



**ZONING ADMINISTRATOR
STAFF REPORT FOR USE PERMIT**

**U_2018-0005
JULY 12, 2018**

SUMMARY

OWNER/APPLICANT: JAY & ANNE WOIDA
PO BOX 385
CALPELLA, CA 95418

REQUEST: Use permit for the rebuild of an existing barn structure into an Additional Dwelling Unit. Expansion of a legal Non-Conforming structure located in the required setback area.

LOCATION: 2.1 ± miles southwest of Redwood Valley town center, on the west side of Highway 101, 0.8 ± miles southwest of its' intersection with West Road. Located at 7819 Uva Road (CR 239), Redwood Valley (APN: 165-040-21)

TOTAL ACREAGE: 2.16± acres

GENERAL PLAN: Rural Residential: (RR1)

ZONING: Rural Residential: (RR1)

SUPERVISORIAL DISTRICT: 1

ENVIRONMENTAL DETERMINATION: Categorically Exempt, CEQA Section 15303(a)
Conversion of Small Structures

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Susan Summerford

BACKGROUND

PROJECT DESCRIPTION: Minor Use Permit to allow the rebuilding and remodeling of an existing barn structure into a second dwelling unit. As the existing barn structure is located within the required setback area, it is deemed a legal nonconforming structure. Per Mendocino County Code (hereafter MCC) Section 20.204.025, expansion of nonconforming uses and structures may be continued provided a Minor Use Permit is obtained. The subject structure was constructed around 1900 and was historically in use as a slaughterhouse and barn. The applicants are proposing to rehabilitate the building, retaining as much of the exterior as possible to preserve the historic character and remodel the interior with the intent of constructing a 900 square foot additional dwelling unit, with no proposed expansion of the building footprint. No site improvements are proposed outside of the remodel of the barn; for which building permit plans are currently being reviewed by the County building department. Per MCC Section 20.180.015, which governs parking requirements, the proposed second unit triggers the addition of two parking spaces to be provided for on site. The applicant has identified space on the eastern side of the barn to serve as parking for the new unit.

SITE CHARACTERISTICS: The subject site is a rural residential parcel totaling approximately 2.16± acres with an existing single family home, pool and the barn structure. The parcel is generally flat, populated with oak trees and the existing structures. The surrounding area is mostly residential in nature, along with several vineyards and associated agricultural uses. Access is taken from Uva Drive, classified in the Mendocino General Plan as a local collector road, via a paved driveway. The site is in an existing residential area, well served by utilities and services. Water is provided for from an existing well.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR1	RR1	4.34 acres and 22.58 acres	vacant
EAST	RR1	RR1	5.3 acres	residential
SOUTH	RR1	RR1	1.2 acres, 1 acre, 1 acre and 5.3 acres	residential
WEST	RR1	RR1	4.34 acres and 1.2 acres	residential

PUBLIC SERVICES:

Municipal Advisory District: Redwood Municipal Advisory District
 Fire District: Redwood Valley/ Calpella Fire District
 Water District: Redwood Valley Water District
 Sewer District: None
 School District: None

AGENCY COMMENTS:

On April 24, 2018 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section:

REFERRAL AGENCIES	COMMENT
Redwood Valley Water District	No response
Environmental Health	Comments
Building Inspection	Comments
Assessor	No response
County Addresser	Response
Redwood Valley MAC	No response
Emergency Services	No response
Redwood Valley/Calpella Fire District	Response

KEY ISSUES

1. General Plan and Zoning Consistency: The subject parcel has a General Plan Land Use Designation of RR:L-1 (Rural Residential, Minimum Lot Area 40,000 square feet) with a corresponding zoning of RR:L-1 (Rural Residential, Minimum Lot Area 40,000 square feet). An additional structure for habitation is allowable under MCC Section 20.164.015(K) governing secondary residential units. Secondary dwelling units are defined as, "either a detached or attached dwelling unit, including a mobile home, which provides complete independent living facilities for 1 or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the primary unit is situated." A secondary dwelling unit is identified in the MCC as an Accessory Use, and is allowable in residential and agricultural zoning districts subject to the following provisions.

