the tenant.

(5) Located within a designated historic district.

(C) One parking space is required per ADU and the space may be provided through tandem parking.

(D) Parking for ADUs is allowed in front, rear and side setback areas.

~~**(E) When a garage or covered parking structure is demolished or repurposed in conjunction with the construction of an ADU, the replacement parking spaces may be located in any configuration on the**~~

~~same lot parcel as the ADU, including but not limited to covered spaces, uncovered spaces, or tandem spaces.~~

Section 20.472.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.472.015 - Residential.

- (A) Single-family detached dwelling or mobile home: two (2) parking spaces.
- (B) Duplex: two (2) parking spaces for each unit.
- (C) Multiple-family/apartment/condominiums: one (1) parking space up to one (1) bedroom, one and one-half (1.5) parking spaces for two (2) bedrooms, two (2) parking spaces per unit for three (3) or more bedrooms.
- (D) Mobile home parks: two (2) parking spaces for each mobile home space.
- (E) ~~Accessory dwelling unit ADU~~: one (1) parking space per unit. See Chapter 20.458 (Accessory Dwelling Units).
- (F) ~~Junior accessory dwelling unit JADU~~: no parking required. See Chapter 20.458 (Accessory Dwelling Units).

Section 20.532.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.015 - Permit Requirements.

Permits required by this Chapter must be secured prior to any development in the Mendocino County Coastal Zone.

- (A) **Coastal Development Administrative Permit.** The purpose of a Coastal Development Administrative Permit is to provide for the administrative issuance of coastal development permits. The Coastal Permit Administrator may process as an administrative permit any coastal development permit application for the types of projects specified below, and emergency projects specified in Section 20.536.055. Development projects which are appealable to the Coastal Commission, including any division of land, shall not be processed as an administrative permit, except for ADUs and JADUs as specified in Section 20.458.045.
 - (1) Any single-family residence that is a principal permitted use within the zoning district in which the development site is located;
 - (2) Any other development specifically authorized as a principal permitted use within the zoning district in which the development site is located;
 - (3) Improvements to an existing structure;

- (4) Any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land;
- (5) Any other development that is not appealable to the Coastal Commission if the Coastal Permit Administrator determines that it involves no potential for any adverse effects, either individually or cumulatively, on coastal resources, and that it will be consistent with the Certified Local Coastal Program and the public access policies of Chapter 3 of the Coastal Act. The determination shall be made in writing and based upon factual evidence.

(6) Any ADU or JADU that meets all of the requirements for a coastal development ministerial permit except for the objective requirements established in Section 20.458.045 and for which an exception to those requirements may be granted through the coastal development administrative permit process. A coastal development administrative permit for an ADU and/or JADU is not appealable to the Board of Supervisors but may be appealable to the Coastal Commission.

(B) Coastal Development Ministerial Permit. The purpose of a coastal development ministerial permit is to provide for the administrative issuance of coastal development permits for ~~accessory dwelling units~~ **ADUs** which comply with the objective requirements specified in Section 20.458.045. Coastal development ministerial permits may be approved by the Director or his/her designee. **Approval of a coastal development ministerial permit requires findings of consistency with Chapter 20.458 as well as the required and supplemental findings specified in Sections 20.532.095 and 20.532.100, as applicable.** A public hearing is not required for coastal development ministerial permits and they are not appealable to the Board of Supervisors. For development located within the appeal jurisdiction of the California Coastal Commission, coastal development ministerial permits are appealable to the Coastal Commission.

(BC) Coastal Development Use Permit. A use permit must be secured, pursuant to the requirements of these regulations prior to the initiation, modification or expansion of a use or development that is permitted only as a conditional use in a particular district.

(CD) Coastal Development Variance. Variances are discretionary adjustments in the regulations contained in this Division. Variances may only be granted to allow deviations from standards governing such development conditions as setbacks, lot coverage and lot width.

(DE) Coastal Development Standard Permit. A coastal development standard permit must be secured for any other activity not specified above which is defined as a development in Section 20.308.035(D), including, but not limited to, land divisions, lot line adjustments and any other entitlement for use.

Section 20.532.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.020 - Exemptions.

The following developments shall be exempt from this Chapter:

- (A) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted;
- (B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;
- (C) Improvements to single family residences except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter;
- (D) Improvements to any structure other than single family residence or a public works facility, except as otherwise specified in Subchapter 7.5, Title 14, California Administrative Code and any amendments thereafter;
- (E) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.480.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk, of the destroyed structure by more than ten percent (10%) and shall be sited in the same location on the affected property as the destroyed structure;
- (F) Within the Gualala Town Plan planning area, structures which are destroyed by involuntary means or forces out of control of the owner(s), provided that the structure reconstructed after involuntary loss does not exceed the floor area, height, or bulk of the previously existing structure by more than ten percent (10%), restoration is started within one (1) year of the destruction, and the structure conforms to this Division;
- ~~(G) Junior accessory dwellings units located entirely within an existing legally authorized single family residence which are consistent with the requirements of Chapter 20.458. ADUs, JADUs and associated physical development may be exempted from this Chapter when such development is found to be consistent with subsection (C), above.~~

~~Accessory dwelling units located within an existing legally permitted detached bedroom, guest house, or non-residential structure shall not be exempted from the requirement to obtain a coastal development permit.~~

As used in this section "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

As used in this section, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this section "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

Section 20. 532.045 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.045 - Authority to Act on Coastal Development Permit.

Upon completion of project review and evaluation, the action to approve, conditionally approve, or deny a coastal development permit shall be taken by:

- (A) The Director or his/her designee in the case of coastal development ministerial permits;
- (B) The Coastal Permit Administrator in the case of coastal development standard permits for principal permitted uses and coastal development administrative permits; and by
- ~~(C) The Planning Commission in the case of coastal development permits for conditional uses permits and divisions of land.~~

~~When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee.~~

Section 20. 532.055 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.055- Time Periods.

- (A) For all applications except for applications to create an ADU or JADU, ~~W~~within one hundred eighty (180) days of filing of a complete application for a coastal development permit, the Director, Coastal Permit Administrator or Planning Commission shall take such action as is specified in Section 20.532.050. The one hundred eighty (180) day time period may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the Department.
- (B) For applications to create an ADU or JADU, action shall be taken within sixty (60) days of filing of a complete application for a coastal development permit exemption, Categorical Exclusion or coastal development permit. The 60-day time period for acting on a complete application for an ADU or JADU submitted with a permit application for a

proposed single-family dwelling shall not commence until after the application for the single-family dwelling has been acted on and all appeal periods have ended.

(C) If the Director, Coastal Permit Administrator or Planning Commission does not act within the specified time period or extension thereof, ~~the application shall be deemed to have been approved.~~ the applicant may seek remedy to resolve the undecided permit request as set forth in California Government Code Section 65956. The date of the actual filing of the application for the purposes of this Division shall be the date of the environmental determination as required by local and state environmental review procedures.

(D) Failure to act – notice.

Notification by Applicant. If the County has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the County and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

Notification by County. When the County determines that the time limits established pursuant to Government Code Sections 65950—65957.1 or Government Code Section 65852.2 for an ADU or a JADU have expired, the County shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Title 14, California Code of Regulations Section 13571(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to Section 20.544.020. This Section shall apply equally to a County determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.

(E) When an application for a coastal development permit has been deemed approved by failure to act, such approval shall be subject to the notice requirements of Section 20.536.005(D) or, for coastal development ministerial permits, the notice requirements of Section 20.536.010(C).

Section 20.536.005 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.536.005- Coastal Development Administrative Permits.

- (A) **Purpose.** The purpose of this section is to provide for the administrative issuance of coastal development permits for those types of development projects specified in Section 20.532.015 and emergency permits as provided for in Section 20.536.055.
- (B) **~~Approval~~Action.** The Coastal Permit Administrator ~~may~~ **shall** administratively approve, ~~or~~ conditionally approve, ~~or deny~~ a coastal development administrative permit without the requirement of a public hearing. Any permit approved administratively by the Coastal Permit Administrator, **except for permits for ADUs and/or JADUs**, shall contain a statement that the permit will not be effective until it has been reported to and reviewed by the Board of Supervisors.
- (C) **Reporting.** **With the exception of a coastal development administrative permit for an ADU or JADU, A-a** coastal development administrative permit approved by the Coastal Permit Administrator shall be available on the agenda of the Board of Supervisors at its next available meeting after the permit has been approved. The Coastal Permit Administrator shall report in writing to the Board at each meeting the permits approved under this section, with sufficient description of the work authorized to allow the Board to understand the development proposed to be undertaken. If, at the meeting, at least one (1) member of the Board so requests, the permit issued shall not go into effect and the application shall be processed in accordance with Section 20.536.010.
- (D) **Noticing.** **Notice that the Coastal Permit Administrator intends to approve act on a coastal development administrative permit for an ADU or JADU shall be mailed at least ten (10) calendar days prior to issuance.** Notice that the Coastal Permit Administrator will report proposed issuance of the coastal development administrative permit to the Board of Supervisors shall be mailed at least ten (10) calendar days prior to the meeting. The notice shall be provided by first class mail to:
- (1) The applicant;
 - (2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;
 - (3) All persons who have requested to be on the mailing list for that development project;

(4) All persons who have furnished self-addressed and stamped envelopes and requested to be on the mailing list for development located within the Coastal Zone boundaries; and

(5) The Coastal Commission.

(E) Content of Notice. The notice shall contain the following information:

- (1) A statement that the development is within the coastal zone;
- (2) The date of filing of the application and the name of the applicant;
- (3) The case file number assigned to the application;
- (4) A description of the development and its proposed location;

(5) If the permit is for an ADU or JADU, the date upon which the coastal development administrative permit will be approved-acted on:

(56) If the permit will be reported to the Board of Supervisors, the date, time and place at which the application will be reported to the Board;

(67) A brief description of the general procedure concerning the conduct of ~~hearing and~~ local actions, including procedures for submission of public comment prior to the decision, and identification of a comment period of sufficient time to allow for submission of comments by mail prior to the decision;

(78) A full disclosure of the procedure(s) for local and Coastal Commission appeals, **if such appeals are available,** including any fee(s) that may be required.

(F) Final Action. A decision on a coastal development administrative permit application shall not be deemed complete until:

- (1) The decision has been made and all required findings have been adopted, and
- (2) When all local rights of appeal have been exhausted in accordance with Chapter 20.544.

(3) A decision on a coastal development administrative permit application for an ADU or JADU that is appealable to the Coastal Commission shall become final and effective after the ten (10)

working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

(G) Notice of Final Action. Notice shall be mailed within ten (10) calendar days of final action by first class mail to:

- (1) The applicant;
- (2) Any person who specifically requested, in writing, notice of such final action; and
- (3) The Coastal Commission.
- (4) The County Assessor.

(H) Effective Date. Decisions of the approving authority on an application for a development that is appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.015(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective following the action of the approving authority to approve or deny the coastal permit.

A new Section 20.536.~~004~~010 is hereby added to the Mendocino County Code to read as follows:

Sec. 20.536.~~004~~010- Coastal Development Ministerial Permits.

- (A) Purpose.** The purpose of this section is to provide for the ministerial issuance of coastal development permits for ~~accessory dwelling units ADUs~~ that meet the requirements specified in Chapter 20.458.
- (B) ApprovalAction.** The Director or his/her designee ~~may approve~~ **shall act on** a coastal development ministerial permit without the requirement of a public hearing. Any permit approved by the Director or his/her designee for an accessory dwelling unit located in an area within the appeal jurisdiction of the California Coastal Commission shall contain a statement that the permit will not be effective until the appeal period to the California Coastal Commission has expired and no appeal has been filed.

(C) **Noticing.** Notice that the Director or his/her designee intends to **approve act on** a coastal development ministerial permit shall be mailed at least ten (10) calendar days prior to issuance by first class mail to:

- (1) The applicant;
- (2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;
- (3) Any person who specifically requested, in writing, notice of such final action;
- (4) The Coastal Commission; and
- (5) The County Assessor.

(D) **Content of Notice.** The notice shall contain the following information:

- (1) A statement that the development is within the coastal zone;
- (2) The date of filing of the application and the name of the applicant;
- (3) The case file number assigned to the application;
- (4) A description of the development and its proposed location;
- (5) The date on which the coastal development ministerial permit was approved; and
- (6) If the development is located in an area that is subject to the appeal jurisdiction of the California Coastal Commission, a full disclosure of the procedure(s) for Coastal Commission appeals, including any fee(s) that may be required.

(E) **Final Action.** A decision on a coastal development ministerial permit application shall not be deemed complete until the decision has been made and all required findings have been adopted.

(F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:

- (1) The applicant;
- (2) Any person who specifically requested, in writing, notice of such final action;
- (3) The Coastal Commission; and
- (4) The County Assessor.

(G) Effective Date. Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final

and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.010(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective following the action of the approving authority to approve or deny the coastal permit.

Section 20.536.010 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.~~010~~015 - Coastal Development Permit Hearing and Notice Requirements.

