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STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE DETERMINATION

Appeal No.: **A-1-MEN-16-0007**

Applicant: **Sydney Mintz and Justine Shapiro**

Appellants: Dan and Carol Clary, Will Kruse, Pam Ogbin,
Maria Koskela, David and Sue Preston

Local Government: Mendocino County

Local Decision: Approval with Special Conditions

Location: 3890 and 3930 Albion-Little River Road, in the
unincorporated town of Albion, Mendocino County
(APNs 123-050-11 and 123-050-32).

Project Description: Request for a standard Coastal Development Permit
for temporary events, up to fourteen (14) days per
year. Associated development includes the
installation and maintenance of a lightly graveled
parking lot, installation of a commercial driveway
approach, and removal of three (3) Eucalyptus trees.

Staff Recommendation: No Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the *de novo* phase of the hearing will occur at a future Commission meeting during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeal has been filed.

The approved project consists of up to 14 temporary events per year and associated development including the installation and maintenance of a lightly graveled parking lot, the installation of a paved commercial driveway approach, and the removal of three Eucalyptus trees at 3890 and 3930 Albion-Little River Road, in the unincorporated community of Albion, Mendocino County (See **Exhibits 1-2**).

The appeal raises three main contentions: (1) the approved use of the site is inconsistent with the site's Rural Village (RV) zoning district and land use classification; (2) the approved development is out of character with its setting, inconsistent with LCP policies pertaining to Highly Scenic Areas, Special Neighborhoods, and areas designated Rural Village (RV); and (3) the site has inadequate water capacity to serve the approved development, inconsistent with LCP policies requiring proof of adequate water supply.

Staff believes there is a high degree of factual and legal support for the County's decision. Regarding the first contention, the approved use of the site for temporary events is allowable under the temporary use provisions of the certified LCP (CZC §§ 20.460.010 & 20.460.020). Regarding the second contention, the existing residence is a historic school structure in a prominent location separated from the rest of the residences in the neighborhood. Given (a) the institutional appearance of the building at a prominent location where public assembly would not be unexpected, and that (b) the County has imposed a number of conditions to ensure the approved development will not have an impact on the community's character, including limiting the number, duration, and size of temporary events; prohibiting amplified sound, parking on nearby streets, and exterior lights in the parking area; and requiring landscaping to shield the parking area from view, the appeal raises no substantial issue that the approved development is out of character with its setting. Regarding the third contention, the County Division of Environmental Health has evaluated a hydrological study of the property and a water demand analysis of the approved project and has determined that the water source is sufficient to serve both the approved development and the existing residential use of the site with conditions imposed by the County requiring portable toilets for events that exceed 50 attendees and requiring the installation of a 2,500 gallon water tank.

Therefore, staff recommends that the Commission find that the appeal raises **NO substantial issue** regarding conformance of the approved development with the policies of the County’s certified LCP and the public access policies of the Coastal Act.

The motion to adopt the staff recommendation of No Substantial Issue is found on [Page 4](#).

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APPENDICES

[Appendix A](#) – Commission’s Appeal Jurisdiction over the Project

[Appendix B](#) – Substantive File Documents

[Appendix C](#) – Excerpts from the Certified LCP Regarding Land Use & Zoning

[Appendix D](#) – Excerpts from the Certified LCP Regarding Visual Resources

[Appendix E](#) – Excerpts from the Certified LCP Regarding Adequacy of Water Supply

EXHIBITS

[Exhibit 1](#) – Regional Location Map

[Exhibit 2](#) – Vicinity Map

[Exhibit 3](#) – Aerial Images

[Exhibit 4](#) – Site Plan

[Exhibit 5](#) – Zoning and Land Use Maps

[Exhibit 6](#) – Site Photos

[Exhibit 7](#) – Notice of Final Local Action

[Exhibit 8](#) – Appeal

[Exhibit 9](#) – Applicant’s Correspondence

[Exhibit 10](#) – Commission Staff’s Correspondence with County Division of Environmental Health