Sec. 20.164.015 (K) Second Residential Unit:

A second residential unit shall be permitted in all zoning districts which allow single-family dwellings subject to the following standards and criteria:

- (1) The lot contains an existing single-family dwelling unit or a building permit for the single-family dwelling unit (primary residence) has been applied for.

- (2) An adequate water system as approved by the Division of Environmental Health is available to serve the second residential unit.
- (3) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the second residential unit.
- (4) The second unit shall conform to height, setback, lot coverage, architectural review, site plan review, off-street parking, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the second residential unit is located.
- (5) The second residential unit shall comply with appropriate local building code requirements.
- (6) A second residential unit shall not be allowed if more than 1 dwelling unit (including farm employee housing, farm labor housing, temporary family care unit) is located on the parcel, or if there currently exists 2 accessory residential units (any combination of guest cottages and detached bedrooms) on the parcel.
- (7) Where dwelling group or parcel clustering is approved, no second residential unit shall be allowed.
- (8) Nothing in this Section shall prohibit a detached bedroom, guest house or family care unit from being converted into a second residential unit, consistent with the other provisions of this Section.
- (9) Second residential units may be either attached to the existing dwelling or they may be detached, separate structures.
- (10) Attached or detached second residential units are not intended for sale but may be rented.

The project, as proposed can be deemed to be in compliance with all but the italicized and underlined in (4). As discussed in the Project Description section of this report, the existing barn structure is located in the required setback area for the Rural Residential zoning designation. The requirement is for all structures to be set back from the side property line 6 feet. MCC Section 20.204.005(B) states, "A nonconforming structure is a structure which was lawfully erected prior to the effective date of the application of these regulations but which, under this Division, does not conform with the standards of yard spaces, height of structures, distance between structures, parking, etc., prescribed in the regulations for the zone in which the structure is located." Therefore, the barn structure, having been constructed prior to the establishment of the zoning designation and its' associated restrictions, is considered legal nonconforming. Further, MCC Section 20.204.025 details the requirements for an expansion of a legal nonconforming structure. Specifically, "A nonconforming use or structure may be expanded provided a Minor Use Permit is obtained. Prior to the issuance of any use permit to expand a nonconforming use or structure, the Zoning Administrator shall make a finding that the expansion conforms to the standards established in MCC Section 20.196.020 (Use Permits—Standards) for the granting of a use permit and that the following conditions are applicable:

- (1) That it is not reasonably economically or physically feasible to make the use of the property compatible with the applicable general plan land use designation;
- (2) That the use is and will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated;
- (3) That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location."

As the proposed expansion of the subject structure does not exacerbate any negative impacts, being located on the same spot for at least 100 years, staff supports the conversion of the existing barn to a dwelling unit, pursuant to the relevant code sections cited.

2. Use Permit Findings: As previously discussed, a minor use permit is required to allow the expansion of use for a legal nonconforming structure. Per MCC Section 20.196.020, the following points must be satisfied prior to awarding of the entitlement; discussion of each below in italics.

The General Plan envisions residential development in the rural residential zone. As such, provisions have been made in the Code to enable the expansion of a legal nonconforming structure

- (B) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

The subject property is an established residential site, with an existing single family home. As such, the proposed converted unit will benefit from all existing infrastructure. Any increase in the demand for services shall be further vetted at the time of application. As proposed, the project meets this requirement.

- (C) That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;

The proposed use is residential in nature, and utilizes an existing structure.

- (D) That such use preserves the integrity of the zoning district.

The zoning designation of Rural Residential allows for second units provided they meet the requirements discussed in Section 1 of this report.

5. Environmental Protection: The project is exempt from environmental review pursuant to California Code of Regulations (CCR) Section 15303(a) Conversion of Small Structures.

RECOMMENDATION

By Resolution, the Zoning Administrator, adopts the Categorical Exemption and grant approval of Use Permit U_2018-0005, based on the facts and findings and subject to the Conditions of Approval.

