MAY 12, 2022 CDP_2021-0007

SUMMARY

OWNER/APPLICANT:	ERIN SIMPSON & JONAH SHIPLEY

PO BOX 1721

MENDOCINO, CA 95460

AGENT: KELLY B. GRIMES, ARCHITECT

P.O. BOX 598

LITLLE RIVER CA 95456

REQUEST: Standard Coastal Development Permit for an addition to

the upstairs garage/storage area with adjoining small balcony and convenience (half) bath, as well as the conversion of an existing office space into a Family Care

Unit.

LOCATION: In the Coastal Zone, 2± miles north of the town of

Mendocino, 2000± feet east of the Pacific Ocean, on the south side of Cypress Dr. (private), 430± feet from the closest intersection with Bishop Ln., located at 45201

Cypress Dr., Mendocino; APN: 118-230-25.

TOTAL ACREAGE: 1.3± Acres

GENERAL PLAN: Rural Residential (RR-5[RR-1])

ZONING: Rural Residential (RR-5[RR-1])

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 3, Section 15303(e) & Class

4, Section 15304(e)

APPEALABLE: APPEALABLE

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: STEVEN SWITZER

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit for an addition to the upstairs garage/storage area with adjoining small balcony and convenience (half) bath, as well as the conversion of an existing office space into a Family Care Unit.

On April 27, 2021 staff received revised plans removing the full bath and closet space for the development of the upstairs garage/storage area previously classified as a Guest Cottage. Considering referral agencies provided comments on a project request for a Guest Cottage, the current convenience bath addition to the garage/storage area was not re-referred out since it is of lesser intensity and not intended for habitation.

<u>APPLICANT'S STATEMENT:</u> "1) Convert upstairs garage/ storage area to Guest Cottage with small balcony and full bath. 2) Convert existing office to a family care unit.

April 27, 2021 revised Scope of Work 1) Convert existing office into a Family Care Unit. 2) Convert upstairs storage in garage into an office with convenience (half) bath."

RELATED APPLICATIONS ON-SITE:

- BF_2008-0954 -2 Car Garage, Solarium, Roof Mounted Solar
- BF 2008-0932 -Remodel Garage, Add Windows, Door
- BF_2008-0931 -MISC Repairs/Replace, Enclose Port Of Entry
- BF 2001-0245 –Addition to SFR

SITE CHARACTERISTICS: The subject parcel is located in the Coastal Zone just 2± miles north of the town of Mendocino and 2000± feet east of the Pacific Ocean.¹ Cypress Drive (Private) provides access to said parcel as well as serving an additional 30± other parcels. The subject and adjacent parcels are all zoned Rural Residential with a five-acre minimum and a lot size variable to one-acre minimum.² The 1.3± acre parcel is classified as urban and built-up land with the following development: single-family residence, office, detached garage, driveway, and on-site septic. ³ A mutual water district services the water needs of the site and electricity is provided through a utility company. The western portion of the property is clear of development and features a grassy meadow with a small outcropping of trees in its northwestern corner. The parcel is mapped as moderate fire hazard with adjacent high fire hazard severity zones and is part of the Mendocino Fire Protection District.⁴ Land capabilities and natural hazards of the property are Prime Agricultural Land with underlying Marine Terrace Deposits (Zone 2) subject to strong shaking.⁵ The proposed 120 square foot addition, part of the FCU conversion, is located 50± feet from the parcel's side yard and 20± feet from its rear yard.

SURROUNDING LAND USE AND ZONING:

As listed on Table 1, the surrounding lands are classified and zoned similarly to the project site, see attached General Plan Classifications and Zoning Map:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR-5[RR-1])	Rural Residential (RR-5[RR-1])	1.12± Acres	Residential
EAST	Rural Residential (RR-5[RR-1])	Rural Residential (RR-5[RR-1])	1.18± Acres	Residential
SOUTH	Rural Residential (RR-5[RR-1])	Rural Residential (RR-5[RR-1])	0.71±; 0.54±; 0.55 Acres	Residential
WEST	Rural Residential (RR-5[RR-1])	Rural Residential (RR-5[RR-1])	1± Acres	Residential

PUBLIC SERVICES:

Access: Cypress Drive (Private Road)
Fire District: Mendocino Fire Protection District
Water District: Private: Shoreline Road & Water Co.

Sewer District: **NONE:** Septic On-Site School District: Mendocino Unified

AGENCY COMMENTS: On October 7, 2021 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained within this report. A summary of the submitted agency comments are listed below. Any comments that would trigger a project modification or denial are discussed in full as key issues in the following section.