- (A) **Purpose.** The purpose of this section is to provide for the issuance of coastal development permits for those types of development projects which are not ministerial, administrative or emergency permits.
- (B) **Hearing.** The approving authority shall hold at least one public hearing on each coastal development application for an appealable development or for a non-appealable development which requires a public hearing pursuant to other provisions of this Division. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearing shall occur no earlier than ten (10) calendar days following the mailing of the notice required in Subsection (C) below.
- (C) **Notice.** At least ten (10) calendar days prior to the first public hearing on the development proposal, the Coastal Permit Administrator shall provide notice by first class mail of a pending application for a development subject to this section. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions, to all property owners within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all occupants of property within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership.
- (D) **Content of Notice.** The notice shall contain the following information:
 - (1) A statement that the development is within the coastal zone;

- (2) The date of filing of the application and the name of the applicant;
- (3) The number assigned to the application;
- (4) A description of the development and its proposed location;
- (5) The date, time and place at which the application will be heard by the approving authority;
- (6) A brief description of the general procedure concerning the conduct of hearing and local actions; and
- (7) The system for local and Coastal Commission appeals, including any fee(s) that may be required.

If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in Subsection (C) above.

- (E) **Final Action.** A decision on a coastal development permit application shall not be deemed complete until:
- (1) The decision has been made and all required findings have been adopted, and
 - (2) When all local rights of appeal have been exhausted in accordance with Chapter 20.544.
- (F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:
- (1) The applicant;
 - (2) Any person who specifically requested, in writing, notice of such final action; and
 - (3) The Coastal Commission.
 - (4) The County Assessor.
- (G) **Effective Date.** Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536. ~~404015~~(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective on the eleventh day following the action of the approving authority to approve or deny the coastal permit unless prior to said eleventh day an appeal of the decision is filed as provided by Chapter 20.544.

Section 20. 536.020 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.~~020025~~ - Application for Permit Amendment.

Any person holding a coastal development permit may apply for a permit amendment by complying with Section 20.532.025 (Application and Fee). For the purposes of this section, the amendment of a coastal development permit may include amendment of the terms of the permit itself, the waiver or alteration of conditions imposed pursuant to Sections 20.532.030 through 20.532.055.

- (A) **Definition of Permit Amendment.** An amendment to a coastal development permit shall be processed in accordance with Section 20.532.025 when an applicant is requesting any change to the development project that was the subject of the approved coastal development permit. When, in the opinion of the Director, a major revision constituting substantial alteration in the permit is requested, an amendment shall not be processed, and a new coastal development permit application must be made.

(B) Amendment to Ministerial Permits.

- (1) Amendments to ministerial permits may be approved by the Director or his/her designee based upon the same criteria and subject to the same reporting requirements and procedures as provided for issuance of ministerial permits in Section 20.536.~~004010~~.
- (2) If any amendment would, in the opinion of the Director or his/her designee, change the nature of the project so that it no longer meets the criteria established for treating the application as a ministerial permit pursuant to Section 20.536.~~004010~~, then the application shall thereafter be treated in the manner prescribed by Section 20.536.~~020025~~(C)(2) dealing with amendments to permits other than ministerial and administrative permits.

(B) Amendment to Administrative Permits.

- (1) Amendments to administrative permits may be approved by the Coastal Permit Administrator upon the same criteria and subject to the same reporting requirements and procedures, including public notice and appeals, as provided for issuance of administrative permits in Section 20.536.005.
- (2) If any amendment would, in the opinion of the Coastal Permit Administrator, change the nature of the project so that it no longer meets the criteria established for treating the application as an administrative permit pursuant to Section 20.532.015, then the application shall thereafter be treated in the manner prescribed by Section 20.536.~~020025~~(C)(2) dealing with amendments to permits other than administrative permits.

(C) Amendment to Permits other than Ministerial Permits and Administrative Permits.

- (1) The Director shall determine whether or not a proposed amendment is a material change to the approved permit. If the Director determines that the proposed amendment is immaterial, notice of such determination shall be posted at the project site. Notice of such determination also shall be given as provided in Section 20.536.005(D). If no written objection to the amendment is received within ten (10) working days of the notice, the determination of immateriality shall be conclusive and the amendment effective.
- (2) If the Director determines that the proposed amendment is a material change or if written objection is made to the determination of conditions that were required for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Chapter 20.532, the application shall be referred to the approving authority having original jurisdiction over the coastal development permit. The material amendment shall be subject to the hearing and notice requirements of Section 20.536.~~040015~~.

Section 20.536.025 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~025030~~ - Renewal.

Section 20.536.030 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~030035~~ - Revocation or Modification by the County.

Section 20.536.035 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~035040~~ - Assignment of Permits.

Section 20.536.040 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~040045~~ - Reapplication.

Section 20.536.045 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~045050~~ - Nuisance.

Section 20.536.050 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~059055~~ - Notice to Assessor.

Section 20.536.055 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~055060~~ - Permits for Approval of Emergency Work.

Section 20.544.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.544.010 - Administrative Appeals.

- (A) Request for a hearing before the Planning Commission may be made by an aggrieved person from any decision, determination, or requirement of the Planning and Building Services Department except for decisions by the Director or his/her designee on exemptions and ministerial coastal development ministerial permits for ~~accessory dwelling units~~ ADUs and JADUs or by the Coastal Permit Administrator on coastal development administrative permits for ADUs and JADUs. An administrative appeal may be made by filing a notice thereof in writing with the Planning and Building Services Department within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Planning and Building Services Department shall prepare a written report that includes its findings which shall be forwarded to the Planning Commission for action. The action of the Planning Commission is final unless appealed to the Board of Supervisors pursuant to Section 20.544.015.
- (C) Notice shall be provided pursuant to Section 20.536.~~040015~~.

Section 20.544.015 of the Mendocino County Code is hereby amended to read as follows:

Section 20.544.015 - Coastal Permit Administrator and Planning Commission Appeal

- (A) Request for hearing before the Board of Supervisors may be made by an aggrieved person from any final decision of the Coastal Permit Administrator, except for a decision on a coastal development administrative permit for an ADU or JADU, or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.

- (B) The Board of Supervisors shall hold a public hearing on the appeal, noticed in the same manner and to the same extent as initially noticed for the Coastal Permit Administrator and/or Planning Commission meeting. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in deciding the appeal, and the findings shall state the reasons for any conditions imposed. The decision of the Board of Supervisors is final unless the decision is appealable to the Coastal Commission.
- (C) No permit or variance shall be issued for any use or structure related to the action of the Coastal Permit Administrator, Planning Commission or Board of Supervisors until the applicable appeal period has expired and no appeals have been filed with the appropriate appellate body.
- (D) Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted shall be mailed within ten (10) calendar days following the date of the decision on appeal. Notice shall be provided by first class mail to the applicant and/or appellant, any person who specifically requested, in writing, notice of such decision, and the Coastal Commission. The notice shall include the written findings, any conditions of approval, and procedures for appeal where applicable.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Th9a

LCP-1-MEN-20-0021-1 (ADUs)

SEPTEMBER 9, 2021

EXHIBITS

- Exhibit 1 – Regional Location Map**
- Exhibit 2 – Highway 1 Traffic Volumes**
- Exhibit 3 – Zoning Districts Proposed for ADUs**
- Exhibit 4 – Resource Lands**
- Exhibit 5 – Prime Farmland**
- Exhibit 6 – Groundwater Resources**
- Exhibit 7 – Coastal Hazard Areas**
- Exhibit 8 – Highly Scenic Areas**
- Exhibit 9 – Resolution of Transmittal**



Mendocino County's coastal zone

EXHIBIT NO. 1
 LCPA 1-MEN-20-0021-1 (ADUs)
 Regional Location Map (1 of 1)

Route 1 Traffic Volume Map



Map from Caltrans March 2016 State Route 1 District 1 Transportation Concept Report

³⁰ Volumes from Caltrans Traffic Census Program <http://traffic-counts.dot.ca.gov/>

EXHIBIT NO. 2

LCPA 1-MEN-20-0021-1 (ADUs)
Highway 1 Traffic Volumes (1 of 1)

Zoning Districts where ADUs are allowed

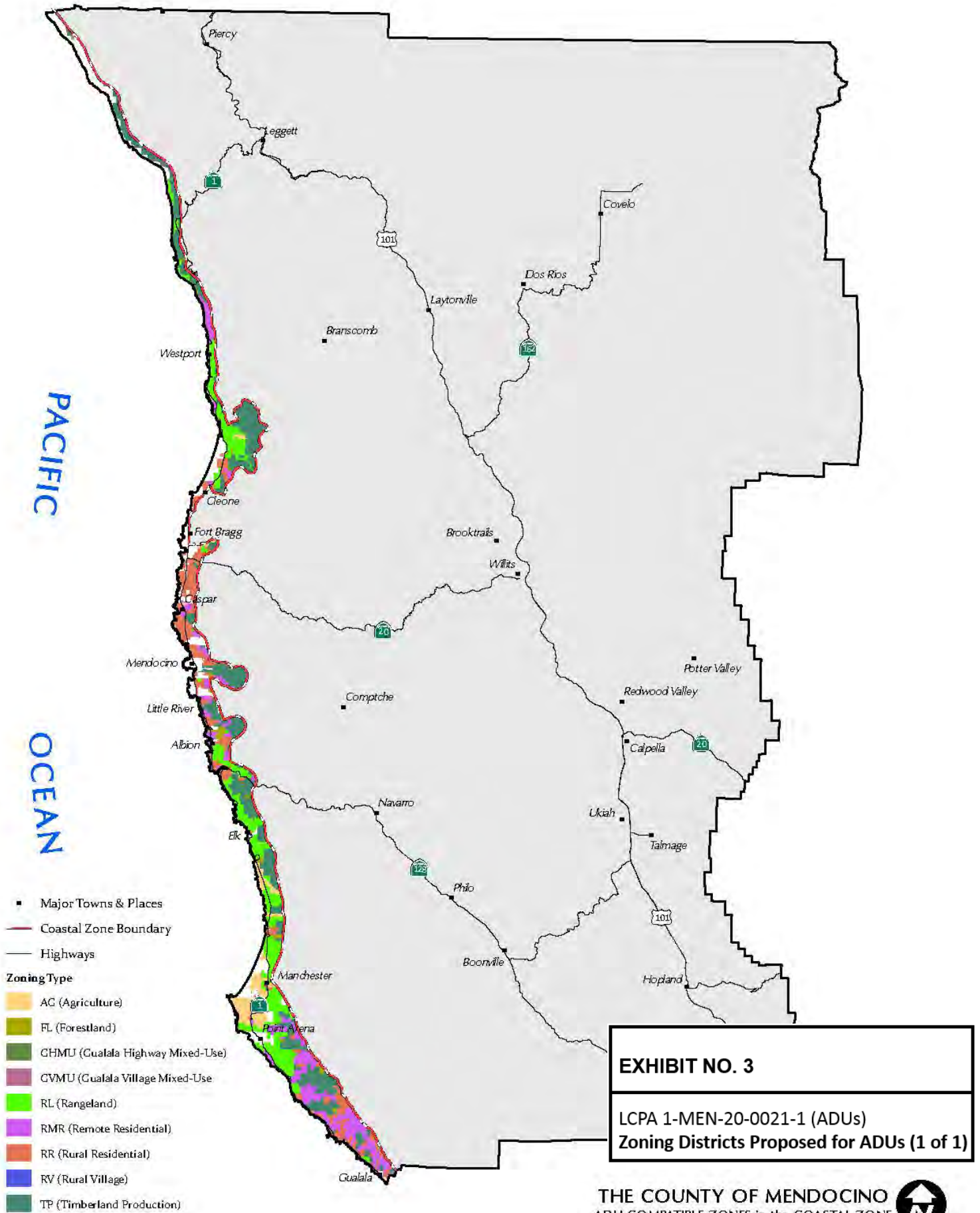
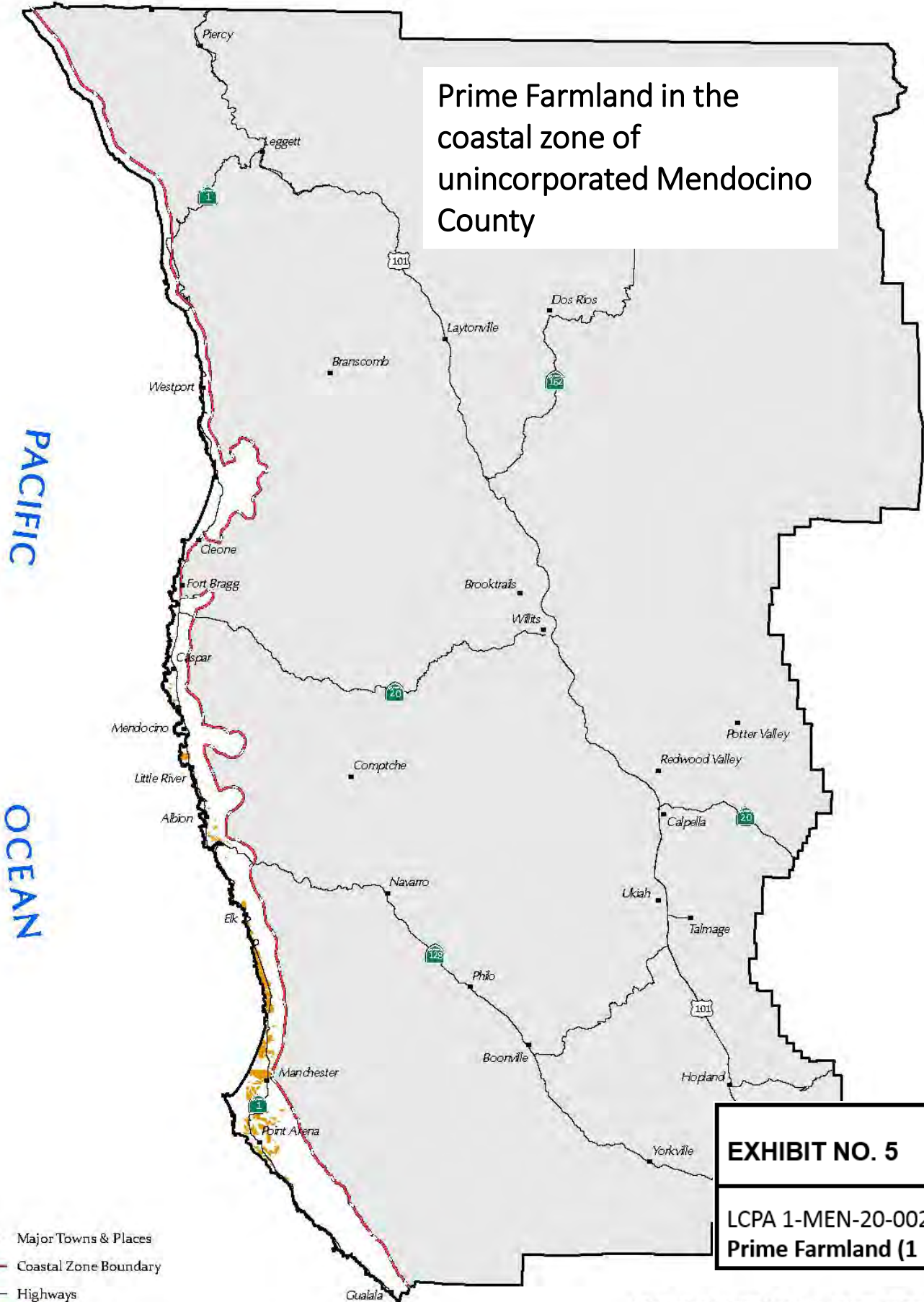




