



## MEMORANDUM

**DATE:** November 2, 2023  
**TO:** Mendocino County Planning Commission  
**FROM:** Rob Fitzsimmons, Planner II, Planning and Building Services  
**SUBJECT:** Use Permit Application U\_2023-0007 (Collins)

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The Planning Commission previously heard this project on October 5, 2023, and requested it be continued to give staff time to prepare additional Conditions of Approval to address the concerns raised during the hearing.

Issues raised by the Planning Commission during the 10/5/2023 hearing:

*The two unpermitted 120-square-foot detached structures are encroaching on the required setbacks and cannot be legalized, so conditioning the permit to require legalization.*

Staff Response: The structures are approximately 10 feet from the nearest (side) property line, and the standard applicable setback is 20 feet. Legalization can come in the form of demolishing or moving the encroaching structures, provided the requisite Building Permits are issued and finalized. Alternately, there is a path for legalization that would not require moving or demolishing the existing structures: it may be possible to merge them into a single structure and add a kitchen while still keeping the total footprint of the combined structure under 1200 square feet. Should all other standards for classification of the combined structure as an ADU be met, it would only be subject to a four-foot setback to the rear and side property lines per Gov. Code 65852.21(a), so the encroachment would no longer exist. This too would require a finalized Building Permit. **Condition 5** has been reworded to reflect the options available to legalize these structures.

*In order for the proposed use to remain an accessory use, the permit should be conditioned to limit the proposed use to "either less than 180 days per year, or provided that there is continuous long-term occupancy of the home."*

Staff Response: The requested limitations have been combined into a single **Condition 10**. The justification for making Finding 1 has also been reworded to reflect this change.

*The permit needs clear language indicating that it allows for the renting of two rooms only.*

Staff Response: An additional **Condition 11** has been added to emphasize this limitation. Note that the phrase "two guest rooms in an existing single-family dwelling" also appears in the request, the project description, and the title of the resolution. Moreover, the location of the two rooms, within the SFD, are shown on the Site Plan.

*Additional conditions are required to limit the potential of the proposed use to pose a nuisance to neighbors, particularly with regard to noise and easement usage.*

Staff Response: The following additional conditions have been added:

- Condition 12**, making clear that this permit would not authorize special events.
- Condition 13**, limiting check-in/check-out times to 9AM-10PM.
- Condition 14**, establishing quiet hours from 10PM-10AM.
- Condition 15**, limiting visitor parking to the subject parcel.

The justification for making Finding 4 has also been reworded to reflect these changes.

*The owner's dog may pose a nuisance, so the permit should include a condition requiring that the property be fenced.*

Staff Response: There is no clear nexus with the findings required for a Room and Board permit, so no such condition was drafted. Note that the parcel is already partially fenced.

In addition to the above, at County Counsel's recommendation Staff has added language to **Condition 7** to clarify how the requirement for a Business License will be implemented.