² Zoning Display Map

¹ Location Map

³ Farmland Classifications

⁴ Fire Hazard Zones Map

⁵ LCP Land Capabilities & Natural Hazards Map

REFERRAL AGENCIES	COMMENT	
Environmental Health (FB	Comments	
Air Quality Management District	No Comment	
Assessor's Office	No Response	
Building Division (Ukiah)	No Response	
County Addresser	No Comment	
Department of Transportation (DOT)	No Comment	
Mendocino Fire Protection District	No Comment	
Planning Division Ukiah	No Comment	
Sonoma State University	Comments	
CALFIRE (Land Use)	No Comment	
California Coastal Commission	No Response	
California Dept. of Fish & Wildlife	No Response	
California Native Plant Society	No Response	
Cloverdale Rancheria	No Response	
Redwood Valley Rancheria No Respons		
Sherwood Valley Band of Pomo Indians No Res		

KEY ISSUES

LOCAL COASTAL PROGRAM CONSISTENCY:

The proposed project is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Codes as detailed below:

LAND USE: The proposed development of the upstairs garage/storage area and FCU is located on a parcel within the boundaries of the Local Coastal Program (LCP).⁶ The parcel is designated under Mendocino County General Plan Chapter 7: Coastal Element, Chapter 2: The Land Use Plan, Section 2.2 –Rural Residential (RR-5[RR-1])⁷. The Rural Residential classification intends:

...to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability. (MCGP, Ch. 7 Coastal Element, Ch. 2 –Rural Residential)

The proposed development is ancillary to the existing single-family residence and consistent with the principally permitted uses of the Rural Residential classification.

ZONING: The parcel is zoned RR –Rural Residential.⁸ The intent of the RR district is as follows:

...to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability. (MCC, Title 20, Division II, Ch. 20.376)

Though the parcel is currently zoned RR-5 (5 acre minimum) there is a minimum lot size variable of 1 acre minimum (RR-5[RR-1]). Section 20.376.025 provides the corresponding maximum dwelling densities for RR-1 Districts:

⁶ LCP Land Use Map: Caspar Map

⁷ General Plan Map

⁸ Zoning Display Map

(A) RR: One (1) unit per forty thousand (40,000) square feet except as provided pursuant to Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit). (MCC, Title 20, Division II, Ch. 20.376)

Section 20.456.015 prescribes the following regulations for Accessory Uses pertaining to the development of the upstairs garage/storage area:

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:

(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. (MCC, Title 20, Division II, Ch. 20.456)

As defined, the proposed conversion of the upstairs garage/storage area is consistent with the Accessory non-residential uses and non-residential structures. Considering the FCU portion of the proposed project, Section 20.460.040 provides further direction on County practices and standards for recognizing its temporary use. FCUs are subject to the following:

The temporary use of a building, structure or trailer coach, not to exceed one thousand (1,000) square feet in size, will be allowed, upon issuance of a Coastal Development Standard Permit, to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence subject to the following provisions:

- (A) Standard Permit. The temporary unit shall be allowed only after securing a Coastal Development Standard Permit.
- (B) Statement. Prior to the granting of the permit and yearly renewal:
 - (1) A statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the "family care unit" is to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.
- (C) Termination. Should the use or necessity of the temporary family care unit cease, it must be removed from the premises or converted to an accessory structure as provided in Chapter 20.456. Should the occupants of the family care unit or the main residence move to another off-site residence, the permit for the family care unit shall become null and void. (MCC, Title 20, Division II, Ch. 20.460)

⁹ Section 20.308.050 –Definitions (G), (A) "Garage, Private"

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

The proposed FCU will provide housing for a person over the age of 60 years that also provides daily supervision and care for a person residing in the main residence. This use is permissible upon the issuance of a Coastal Development Standard Permit. Contingent on securing the appropriate permit, the FCU would be consistent with the polices outlined in Chapter 20.460 and not subject to the General Plan with respect to permitted uses or densities.

HABITATS AND NATURAL RESOURCES: Environmentally Sensitive Habitat Areas (ESHA) are addressed in both the Mendocino County General Plan's Coastal Element and Division II –Mendocino County Coastal Zoning Code. Chapter 20.496 of Mendocino County Coastal Zoning Code prescribes that any project having a potential impact to an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of the sensitive resource, to document potential negative impacts, and to recommend appropriate mitigation measures. Mapping designates the parcel as barren and does not indicate that the proposed development will impact any immediate or adjacent sensitive coastal resources. ¹⁰ No biological survey was requested. The proposed development plans to connect to existing utilities on the parcel. The proposed development is consent with the regulations for ESHA outlined in Chapter 20.496.