I. MOTION AND RESOLUTION

Motion:

I move that the Commission determine and resolve that Appeal No. A-1-MEN-16-0007 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion by voting “Yes” as is recommended by staff will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution:

The Commission hereby finds that Appeal No. A-1-MEN-16-0007 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified LCP and/or the public access policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

A. APPEAL JURISDICTION AND PROCEDURES

Pursuant to Coastal Act Section 30603, Mendocino County’s approval is appealable to the Commission because the approved development is within a designated “highly scenic area,” which is a type of sensitive coastal resource area. The Commission’s Appeal Jurisdiction is further discussed in [Appendix A](#) which is hereby incorporated by reference. The grounds for an appeal are limited to an allegation that the approved development does not conform to the standards set forth in the certified Local Coastal Program (LCP).

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue¹ exists with respect to the grounds on which the

¹ The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (a) the degree of factual and legal support for the local government’s decision; (b) the extent and scope of the development as approved or denied by the local government; (c) the significance of the coastal resources affected by the decision; (d) the precedential value of the local government’s decision for future interpretations of its LCP; and, (e) whether the appeal raises only local issues, or those of regional or statewide significance.

appeal has been filed. Even when the Commission chooses not to hear an appeal, an appellant nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5. Commission staff has analyzed the administrative record for the approved project, including the County's Notice of Final Local Action (**Exhibit 7**), the appellant's claims (**Exhibit 8**), and the relevant requirements of the Coastal Act and certified LCP (**Appendices C-E**). Staff is recommending that the Commission find that the appeal raises no substantial issue with respect to the grounds on which the appeal has been filed.

In this case, because the staff is recommending that the appeal raises no substantial issue, the Commission will hear arguments and vote on the substantial issue question. Generally, and at the discretion of the Chair, qualified persons will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellants and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

If the Commission determines that the appeal does raise a substantial issue, the Commission would continue the *de novo* portion of the appeal hearing to a subsequent meeting.

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

The Mendocino Coastal Permit Administrator approved CDP No. 2013-0012 with conditions on December 16, 2015. No appeal was filed at the local level. The Coastal Commission's North Coast District Office received a Notice of Final Local Action on the approved development on January 8, 2016. The North Coast District Office received a timely appeal (**Exhibit 10**) of the County's decision to grant the permit on January 11, 2016, within 10 working days of receipt by the Commission of the County's Notice of Final Action. The appellants include Dan and Carol Clary, David and Sue Preston, Maria Koskela, Will Kruse, and Pam Ogbin.

The Mendocino Coastal Permit Administrator made verbal modifications to the approved development during the permit hearing on December 16, 2015 that were not reflected in the language of the permit conditions submitted as part of the original Notice of Final Action to the Commission.² To rectify this discrepancy, the County subsequently

² During the December 16, 2015 public hearing, the Coastal Permit Administrator verbally modified the permit to add an allowance for outdoor events. However, Condition 19 of approval of the local CDP as listed in the original Notice of Final Local Action received by the Commission on January 11, 2016 stated that events were allowed within the Albion Schoolhouse structure only. Condition 19 stated in part: "Up to fourteen (14) events per year and no more than two (2) events per month may be held within the structure at APN 123-050-11." In the corrected Notice of Final Local Action received by the Commission on February 16, 2016, this part of Condition 19 was changed to state: "Up to fourteen (14) events per year and no more than two (2) events per month may be held at the site," to reflect the Coastal Permit Administrator's modification of the permit to allow for outdoor events.

rescinded and resubmitted their Notice of Final Action with corrections on February 16, 2016 (**Exhibit 7**). The Commission's corrected appeal period therefore began anew on February 16, 2016 and ran for 10 working days, ending on March 1, 2016. The previously submitted appeal was deemed filed on the first day of the corrected appeal period, February 17, 2016.

