

# CDP\_2017-0034 APRIL 26, 2018

SUMMARY				
OWNER/APPLICANT/AGENT:	JOSEPH ODEGAARD AND ANNETTE JARVIE PO BOX 984 MENDOCINO, CA 95460			
REQUEST:	A Coastal Development Standard Permit request to convert an existing 180 square foot shop building into a Family Care Unit, add an approximately 265 square foot addition, including an ADA compliant bathroom and bedroom, construct one off-street parking space for the residential unit, improve the existing entry gate, and restore the overgrown gravel apron (driveway).			
DATE DEEMED COMPLETE:	July 28, 2017			
LOCATION:	In the Town of Mendocino, $0.1\pm$ miles south of Little Lake Road (CR 408), lying on the northeast corner of Hills Road (CR 407T) and Road 407X, located at 10471 Hills Road, Mendocino (APN: 119-120-66).			
TOTAL ACREAGE:	0.41 acres			
GENERAL PLAN:	Mendocino County General Plan Coastal Element Rural Residential, 2 acre minimum parcel size within an Urban boundary (RR2[U])			
ZONING:	Division III, Title 20, Mendocino County Code Mendocino Rural Residential, (MRR2)			
SUPERVISORIAL DISTRICT:	5			
ENVIRONMENTAL DETERMINATION:	Pursuant to Section 15303, Class 3 (a), of the California Environmental Quality Act, the proposed Family Care Unit and associated improvements are categorically exempt from environmental review conversion of small structures to temporary second dwelling unit.			
APPEALABLE:	Yes, not a principally permitted use			
RECOMMENDATION:	Approve with Conditions			
STAFF PLANNER:	Debra Bieber			

#### BACKGROUND

**PROJECT DESCRIPTION:** A Coastal Development Standard Permit request to convert an existing 180 square foot shop building into a Family Care Unit (FCU), add an approximately 265 square foot addition, including an ADA compliant bathroom and bedroom, construct one off street parking space for the FCU, improve the existing entry gate, and restore the overgrown gravel apron (driveway).

**APPLICANT'S STATEMENT:** "Add bedroom and handicap bathroom to existing building for temporary family care unit (FCU). Provide one off-street gravel parking space."

**RELATED APPLICATIONS:** There are no related applications on site or on adjacent properties.

**SITE CHARACTERISTICS:** The 0.41 acre site is located in the Coastal Zone within the Town of Mendocino in Historical Zone B east of Highway 1, approximately 0.1 miles south of Little Lake Road (CR 408), lying on the northeast corner of Hills Road (CR 407T) and Road 407X at 10471 Hills Road, Mendocino (APN: 119-120-66-00). The parcel is currently developed with an existing 1,573 square foot single family residence and detached 180 square foot shop building. The shop building is proposed to be developed into a FCU, with a 265 square foot addition for an ADA compliant bathroom and bedroom, totaling 445 square feet. Additional improvements proposed on the parcel include adding one off street gravel parking space, improving existing entry gate, restoring overgrown gravel apron (driveway), and extending utilities to the FCU. Existing development on the parcel to remain unchanged under the project includes a well and 3,000 gallon water storage tank. The well is located east of the existing residence near the northern portion of the parcel and the water storage tank is located on the southwestern most portion of the parcel and the water storage tank is located on the southwestern most portion of the parcel near Hills Road. The local utility company provides electricity and natural gas. Sewage disposal is provided by the Mendocino City Community Services District (MCCSD). The District reviewed and approved the project as noted in their letter response dated June 27, 2017.

The parcel is relatively flat. The site is located within the Mendocino Categorical Exclusion Zone.<sup>1</sup> The site is not located appeal jurisdiction area.<sup>2</sup> The parcel is located within Historical Zone B, but is not visible from any point in Historical Zone A of the Mendocino Town Plan or from Highway 1.

The project site is located within a mapped "Critical Water Area"<sup>3</sup> and a mapped moderate fire hazard area<sup>4</sup>. The site does not contain important farmland and is classified as urban and built up land.<sup>5</sup> The site is primarily designated as barren habitat<sup>6</sup> and is underlain by beach deposits and stream alluvium and terraces (Zone 3), which is subject to intermediate shaking<sup>7</sup>.

The site has trees located along the eastern boundary.<sup>8</sup> No trees or vegetation are proposed to be removed under the project on areas other than the building site of the addition. Mapping does not associate the following with the subject site: faults, landslides, erosion, flood, or tsunami hazard.<sup>9</sup>

**SURROUNDING LAND USE AND ZONING:** As listed in Table 1 below, the site and surrounding lands to the north, south, east, and west are designated as Rural Residential (RR2) and zoned as Mendocino Rural Residential (MRR2). The existing and proposed land use is a permitted land use in the RR District as a temporary accessory structure subject to the conditions of section 20.456.015 Residential and Agricultural Use Types.

Table 1. Surrounding Land Use Zoning				
GENERAL PLAN	ZONING	LOT SIZES	USES	
Rural Residential (RR2)	Mendocino Rural Residential (MRR2)	0.62 acres±	Vacant	
RR2	MRR2	0.38 acres±	Residential	
RR2	MRR2	0.94 acres±	Residential	
RR2	MRR2	0.53 acres± and 0.99 acres+	Residential	
	GENERAL PLAN Rural Residential (RR2) RR2 RR2	GENERAL PLANZONINGRural Residential (RR2)Mendocino Rural Residential (MRR2)RR2MRR2RR2MRR2	GENERAL PLANZONINGLOT SIZESRural Residential (RR2)Mendocino Rural Residential (MRR2)0.62 acres±RR2MRR20.38 acres±RR2MRR20.94 acres±	

<sup>&</sup>lt;sup>1</sup> Mendocino County Department of Planning & Building Services. 1985. *Mendocino Exclusion Zones* [map].

<sup>&</sup>lt;sup>2</sup> Mendocino County Department of Planning & Building Services. 1985. Appealable Areas [map].

<sup>&</sup>lt;sup>3</sup> Mendocino County Department of Planning & Building Services. 1985. Ground Water Resources [map].

<sup>&</sup>lt;sup>4</sup> Mendocino County Department of Planning & Building Services. 1985. *Fire Hazard Zones & Responsibility Areas* [map].

<sup>&</sup>lt;sup>5</sup> Mendocino County Department of Planning & Building Services. 1985. *Important Farmland* [map].

<sup>&</sup>lt;sup>6</sup> Mendocino County Department of Planning & Building Services. 1985. LCP Habitat & Resources [map].

<sup>&</sup>lt;sup>7</sup> Mendocino County Department of Planning & Building Services. 1985. LCP Capabilities & Hazards [map].

<sup>&</sup>lt;sup>8</sup> Mendocino County Department of Planning & Building Services. 1985. Aerial Imagery [map].

<sup>&</sup>lt;sup>9</sup> Mendocino County Department of Planning & Building Services. 1985. LCP Capabilities & Hazards [map].

The parcels immediately to the east, south, and west of the site are developed with single family residences and appurtenant structures, while the parcel immediately to the north of the site is vacant.

**LOCAL COASTAL PROGRAM CONSISTENCY:** The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

Land Use: The parcel is classified as Rural Residential with a 2 acre minimum parcel size within an Urban boundary (RR2[U]) by the Mendocino County General Plan. The Rural Residential classification is intended 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.<sup>10</sup> The proposed project, which would convert an existing 180 square foot shop building into a FCU living space and add an approximately 265 square foot addition with other associated improvements, is consistent with the Rural Residential Land Use classification.

<u>Zoning</u>: The project site is located within a Mendocino Rural Residential District, which is intended to create and enhance residential areas and is intended to be a low-density residential growth area.<sup>11</sup> The proposed project, which would convert an existing 180 square foot shop building into a FCU living space and add an approximately 265 square foot addition with other associated improvements, is a principally permitted use within the Mendocino Rural Residential District, pursuant to Mendocino County Coastal Zoning Code Chapter 20.644 – *Mendocino Rural Residential "MRR*".