HAZARDS MANAGEMENT: The parcel is mapped as moderate fire hazard with adjacent high fire hazard severity zones. ¹¹ The responsible fire agencies are Mendocino Fire Protection District and California Department of Forestry and Land Use (Calfire). No comment was received from Calfire regarding the proposed development. A standard condition requires that the applicant secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure fire abatement and protection policies will be addressed.

ARCHAEOLOGICAL/CULTURAL RESOURCES: The proposed development was referred to Mendocino County Archaeological Commission (ARCH) and Northwest Information Center at Sonoma State University (SSU). SSU noted that their office has no record of previous cultural resource studies and there is moderate potential for unrecorded Native American resources in the proposed project area. On March 9, 2022 ARCH considered the letter from SSU and determined that no survey is required for the proposed development predominately consisting of interior changes and a 120± feet area of ground disturbance. ARCH did recommend that the applicant be advised of the Discovery Clause, evoking Section 22.12.090 and its procedures subsequent to the discovery of any cultural resources during construction activities associated with the project.

The project was referred to three local tribes for review, and comment, including Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Rancheria. No response was received from the tribes.

With the added condition, the proposed development is consistent with Mendocino County policies for protection of paleontological and archaeological resources.

GROUNDWATER RESOURCES: The project site is mapped as Critical Water Resources. ¹² Water availability to the parcel is supplied through Shoreline Road & Water Co., as stated in the letter dated July 21, 2021. The proposed project was referred to Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. A summary of DEH's comments are as follows:

- The proposed development of the garage/storage area is recognized by DEH as a bedroom addition. A four bedroom septic area is required and has been submitted by Rittiman & Associates in a letter dated April 9, 2021.
- The proposed FCU and the additional septic capacity, per DEH policy will be waived due
 to the limited size of the unit. If the unit exceeds 640 square feet then DEH will require
 additional septic capacity be identified prior to permit approval.

¹⁰ LCP Habitats & Resources Map

¹¹ Fire Hazard Zones Map

¹² Ground Water Resources Map

- Per DEH policy, no expansion of the existing disposal field or septic tank for these additions is required.
- When the septic tank and/or disposal field requires either a repair or full replacement both
 must be sized appropriately to accommodate the single-family residence, FCU, and
 bedroom addition with the proposed development of the garage/storage area.

Conditions 4, 5, and 15 are recommended requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any groundwater and DEH regulations will be addressed.

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

TRANSPORTATION, UTILITES AND PUBLIC SERVICES: The proposed project was referred to Mendocino County Department of Transportation (DOT) where no comment was received. Taking into consideration DOT's response, staff finds the project to not significantly contribute to new sources of traffic on local and regional roadways. The project will not impact transportation or circulation and subsequently will be provided adequate access. The proposed project is consistent with regulations outlined in Chapter 20.516.

The parcel's Land Use classification (RR-5[RR-1]) has a five acre lot size minimum, variable to one acre. Coastal Element Policy 3.8-10 outlines variable residential density policies:

In order to be developed to the smaller parcel size, areas indicated on the map as having a variable density zoning classification shall be required to be served by a public water system which utilizes surface waters, and which does not impact upon the ground water resource, or by completion of a hydrological study which supports those greater densities. (MCGP, Ch. 7 Coastal Element, Ch. 3.8 –Transportation, Utilities and Public Services)

A private water district services the water needs of the parcel. This utility service does not impact the Critical Water resources of the surrounding area and is consistent with Coastal Element Policy 3.8-10.

ENVIRONMENTAL PROTECTION

Pursuant to Title 14, Division 6, Chapter 3, Article 19, Section 15303 of California Environmental Quality Act (CEQA) Guidelines, a categorical exemption is offered for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed conversion of the upstairs garage/storage area with a convenience bath and adjoining small balcony is categorically exempt given the development's minor modifications to the exterior and use of the structure.