EXHIBIT NO. 4
 LCPA 1-MEN-20-0021-1 (ADUs)
 Resource Lands (1 of 1)

Prime Farmland in the coastal zone of unincorporated Mendocino County



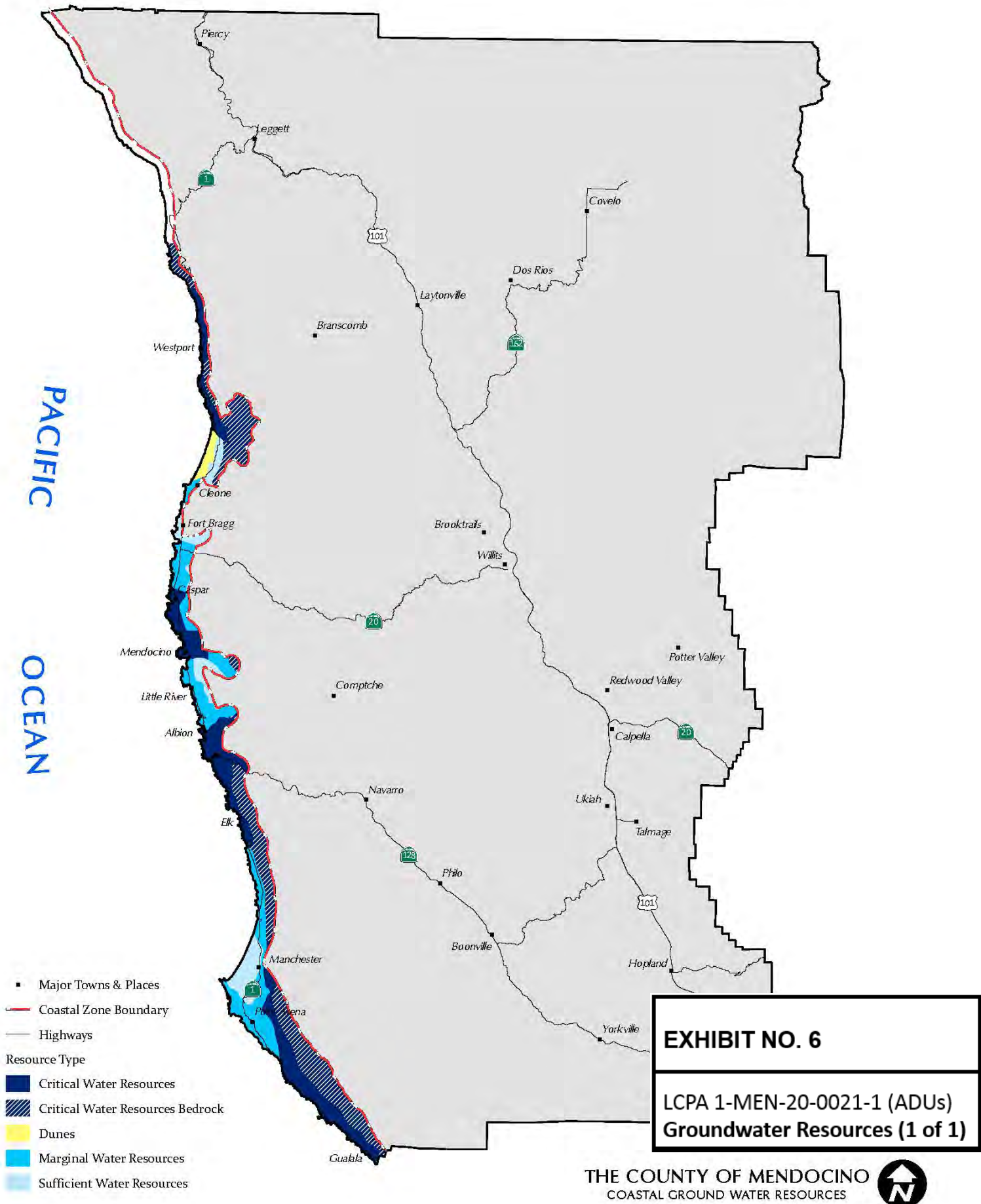
- Major Towns & Places
- Coastal Zone Boundary
- Highways
- Prime Farmland

"Prime Agricultural Land" as indicated on the LCP Land Capabilities and Natural Hazards maps as prepared by Bleyney-Dyett, 1979

EXHIBIT NO. 5
LCPA 1-MEN-20-0021-1 (ADUs)
Prime Farmland (1 of 1)



Coastal groundwater resources



Mapped hazards in the coastal zone of unincorporated Mendocino County

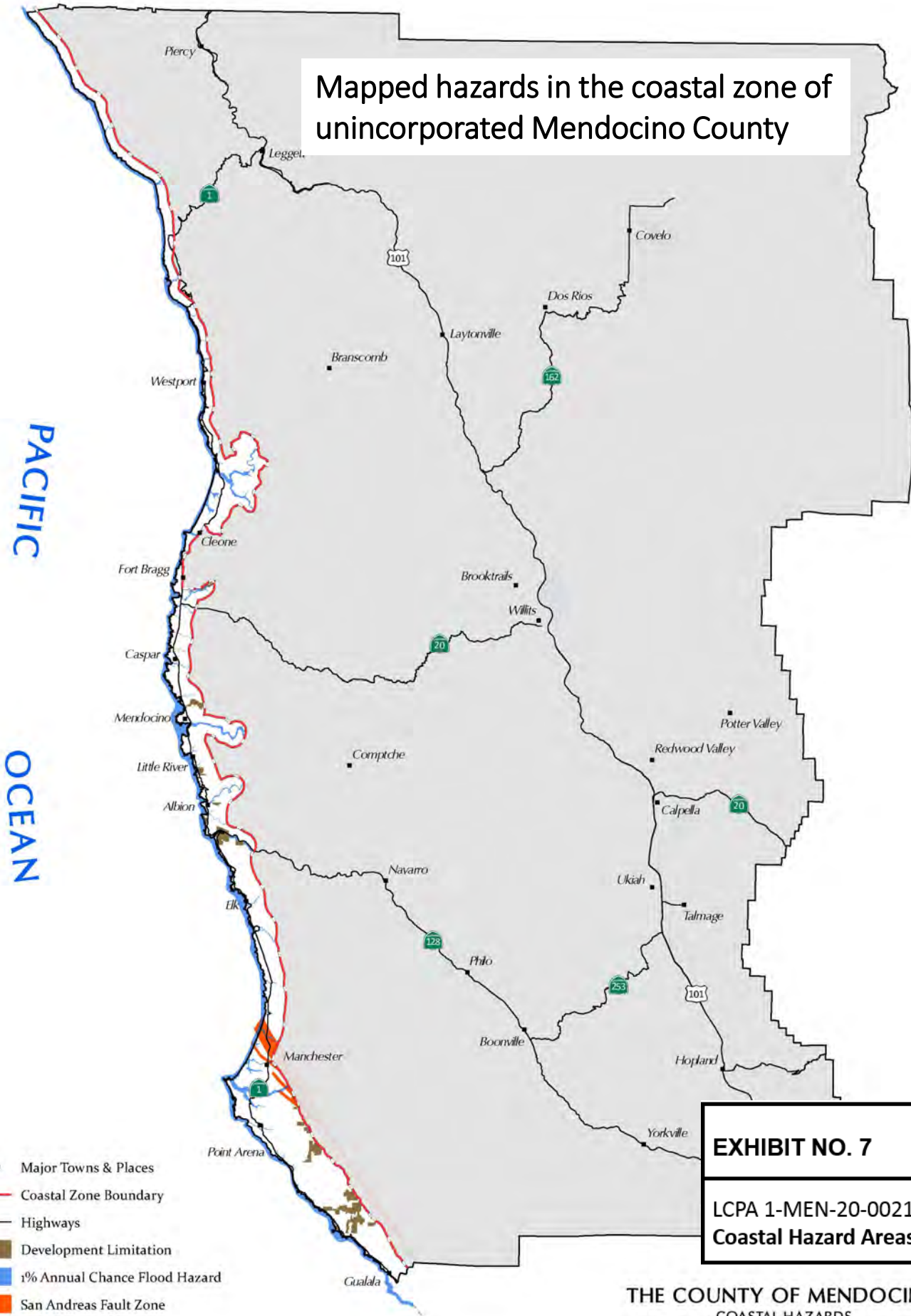


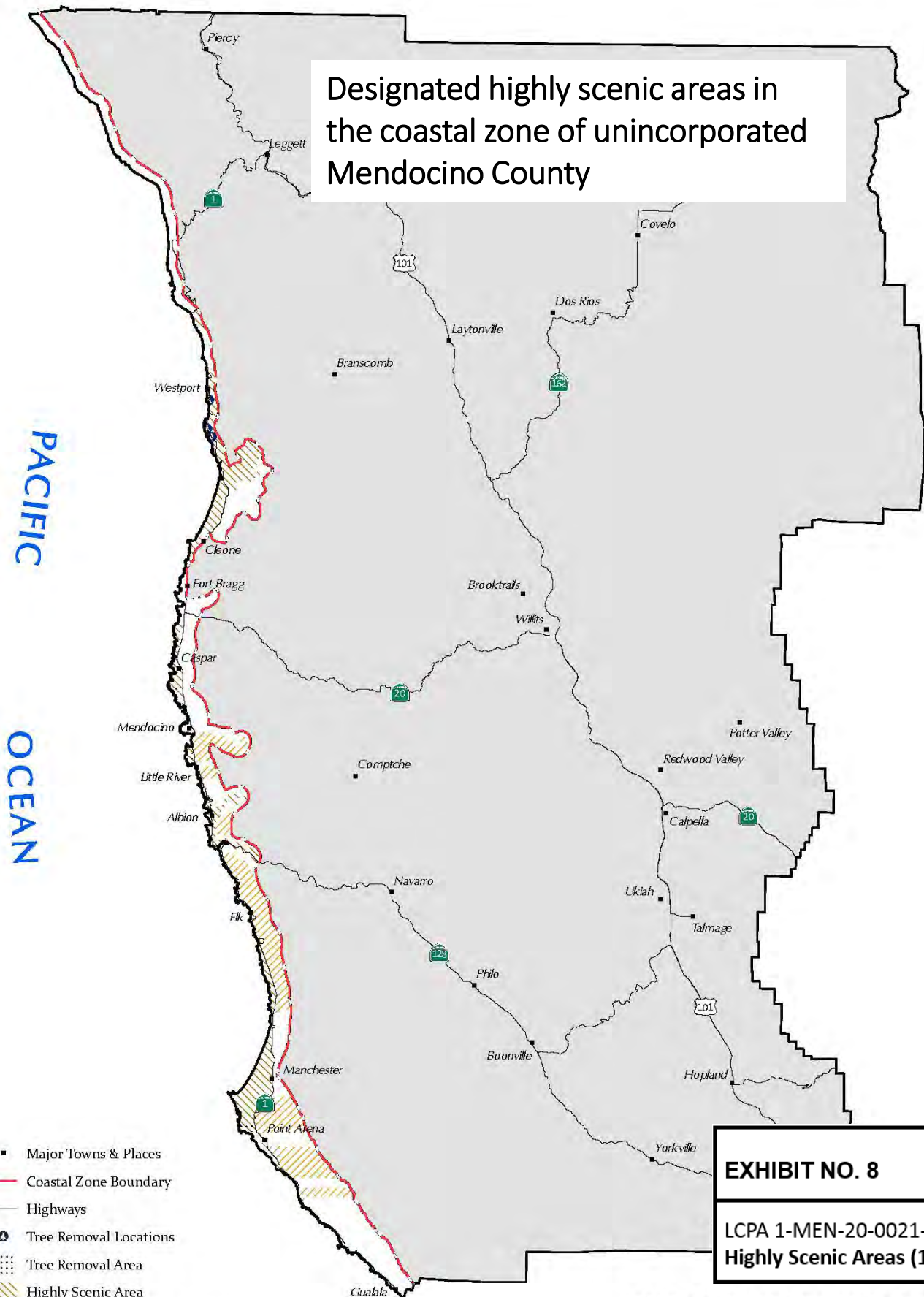
EXHIBIT NO. 7

LCPA 1-MEN-20-0021-1 (ADUs)
Coastal Hazard Areas (1 of 1)