The proposed development is subject to the requirements of MCC Chapter 20.644 – *Mendocino Rural Residential "MRR"* and Chapter 20.708.035 – *Family Care Unit*. The project complies with the intent of the Rural Residential District, and the development requirements in Division III of Title 20 of the Mendocino County Code.

The parcel's zoning designation (MRR2) requires a 2 acre minimum parcel size; however the established parcel is 0.41 acres in size. The project would comply with the minimum front and rear requirements for the MRR District for the parcel size, which are 20 feet each and the minimum side yard requirements, which are 6 feet each. The maximum building height allowed in the MRR District is 28 feet above the natural grade for non-Highly Scenic Areas, such as the project site. As currently proposed, the FCU would be a maximum height of 14 feet, which would comply with the maximum building height requirement. The project, as proposed, would result in a lot coverage of 10 percent, which would not exceed the maximum allowed lot coverage of 20 percent for parcels of this size located within an MRR District. A minimum of two off-street parking spaces are required for the first residential unit and one off street parking space for the FCU. As such, the site would require three off-street parking spaces. One uncovered off-street gravel parking space is proposed and two existing off-street parking spaces are available at the main residence.

The Mendocino County Coastal Zoning Code Division III, Chapter 20.708.035 (Family Care Unit) requires FCU's not exceed 1,000 square feet in size and provide housing to no more than 2 adult persons who are 60 years of age or older, an immediate family member or members who require daily supervision and care, or a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence. As proposed, the FCU would be approximately 500 square feet and would be occupied by no more than 2 adult persons who are 60 years of age or older, which would comply with the use requirements.

<u>Habitats and Natural Resources</u>: As previously discussed, the site is primarily designated as barren habitat.<sup>12</sup> Since the proposed project involves converting an existing shop building into a FCU living space, adding an addition to the existing building, constructing one off-street parking space, improving the existing entry gate, and restoring the overgrown gravel apron (driveway), the proposed improvements would occur within already disturbed areas, thereby minimizing impacts to potential sensitive habitats and species within the vicinity. As conditioned, Staff finds the project would not significantly impact sensitive

<sup>&</sup>lt;sup>10</sup> Mendocino County General Plan. Chapter 2.2 of the Coastal Element. 1991.

<sup>&</sup>lt;sup>11</sup> Mendocino Town Zoning Code, § III-20.644.005 (1991). Print.

<sup>&</sup>lt;sup>12</sup> Mendocino County Department of Planning & Building Services. 1985. *LCP Habitat & Resources* [map].

habitats or resources.

<u>Hazards Management</u>: The parcel is located in an area classified with a "Moderate Fire Hazard" severity rating.<sup>13</sup> Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Mendocino Fire Protection District (MFPD). The project application was referred to CalFire and the MFPD for input; however, no response was received from MFPD. A CalFire permit, 321-17, was issued for the project on July 14, 2017. A standard condition requiring the Applicants to secure all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction ensures any fire protection policy or plan would be addressed. With the inclusion of the standard condition, Staff finds the project to be consistent with Mendocino County policies for fire protection. There are no known faults in close proximity to the proposed development.

<u>Grading, Erosion, and Run-Off</u>: Minimal grading and site preparation would be required under the project. Trenching would be required for the extension of utilities to the FCU. A condition is recommended to ensure the project would implement standard Best Management Practices (BMPs) to prevent erosion and run-off during project construction and revegetate any bare soil as soon as feasible after the construction phase is complete. As conditioned, Staff finds the project would not result in significant erosion or run-off impacts.

<u>Archaeological/Cultural Resources</u>: For small projects such as converting an existing 180 square foot shop building into a FCU living space and adding an approximately 265 square foot addition with other associated improvements, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either the California Historic Resource Information Center (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and it was determined to be an appropriate guidance document for what projects would require archaeological review. Though the parcel is located within Historical Zone B, it is not visible from any point in Historical Zone A; as such, approval of the Historical Review Board is not required for the proposed project.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated August 17, 2017, in which the Tribal Chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected. A response was received from the Sherwood Valley Band of Pomo Indians, dated August 3, 2017, which stated "no comment at this time."

Staff notes that a Standard Condition advises the Applicants of the "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As conditioned, Staff finds the project to be consistent with Mendocino County policies for the protection of paleontological and archaeological resources.

<u>Groundwater Resources</u>: The project site is located within a mapped "Critical Water Resources" area<sup>14</sup> in which the site's density may be increased only upon proof of public water or a positive hydrological report. The subject parcel currently utilizes an on-site well and 3,000 gallon water storage tank, which would continue to be utilized under the project. Since the proposed project would result in an additional residential unit on the subject site, additional water studies are required per MCC Section 20.744.015(A)<sup>15</sup> unless it has been determined by the Mendocino City Community Services District or Health Officer that the development would not have any foreseeable impact on hydrologically contiguous wells.<sup>16</sup> A letter was received from the Mendocino City Community Services District, dated June 27, 2017, in which the

<sup>&</sup>lt;sup>13</sup> Mendocino County Department of Planning & Building Services. 1985. *Fire Hazard Zones & Responsibility Areas* [map]

<sup>&</sup>lt;sup>14</sup> Mendocino County Department of Planning & Building Services. 1985. *Ground Water Resources* [map].

<sup>&</sup>lt;sup>15</sup> Mendocino Town Zoning Code, §20.744.015(B) (2011).

<sup>&</sup>lt;sup>16</sup> Mendocino Town Zoning Code, §20.744.025 (2011).

Secretary noted that the project has been approved for a Groundwater Extraction Permit to convert an existing workshop into a one bedroom single family residence and convert two bedrooms within the main residence to library and private studio. In addition, the applicants met all of the District's requirements for Groundwater Extraction for a two bedroom residence and a one bedroom residence. A referral response was received from the Department of Environmental Health (DEH) – Fort Bragg, dated August 3, 2017, in which a well pump test was requested as a condition of approval. Subsequent conversations with DEH indicate that a pump test is not required for a temporary use such as an FCU, (Kinser 2018). As conditioned, Staff finds the development would not adversely affect groundwater resources.

<u>Transportation/Circulation</u>: The project would not contribute a significant amount of new traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. Additionally, the site is already developed with a single family residence and a proposed FCU is not anticipated to generate a significant amount of additional traffic beyond what presently exists. The project was referred to Caltrans and the Mendocino County Department of Transportation (MCDOT) for review and comment. No response has been received. Staff finds the project would not impact transportation or circulation and would be provided with adequate access.

A minimum of three parking spaces are required for the project per MCC Section 20.644.045. One additional uncovered off-street gravel parking space is proposed and two existing off street parking spaces can be accommodated on the gravel driveway. As currently proposed, Staff finds the proposed project is consistent with transportation and circulation requirements.

<u>Public Access</u>: The project site is located east of Highway 1 and is not designated as a potential public access trail location. Existing development at the site is not currently visible from Highway 1 and the proposed improvements would also not be visible.

**ENVIRONMENTAL DETERMINATION:** The Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Section 15303, Class 3(a), conversion of small structures to temporary second dwelling unit.

**PROJECT FINDINGS AND CONDITIONS:** Pursuant to the provisions of Chapter 20.720 of the Mendocino Town Zoning Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions.