C. PROJECT DESCRIPTION & SETTING

The County issued a Coastal Development Permit for up to 14 temporary private events per year and associated development including the installation and maintenance of a lightly graveled parking lot, the installation of a paved commercial driveway approach, and the removal of three Eucalyptus trees at 3890 and 3930 Albion-Little River Road, in the unincorporated community of Albion, Mendocino County (See **Exhibits 1-2**). The approved development is located approximately 500 feet north of the Albion River and 550 feet east of Highway One on two parcels each approximately one-acre in size (**Exhibit 3**). The eastern parcel (3930 Albion-Little River Road) is developed with a historic schoolhouse (the Albion Schoolhouse, built in 1929) which is currently used as a single-family residence and vacation home rental.³ The western parcel (3890 Albion-Little River Road), the site of the approved parking lot, is currently undeveloped except for a drilled well. Northern Bishop Pine Forest, a rare plant community, is found behind (to the north of) the Albion Schoolhouse structure and to the north and east of the property. The remainder of the property (including the site of the approved parking lot) consists of non-native grassland, with minor landscaping in front of the schoolhouse and eucalyptus trees lining the southern edge of the site along Albion-Little River Road (**Exhibit 6**). All approved development is located over 100 feet from the Northern Bishop Pine Forest Environmentally Sensitive Habitat Area. The topography of the site slopes gradually from north to south and east to west, with the Albion Schoolhouse and Northern Bishop Pine Forest ESHA located on the highest northeast portion of the site.

The subject parcels are zoned and classified in the Mendocino County General Plan as Rural Village (RV) and are located within a designated Highly Scenic Area and Special Neighborhood (**Exhibit 5**).⁴ The land to the west and south of the subject site is also zone and classified RV, while the land to the north and east of the site is zone and classified Remote Residential (RMR-20). The RV parcels to the west and south of the subject property are primarily either vacant or developed with single-family residences, while the RMR land to the north is developed for agricultural use.

The subject property has been used sporadically over the past fifteen years to host special events. In 2013, a County violation case was opened to address allegations that the property had been holding special events without the proper permits. The subject local CDP seeks to bring the use of the property into compliance with the certified LCP.

The County has approved the use of the site for temporary events and associated development subject to 27 conditions. A number of the conditions impose limitations on

³ The owners have a valid business license for use of the property as a vacation home rental.

⁴ The communities and service centers designated as RV, including Albion, are protected as Special Neighborhoods (See CZC Section 20.504.020).

the allowed temporary events. Condition 19 limits the number and duration of events (to a maximum of fourteen per year and two per month lasting no more than one day each), and limits the size of events (to a maximum of 106 attendees for events between May 15 and October 31 and a maximum of 14 passenger vehicles for events between November 1 and May 15). In addition, Condition 20 limits the event operation hours to between 10 AM and 10 PM daily, and Condition 13 prohibits amplified sound outside the Albion Schoolhouse structure. Finally, under Condition 27, the CDP is only valid for a period of three years after issuance and may only be renewed if it is determined that the special event use has not adversely affected the Rural Village designated community.

A number of conditions are imposed to ensure the property's existing water supply, septic system, and historic schoolhouse structure can accommodate the approved temporary events use. Condition 25 imposes a number of recommendations made by the Mendocino County Division of Environmental Health regarding water and septic capacity, including limiting events to a maximum of one per week and four per month, requiring portable toilets be provided for events that exceed 50 attendees, and requiring installation of a 2,500-gallon water storage tank to provide sufficient water reserves. In addition, Condition 17 requires in part that the applicant hire a qualified site evaluator to determine whether the existing septic system at the Albion Schoolhouse is in proper working order.