- Major Towns & Places
- Coastal Zone Boundary
- Highways
- Development Limitation
- 1% Annual Chance Flood Hazard
- San Andreas Fault Zone

Designated highly scenic areas in the coastal zone of unincorporated Mendocino County



- Major Towns & Places
- Coastal Zone Boundary
- Highways
- Tree Removal Locations
- ▨ Tree Removal Area
- ▨ Highly Scenic Area
- ▨ Highly Scenic Area (Conditional)

EXHIBIT NO. 8
 LCPA 1-MEN-20-0021-1 (ADUs)
 Highly Scenic Areas (1 of 1)

RESOLUTION NO. 19-378

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION, CONSISTING OF AN AMENDMENT OF THE COASTAL ELEMENT OF THE MENDOCINO COUNTY GENERAL PLAN (GP_2018-0003) AND AN AMENDMENT OF THE MENDOCINO COUNTY COASTAL ZONING CODE (TITLE 20-DIVISION II OF THE MENDOCINO COUNTY CODE)(OA_2018-0009) TO ESTABLISH REGULATIONS FOR ACCESSORY DWELLING UNITS IN THE COASTAL ZONE OF MENDOCINO COUNTY

WHEREAS, the County of Mendocino desires to amend its certified Local Coastal Program (LCP) to address the development of accessory dwelling units and junior accessory dwelling units within the coastal zone of Mendocino County; and

WHEREAS, the LCP amendment requires modifications to Chapters 3.2, 3.3, and 3.9 of the Coastal Element of the Mendocino County General Plan and to Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 of the Coastal Zoning Code (Mendocino County Code, Title 20, Division II) (the "Project"); and

WHEREAS, the Project consists of amendments to the Coastal Element of the Mendocino County General Plan which are attached to this Resolution as Exhibit A and incorporated herein by reference, and amendments to the Mendocino County Code, Title 20, Division II, which are attached to this resolution as Exhibit B and incorporated herein by reference; and

WHEREAS, pursuant to Government Code Sections 65354 and 65855, the Mendocino County Planning Commission held a public hearing on July 18, 2019, heard and received all relevant testimony and evidence, and, at the conclusion of the public hearing, voted to recommend that the Board of Supervisors authorize submittal of the LCP amendment to establish regulations for accessory dwelling units; and

WHEREAS, the legislature of the State of California has found that certain classes of projects are exempt from the California Environmental Quality Act, including, pursuant to Public Resources Code Section 21080.17, the adoption of an ordinance to implement the provisions of Gov't. Code Sections 65852.1 or 65852.2 regulating the construction of dwelling units and accessory dwelling units; and

WHEREAS, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal act (Public Resources Code Section 30000 et seq.), and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs, Section 15000 et seq.), the burden of CEQA compliance for local coastal programs is shifted from the County to the California Coastal Commission; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on November 5, 2019 on the Project, at which time the Board heard and received all relevant testimony and evidence presented orally or in writing regarding the Project; and

WHEREAS, the County of Mendocino provided public notice in a newspaper of general circulation on the amendment to the Local Coastal Program; and

WHEREAS, the Board of Supervisors has had an opportunity to review this Resolution

EXHIBIT NO. 9
LCPA 1-MEN-20-0021-1 (ADUs) Resolution of Transmittal

and finds that it accurately sets forth the intentions of the Board regarding the Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors approves, for Coastal Act purposes, the amendments to the Coastal Element of the Mendocino County General Plan attached to this Resolution as Exhibit A and the draft Ordinance amendments to Title 20, Division II of Mendocino County Code attached to this resolution as Exhibit B and incorporated herein by this reference.

BE IT FURTHER RESOLVED, based upon the evidence in the record, the Board of Supervisors makes the following General Plan consistency findings:

1. The 2014 Housing Element of the General Plan contains the following policies related to 'Accessory Residential/Second Residential Units' - Policy 3.1: Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents; Policy 3.2: Promote the development of second units.
2. The proposed Project is consistent with the 2009 Mendocino County General Plan, as well as the 2014 Housing Element.
3. The proposed Project aligns with the County's intention of encouraging and facilitating the development of an adequate supply of housing.

BE IT FURTHER RESOLVED, that the Board of Supervisors finds that the LCP is intended to be carried out in a manner fully in conformity with the Coastal Act; and

BE IT FURTHER RESOLVED, that the Board of Supervisors finds that the Project is not subject to CEQA pursuant to Public Resources Code Section 21087.17; and

BE IT FURTHER RESOLVED, that the Board of Supervisors finds that the Project is not subject to CEQA pursuant to Public Resources Code Section 21080.9, and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs, Section 15000 et seq.), the burden of CEQA compliance for local coastal programs is shifted from the County to the California Coastal Commission; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby authorizes the Department of Planning and Building Services to submit the LCP amendment included as Exhibits A and B of this resolution to the California Coastal Commission for certification; and

BE IT FURTHER RESOLVED, that the LCP amendment shall not become effective until approval by the California Coastal Commission, and subsequent formal local government adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinances(s) of the Mendocino County Board of Supervisors.

BE IT FURTHER RESOLVED, the Board of Supervisors designates the Clerk of the Board of Supervisors as the custodian of the documents and other materials which constitutes the record of proceedings upon which the Board of Supervisors' decision herein is based. These documents may be found at the Office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, CA 95482.

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

The foregoing Resolution introduced by Supervisor Gjerde, seconded by Supervisor Williams, and carried this 5th day of November, 2019, by the following vote:

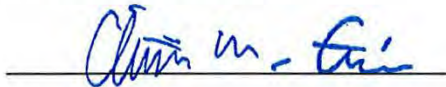
AYES: Supervisors Brown, Haschak, Gjerde, and Williams
NOES: None
ABSENT: Supervisor McCowen

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
Acting County Counsel




CARRE BROWN, Chair
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.

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy

EXHIBIT NO. 9

LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal

EXHIBIT A - COASTAL ELEMENT AMENDMENT (GP_2018-0003)

GENERAL PLAN AMENDMENT #2018-0003 - MENDOCINO COUNTY COASTAL ELEMENT

CHAPTER 3.2 - AGRICULTURE. Amend Policy 3.2-1 as follows:

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II).

CHAPTER 3.3 - FORESTRY AND SOILS RESOURCES. Amend Policy 3.3-5 as follows:

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

CHAPTER 3.9 - LOCATING AND PLANNING NEW DEVELOPMENT. Amend Policy 3.9-1 as follows:

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:

- each community's desired amount and rate of growth.
- providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Determination of service capacity shall be made prior to the issuance of a coastal development permit.

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

EXHIBIT B - COASTAL ZONING CODE AMENDMENT (OA_2018-0009)

ORDINANCE NO. _____

DRAFT ORDINANCE AMENDING CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 OF THE MENDOCINO COUNTY CODE AMENDING DEFINITIONS AND REQUIREMENTS RELATED TO ACCESSORY DWELLING UNITS

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1: Section 20.308.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.020 – Definitions (A).

- (A) "Access" means the permission, ability and means to enter and pass to and from property.
- (B) "Access, Blufftop" means a public accessway which runs along the bluff edge of a property.
- (C) "Access, Coastal" means public rights-of-way to and along the sea.
- (D) "Access, Lateral" means a public accessway for public access and use along the shoreline.
- (E) "Access, Vertical" means a public accessway which extends from the first public road to the shoreline, a bluff edge for public viewing or to a lateral accessway.
- (F) "Accessory Building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site, i.e., private garage, storage shed, farm outbuildings, etc. In no case shall such accessory structure dominate, in purpose, the principal lawful structure or use. This definition, by itself, is not intended to prohibit an accessory structure which is greater in size than the main structure. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy except as provided in Chapter 20.456.
- (G) "Accessory Dwelling Unit" or "ADU" means an attached or detached residential dwelling in compliance with Chapter 20.458, which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single-family dwelling. See Chapter 20.458 (Accessory Dwelling Units).
- (H) "Accessory Living Unit" means a detached bedroom as defined in Section 20.308.035(B), a guest cottage as defined in Section 20.308.050(I), or an accessory dwelling unit as defined in Section 20.308.020(G).
- (I) Accessory Structure. See Accessory Building.
- (J) "Accessory Use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (K) "Aggrieved Person" means any person who, in person or through a representative, appeared at a public hearing held by the County of Mendocino in accordance with these regulations, or who, by other appropriate means prior to action on a development permit or variance, informed the County of his or her concerns about the application for such permit

EXHIBIT NO. 9

LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal

and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.

- (L) "Airport" means any area of land or water which is used or intended for use, for the landing and take-off of aircraft, and other appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities located thereon.
- (M) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.
- (N) "Amendment" means any change, modification, deletion, or addition to the wording, text or substance of the Zoning Code, including any alteration in the boundaries of a zone, when adopted by ordinance and passed by the Board of Supervisors in the manner prescribed by law.
- (O) "Anadromous Stream" means freshwater stream used as a migration corridor and spawning and nursery habitat by fish, such as salmon and steelhead trout, that live most of their lives in saltwater.
- (P) "Animal Raising." See Light Agriculture.
- (Q) "Animal Waste Processing" means processing of animal waste and byproducts, including but not limited to animal manure, animal bedding waste, and similar byproducts of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment.
- (R) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.
- (S) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.
- (T) "Applicant" means the person, partnership, organization, corporation or state or local government agency applying for a coastal development permit or other land use approval pursuant to this Division.
- (U) "Approving Authority" means the Planning and Building Services Department, Coastal Permit Administrator, Planning Commission or Board of Supervisors authorized by this Division to make decisions affecting the Administration or enforcement of this Division.
- (V) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.
- (W) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section EII of the California Environmental Quality Act (CEQA). Any person who in the preparation for or in the process of excavating or otherwise disturbing earth, discovers any archaeological or paleontological site shall cease and desist from all further excavation within one hundred (100) feet of the discovery and notify the Director of the Department of Planning and Building Services in conformance with Mendocino County Code Chapter 22.12. See also Paleontological Site.
- (X) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).
- (Y) "Automobile Wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, dumping or abandonment of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

EXHIBIT NO. 9

LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal

Section 2: Section 20.308.035 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.035 – Definitions (D).

- (A) "Density" means the number of dwelling units per acre or square feet, calculated as the total number of dwelling units divided by the total lot area within the boundaries of the lot. Accessory dwelling units and junior accessory dwelling units are not considered to be dwelling units for the purpose of density calculations.
- (B) "Detached Bedroom" means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred fifty (150) feet from the main structure and shall not exceed five hundred (500) square feet of floor area. See Chapter 20.456 (Accessory Use Regulations).
- (C) Detached Building. See Building, Detached.
- (D) "Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

As used in this section, removal or harvesting of major vegetation is further defined in Section 20.308.080.

- (E) "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings and boardinghouses, but not including hotels, motels, inns, bed and breakfast accommodations, hostels or other visitor accommodations.
- (F) "Dwelling, Single-Family" means a building containing not more than one (1) dwelling unit and designed for occupancy for not more than one (1) family.
- (G) "Dwelling, Two-Family (Duplex)" means a building containing two (2) dwelling units.
- (H) "Dwelling, Multifamily (Apartment)" means a building or portion thereof containing three (3) or more dwelling units.
- (I) "Dwelling Group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership. A parcel with a single-family dwelling and an accessory dwelling unit is not considered to be a dwelling group.