## FINDINGS:

- Pursuant with MCC Section 20.720.035(A)(1), the proposed project is in conformity with the certified Local Coastal Program. The proposed improvements, including the proposed FCU, addition, and associated improvements, would serve as a secondary unit to the existing single family residence, which is a principally permitted use within the Rural Residential land use classification and is consistent with the intent of the RR classification; and
- Pursuant with MCC Section 20.720.035(A)(2), the proposed project 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 well, 3,000 gallon water storage tank, and the Mendocino City Community Service District (MCCSD); and
- 3. Pursuant with MCC Section 20.720.035(A)(3), the proposed project is consistent with the purpose and intent of the Mendocino Rural Residential zoning district, as well as all other provisions of District III Zoning Ordinance, Title 20 of the Mendocino County Code, and preserves the integrity of the Mendocino Rural Residential zoning district. With compliance with the conditions of approval, the proposed FCU and associated improvements would satisfy all development requirements for the district; and
- 4. Pursuant with MCC Section 20.720.035(A)(4), the proposed project, 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. The proposed FCU, addition, and associated

improvements, is categorically exempt pursuant to Section 15303 (a); and

- 5. Pursuant with MCC Section 20.720.035(A)(5), the proposed project 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 20.720.035(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The site is currently developed with an existing single family residence with a 180 square foot detached shop building and the proposed improvements, including converting and adding to the existing shop building and other associated improvement, would not generate a significant amount of solid waste or significantly increase public roadway use beyond that existing today; and
- 7. Pursuant with MCC Section 20.720.035 (7), the proposed development is in conformance with the design standards of Section 20.760.050. The architecture, size, materials, details, proportion, height, texture, color, facade treatment, and fenestration of the work proposed would be similar to the existing development on the subject property and other properties within the Historical Preservation District.

### CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision 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. The project shall adhere to all Public Resources Code (PRC) 4290 regulations, as required by CalFire and as provided in CDF #321-17.
- 10. The Applicants shall obtain a will serve letter from the Mendocino City Community Sewer District (MCCSD).
- 11. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization.

Staff Report Prepared By:

4/11/2018

Jeha Birber

Debra Bieber Planner III

#### **ATTACHMENTS:**

- A. Location Map
- B. Topographic Map
- C. Aerial Imagery Map
- D. Site Plan
- E. East Exterior Elevation Map
- F. North Exterior Elevation Map
- G. South Exterior Elevation Map
- H. West Exterior Elevation Map
- I. FCU Floor Plan Map
- J. Studio Floor Plan Map
- K. Adjacent Parcels Map
- L. Zoning Display Map
- M. General Plan Classification Map
- N. LCP Habitats & Resources Map
- O. LCP Land Capabilities & Natural Hazards Map
- P. Fire Hazard Zones & Responsibility Areas Map
- Q. Ground Water Resources Map
- R. Local Soils Map
- S. Water Districts Map
- T. Mendocino Exclusion Zones

U. Appealable Areas Map

#### SUMMARY OF REFERRAL AGENCY COMMENTS:

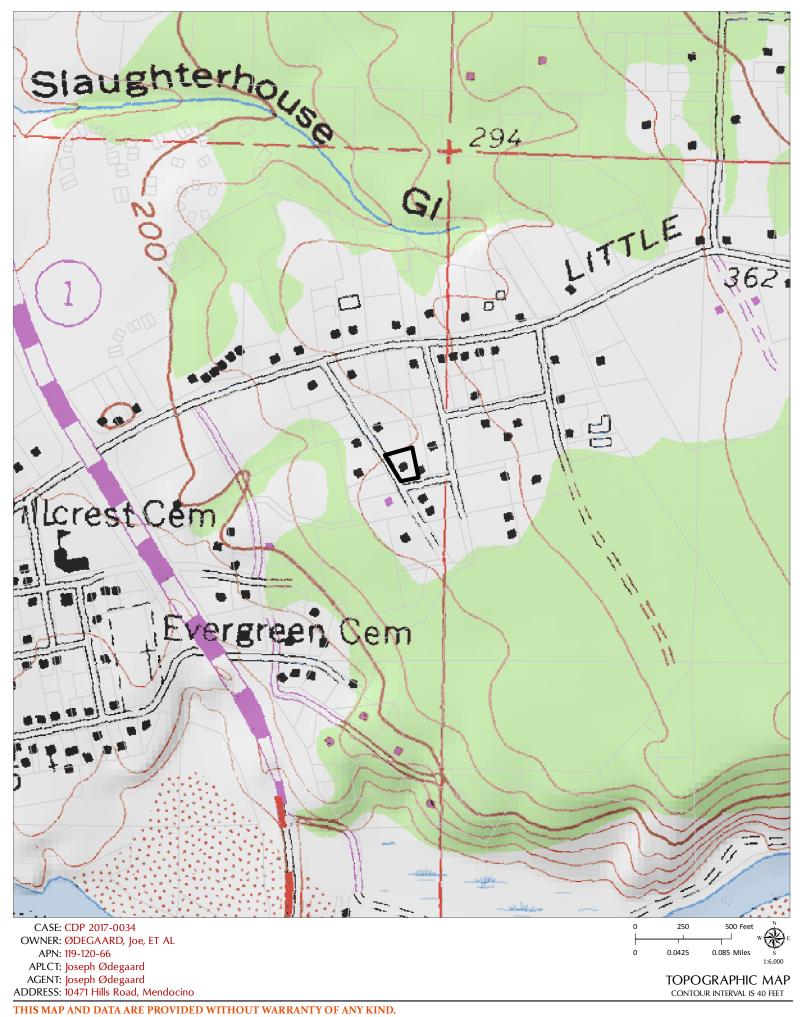
Planning (Ukiah) Department of Transportation Environmental Health (FB) Building Inspection (FB) Cloverdale Rancheria CalFire Assessor County Addresser Coastal Commission Sherwood Valley Band of Pomo Indians Redwood Valley Rancheria Mendocino Fire Protection District Department of Fish and Wildlife State Clearinghouse Native Plant Society	No Comment No Response Comments No Comment No Response No Comment No Response No Comment Comments No Response No Response No Response No Comment
State Clearinghouse	
Native Plant Society Air Quality Management District	No Response Comments
Mendocino City Community Sewer District	Comments

#### **REFERENCES:**

- Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan.* 1991. Ukiah, CA.
- Chapter 20. Mendocino County, Planning and Building Services, Planning Division. *Division III Mendocino Town Zoning Code.* 2011. Ukiah, CA.

Chapter 20. Mendocino County, Planning and Building Services, Planning Division. *Division II – Mendocino County Coastal Zoning Code*. 1991. Ukiah, CA.





DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



OWNER: ØDEGAARD, Joe, ET AL APN: 119-120-66 APLCT: Joseph Ødegaard AGENT: Joseph Ødegaard ADDRESS: 10471 Hills Road, Mendocino