Pursuant to Title 14, Division 6, Chapter 3, Article 19, Section 15304 of California Environmental Quality Act (CEQA) Guidelines, a categorical exemption is offered for minor temporary uses of land that have negligible or no permanent effects on the environment. The proposed office conversion to a FCU is Categorically Exempt given its temporary occupancy and use. Mendocino County recognizes Family Care Units as temporary forms of development and their indispensable removal when the use or necessity cease.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, the Coastal Permit Administrator approves CDP_2021-0007 for the proposed project to develop an existing upstairs garage/storage area with adjoining small balcony and convenience (half) bath, and convert an existing office space into a Family Care Unit, and adopts the following findings and conditions.

FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program. The proposed garage development is an accessory use to the principally permitted single-family residence within the Rural Residential land use classification and is consistent with the intent of the RR Classification. Temporary family care units are allowed with an approved Coastal Development Permit; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site has been served for many years, and would continue to be served, by an on-site septic disposal system and private water company; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Rural Residential Zoning District. The proposed development preserves the integrity of the Rural Residential Zoning District; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed garage development and family care unit, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and is determined to be Categorically Exempt from further environmental review; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site and Standard Condition 8 is in place when archaeological sites or artifacts are discovered; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The site is currently developed with an existing single-family residence and proposes the addition of the temporary family care unit and garage development. A new septic system is not required at this time. However, Condition 15 ensures the septic system will comply with the conditions of approval per Environmental Health; and
- 7. Pursuant with MCC Section 20.532.095(B), the proposed development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea; and is not designated as a potential public access point.

CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become 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. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
- 2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- 3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
- 4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

- 5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
- 6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100-feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
- 9. To comply with MCC Section 20.376.045, the building height limit is twenty-eight (28) feet above natural grade.
- 10. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director.
- 11. Conditions approving CDP_2021-0007 shall be attached to any building permit application and shall be a part of on-site construction drawings.
- 12. The applicant shall have sole responsibility for renewing the temporary Family Care Unit permit each year prior to the expiration date.
- 13. Prior to the granting of the permit and annual renewal, a statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the Family Care Unit is to provide housing for either: (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who require daily supervision or care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

- 14. Should the use or necessity of the temporary Family Care Unit cease, it shall either be removed from the premises or converted to an accessory structure as provided in Chapter 20.456. Should the occupants of the Family Care Unit or the main residence move to another off-site residence, the permits for the Family Care Unit shall become null and void.
- 15. Should the septic tank and/or disposal field require either a repair or full replacement, BOTH must be sized appropriately to accommodate the single-family residence, family care unit, and bedroom addition. A Qualified Site Evaluator is required to complete a repair or replacement design that must be approved by Environmental Health.

4/15/22	signature on file
DATE	STEVEN SWITZER
	PLANNER I

Appeal Period: 10 Days Appeal Fee: \$2620.00

ATTACHMENTS:

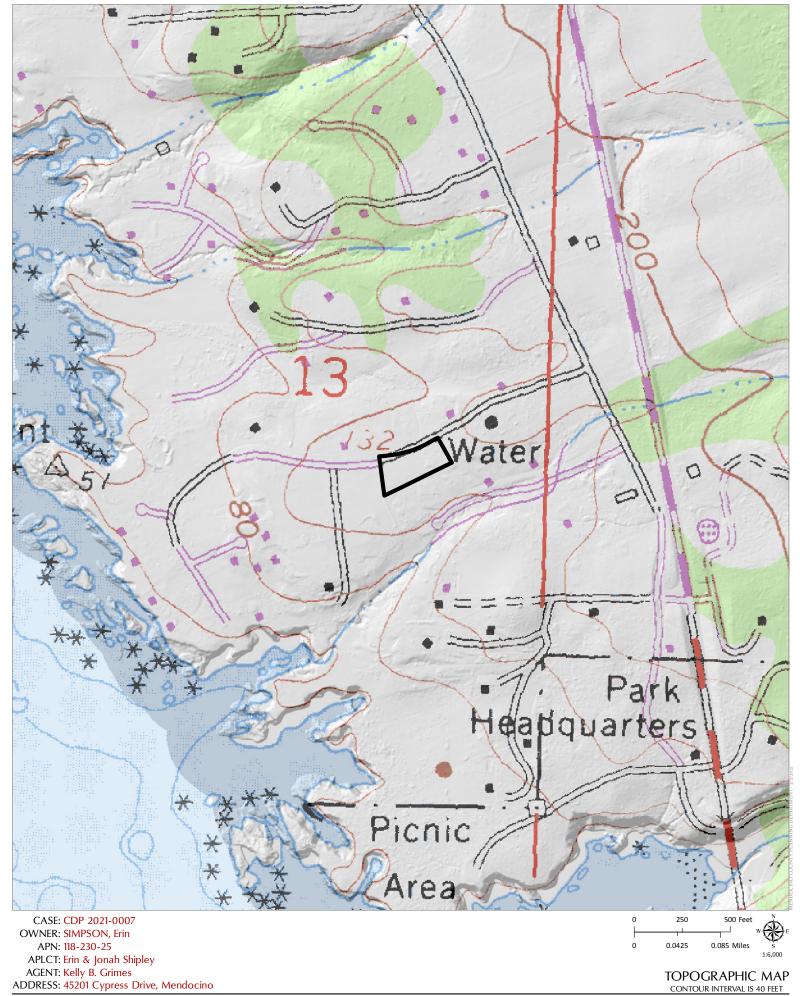
- A. Location Map
- B. Aerial Vicinity Map
- C. Aerial Detail Map
- D. Topographic Map
- E. Zoning Map
- F. General Plan Map
- G. LCP -Land Use Map 15: Caspar
- H. LCP -Land Capabilities & Natural Hazards
- I. LCP -Land Habitats & Resources
- J. LCP -Biological Resources
- K. Post LCP Certification & Appeal Jurisdiction
- L. Fire Hazards Map
- M. Wildland-Urban Interface Map
- N. Ground Water Resource Map
- O. Slope Map
- P. Western Soil Classes Map
- Q. Farmland Classifications Map