EXHIBIT NO. 9
LCPA 1-MEN-20-0021-1 (ADUs) Resolution of Transmittal

- (J) "Dwelling Unit" means a single unit containing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen.

Section 3: Section 20.308.040 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.040 – Definitions (E).

- (A) "Easement" means a recorded right or interest in the property of another, which entitles a holder thereof to use, privilege or benefit over said property.
- (B) "Efficiency Kitchen" means a small food preparation area for a junior accessory dwelling unit that includes the following:
- (1) A sink with a maximum waste line diameter of 1.5 inches.
 - (2) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.
 - (3) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (C) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- (D) "Emergency Shelter" means a facility for the temporary shelter and feeding of indigents, disaster victims, or homeless persons that is limited to occupancy of six (6) months or less, as defined in Section 50801(b) of the California Health and Safety Code.
- (E) "Endangered Species" means a species of animal or plant whose survival and reproduction in the wild are in immediate jeopardy from one (1) or more causes, including loss of habitat, change in habitat over-exploitation, predation, competition, disease, or other factors; or a species of animal or plant shall be presumed to be endangered as it is listed in (1) Sections 670.2 or 670.5, Title 14, California Administrative Code; or (2) Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as endangered.
- (F) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (G) "Energy Facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.
- (H) "Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.
- (I) "Estuary" means a coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by freshwater runoff from the land.

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

Section 4. Section 20.308.065 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.065 – Definitions (J).

- (A) "Junior Accessory Dwelling Unit" or "JADU" is a living space not exceeding five hundred (500) square feet in size and contained entirely within a legally authorized single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen and may include separate sanitation facilities or share sanitation facilities with the existing structure. See Chapter 20.458 (Accessory Dwelling Units).
- (AB) "Junk Yard" means any land, lot or portion thereof where there is more than (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet, or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like; excepting a site on which such uses are conducted within a completely enclosed structure.

Section 5. Section 20.316.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.316.010 - Family Residential.

The Family Residential use type refers to the residential occupancy of dwelling units by families on a monthly or longer basis. Typical uses include occupancy of dwelling or apartment. Accessory dwelling units and junior accessory dwelling units are considered an accessory use and are not counted as dwelling units for purposes of the Family Residential definition. The following are family residential use types:

- (A) **Family Residential: Single-Family.** The use of a parcel for only one (1) dwelling unit.
- (B) **Family Residential: Two-Family.** The use of a parcel for two (2) dwelling units within a single building.
- (C) **Family Residential: Multifamily.** The use of a parcel for three (3) or more dwelling units in one (1) building.
- (D) **Family Residential: Dwelling Groups.** The use of a parcel for more than one (1) but not more than four (4) single-family dwellings. On the Remote Residential, Agricultural, Range Land, Forest Land, and Timber Land Production Districts, open space easements or other methods may be required on all open space land not included in the residential development area. Accessory dwelling units and junior accessory dwelling units are not permitted on parcels where a dwelling group is approved.
- (E) **Family Residential: Cluster Development.** The use of a parcel for more than four (4) dwelling units when clustered to enhance and protect the agriculture or natural resources of a site. Typical uses are single-family, two (2) family, or multiple-family units which shall meet the requirements in Chapter 20.412 (Clustering Development Combining District). Accessory dwelling units and junior accessory dwelling units are not permitted on parcels where a cluster development is approved.
- (F) **Family Residential: Boarding House.** The use of a building or portion thereof, other than an inn, bed and breakfast, hotel, motel, hostel, vacation home rental, or student/instructor temporary housing, where regular meals and/or lodging are provided for compensation or profit by prearrangement for periods of thirty (30) days or more for three (3) or more persons who do not constitute a family.

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

Section 6. Section 20.456.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.456.015 - Residential and Agricultural Use Types.

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:

- (A) **Private garages.**
- (B) **Children's playhouse, patios, porches, gazebos, etc.**
- (C) **Windmills.**
- (D) **Shops** (non-business purposes).
- (E) **Barns.**
- (F) **Private swimming pools and hot tubs** (not subject to setback requirements in the side or rear yards of any district).
- (G) **Accessory Living Unit.** Not more than one guest cottage or detached bedroom may be permitted on each legal parcel. An accessory dwelling unit and/or a junior accessory dwelling unit may also be permitted, subject to the limitations established in Chapter 20.458.
- (H) **Room and Board.** The renting of not more than one (1) room for occupancy by transient guests for compensation or profit, except in an accessory dwelling unit/or a junior accessory dwelling unit where such use shall be prohibited.
- (I) **Day care center, family care home, or school,** for six (6) or less persons.
- (J) **Travel Trailer or Camper.** The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.
- (K) **Home Occupations.** Subject to Chapter 20.448.
- (L) **Household Pets.** The keeping of dogs and cats and other household pets, but not including kennels.
- (M) **Accessory Parking.**
 - (1) The parking of one (1) large vehicle or construction equipment upon private property forty thousand (40,000) square feet or less in size.
 - (2) The parking of two (2) large vehicles or construction equipment upon private property greater than forty thousand (40,000) square feet but less than five (5) acres.
 - (3) The parking of three (3) large vehicles or construction equipment upon private property in excess of five (5) acres.
 - (4) Nothing in this subsection shall restrict the number of vehicles or construction equipment used by the property owner for their own agricultural or home use.

As used in this subsection "large vehicle" shall mean vehicles of three-ton tare (unladen weight).

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

- (N) **Public Access.** The offer to dedicate and acceptance of a dedication for an accessway except that the construction of a public access trail and/or construction of a staircase accessway on a bluff face (as determined by the Department of Planning and Building Services) will require a Coastal Development Use Permit.
- (O) **Other Necessary and Customary Uses.** Accessory non-residential uses and non-residential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use, as determined by the Director of Planning and Building Services.

Section 7.

The title of Chapter 20.458 of the Mendocino County Code is hereby amended to read as follows:

Chapter 20.458 - ACCESSORY DWELLING UNITS

Section 8.

Section 20.458.005 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.458.005 - Declaration.

The intent of this chapter is to regulate the creation of accessory dwelling units in all zones within the unincorporated areas of the Coastal Zone of Mendocino County as required by Section 65852.2 of the California Government Code, as amended. Section 65852.2 establishes specific requirements for the regulation of accessory dwelling units with the goal of increasing statewide availability of smaller, more affordable housing units. In accordance with Section 65852.2, accessory dwelling units are not considered new residential units for the purpose of calculating residential density. This chapter is intended to protect coastal resources when regulating accessory dwelling units in the Coastal Zone, while also complying with the standards in Section 65852.2 to the greatest extent feasible.

Section 9. Section 20.458.010 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Section 20.458.010 - Cap on Number of Accessory Dwelling Units.

The number of permitted accessory dwelling units within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Junior accessory dwelling units are exempted from this cap.

Any change to the cap on the number of accessory dwelling units shall require a Local Coastal Program amendment. Prior to a Local Coastal Program amendment to modify the cap, a traffic analysis shall be prepared to evaluate impacts associated with future growth on the capacity of State Route 1 in the Coastal Zone of Mendocino County.

Within the Gualala Town Plan area, a maximum of one hundred (100) accessory dwelling units shall be permitted. When this number has been reached, a review shall be conducted to determine if accessory dwelling units are meeting the intent of providing additional affordable housing and whether additional accessory dwelling units can be accommodated. Any change to the maximum number of accessory dwelling units in the Gualala Town Plan area shall require a Local Coastal Program amendment.

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

Section 10. Section 20.458.015 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Section 20.458.015 - Permit.

Accessory dwelling units or junior accessory dwelling units may be permitted in any zone that allows residential uses. Accessory dwelling units or junior accessory dwelling units may be permitted in accordance with one of the following determinations:

- (A) Determined to be exempt from the requirement to obtain a coastal development permit pursuant to Section 20.532.020; or
- (B) Determined to meet the criteria for a coastal development ministerial permit pursuant to Section 20.532.015(B); or
- (C) Determined to require a coastal development permit pursuant to Section 20.532.015 (A) or (E).

Section 11. Section 20.458.020 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Section 20.458.020 - General Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units.

Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) shall conform to the following standards:

- (A) An ADU or JADU shall only be permitted on a parcel that either contains an existing single-family dwelling or for which a building permit has been issued for the single-family dwelling.
- (B) An ADU may be attached to the single-family dwelling or located in a detached, separate structure.
- (C) An existing legally authorized detached bedroom, guest cottage, or family care unit may be converted into an ADU consistent with the provisions of this Chapter.
- (D) Where a dwelling group or parcel clustering is approved, no ADU or JADU shall be allowed.
- (E) ADUs and JADUs may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.
- (F) ADUs and JADUs are intended to increase the supply of non-transient housing. Restrictions regarding use of ADUs and/or JADUs as vacation home rentals are as follows:
 - (1) In the coastal zone use of an ADU or JADU as a vacation home rental or by transient guests shall be prohibited. Existing licensed vacation home rentals in legal, non-conforming ADUs shall be phased out as business licenses are abandoned or expire. Vacation home rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the property owner serves as a trustee, which shall not be deemed a change of ownership for purposes of Section 6.04.070(g) of the County Code.
 - (2) Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations for the ADU and/or

EXHIBIT NO. 9
LCPA 1-MEN-20-0021-1 (ADUs) Resolution of Transmittal

JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

- (3) See Section 20.458.035(F) for restrictions on use of ADUs and JADUs as vacation home rentals in the Gualala Town Plan area.

Section 12. A new Section 20.458.025 is added to the Mendocino County Code as follows:

Section 20.458.025 - Specific Standards for Accessory Dwelling Units.

ADUs are subject to the following specific standards and criteria:

- (A) In the coastal zone outside of the Gualala Town Plan area, an ADU shall not be allowed if more than one (1) dwelling unit (including farm employee housing, farm labor housing, temporary family care unit, but not including a JADU) is located on the parcel, or if there currently exists more than one guest cottage or detached bedroom on the parcel.
- (B) ADUs shall conform to height, setback, lot coverage, site plan review, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located with the following exception:
 - (1) An existing legally authorized garage which does not meet setback requirements may be converted to an ADU and would not be considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.
- (C) ADUs are subject to the following floor area limitations:
 - (1) For a detached ADU, total floor space may not exceed 1,200 square feet.
 - (2) For an attached ADU, total floor space may not exceed 1,200 square feet or 50 percent of the floor space of the existing single-family dwelling, whichever is less.
 - (3) Floor area limitations for ADUs in the Gualala Town Plan area are established in Section 20.458.035.
- (D) See Section 20.458.035 for additional and more restrictive standards for ADUs on properties within the Gualala Town Plan area.

Section 13. A new Section 20.458.030 is added to the Mendocino County Code as follows:

Section 20.458.030 - Specific Standards for Junior Accessory Dwelling Units.

JADUs are subject to the following specific standards and criteria:

- (A) In the coastal zone outside of the Gualala Town Plan area, a JADU may be allowed on a legal parcel in addition to one single-family dwelling, an ADU, and a maximum of one other accessory living unit (i.e., detached bedroom or guest cottage).
- (B) A JADU may only be established when either the single-family residence in which the JADU is created or the JADU will be occupied by the owner of the residence.
- (C) No more than one JADU may be located on a parcel.
- (D) A JADU must be contained entirely within a legally authorized single-family dwelling and total floor space may not exceed 500 square feet.
- (E) A JADU may be located within an existing legally authorized single-family dwelling that does not meet setback requirements and it would not be considered an

EXHIBIT NO. 9

LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal

expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.

- (F) A separate entrance to the JADU shall be provided, and interior access to the remainder of the single-family dwelling shall be maintained.
- (G) A JADU may share a bath with the single-family dwelling or have its own bath.
- (H) A JADU is required to include an efficiency kitchen as defined in Section 20.308.040(B).
- (I) For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.
- (J) Prior to obtaining a building permit for a JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.
- (K) See Section 20.458.035 for additional and more restrictive standards for JADUs on properties within the Gualala Town Plan area.

Section 14. A new Section 20.458.035 is added to the Mendocino County Code as follows:

Section 20.458.035 - Specific Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in the Gualala Town Plan Area.

ADUs and JADUs in the Gualala Town Plan area are subject to all of the standards and requirements of this Chapter in addition to the following more restrictive standards:

- (A) An ADU or JADU may not be permitted on parcels where there is more than one (1) dwelling unit (including temporary family care unit) or a guest cottage or detached bedroom.
- (B) ADUs or JADUs are prohibited on parcels that are located west of State Route 1.
- (C) On parcels that are less than one-half (0.5) acre in size, ADUs shall be required to be attached to the primary residence or as a second story to a detached garage.
- (D) ADUs are subject to the following floor area limitations:
 - (1) For a detached ADU, total floor space may not exceed 960 square feet.
 - (2) For an attached ADU, total floor space may not exceed 500 square feet.
- (E) A JADU must be contained entirely within a legally authorized single-family dwelling and total floor space may not exceed 500 square feet.
- (F) The use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited. Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations for the ADU and/or JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

Section 15. A new Section 20.458.040 is added to the Mendocino County Code as follows:

Section 20.458.040 - Public Health and Safety Requirements.