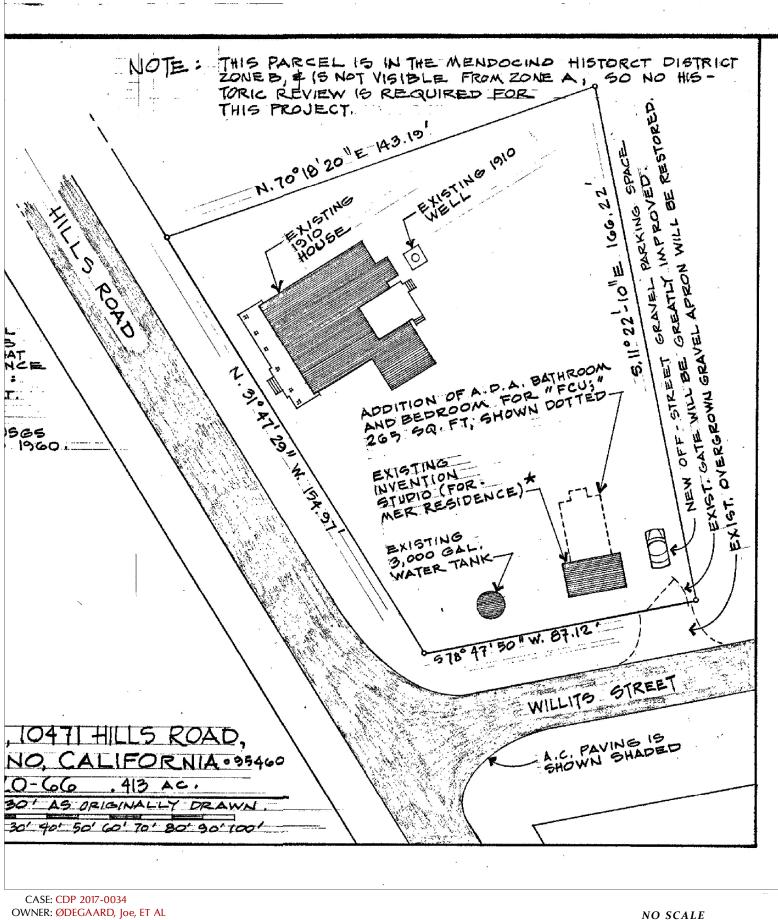
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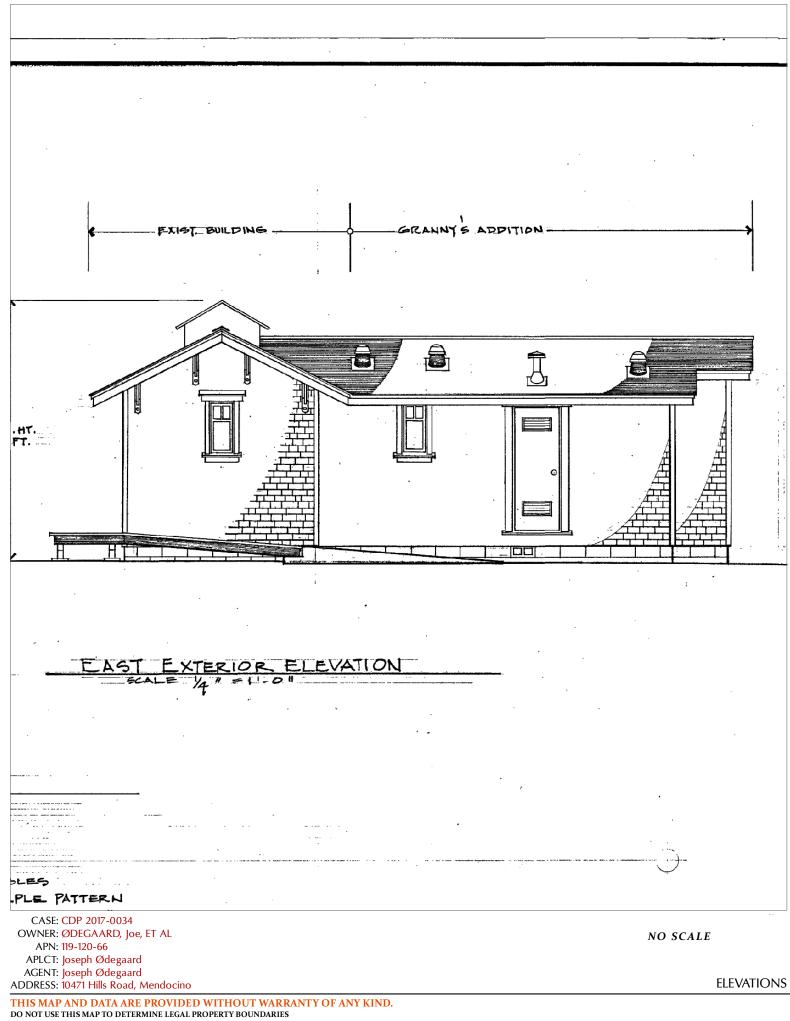
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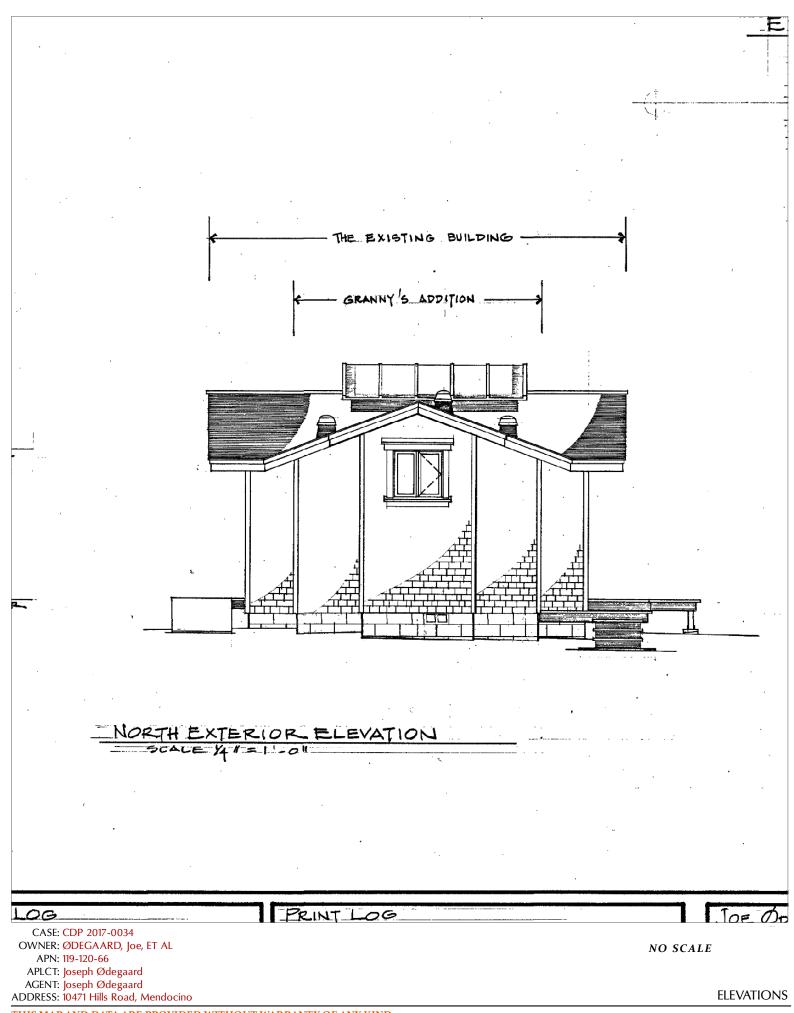
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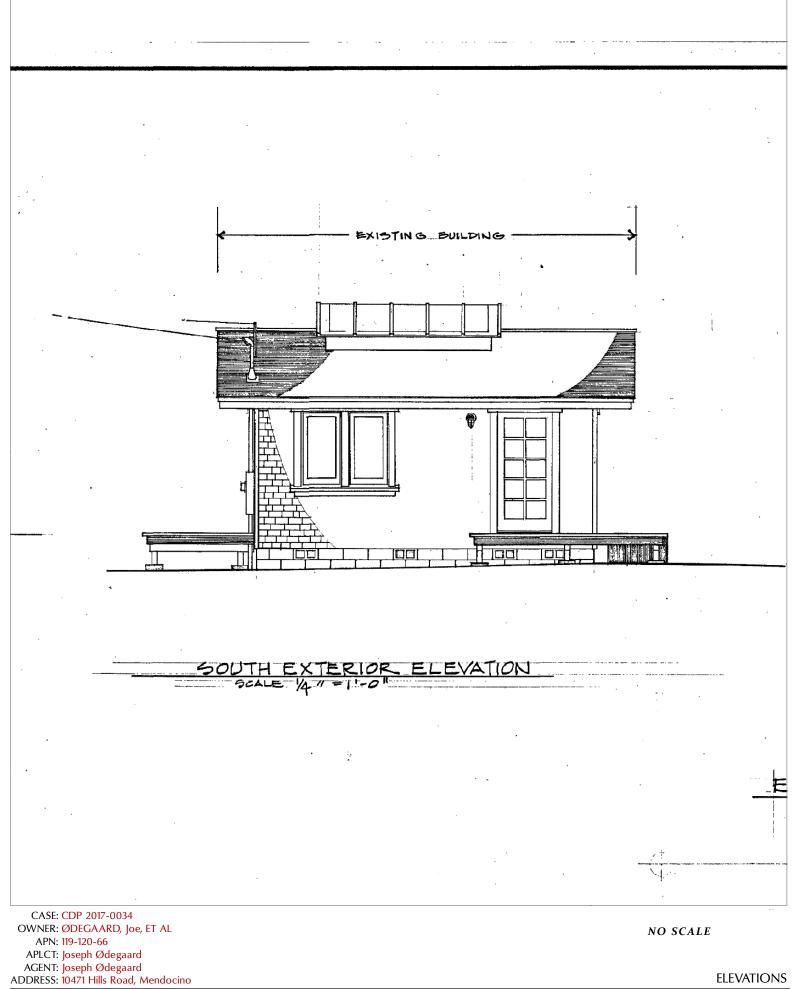