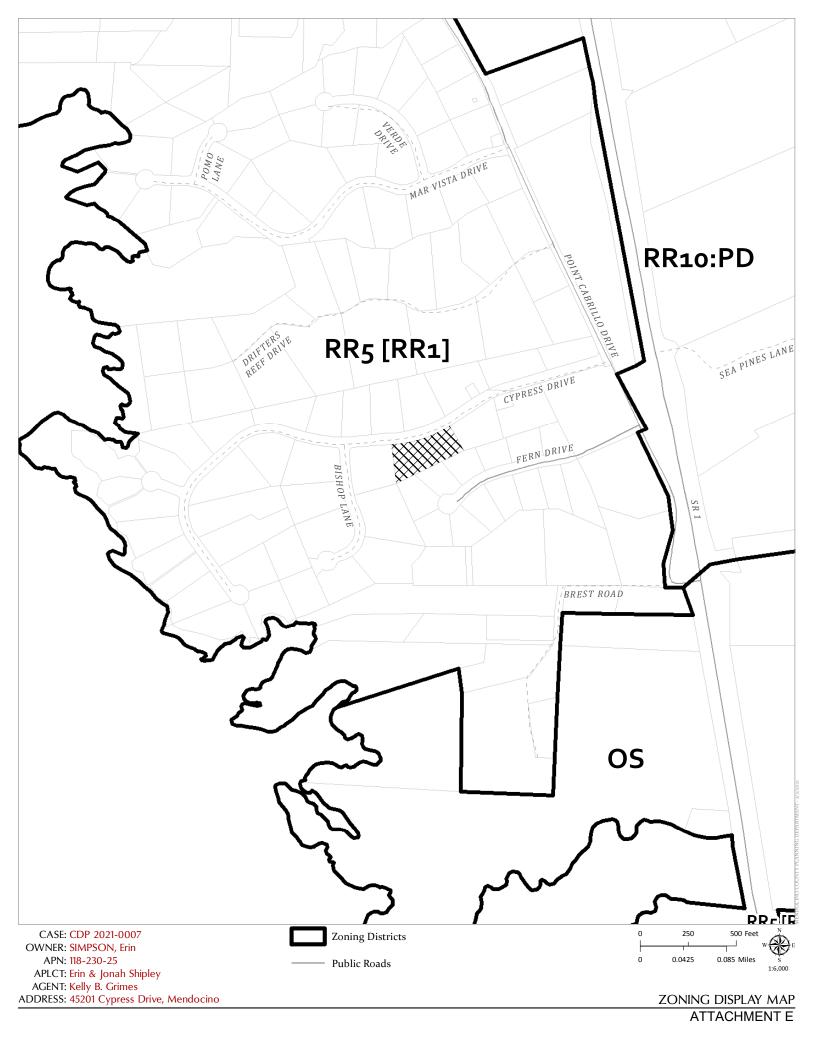


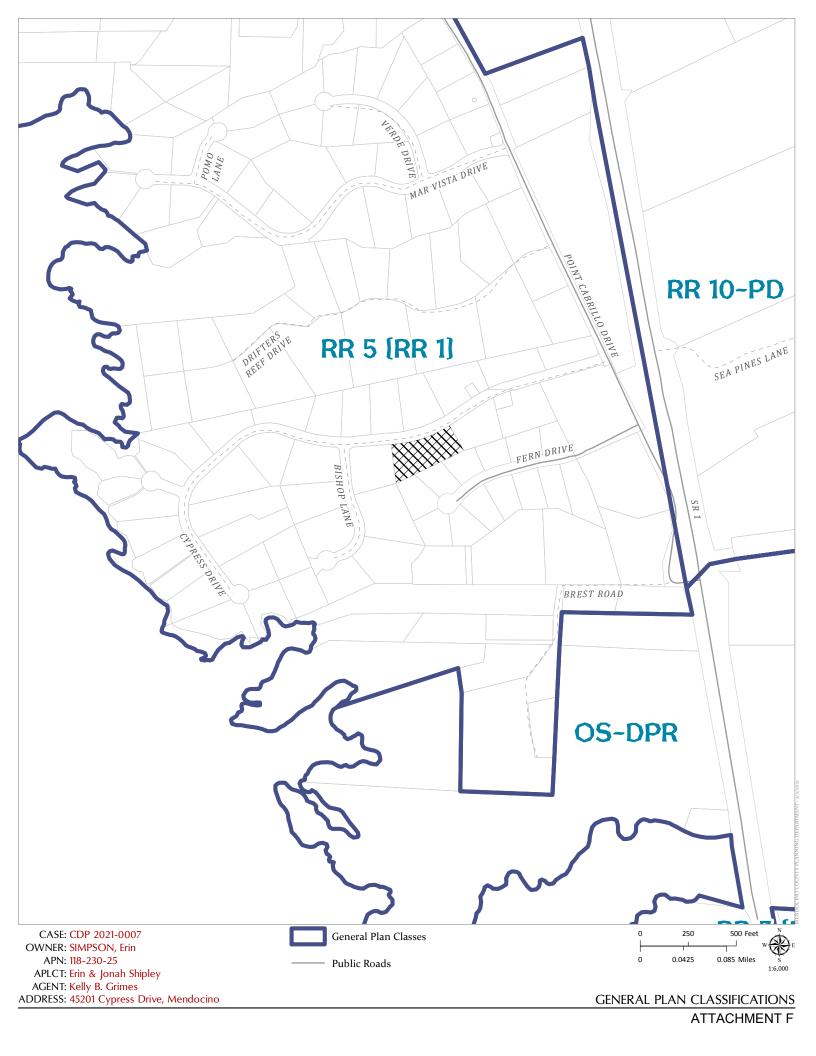