A number of the conditions also relate to the approved parking area, including: (a) Condition 11 requiring the parking area to adhere to yard setback standards of the RV zoning district; (b) Condition 12 requiring the parking area to be surfaced at a minimum with light gravel; (c) Condition 15 requiring submittal of a parking plan demonstrating compliance with various County parking standards; (d) Condition 16 prohibiting event parking along Highway 1, Albion-Little River Road, or along the driveway; (e) Condition 21 prohibiting lighting in the parking field and requiring all exterior lighting at the site to be downcast and shielded; (f) Condition 24 requiring submittal of a landscaping plan that shields the parking area from view and reduces the impacts of vehicle headlights leaving at night; and (g) Condition 26 limiting the use of the parking area to the dry season between May 15 and October 31.

D. APPELLANT'S CONTENTIONS

The appeal filed by Dan and Carol Clary, Maria Koskela, Will Kruse, David and Sue Preston, and Pam Ogbin is attached as **Exhibit 8**. The appeal raises three main contentions. First, the appeal alleges that the approved use of the site is inconsistent with the site's Rural Village (RV) zoning and land use designation, as well as the temporary use provisions of the certified LCP. Second, the appeal alleges the approved development is out of character with its setting, inconsistent with policies of the certified LCP pertaining to Highly Scenic Areas, Special Neighborhoods, and areas designated Rural Village (RV). Finally, the appeal alleges that the site has inadequate water capacity to serve the approved development, inconsistent with policies of the certified LCP requiring proof of adequate water supply.

As set forth in Section 30603 of the Coastal Act, after certification of its LCP, an appeal of a local government-issued CDP is limited to allegations made on the grounds that the

approved development does not conform to the standards set forth in the certified LCP. As discussed below, the Commission finds that all of the contentions raised by the appellant are valid grounds for appeal, but none raise a substantial issue of conformance of the approved development with the policies of the certified LCP. The three contentions are discussed separately below. The relevant policies are included in [Appendices C-E](#).

E. ANALYSIS OF APPELLANT’S CONTENTIONS

Allowable Use

The subject parcels and surrounding neighborhood are zoned and classified in the Mendocino County General Plan as Rural Village (RV). The appellants allege that the approved use of the site for temporary events is not allowed as a permitted use in the RV district.

The existing use of the Albion Schoolhouse as a single-family residence and vacation home rental is consistent with the RV classification and zoning as a principally permitted use. Contrary to the appellants’ assertion that the approved use of the home for temporary events is not one of the enumerated uses within the RV district, the approved use of the site for temporary events is allowable under the temporary use provisions of the certified LCP, which allow for entertainment events or religious assembly temporary uses and associated development in any zone (CZC § 20.460.020(A)), in compliance with a number of provisions (See [Appendix C](#), CZC §§ 20.460.005-20.460.020). These provisions include a limitation that the period of operation of the entertainment event or religious assembly temporary use not exceed fourteen days in any twelve month period, and a requirement that a Coastal Development Permit be obtained for gatherings of one hundred to one thousand persons. The County’s conditions of approval for the subject CDP limit the number of special events at the site to a maximum of fourteen per year each lasting no more than one day, and limit the occupancy of the site to 106 persons, consistent with the temporary use provisions of the certified LCP. Therefore, the approved development is allowable in the RV district pursuant to the temporary use provisions of the LCP.

The approved development includes improvements to the driveway approach to the County road to meet commercial standards and the placement of “light gravel” in the adjacent field to accommodate event parking. The appeal contends that the temporary use provisions of the certified LCP only allow temporary changes to a property and do not authorize these physical changes to the land. However, as specified above, the temporary use provisions of the certified LCP allow for certain specified “temporary uses and associated development” in any zone (CZC § 20.460.010). Moreover, the commercial driveway approach is required by Condition 10 of the County approval in response to a request by Mendocino County Department of Transportation to address ingress and egress of event attendees, and the lightly graveled parking lot is required by Condition 15 of the County approval to ensure that adequate parking is provided for temporary events of up to 106 persons at the site. The removal of the three eucalyptus trees will improve the site distance around the blind curve. As the approved driveway approach, parking area, and tree removal are associated with and incidental to the use of the site for temporary events, these physical changes to the site are allowable under the temporary

use provisions of the certified LCP as “associated development”. In addition, the expanded driveway approach, lightly graveled parking area, and the removal of trees are all developments that can serve the existing residential and vacation rental use of the property and are permissible within the Rural Village zoning district whether or not they are needed to accommodate temporary events.