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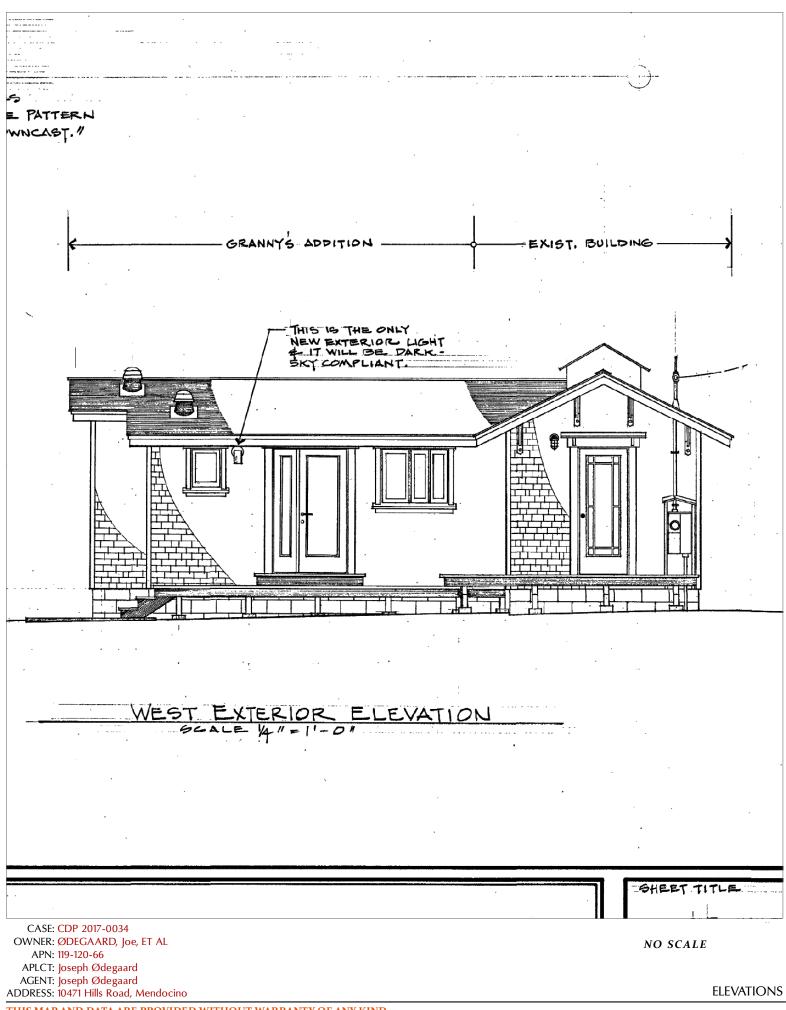
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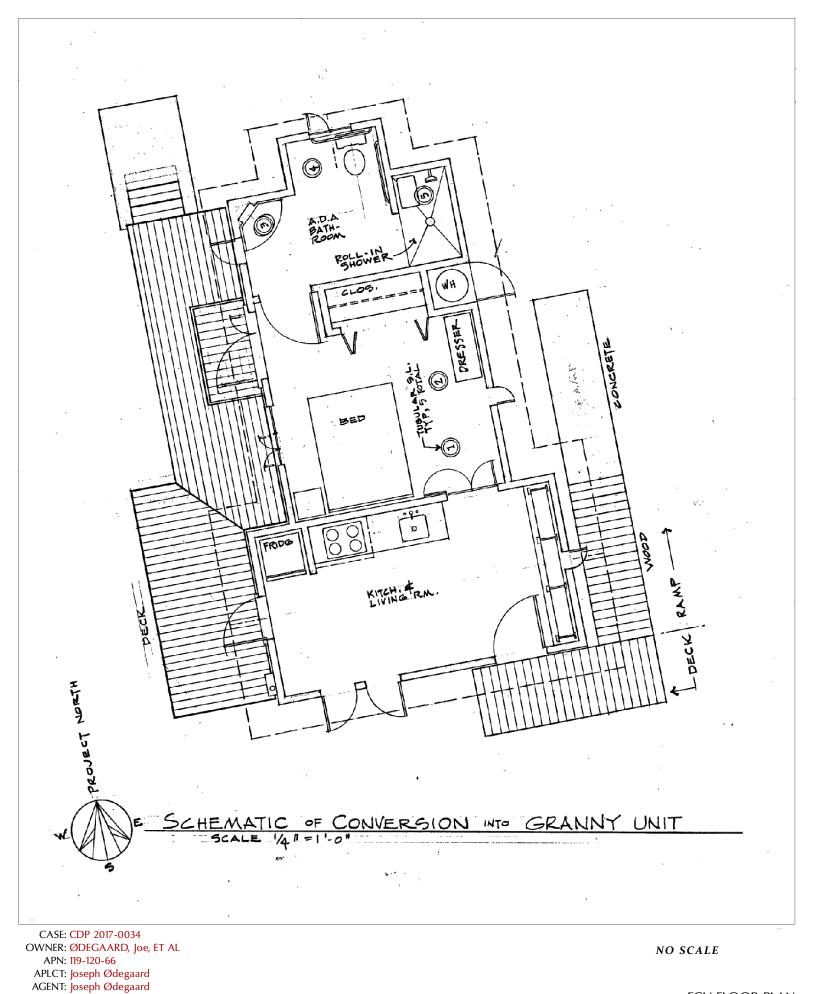