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

- (A) ADUs and JADUs shall comply with applicable local building code requirements. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required in the single-family dwelling.
- (B) The Division of Environmental Health shall review and approve the availability and adequacy of the water system for all ADUs in accordance with standards established in the "Coastal Groundwater Development Guidelines" and the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."
- (C) The Division of Environmental Health shall review and approve the availability and adequacy of the sewage disposal system for all ADUs in accordance with standards established in the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."
- (D) For ADUs, a preliminary clearance letter from CalFire shall be required for all ADUs on properties within a State Responsibility Area (SRA). For properties within a Local Responsibility Area, a letter shall be required from the local fire district indicating that all fire safety requirements can be satisfied. A letter from the local fire district shall also be required for properties within an SRA if the local fire district requests that ADU applications be referred for review and approval.
- (E) ADUs are prohibited in designated special flood hazard areas which are shown on Flood Insurance Rate Maps as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Section 16. A new Section 20.458.045 is added to the Mendocino County Code as follows:

Section 20.458.045 - Coastal Resource Protections.

All ADUs shall comply with the following requirements for the protection of coastal resources:

- (A) An ADU may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area unless contained entirely within an existing legally authorized structure. All new development associated with an ADU (well, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) must also be located more than 100 feet from the boundary of an Environmentally Sensitive Habitat Area. An exception to this requirement may be authorized through the administrative or standard coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.496.
- (B) An ADU may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within an existing legally authorized structure. An exception to this requirement may be authorized through the standard coastal development permit process where the development is consistent with the standards established in Chapter 20.500.
- (C) An ADU may not be located within a Highly Scenic Area unless the ADU would not be visible from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. An exception to this requirement may be authorized through the standard coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.504.
- (D) An ADU may not be permitted if the total amount of grading associated with construction of the ADU is more than 20 cubic yards. An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where the grading is consistent with the standards established in Chapter 20.492.

EXHIBIT NO. 9
LCPA 1-MEN-20-0021-1 (ADUs) Resolution of Transmittal

- (E) The following standards are established for the protection of agricultural and timber resources in the Coastal Zone:
- (1) On parcels zoned AG, RL, FL or TPZ, a detached ADU may only be permitted, if it is located within 150 feet of existing legally authorized structures.
 - (2) On parcels zoned AG or RL, an ADU may only be located on non-prime soils. An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where the applicant can demonstrate through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2) and (B), as applicable, that the ADU will not impact the long-term productivity of the agricultural land and that the ADU is compatible with the commercial growing and harvesting of timber.
 - (3) On parcels zoned FL and TPZ, an ADU may only be permitted in locations where no timber removal is necessary. An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where the applicant can demonstrate through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2) that the ADU will not impact the long-term productivity of soils and timberlands and that the ADU is compatible with the commercial growing and harvesting of timber.
- (F) An ADU may not be permitted on a parcel within 200 feet of lands that are designated AG, RL, FL or TPZ unless it is attached to an existing legally authorized residence and does not extend further into the setback from the parcel with AG, RL, FL or TPZ zoning. In such cases, the ADU would not be considered an expansion of a legal, non-conforming use.
- (G) An ADU may not interfere with a public or prescriptive easement for access to the blufftop and/or shoreline.
- (H) An ADU may not be permitted in an area designated as Floodplain ("FP") Combining District, Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District. An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where a licensed engineer can demonstrate that the proposed development is consistent with the standards established in Chapter 20.492, Chapter 20.416, and Chapter 20.432, respectively.

Section 17. A new Section 20.458.050 is added to the Mendocino County Code as follows:

Section 20.458.050 - Parking Requirements.

The following requirements and standards for off-street parking shall apply to ADUs and JADUs:

- (A) No additional parking is required for a JADU.
- (B) ADUs which meet any one of the following criteria are exempt from the parking requirements in this section:
 - (1) Located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule.
 - (2) Located within one block of a car share parking spot.

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

- (3) Located entirely within the principal residence and the ADU does not result in a net increase in habitable floor area on the property.
- (4) Located in an area where on-street permit parking is required, but such permits are not available to the tenant.
- (5) Located within a designated historic district.
- (C) One parking space is required per ADU and the space may be provided through tandem parking.
- (D) Parking for ADUs is allowed in front, rear and side setback areas.
- (E) When a garage or covered parking structure is demolished or repurposed in conjunction with the construction of an ADU, the replacement parking spaces may be located in any configuration on the same lot parcel as the ADU, including but not limited to covered spaces, uncovered spaces, or tandem spaces.

Section 18. Section 20.472.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.472.015 - Residential.

- (A) Single-family detached dwelling or mobile home: two (2) parking spaces.
- (B) Duplex: two (2) parking spaces for each unit.
- (C) Multiple-family/apartment/condominiums: one (1) parking space up to one (1) bedroom, one and one-half (1.5) parking spaces for two (2) bedrooms, two (2) parking spaces per unit for three (3) or more bedrooms.
- (D) Mobile home parks: two (2) parking spaces for each mobile home space.
- (E) Accessory dwelling unit: one (1) parking space per unit. See Chapter 20.458 (Accessory Dwelling Units).
- (F) Junior accessory dwelling unit: no parking required. See Chapter 20.458 (Accessory Dwelling Units).

Section 19. Section 20.532.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.015 - Permit Requirements.

Permits required by this Chapter must be secured prior to any development in the Mendocino County Coastal Zone.

- (A) **Coastal Development Administrative Permit.** The purpose of Coastal Development Administrative Permits is to provide for the administrative issuance of coastal development permits. The coastal permit administrator may process as an administrative permit any coastal development permit application for the types of projects specified below, and emergency projects specified in Section 20.536.055. Development projects which are appealable to the Coastal Commission, including any division of land, shall not be processed as an administrative permit.
 - (1) Any single-family residence that is a principal permitted use within the zoning district in which the development site is located;

EXHIBIT NO. 9
LCPA 1-MEN-20-0021-1 (ADUs) Resolution of Transmittal

- (2) Any other development specifically authorized as a principal permitted use within the zoning district in which the development site is located;
 - (3) Improvements to an existing structure;
 - (4) Any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land;
 - (5) Any other development that is not appealable to the Coastal Commission if the Coastal Permit Administrator determines that it involves no potential for any adverse effects, either individually or cumulatively, on coastal resources, and that it will be consistent with the Certified Local Coastal Program and the public access policies of Chapter 3 of the Coastal Act. The determination shall be made in writing and based upon factual evidence.
- (B) **Coastal Development Ministerial Permit.** The purpose of a coastal development ministerial permit is to provide for the administrative issuance of coastal development permits for accessory dwelling units which comply with the objective requirements specified in Section 20.458.045. Coastal development ministerial permits may be approved by the Director or his/her designee. A public hearing is not required for coastal development ministerial permits and they are not appealable to the Board of Supervisors. For development located within the appeal jurisdiction of the California Coastal Commission, coastal development ministerial permits are appealable to the Coastal Commission.
- (C) **Coastal Development Use Permit.** A use permit must be secured, pursuant to the requirements of these regulations prior to the initiation, modification or expansion of a use or development that is permitted only as a conditional use in a particular district.
- (D) **Coastal Development Variance.** Variances are discretionary adjustments in the regulations contained in this Division. Variances may only be granted to allow deviations from standards governing such development conditions as setbacks, lot coverage and lot width.
- (E) **Coastal Development Standard Permit.** A coastal development standard permit must be secured for any other activity not specified above which is defined as a development in Section 20.308.035(D), including, but not limited to, land divisions, lot line adjustments and any other entitlement for use.

Section 20. Section 20.532.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.020 - Exemptions.

The following developments shall be exempt from this Chapter:

- (A) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted;
- (B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;
- (C) Improvements to single family residences except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter;

EXHIBIT NO. 9
LCPA 1-MEN-20-0021-1 (ADUs) Resolution of Transmittal

- (D) Improvements to any structure other than single family residence or a public works facility, except as otherwise specified in Subchapter 7.5, Title 14, California Administrative Code and any amendments thereafter;
- (E) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.480.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk, of the destroyed structure by more than ten percent (10%) and shall be sited in the same location on the affected property as the destroyed structure;
- (F) Within the Gualala Town Plan planning area, structures which are destroyed by involuntary means or forces out of control of the owner(s), provided that the structure reconstructed after involuntary loss does not exceed the floor area, height, or bulk of the previously existing structure by more than ten percent (10%), restoration is started within one (1) year of the destruction, and the structure conforms to this Division;
- (G) Junior accessory dwellings units located entirely within an existing legally authorized single-family residence which are consistent with the requirements of Chapter 20.458.

Accessory dwelling units located within an existing legally permitted detached bedroom, guest house, or non-residential structure shall not be exempted from the requirement to obtain a coastal development permit.

As used in this section "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

As used in this section, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this section "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

Section 21. Section 20.532.045 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.045 - Authority to Act on Coastal Development Permit.

Upon completion of project review and evaluation, the action to approve, conditionally approve, or deny a coastal development permit shall be taken by:

- (A) The Director or his/her designee in the case of coastal development ministerial permits;
- (B) The Coastal Permit Administrator in the case of coastal development standard permits for principal permitted uses and coastal development administrative permits; and -
- (C) The Planning Commission in the case of coastal development permits for conditional uses and divisions of land.

Section 22. Section 20.532.055 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.055- Time Periods.

Within one hundred eighty (180) days of filing of a complete application for a coastal development permit the Director, Coastal Permit Administrator or Planning Commission shall take such action as is specified in Section 20.532.050. The one hundred eighty (180)-day time

EXHIBIT NO. 9
LCPA 1-MEN-20-0021-1 (ADUs) Resolution of Transmittal

period may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the Department. If the Director, Coastal Permit Administrator or Planning Commission does not act within the specified time period or extension thereof, the application shall be deemed to have been approved. The date of the actual filing of the application for the purposes of this Division shall be the date of the environmental determination as required by local and state environmental review procedures. When an application has been deemed approved by failure to act, such approval shall be subject to the notice requirements of Section 20.536.005(D).

Section 23. Section 20.536.001 is hereby added to the Mendocino County Code to read as follows:

Sec. 20.536.001- Coastal Development Ministerial Permits.

- (A) **Purpose.** The purpose of this section is to provide for the ministerial issuance of coastal development permits for accessory dwelling units that meet the requirements specified in Chapter 20.458.
- (B) **Approval.** The Director or his/her designee may approve a coastal development ministerial permit without the requirement of a public hearing. Any permit approved by the Director or his/her designee for an accessory dwelling unit located in an area within the appeal jurisdiction of the California Coastal Commission shall contain a statement that the permit will not be effective until the appeal period to the California Coastal Commission has expired and no appeal has been filed.
- (C) **Noticing.** Notice that the Director or his/her designee intends to approve a coastal development ministerial permit shall be mailed at least ten (10) calendar days prior to issuance by first class mail to:
 - (1) The applicant;
 - (2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;
 - (3) Any person who specifically requested, in writing, notice of such final action;
 - (4) The Coastal Commission; and
 - (5) The County Assessor.
- (D) **Content of Notice.** The notice shall contain the following information:
 - (1) A statement that the development is within the coastal zone;
 - (2) The date of filing of the application and the name of the applicant;
 - (3) The case file number assigned to the application;
 - (4) A description of the development and its proposed location;
 - (5) The date on which the coastal development ministerial permit was approved; and
 - (6) If the development is located in an area that is subject to the appeal jurisdiction of the California Coastal Commission, a full disclosure of the procedure(s) for Coastal Commission appeals, including any fee(s) that may be required.

EXHIBIT NO. 9

LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal

- (E) **Final Action.** A decision on a coastal development ministerial permit application shall not be deemed complete until the decision has been made and all required findings have been adopted.
- (F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:
 - (1) The applicant;
 - (2) Any person who specifically requested, in writing, notice of such final action;
 - (3) The Coastal Commission; and
 - (4) The County Assessor.

Section 24. Section 20.536.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.536.010 - Coastal Development Permit Hearing and Notice Requirements.

- (A) **Purpose.** The purpose of this section is to provide for the issuance of coastal development permits for those types of development projects which are not ministerial, administrative or emergency permits.
- (B) **Hearing.** The approving authority shall hold at least one public hearing on each coastal development application for an appealable development or for a non-appealable development which requires a public hearing pursuant to other provisions of this Division. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearing shall occur no earlier than ten (10) calendar days following the mailing of the notice required in Subsection (C) below.
- (C) **Notice.** At least ten (10) calendar days prior to the first public hearing on the development proposal, the Coastal Permit Administrator shall provide notice by first class mail of a pending application for a development subject to this section. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions, to all property owners within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all occupants of property within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership.
- (D) **Content of Notice.** The notice shall contain the following information:
 - (1) A statement that the development is within the coastal zone;
 - (2) The date of filing of the application and the name of the applicant;
 - (3) The number assigned to the application;
 - (4) A description of the development and its proposed location;
 - (5) The date, time and place at which the application will be heard by the approving authority;

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

- (6) A brief description of the general procedure concerning the conduct of hearing and local actions; and
- (7) The system for local and Coastal Commission appeals, including any fee(s) that may be required.