7/28/18

DATE


SUSAN SUMMERFORD
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- A. Aerial Map
- B. Zoning Map
- C. General Plan
- D. Adjacent Owner Map
- E. Site Plan

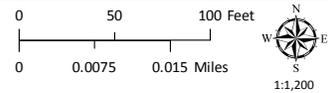
RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CASE: U 2018-0005
OWNER: WOIDA, Jay & Anne
APN: 165-040-21
APLCT: Anne & Chris Woida
AGENT:
ADDRESS: 7819 Uva Drive, Redwood Valley

 Named Rivers
 Public Roads



AERIAL IMAGERY

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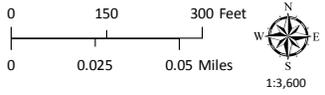
RR1

RR2

RR5

AG 40

 Zoning Districts

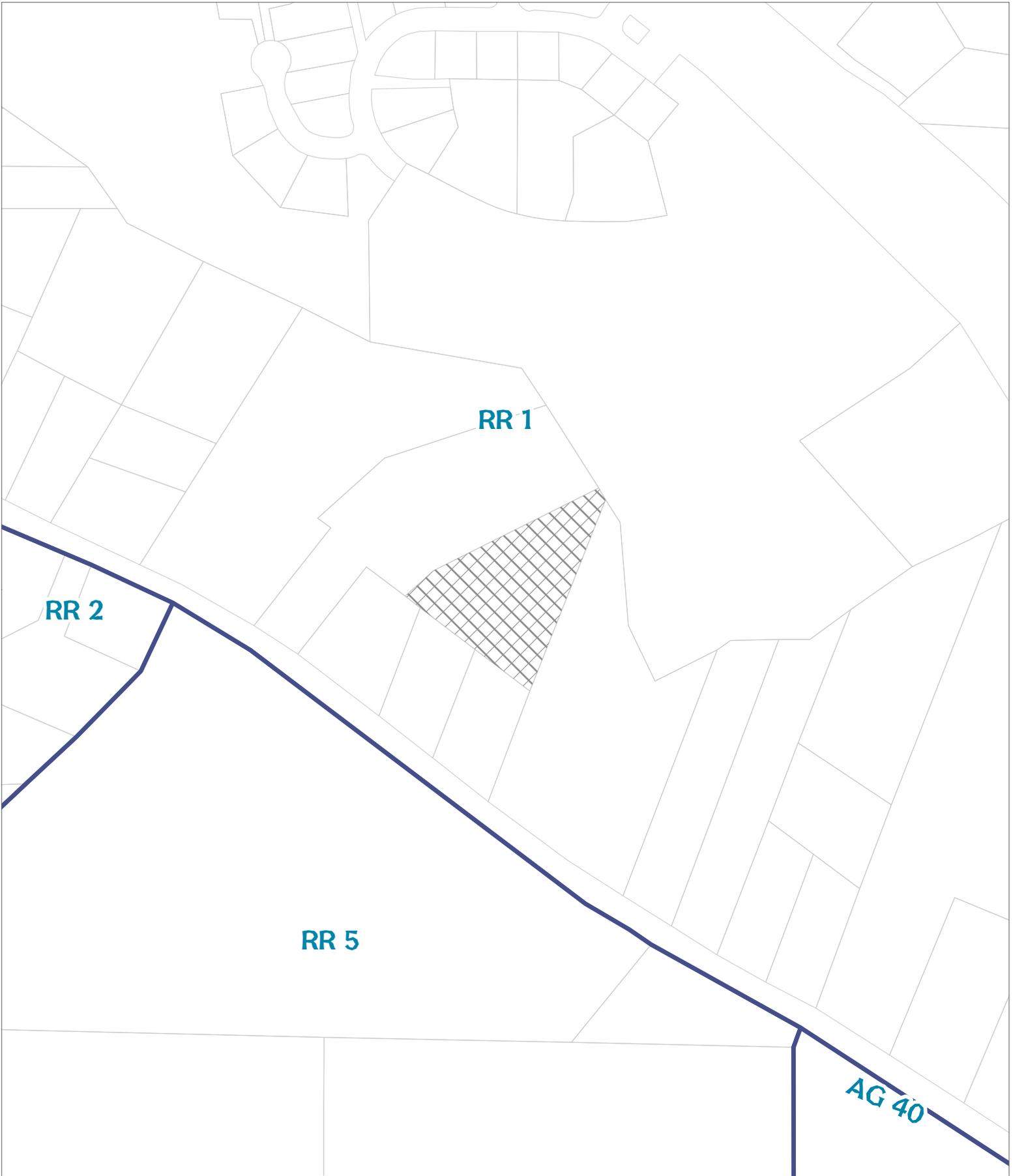


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ZONING DISPLAY MAP

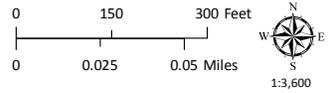
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 General Plan Classes