The appellants also allege that the approved development is not consistent with the intent of the RV district to provide neighborhood commercial services. The certified LCP requires that approval of a Coastal Development Permit be accompanied by findings that the development is consistent with the purpose and intent of the zoning district applicable to the property [CZC Section 20.532.095(A)(3)]. The intent of the Rural Village designation is "to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities" (LUP 2.2 - *Intent*; and CZC § 20.388.005). The appellants argue that the approved use of the site for temporary events is not a neighborhood commercial service which is defined by the County’s Coastal Zoning Code as “commercial retail services of a small scale, convenience retail stores and services commonly located in or adjacent to and providing direct services to residential zones including banks, foodmarkets, and drugstores” (CZC § 20.324.100). While it is true that the use of the site for temporary events is not a neighborhood commercial service, this fact does not make it inconsistent with the intent of the RV district. Neighborhood commercial services are not the only commercial uses permissible within the RV zoning district. As discussed above, temporary uses such as entertainment events which can be of a commercial nature are expressly permissible in all zoning districts, including the RV district. Further, the intent of the RV designation includes providing both a variety of community-oriented neighborhood commercial services and providing and allowing for a mix of residential and commercial activities. The use of the subject property as a residence/vacation home rental as well as a temporary event location provides a mix of residential and commercial activities consistent with the intent of the RV zoning district.

As the degree of factual and legal support for the County’s decision is high and the extent and scope of the development is small in scale given that the approved development is limited to 14 temporary events per year, the Commission finds that the appeal raises no substantial issue with regard to the approved project’s consistency with LCP policies regarding allowable uses in the RV district.

Compatibility with Character of Setting

The County-approved development is located east of Highway One within a designated Highly Scenic Area and Special Neighborhood (See [Appendix D](#), especially LUP Policies 3.5-2 & 3.5-3; and CZC §§ 20.388.060, 20.504.015, & 20.504.020). The Mendocino County LCP requires that any new development in highly scenic areas be subordinate to the character of its setting [LUP 3.5-1 & 3.5-3; CZC §§ 20.504.015 & 20.504.020], and that any new development in Special Neighborhoods remain within the scope and character of existing development in the surrounding neighborhood [LUP 3.5-2; CZC § 20.504.020(C)(1)]. The project site is also zoned and designated Rural Village

(RV), and the certified LCP specifies that the intent of the RV designation is in part to preserve and maintain the character of the rural atmosphere and visual quality of the existing coastal village [LUP 2.2; CZC § 20.388.005]. The Mendocino County LCP identifies Albion Village as “one of the coast’s most striking townscapes” with a “wood trestle bridge in the foreground of a small village that clings to the edge of the hill” (LUP 4.9 – Albion Village).

Taking the various applicable community character policies together, to be consistent with the LCP, the approved development must: (1) be subordinate to the character of its setting; (2) remain within the scope and character of existing development in the neighborhood; and (3) preserve and maintain the character of the rural atmosphere and visual quality of Albion Village.

The appellants contend that the character of the project site as well as the character of the surrounding area is residential, and therefore the approved commercial activities and associated development are out of character with existing development in the neighborhood. The appeal states that there are two Albion Rural Villages, one on the south side and one on the north side of the Albion River:

When the Lumber Mill built the town they put homes and the Business (commercial) section on the South Side of the Albion River. The Post Office, Grocery Store, Hardware Store and Fire Department are still there. There is nothing commercial in the North Side Highly Scenic Rural Village. The North Side was subdivided in 1893 and became the residential section. There were at least 30 houses. It was called Michigan Hill and the homes housed the administrators and the Mill workers cottages...