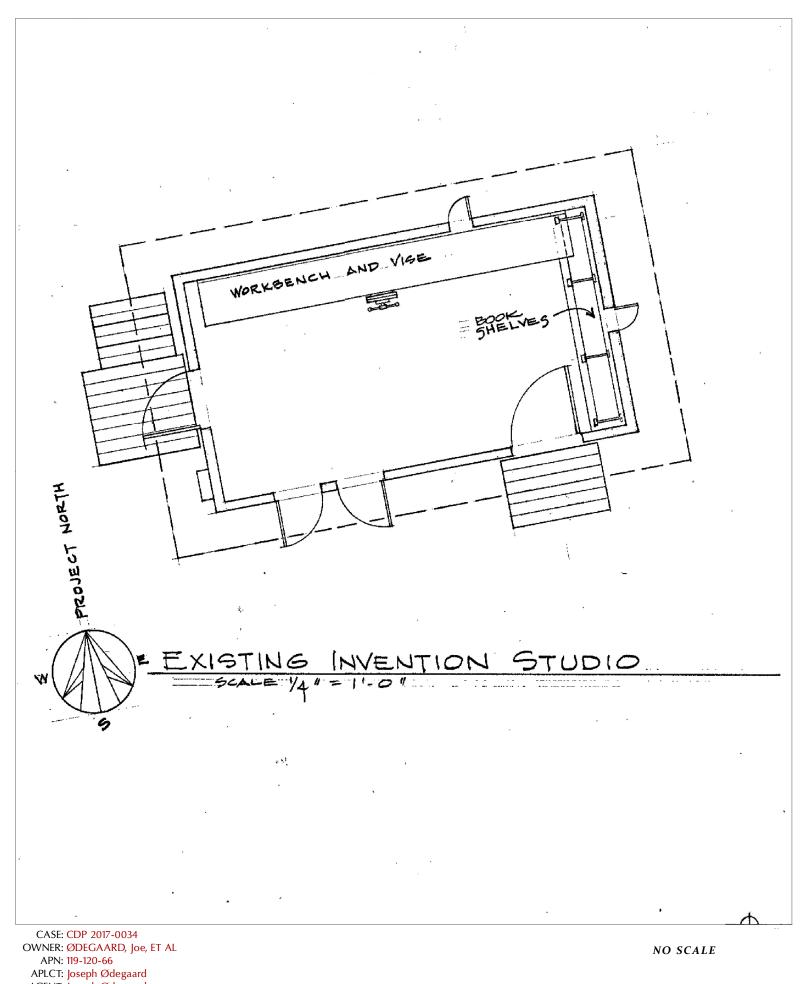
ELEVATIONS





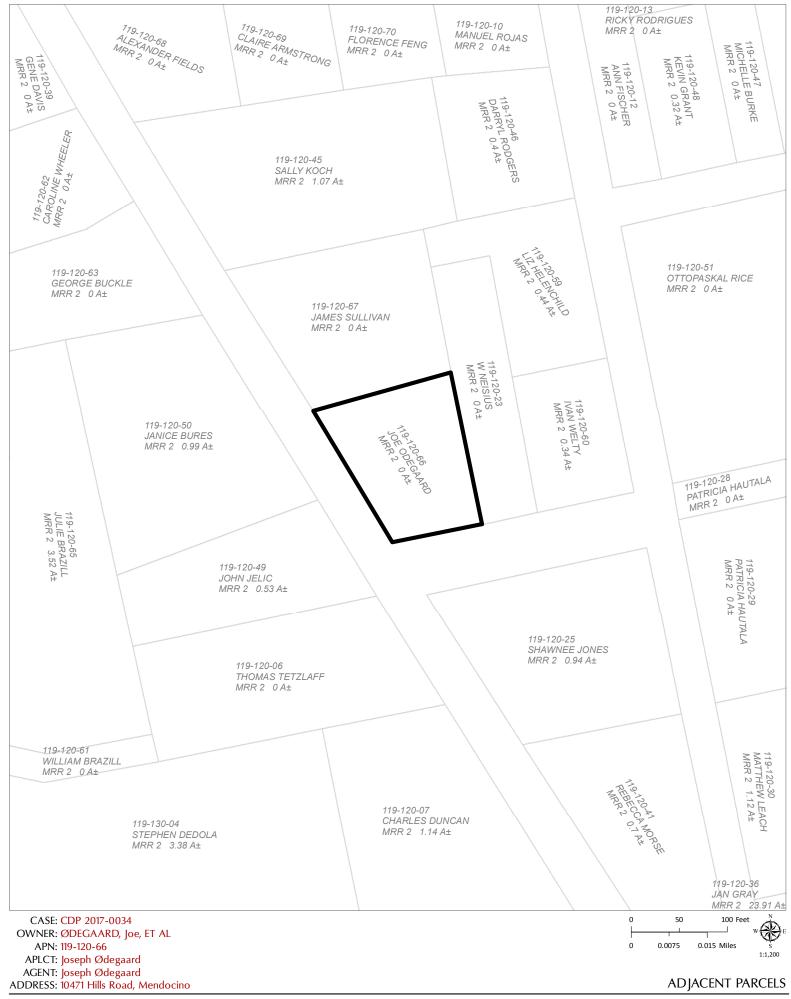
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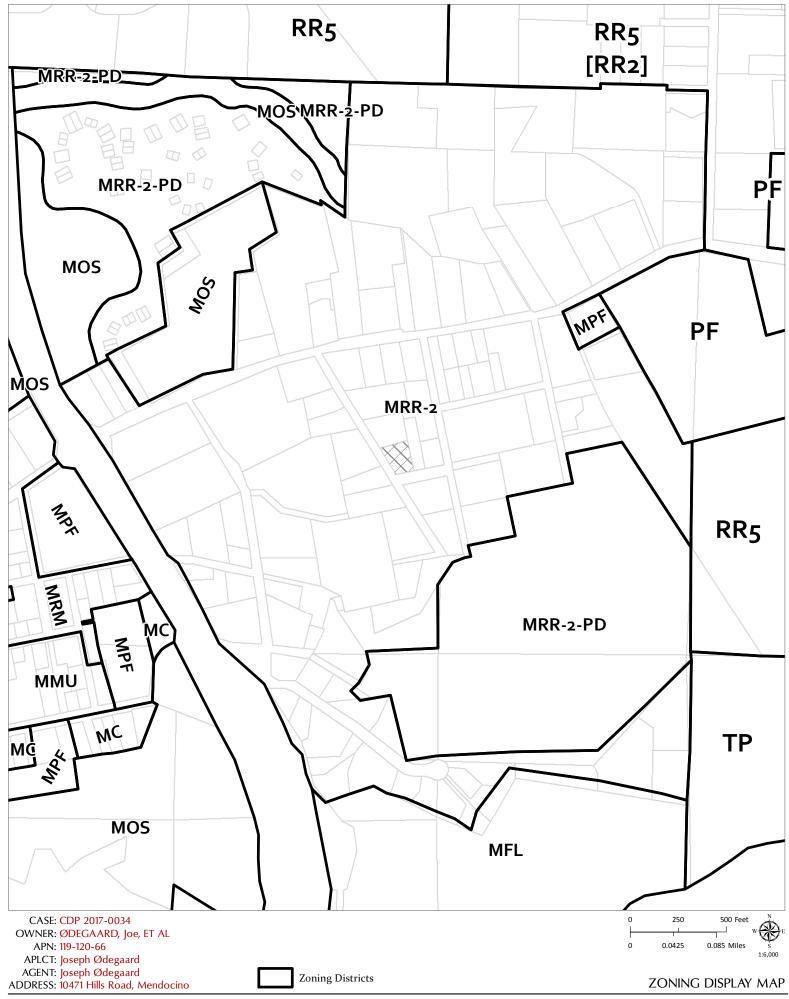
FCU FLOOR PLAN



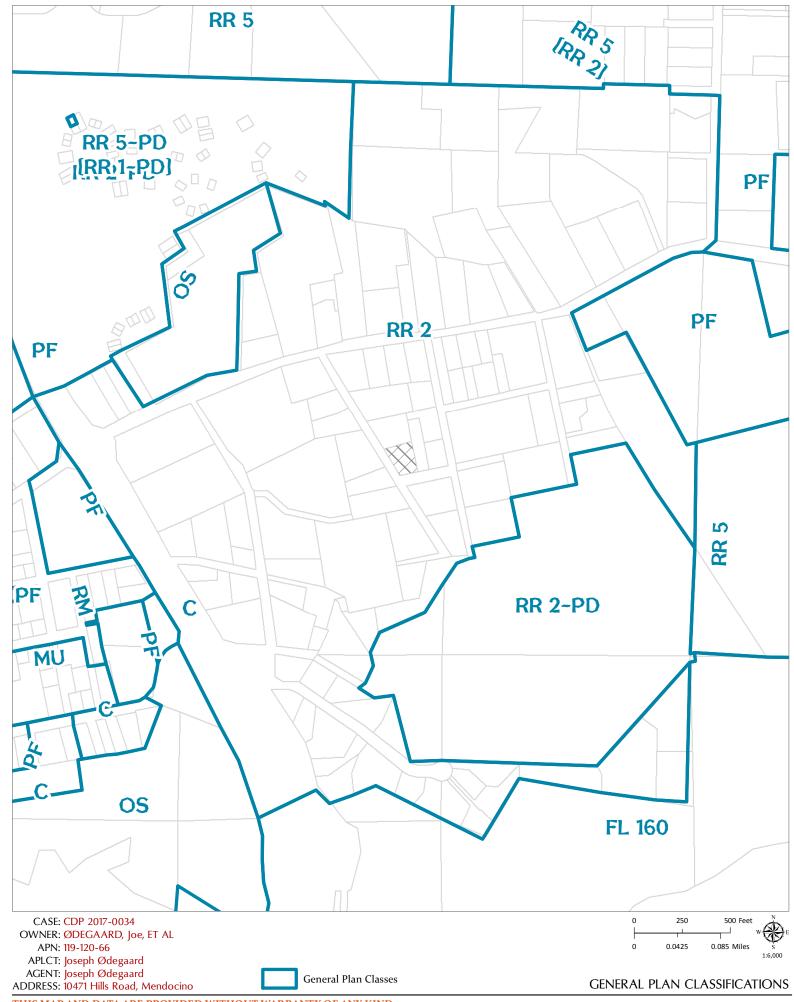
AGENT: Joseph Ødegaard ADDRESS: 10471 Hills Road, Mendocino