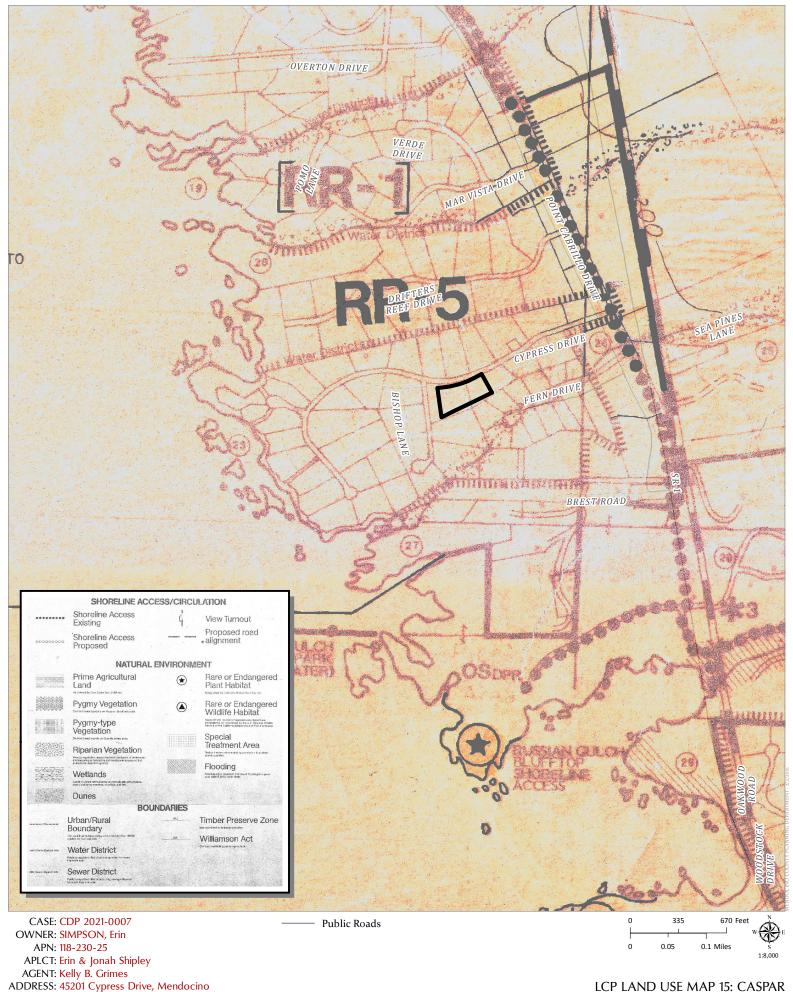