If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in Subsection (C) above.

- (E) **Final Action.** A decision on a coastal development permit application shall not be deemed complete until:
 - (1) The decision has been made and all required findings have been adopted, and
 - (2) When all local rights of appeal have been exhausted in accordance with Chapter 20.544.
- (F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:
 - (1) The applicant;
 - (2) Any person who specifically requested, in writing, notice of such final action; and
 - (3) The Coastal Commission.
 - (4) The County Assessor.
- (G) **Effective Date.** Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.101(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective on the eleventh day following the action of the approving authority to approve or deny the coastal permit unless prior to said eleventh day an appeal of the decision is filed as provided by Chapter 20.544.

Section 25. Section 20.536.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.536.020 - Application for Permit Amendment.

Any person holding a coastal development permit may apply for a permit amendment by complying with Section 20.532.025 (Application and Fee). For the purposes of this section, the amendment of a coastal development permit may include amendment of the terms of the permit itself, the waiver or alteration of conditions imposed pursuant to Sections 20.532.030 through 20.532.055.

- (A) **Definition of Permit Amendment.** An amendment to a coastal development permit shall be processed in accordance with Section 20.532.025 when an applicant is requesting any change to the development project that was the subject of the approved coastal development permit. When, in the opinion of the Director, a major revision

EXHIBIT NO. 9
LCPA 1-MEN-20-0021-1 (ADUs) Resolution of Transmittal

constituting substantial alteration in the permit is requested, an amendment shall not be processed, and a new coastal development permit application must be made.

(B) Amendment to Ministerial Permits.

- (1) Amendments to ministerial permits may be approved by the Director or his/her designee based upon the same criteria and subject to the same reporting requirements and procedures as provided for issuance of ministerial permits in Section 20.536.001.
- (2) If any amendment would, in the opinion of the Director or his/her designee, change the nature of the project so that it no longer meets the criteria established for treating the application as a ministerial permit pursuant to Section 20.536.001, then the application shall thereafter be treated in the manner prescribed by Section 20.536.020(C)(2) dealing with amendments to permits other than ministerial and administrative permits.

(C) Amendment to Administrative Permits.

- (1) Amendments to administrative permits may be approved by the Coastal Permit Administrator upon the same criteria and subject to the same reporting requirements and procedures, including public notice and appeals, as provided for issuance of administrative permits in Section 20.536.005.
- (2) If any amendment would, in the opinion of the Coastal Permit Administrator, change the nature of the project so that it no longer meets the criteria established for treating the application as an administrative permit pursuant to Section 20.532.015, then the application shall thereafter be treated in the manner prescribed by Section 20.536.020(C)(2) dealing with amendments to permits other than administrative permits.

(D) Amendment to Permits other than Ministerial Permits and Administrative Permits.

- (1) The Director shall determine whether or not a proposed amendment is a material change to the approved permit. If the Director determines that the proposed amendment is immaterial, notice of such determination shall be posted at the project site. Notice of such determination also shall be given as provided in Section 20.536.005(D). If no written objection to the amendment is received within ten (10) working days of the notice, the determination of immateriality shall be conclusive and the amendment effective.
- (2) If the Director determines that the proposed amendment is a material change or if written objection is made to the determination of conditions that were required for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Chapter 20.532, the application shall be referred to the approving authority having original jurisdiction over the coastal development permit. The material amendment shall be subject to the hearing and notice requirements of Section 20.536.010.

Section 26. Section 20.536.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.544.010 - Administrative Appeals.

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

- (A) Request for a hearing before the Planning Commission may be made by an aggrieved person from any decision, determination, or requirement of the Planning and Building Services Department except for decisions by the Director or his/her designee on exemptions and ministerial coastal development permits for accessory dwelling units. An administrative appeal may be made by filing a notice thereof in writing with the Planning and Building Services Department within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Planning and Building Services Department shall prepare a written report that includes its findings which shall be forwarded to the Planning Commission for action. The action of the Planning Commission is final unless appealed to the Board of Supervisors pursuant to Section 20.544.015.
- (C) Notice shall be provided pursuant to Section 20.536.010.

Section 27. CEQA. This ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080.17 which exempts adoption of an ordinance by a city or county to implement the provisions of Government Codes Sections 65852.1 or 65852.2.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2019, by the following roll call vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS,
Acting County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

EXHIBIT NO. 9
LCPA 1-MEN-20-0021-1 (ADUs) Resolution of Transmittal

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Th9a

**LCP-1-MEN-20-0021-1
(MENDOCINO COUNTY ADU REGULATIONS)**

SEPTEMBER 9, 2021

CORRESPONDENCE



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

IGNACIO "NASH" GONZALEZ, AICP INTERIM DIRECTOR
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August 18, 2021

The Honorable Steve Padilla, Chair
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 95105

RE: County of Mendocino Local Coastal Program Amendment No. LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

Dear Chair Padilla and Commissioners,

On behalf of the Mendocino County Department of Planning & Building Services, I am writing to express support for LCP Amendment No. LCP-1-MEN-20-0021-1 with the suggested modifications as presented by Coastal Commission staff.

I would also like to share my sincere appreciation for the work of your staff, particularly North Coast District Manager Bob Merrill and former Supervising Analyst Cristin Kenyon, as it relates to Mendocino County's LCP Amendment for Accessory Dwelling Units. Mr. Merrill and Ms. Kenyon worked closely with Mendocino County staff and consultants during the initial drafting of the County's LCP Amendment to help us strike a balance between the necessary protection of coastal resources and the urgent need for more affordable housing opportunities in the coastal zone of Mendocino County.

Following the County's formal submittal of the LCP Amendment application, the County requested a number of "friendly modifications" to address new changes in State legislation and to enhance the clarity of the LCP Amendment. Coastal Commission staff were receptive to these changes and, in crafting their own "suggested modifications," they engaged in a very productive and collaborative dialogue with County representatives.

On June 9, 2021, the Mendocino County Board of Supervisors reviewed a draft of the suggested modifications to the LCP Amendment and indicated that they would support the changes with one requested revision has been addressed in the final version. I reviewed the few new suggested modifications that arose after the Board's action and I believe they will streamline the permitting process for Accessory Dwelling Units and are consistent with the Board's objectives for the LCP Amendment.

I encourage the Commission to adopt LCP Amendment No. LCP-1-MEN-20-0021-1, as recommended by your staff. Thank you.

Sincerely,

Ignacio "Nash" Gonzalez, Interim Director
Mendocino County Department of Planning & Building Services

cc: Bob Merrill, North Coast District Director
John Ainsworth, Executive Director

From: [Kathy Borst](#)
To: [NorthCoast@Coastal](#)
Cc: [Robinson, Aurora@Coastal](#); [Merrill, Bob@Coastal](#); [Targ, Sylvia@Coastal](#)
Subject: Mendocino ARU ordinance
Date: Thursday, August 19, 2021 10:32:46 AM

Dear Commissioners and/ or Analysts,

We want to voice our support for the move the Coastal Commission made on the Mendocino County LCP Amendment No. LCP-1-MEN-20-0021-1. You removed the opportunity for owners to occupy their own ADUs while renting out their homes as short term rentals. We applaud this change. Short term rentals are partially responsible for the housing crisis in Mendocino county.

In a seven-unit neighborhood in Elk where we own a rental home, one set of owners would keep the ADU for their own vacation spot and rent out the house, so there would be no supervision of the guests. Unsupervised STR guests, in our experience, may treat a neighborhood poorly, turning it into more of a campground/party atmosphere than a place where people live and work and need to sleep at night.

We hope you hold firm on this issue and come to see STRs as something to limit to certain types of neighborhoods in the coastal zone - larger ones? Ones where there are no neighbors to disrupt? Places where the owner is fully in residence to modulate behavior? - where they can be less disruptive than what we have experienced.

Thank you for your work.

Sincerely,

Kathy Borst and Bill Cook
707-894-3290
Elkhornkate@icloud.com

Sent from my iPad

RECEIVED

AUG 06 2021

August 2, 2021 CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

To: California Coastal Commission

Re: **LCP Amendment # LCP-1-MEN-20-0021-1**, Ordinance submitted by Mendocino County Board of Supervisors.

Attn: Aurora Robinson - Please route this to the correct analyst, if applicable.

It recently came to my attention that the language of LCP-1-MEN-20-0021-1 covering the permitting of accessory dwelling units (ADUs) in the Mendocino county coastal zone and the potential use of properties in the coastal zone as short term rentals (STRs) - often using organizations such as Air B&B, VRBO, VACASA and other companies to manage or rent them out - has been in flux due to special interest pressure. I support the original stated purpose of permitting the additional Mendocino county ADUs - increasing the availability of workforce housing for moderate income workers. Allowing the use of either the ADU or original home as an STR decreases the amount housing available for rent and undermines the reason for allowing ADUs to be built.

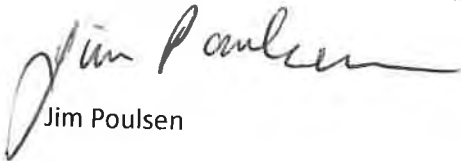
ADUs would be best suited to the parts of the county served by sewer and water systems. Adding ADUs to areas with smaller lots (< 0.5 -1 acre) that are on septic systems has much greater environmental, health and safety risks. Perhaps a "wet weather" percolation test could be implemented when a second living unit is added to a lot with a septic permit for a single family home.

The use of rural properties, with or without ADUs, as STRs is of much greater concern. We have observed STRs in our area (Elk CA) with occupancies of 10 or more people in a single family home. The vacation renters are often from cities with no exposure to protecting a septic system from overload or conserving scarce community water supplies while on vacation. A septic system designed for a single family home probably will not have the capacity for hotel use, especially during the wetter months.

During the early portion of the COVID-19 pandemic the renters were routinely in violation of Mendocino county travel restrictions, social distancing guidelines and masking requirements. Our overburdened public safety officials do not have the bandwidth to respond to minor to moderate issues resulting from STRs in rural areas such as fireworks, noise complaints or health and safety violations.

I urge the commission to maintain the purpose of the ADUs and the original structure on the lot for residential housing and not to allow the use of any such properties in the coastal zone as Air B&B style STRs.

Thank you for your attention to this matter,



Jim Poulsen

35950 Elk Meadow Road

Elk CA 95432

(Mailing address, PO Box 641 Bodega Bay CA 94923)

From: [Tigerlily](#)
To: NorthCoast@Coastal
Subject: LPC-1-MEN-20-0021-1
Date: Saturday, August 28, 2021 1:45:28 PM

I am writing to urge the Coastal Commission to approve accessory dwelling units on the Mendocino Coast.

We are in the midst of a housing crisis, where locals can no longer afford, or even find, places to live.

Investors are buying up homes that used to house locals and offering them instead as B&Bs. Homeowners who wish to add a second unit to house an extended family are instead punished by the Planning and Building Department, with fines, fees, and delays, if they can even secure a permit. We need to streamline the process for adding density, and also ensure that these units will be used for housing, not vacation rentals.

Nearly everyone on the coast has been impacted by this housing shortage. Young people are leaving the area because they cannot afford to pay the exorbitant rents that scarcity breeds. There is a secondary crisis that will come of this, with a shortage of workers and services as high rents force middle class folk out. Please make it possible to add second units to existing parcels.

Yours sincerely,
Lily Jones
44840 Larkin Road
Mendocino, CA 95460

From: bluetoothfairy18@gmail.com
To: NorthCoast@Coastal
Subject: affordable housing
Date: Saturday, August 28, 2021 3:39:32 PM

I wish to express my hope that the Coastal Commission and people planning for the future and the dire need for affordable housing, will consider allowing accessory dwelling units. I believe this will benefit seniors as well, as we age and need others nearby. (Seniors in general may have even fewer resources for affordable housing than the working young.) Clusters of such units help create community as well as minimizing impact to our coastal ecology.

Thank you for your kind attention,

Sharon Paltin, M.D.

Laytonville, CA

Sent from [Mail](#) for Windows

From: [Christina Vandusen](#)
To: NorthCoast@Coastal
Subject: Housing
Date: Saturday, August 28, 2021 4:25:00 PM

To whom it may concern,
Please do all you can to help with the dire housing needs.
Please stop Airbnb from buying up properties for vacation rentals, for one thing.
Also loosen up the codes for alternative dwelling.
Thank you
Christina Vandusen

From: [Nicole Patton](#)
To: NorthCoast@Coastal
Subject: Proposal for ADU
Date: Sunday, August 29, 2021 5:55:42 PM

Hello There,

I would like this comment to be shared in the upcoming meeting. My name is Nicole Patton and I have a son who attends 2nd grade at the Mendocino K-8. My home I rent in Mendocino, Ca is going up for sale soon and I will need to find a new place to live. I have been looking for a place to move to with hardly any opportunities to apply for. I am worried I will be forced out of the area due to no housing. Its imperative that planning allow for ADU's and support the process to make it as easy and affordable as possible. I am sure it will make a huge difference and allow the wonderful community members with less resources for buying a Mendocino home to stay in the area.