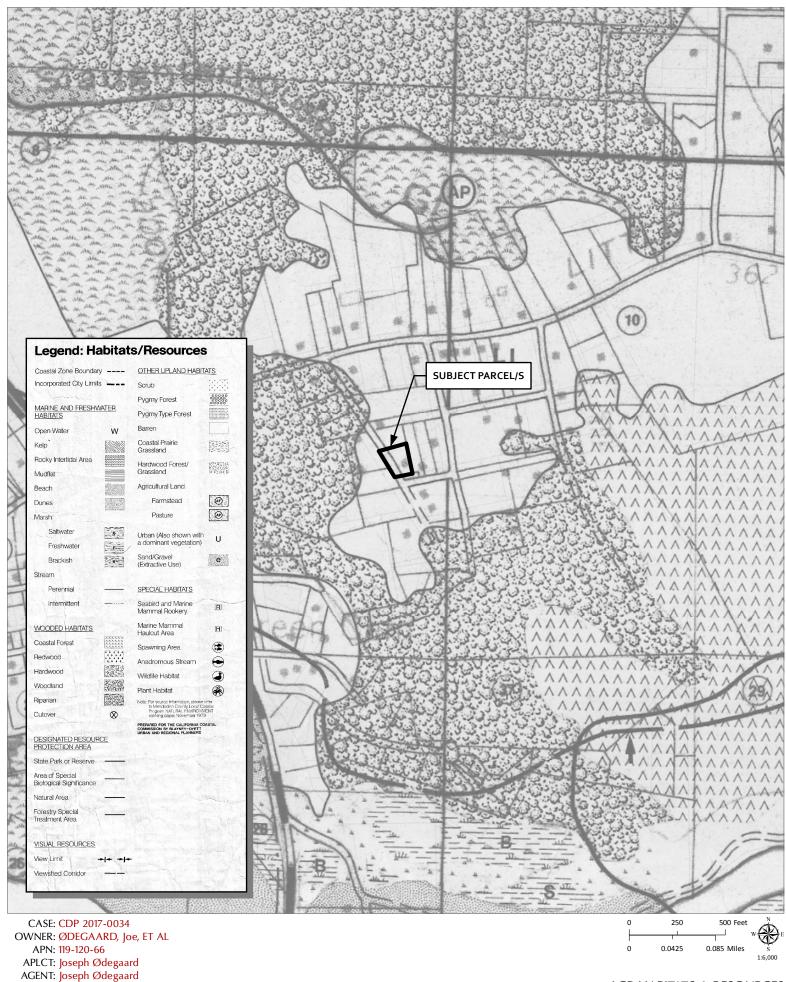
STUDIO FLOOR PLAN





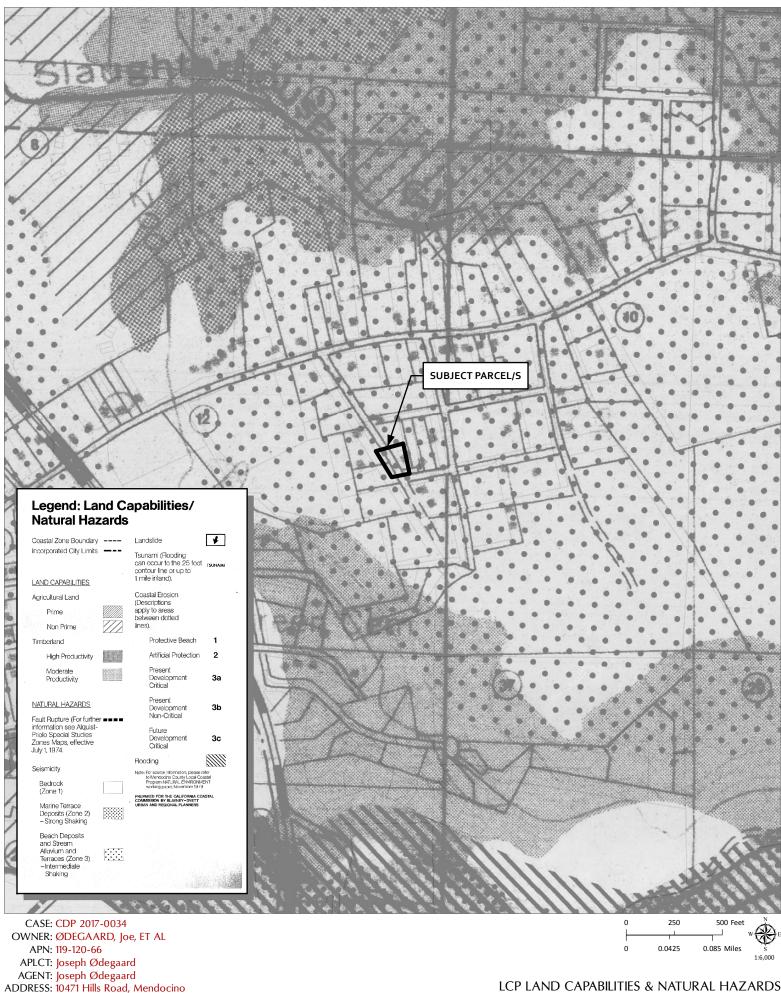
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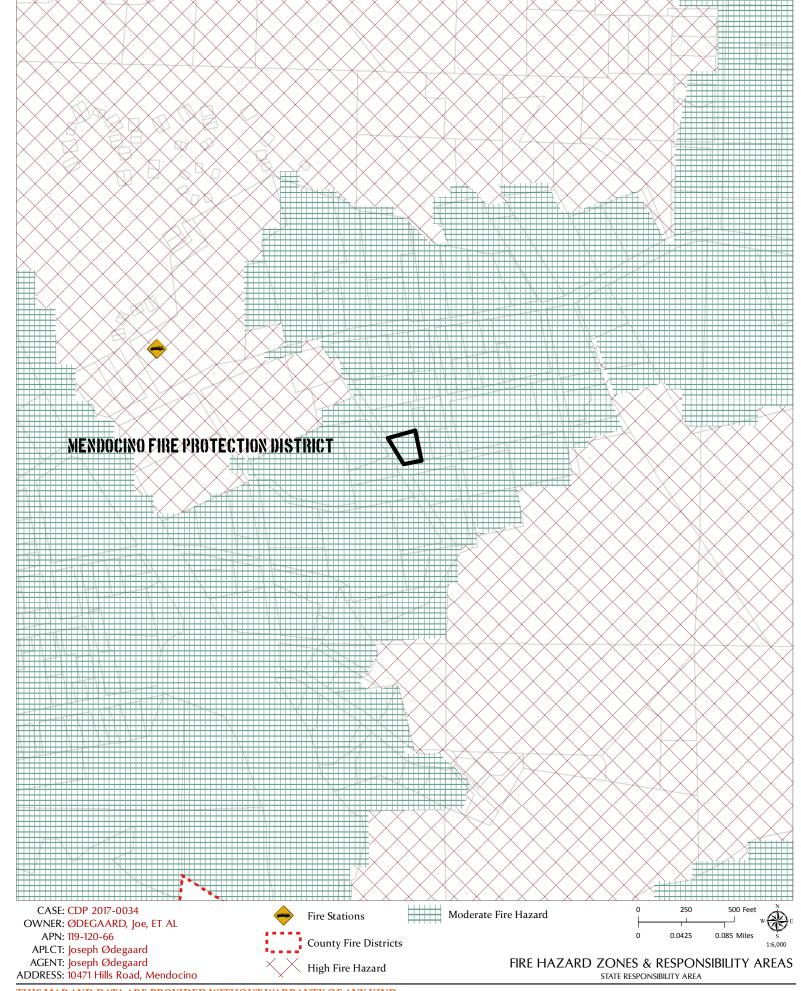