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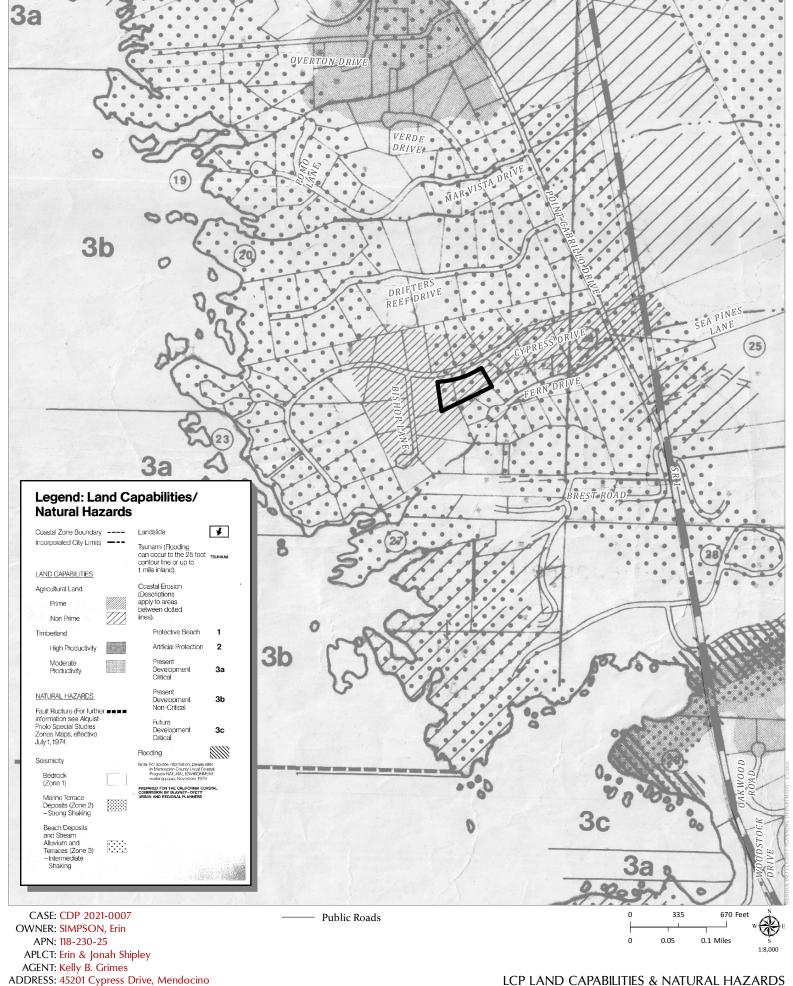