Thank You for your time,
Nicole

From: [Chris Skyhawk](#)
To: [NorthCoast@Coastal](#)
Subject: Affordable housing in coastal zone
Date: Saturday, August 28, 2021 7:59:39 PM

as a long-time resident of the mendocino coast i am asking that you do all in your power to help us create affordable housing, our community is literally collapsing, please moreADU's and less air Bn B's

thank you- Chris Skyhawk 520Cypress st. #7 fort bragg ca, 965437

hawkwork@mcn.org

From: [Wendy Babbe](#)
To: NorthCoast@Coastal
Subject: LCP Amendment No. LCP-1-MEN-20-0021-1 Accessory Dwelling Units
Date: Sunday, August 29, 2021 6:28:28 PM

August 29, 2021

California Coastal Commission:

The coast of Mendocino County is so short on housing that people often search for years before finding a dwelling that's available, if at all. This shortage not only causes rents to escalate, but also causes our local communities to suffer in many ways. Last year, Elk lost a full-time mechanic and fully-trained firefighter and his family because they were unable to find housing within our community. We have little to no contractors in our community because there's no rental housing available. This means all Elk residents pay more for plumbers, electricians, carpenters, etc. to drive to our community and work on our homes. We ranch, and can't find any ranch laborers because there is no housing for them. This means we can't reach our full potential financially because we are being constrained by the lack of housing.

We need more service people on the coast. Currently we have no appliance repair technicians on the coast at all. We wait months, not weeks for service techs to come over from Ukiah & Santa Rosa, again, increasing the long-haul traffic on our roads. A service call from those communities runs almost \$250 just for them to show up. Small communities cannot survive like this. While you may want the rural flavor to remain, what you are creating is a community of tourists and wealthy people who can afford new appliances when theirs break down. They can afford to pay the trades to drive an hour here and an hour back home. By restricting population densities to this degree, you are intentionally or unintentionally changing the makeup of our small communities in ways that we'll never be able get back again.

Because we live in the Ag Zone, we are fully aware that the housing density in this area is ridiculously low. We understand that the county wants to keep the rural flavor of this area and wants to keep ag interests front & center, but this area in particular has many large ranches with just a single residence. The Highway 1 traffic in this area is predominantly building trades, service trades and deliveries. If we had more housing in the area, they wouldn't have to commute all the way from Fort Bragg and Gualala and our long-haul highway traffic could actually decrease.

Healthy, resilient, strong communities need your support. We have been thru so much in the last few years. Please, don't make it that much harder for us to recover. Let us build the housing we need so we can once again become the thriving communities the Mendocino Coast needs.

Thank you for your time and consideration,

Wendy Babbe

12451 S. Highway 1

Elk, CA 95432

From: [Annemarie](#)
To: [NorthCoast@Coastal](#)
Cc: [Robinson, Aurora@Coastal](#); [Merrill, Bob@Coastal](#); [Targ, Sylvia@Coastal.ca.gov](#)
Subject: public comment item 9a, Mendocino County LCP Amendment (ADU) 9-9-21
Date: Friday, September 03, 2021 10:22:25 AM
Attachments: [public comment item 9a, Mendocino County LCP Amendment \(ADU\) 9-9-21.pdf](#)

Hi,
Please post.
Thanks, Annemarie Weibel

Public Comments item 9a, 9-9-2021

Mendocino County LCP Amendment No. LCP-1-MEN-20-0021-1 Accessory Dwelling Units
Coastal Commission public hearing and action on request by Mendocino County to amend the
County's certified Land Use Plan and Implementation Program to regulate accessory dwelling units
(ADUs) and junior accessory dwelling units (JADUs) in compliance with recent State legislation.
(RSM-A)

Dear Chair Padilla and Commissioners,

First of all I want to thank you, the Board of Supervisors, and the Mendocino County staff for all the
work that has gone into this LCP Amendment so far. It is a start.

I agree that we have a severe lack of long-term rental housing in the County's coastal zone, a real crisis.
People who have jobs can not afford the outrageous rental fees and can not find long term rentals.
Many doctors, nurses, teachers, and many other essential workers have to turn down employment,
move away, or travel long distances. Given the housing shortage, many employees on the coast are
currently living in crowded and/or substandard rental units.

I do understand that the Mendocino Coast has development limitations, limited service capacity, water
supply, sewage disposal, and traffic capacity.

LUP Policy 3.9-1 already prohibits houses from being developed if adequate access, water, and sewage
disposal capacity does not exist, but does not specifically address the cumulative impacts of housing
development on Highway 1 capacity. It needs to be addressed.

Your report states that there are currently 382 vacation home rentals within the County's coastal zone
outside the Town of Mendocino (Mendocino County TOT data and GIS, April 2020). I believe there are
many many more. They have mushroomed since Covid as people wanted to escape the city and locals
could not work and were told to stay at home. The County probably does not add up all the individual
Airbnb, VRBO, Vacasa, hipcamp, etc. that are everywhere. The City of Fort Bragg allowed 12
locations. In Albion I know of at least 10 (some are in the Coastal Zone). Tourists are walking around
in our neighborhoods with their cameras taking photos of our gardens, trees and flowers.

I believe that the County is not getting the bed tax money from short-term rentals, but needs to
maintain the roads, and infrastructure. If that is the case that needs to be changed.

Under the currently certified LCP, one single-family residence is permitted in the AG, RL, FL, and TP
Districts and use of the residence as a vacation home rental is also permitted. It should not be in the
amended LCP as we really need to have long-term rentals to address the immediate and critical need
for affordable housing in the coastal zone.

The County needs to cap the number of vacation rentals allowed outside of the Mendocino Town Plan
& Gualala Town Plan area immediately.

I support requesting owner occupancy for residences with JADUs. This also needs to happen for
ADUs.

Please do not allow short-term rentals as it decreases the housing that is available for long-term rentals
and undermines the reason for allowing ADUs to be built. Our overburdened public safety officials and
code enforcement staff do not have the resources to respond to issues resulting from short-term rentals.

I am glad to read that prior to obtaining a building permit for an ADU or JADU, a recorded deed restriction would be required to include the prohibition on renting the unit for transient occupancy and other pertinent restrictions. What are the other pertinent restrictions?

I approve that as a result of scattered water and septic limitations, the Department of Environmental Health will determine the adequacy of water and septic capacity on a parcel-by-parcel basis. These studies are essential to protecting existing users and the groundwater resource.

It is good to know that Modification 2 broadens the proposed restriction on vacation rentals so that, on a property with an ADU and/or JADU, use of any dwelling as a vacation rental is prohibited. Also Modification 2 clarifies that ADUs are only permitted in areas where no major vegetation removal is required.

I support that based on 3.2-4 proposed projects shall be subject to a conditional use permit. Granting of the permit shall require affirmation findings to be made on each of the following standards. The project shall: • maximize protection of environmentally, sensitive habitats; • minimize construction of new roads and other facilities; • maintain views from beaches, public trails, roads and views from public viewing areas, or other recreational areas; • ensure adequacy of water, sewer and other services; • ensure preservation of the rural character of the site; and • maximize preservation of prime agricultural soils; • ensure existing compatibility by maintaining productivity of on site and adjacent agricultural lands.

Short-term rentals are partially responsible for the housing crisis in Mendocino County. Elderly, people with disabilities, large households, single parent households, agricultural workers, and homeless persons are especially effected by the lack of housing and the current rental prices. Full-time short term rentals should not be tolerated as they remove houses from the residential market.

To bring awareness to the housing crisis issue the Grand Jury in their 2020/2021 Report Need for Housing began investigating what is currently being done to improve the availability of housing in Mendocino County, as well as what is currently being done to improve the situation for homeless people. These reports unfortunately do not address the problems caused by short term rentals like Airbnb, VRBO, Vacasa, hipcamp, etc.)

<https://www.mendocinocounty.org/government/grand-jury/2020-2021-reports>

What is needed immediately is a new Vacation Home Rental Ordinance. We can not wait 3 years until the County comes up with this new Ordinance. In the meantime more landowners are applying for major use permits to rent out their houses (or rent without permits) demanding outrageous prices. Often owners are not on site, which in an area like ours can have serious consequences. When an owner occupies a house, they take care of it. They know their neighbors, keep the noise down, shop locally, send their kids to the local school, and set down roots. Absentee landlords kill communities. They don't have roots. They don't care about noise, safety, or cleanliness. They don't care about schools or neighbors. All they care about is extracting wealth. This business model is driving locals away and has serious social, economic, and environmental effects that we all bear. It should be demanded that they live on site also to make sure that there is no fire danger, that water is used sparingly, that septic systems are not overloaded, etc. Vesting owners and installing security cameras is not good enough. It should be mandated that all these hosts that offer short term vacation rentals (Airbnb, VRBO, Vacasa, Hipcamp, etc.) are only renting out space in a housing unit that they own and live in full-time.

Thank you for facilitating a solution to allow ADUs and JADUs. I am glad that this LCP Amendment will somewhat address the local needs once you amend it to include the comments you are receiving from the public. The special interests of certain people in certain positions should not sway you to vote against the needs of the local communities.

Sincerely, Annemarie Weibel

From: [Christopher Pederson](#)
To: [NorthCoast@Coastal](#)
Cc: [Ainsworth, John@Coastal](#); [Huckelbridge, Kate@Coastal](#)
Subject: Public Comment on September 2021 Agenda Item Thursday 9a - Mendocino County LCP Amendment No. LCP-1-MEN-20-0021-1(Accessory Dwelling Units).
Date: Friday, September 03, 2021 11:10:16 AM

Dear Chair Padilla and Commissioners:

I support the staff recommendation for the Mendocino County LCP amendment regarding ADUs. The staff report correctly points out that ADUs advance several important Coastal Act policies. They provide an important source of affordable housing, they help to concentrate development in already urbanized areas, and they reduce vehicle miles traveled. (*See* Pub. Resources Code, §§ 30604(f), 30250(a), 30253(d).)

The report also acknowledges that ADUs have the potential to raise Coastal Act concerns if they overburden public services. Rather than imposing burdensome requirements on ADUs that are likely to suppress their creation, staff instead recommends a reasonable cap on the total number of ADUs. That will allow the County to enjoy the Coastal Act benefits that ADUs provide and will allow future consideration of whether to adjust the cap or to impose other requirements in light of any real-world impacts newly constructed ADUs may have.

The approach that staff recommends here should serve as a model for the Commission's evaluation of future LCP amendments regarding ADUs.

Thank you for your consideration of my comments.

Sincerely,

Christopher Pederson

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Th9a

MEMORANDUM

Date: September 7, 2021

To: Commissioners and Interested Persons

From: Kate Huckelbridge, Deputy Director
Bob Merrill, District Manager

Subject: Addendum for Commission Meeting for Thursday, September 9, 2021
Item Th9a, County of Mendocino LCP Amendment No. LCP-1-MEN-20-0021 (Accessory Dwelling Units)

This addendum presents certain minor corrections to the findings of the August 20, 2021 staff recommendation for the above-referenced item. The corrections address typographical errors by deleting extra words in several locations and changing an incorrect reference from "City" to "County." None of the corrections affect the staff recommended suggested modifications to the LCP amendment.

Staff continues to recommend that the Commission, upon completion of the public hearing, reject the proposed LCP amendment as submitted and approve the LCP amendment if modified by the staff recommended suggested modifications contained in Appendices B and C.

Bullets below reference page numbers of the August 20, 2021 staff report where changes are made. Text to be deleted is shown in ~~bold double strikethrough~~, and text to be added is shown in **bold double underline** format.

I. Changes to the Findings

- Page 40, 3rd full paragraph, 2nd to last sentence as follows:

An exception to this standard can be secured through the administrative ~~or standard~~ CDP process if findings are made that the ADU will not impact the long-term productivity of the agricultural land.

- Page 54, 2nd full paragraph, as follows:

County staff has requested a friendly modification (included in **Suggested Modification 2**) to amend the proposed ADU coastal resource protection checklist standards (proposed IP section 20.458.045) to require ADUs on properties with known archaeological resources to obtain an administrative ~~or standard~~ CDP. The Commission further modifies this friendly modification to require that development of ADUs on properties with known archaeological resource may only be approved under an administrative ~~or standard~~ coastal development permit review process and only where reasonable mitigation measures are employed to protect archaeological resources. This required discretionary review process will ensure that the provisions of LUP Policy 3.5-10 are carried out in sensitive areas, including requirements for a field survey by a qualified professional and the incorporation of reasonable mitigation measures. Thus, the proposed IP amendment as suggested to be modified is consistent with and adequate to carry out the archaeological resource protection provisions of the certified LUP.

- Page 61, 3rd full paragraph, first sentence as follows:

The ~~City's~~ County's LCP amendment consists of both LUP and IP amendments.