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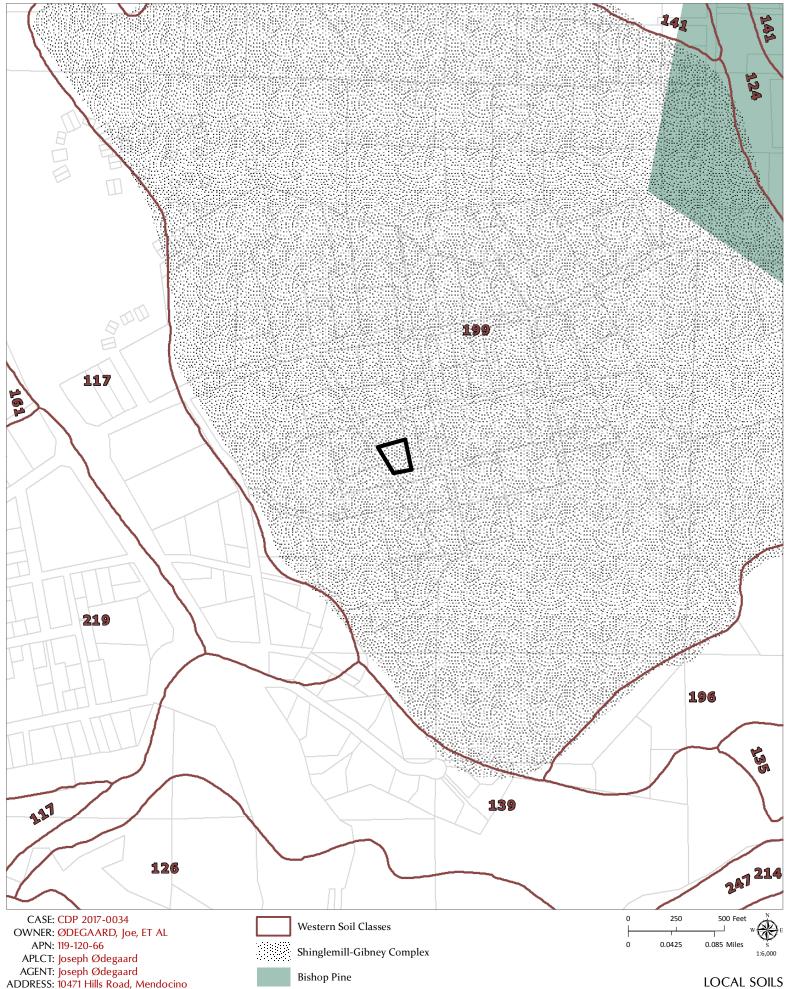
LCP HABITATS & RESOURCES



LCP LAND CAPABILITIES & NATURAL HAZARDS

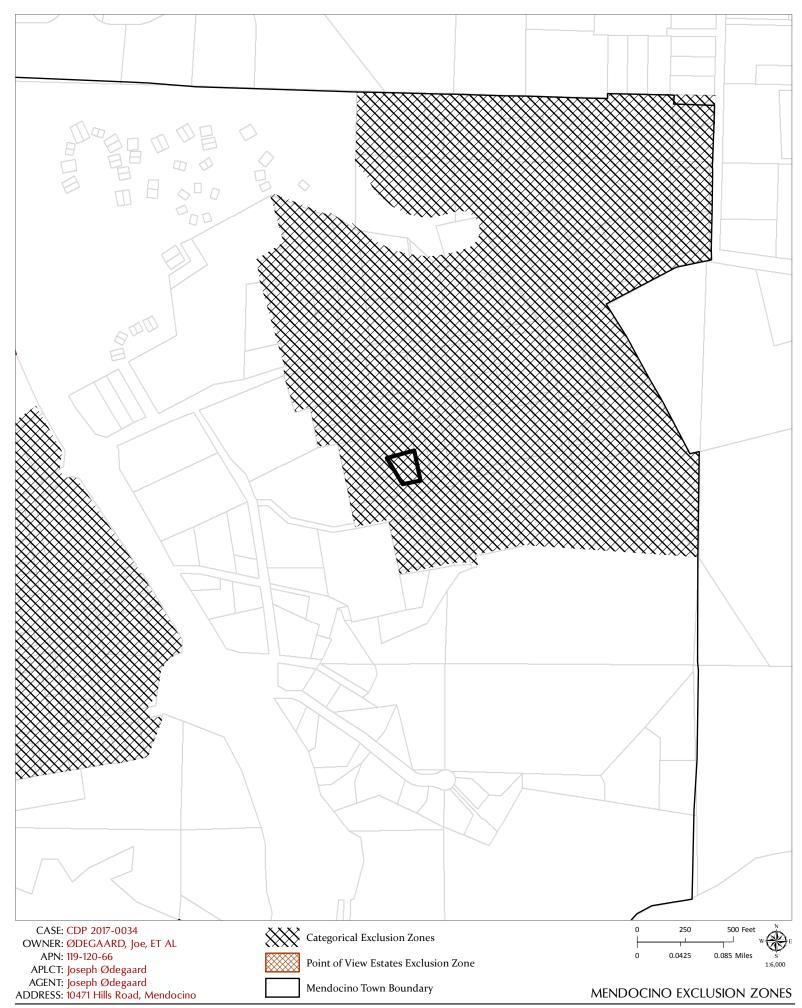


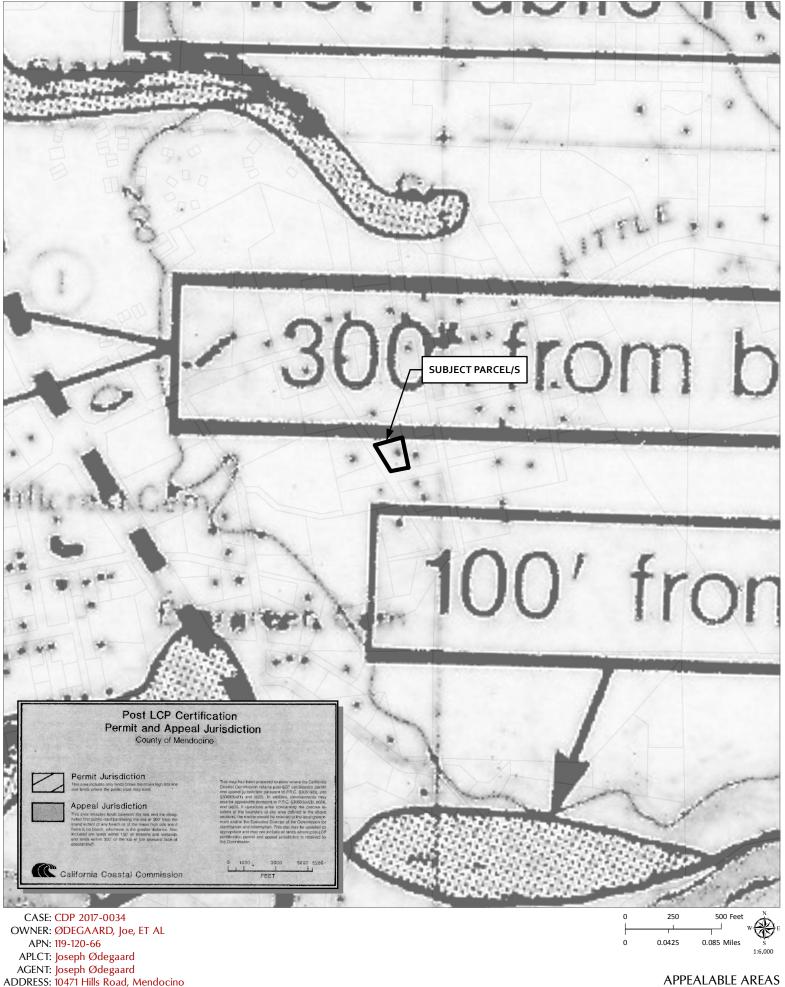
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APPEALABLE AREAS