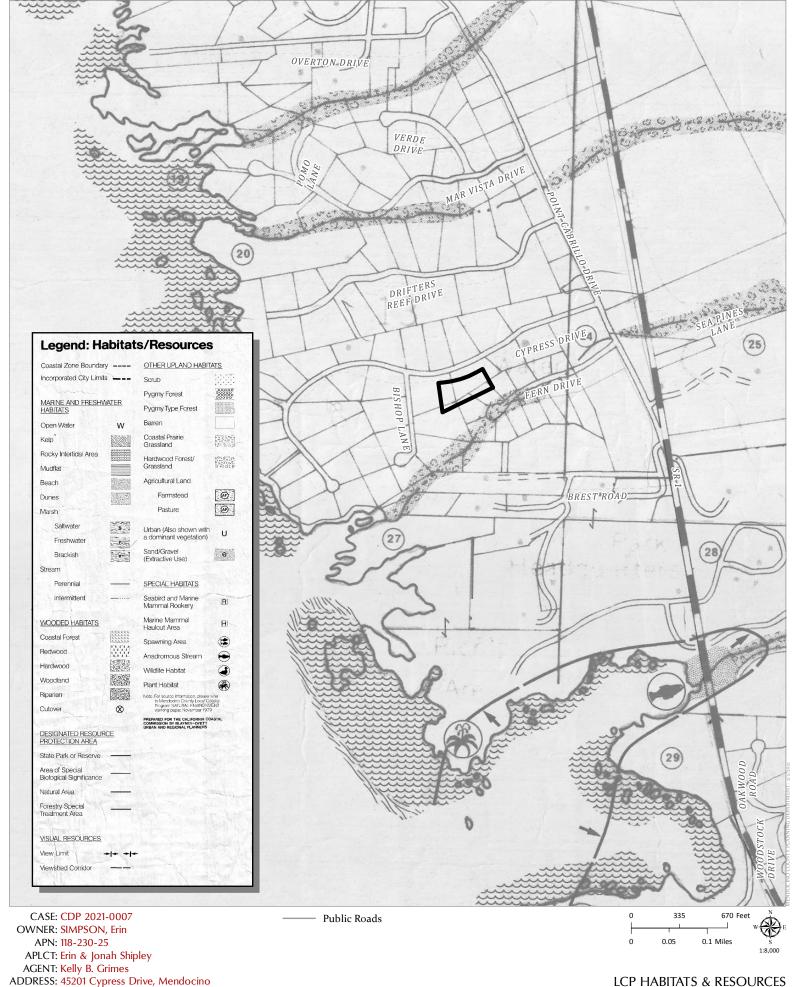
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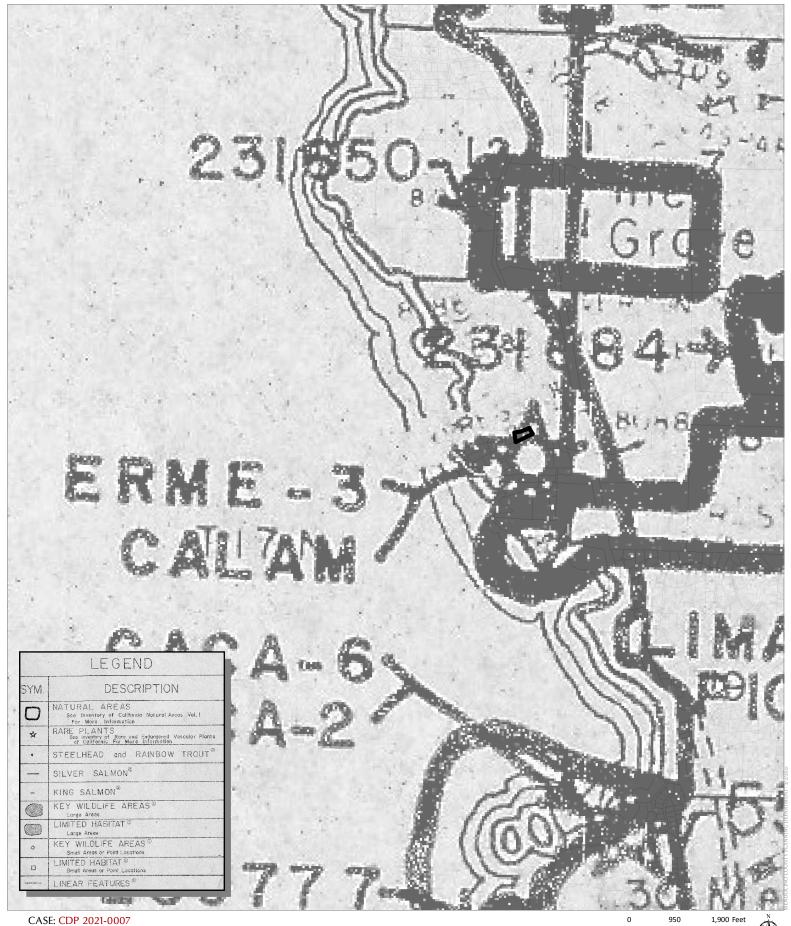












CASE: CDP 2021-0007 OWNER: SIMPSON, Erin APN: 118-230-25 APLCT: Erin & Jonah Shipley

AGENT: Kelly B. Grimes ADDRESS: 45201 Cypress Drive, Mendocino