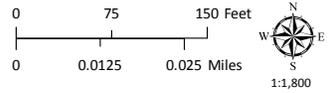


GENERAL PLAN CLASSIFICATIONS

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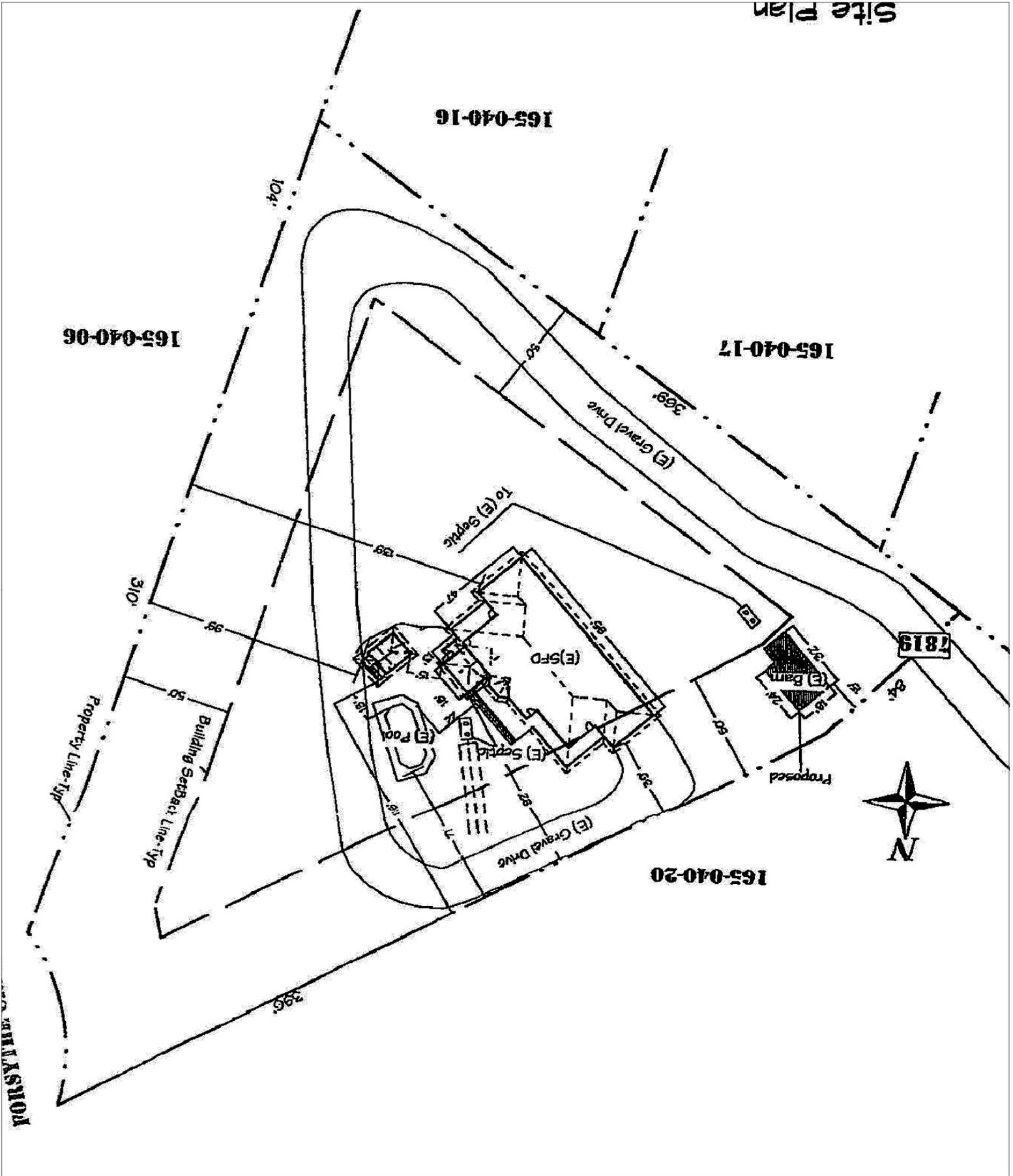
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ADJACENT PARCELS

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Site Plan



CASE: U 2018-0005
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 AGENT:
 ADDRESS: 7819 Uva Drive, Redwood Valley

NO SCALE

SITE PLAN

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Resolution Number _____

County of Mendocino
Ukiah, California
July 12, 2018

U_2018-0005 - JAY AND ANNE WOIDA

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A MINOR USE PERMIT TO REBUILD AN EXISTING LEGAL NONCONFORMING BARN STRUCTURE LOCATED IN THE REQUIRED SETBACK AREA AS A SECOND RESIDENTIAL UNIT.

