



MEMORANDUM

DATE: APRIL 28, 2022
TO: IGNACIO GONZALEZ, COASTAL PERMIT ADMINISTRATOR
FROM: KEITH GRONENDYKE, PLANNER III
SUBJECT: REVISED CONDITIONS OF APPROVAL FOR CDP_2021-0024 (ROWLAND)

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the construction of two new storage buildings for an event equipment and supply rental business is permitted in the Commercial classification with approval of a Use Permit; therefore the proposed project conforms to the certified Local Coastal Program, including policies identified in Coastal Element Chapters 3.4 (Hazards), 3.5 (Visual Resources), 3.6 (Coastal Access) and 4.12; and
2. Pursuant with MCC Section 20.532.095(A)(2), proposed new construction of two storage buildings for an event equipment and supply rental business are ancillary uses associated with the Commercial Land Use that currently enjoys access to adequate utilities, access roads, drainage, and other necessary facilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), the construction of two new storage buildings for an event equipment and supply rental business are ancillary uses associated with the existing Commercial Land Use with approval of a Use Permit in the Commercial District; therefore, the proposed project is consistent with the purpose and intent of the Commercial District; and
4. Pursuant with MCC Section 20.532.095(A)(4) the project would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act, as it is exempt; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed use would not have any adverse impact on any known archaeological or paleontological resources, as Standard Condition 8 is in place if archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services are in place to serve the existing Residential Land Use and are adequate; and
7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development conforms with public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element Chapter 3.6 of Mendocino County General Plan; shoreline access is provided at Hare Creek, approximately one mile north of the project site and immediately west of State Route 1.

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 Coastal Zoning Code. The permit shall become effective after the ten 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 have been initiated prior to its expiration.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The property owners shall secure all required building permits for the proposed project, as required by the Building Inspection Division of the Mendocino County 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 one hundred (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. Within two years of the effective date associated with CDP_2021-0024, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction will include the following statements and exhibits:
 - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
 - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project, including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
 - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the property owner; and
 - d. ~~Development within the mapped wetland ESHA locations and buffer portions of the property shall be restricted to only resource dependent uses, and~~
 - d. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
 - e. The adopted findings and conditions approving CDP_2021-0024 shall be attached as exhibits to the

Deed Restriction and the conditions of Permit CDP_2021-0024 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property.

10. Prior to work commencing in the Caltrans right-of-way along State Route 1, the permit holder shall obtain an Encroachment Permit from Caltrans' District office in Eureka.
11. The existing driveway encroachment from State Route 1 shall be improved to meet Caltrans' standards for a commercial driveway including a minimum throat width of twenty-feet.
12. ~~A six-foot tall fence shall be constructed at the edge of the Environmentally Sensitive Habitat Area (ESHA) consisting of a mapped wetland area adjacent to an existing pond at the southern portion of the parcel. The fence shall be located a minimum of the outer edge of the 100-foot ESHA buffer.~~ A fence of the property owners design shall be constructed at the edge of the Environmentally Sensitive Habitat Area (ESHA) consisting of a mapped wetland area adjacent to an existing pond at the southern portion of the parcel. The fence shall be located a minimum of the outer edge of the 100-foot ESHA buffer.
13. ~~Prior to the commencement of activities allowed by this use permit, the permit holder shall record a map of the wetland ESHA locations and buffer portions of the property to restrict future development in these areas to only resource dependent uses.~~ Prior to the commencement of activities allowed by this use permit, the permit holder shall record a map of the wetland ESHA locations and buffer portions of the property to restrict future development in these areas to only resource dependent uses. For any development to occur within the area fifty-one to one-hundred feet from an Environmentally Sensitive Habitat Area (ESHA), a coastal Development Permit Reduced Buffer Analysis will be required.
14. *The existing single-family residence shall continue being used as a residence, except for the 894 square feet being utilized as office space. If at any time in the future the residence becomes retail customer space for the commercial use approved by this CDP, all requirements of the Americans with Disabilities Act shall be instituted to retrofit the residence.*
15. All requirements of the California State Department of Forestry and Fire Protection (Cal Fire) Standards listed in Public Resources Code 4290 shall be complied with, as detailed in Cal Fire File # 77-21.
16. All storage associated with the event equipment rental and supply business shall be within the two new storage buildings. No storage shall be allowed outdoors.
17. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
18. Subsequent to project approval, the permit holder shall submit a check to the project planner in the amount of \$50.00 and made out to the Mendocino County Recorder to cover the cost of filing a Notice of Exemption for this project.
19. In compliance with **MCC Section 20.504.035**, 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. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Coastal Permit Administrator.