WHEREAS, the applicants, JAY AND ANNE WOIDA, filed an application for a Use Permit with the Mendocino County Department of Planning and Building Services to rehabilitate and rebuild an existing legal nonconforming barn structure located in the required setback area as a Second Residential Unit located : 2.1 ± miles southwest of Redwood Valley town center, on the west side of Highway 101, 0.8 ± miles southwest of its' intersection with West Road. Located at 7819 Uva Road (CR 239), Redwood Valley (APN: 165-040-21); Supervisorial District 1; hereafter referred to as "the Project"; and

WHEREAS, the Project is CATEGORICALLY EXEMPT pursuant to California Environmental Quality Act (CEQA) Section 15303(a), Conversion of Small Structures, determined in accordance with the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on July 12, 2018, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, which the Zoning Administrator, based upon the evidence in the record, makes the following findings;

1. General Plan Findings: The subject property is classified Rural Residential (RR:1) under the General Plan. Residential development is consistent with the intent of the General Plan.
2. Zoning Findings: The subject property is zoned Rural Residential-1, 40,000 square foot minimum (RR:L-1). The project is consistent with the Rural Residential District provisions of Section 20.164.015(K) and the Nonconforming Uses and Structures Section 20.204.025 of the Mendocino County Code.
3. Project Findings: The Zoning Administrator approves U_2018-0005 subject to the Conditions of Approval recommended by staff, and further finding:
 - (A) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. The Project is located on an existing residential parcel that is well served by local utilities, is located on a county maintained road with an established access point and will create no additional building footprint.
 - (B) That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general

welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect. The Project, as proposed, is allowable pursuant to the County Code, and proposes to serve a need in the community utilizing an existing building with a compatible use type.

(C) That such use preserves the integrity of the zoning district. The Rural Residential zoning designation allows for additional dwelling units.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Minor Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
Zoning Administrator

EXHIBIT "A"

**CONDITIONS OF APPROVAL
U_2018-0005 - JAY AND ANNE WOIDA
JULY 12, 2018**

APPROVED PROJECT DESCRIPTION: Minor Use Permit to rehabilitate existing legal nonconforming barn structure located in the required setback area as a Secondary Residential Unit.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code.
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. 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.
4. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the applicant to make use of this permit within 1 year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
5. In the event that the use of the building should cease operation for a period exceeding 1 year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U_2018-0005.
6. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by Conditions of the Use Permit.
7. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith is mandatory, unless a modification has been approved by the Zoning Administrator.
8. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 1 or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

9. 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.
10. The applicant shall obtain all authorizations required by and comply with all conditions established by the following agencies having jurisdiction over the project, including, but not limited to:

Building Division – April 24, 2018 - **The applicant shall apply for a change occupancy permit as well as any additional permits related to the rehabilitation and remodel of the existing barn structure.**

Environmental Health – May 14, 2018 – **The applicant shall work with EH to finalize the design and installation of the required septic system for the additional dwelling unit.**

County Addressor – April 24, 2018 – **An additional address shall be applied for and the new unit will be assigned, 7817 Uva Drive.**

11. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.

USE PERMIT CONDITION ACKNOWLEDGEMENT:

12. To ensure the terms and conditions of this use permit are understood by the applicant, an acknowledgement form shall be submitted to the Department of Planning and Building Services.

TIMING AND REQUIREMENTS: Prior to commencement of use authorized under Use Permit U_2018-0005 or issuance of any building permits associated with said Use Permit, the applicant shall submit a signed statement acknowledging the review and full understanding of all terms and conditions associated with project approval and ongoing condition compliance.

EXTERIOR LIGHTING:

14. All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.