The appeal asserts that the approved use of the property for temporary events is a commercial activity that is inconsistent with the character of the Rural Village north of the Albion River because this area was historically and is currently residential in nature with no retail establishments.

Whether or not a common retail establishment would better fit the character of the Rural Village neighborhood on the south side of the Albion River where the grocery store, hardware store, and other commercial establishments are clustered, the County-approved CDP does not permit the use of the property as a retail establishment. The use of the existing residence for temporary events approved under the subject CDP is very different in character than common retail commercial activity.

And although the Rural Village neighborhood north of the Albion River does have a predominately residential character, the subject property itself has a unique character very different from those surrounding residences. The subject property contains the Albion Schoolhouse structure, a white, one-story, 4,850-square-foot institutional building located at a topographically high point on top of a grassy hill on the eastern edge of the neighborhood, backed by a coniferous forest to the north and east. There is a large expanse of grassland to the west of the structure between the structure and neighboring residences, and a large grassy front yard (to the south) with a 13,000-square-foot loop

driveway and Eucalyptus windrow along the southern property boundary. The Albion Schoolhouse structure was constructed in 1924 to serve as a grammar school for the Albion community, and, according to the local record, operated as a school until 1967. Since that time, the structure has been used for a variety of civic, commercial, and residential uses, most recently as a single family residence and vacation home rental. As acknowledged in the appeal, despite these different uses, the character of the property has never changed. Whatever its actual use at the time, the Albion Schoolhouse structure has always appeared to be a prominent civic building and focal point within the residential community where public assembly activities, such as the approved use of the property for a maximum of 14 temporary events per year for up to 100 people, would not be unexpected.

The appellants also assert that the approved development creates a scale and intensity of use that is inconsistent with the rural atmosphere of Albion Village and is not subordinate to the character of the setting. The appeal discusses both the visual impact of the approved temporary events and associated development on the character of the neighborhood, as well as the impacts of increased noise and traffic generated by the events.

As the appeal describes, the Albion Schoolhouse is perched on a hill overlooking the village, visible from Highway 1 to the north (**Exhibit 6**). The appeal contends that from such a location, structures and outdoor events are likely to be highly visible and light and sound from temporary events could carry a significant distance. However, the building does not comprise a prominent part of the view from the highway. The building is screened from view by intervening topography and trees for northbound travelers and can only be seen to southbound travelers for a short period as travelers approach Albion. Also, the view of the building is inland of the highway and opposite the direction of view of most visitors which is towards the ocean. In addition, the building is separated from the highway by other residential properties. Furthermore, the County approved development has been conditioned to not only limit the scale and intensity of use of the site but to shield the surrounding neighborhood from potential visual, noise, and traffic impacts of temporary events. The conditions of approval limit the number of temporary events to a maximum of fourteen events per year, two events per month, and one event per week, with each event (including event parking) limited to one day in duration between the hours of 10AM and 10PM (See **Exhibit 7, pgs. 4-5**, Conditions 19, 20, and 25). The conditions of approval also limit the number of occupants on the site to 106 people (including event staff) during the dry season period of May 15 and October 31. During the rainy season when the new parking area on the western parcel is not allowed to be used, special events are further limited in size to the number of people that can be accommodated by 14 passenger vehicles to ensure all attendee parking can be accommodated on the Albion Schoolhouse parcel.

In addition to restrictions on the number, duration, and size of temporary events, light and sound pollution is reduced by Condition 13 which (a) prohibits amplified sound outside the Albion Schoolhouse structure and (b) mandates compliance with the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino

County Code (MCC); and Condition 21 which (a) requires all exterior lighting to be downcast and shielded in compliance with MCC Section 20.504.035, and (b) prohibits exterior lighting in the parking field. Furthermore, Condition 16 prohibits event parking along Highway 1, Albion-Little River Road, and along the driveway where it may disturb the adjacent residential properties and the rural atmosphere of the area. Finally, the County approval includes a condition that (a) limits the authorization term of the permit to a period of three years after issuance, and (b) only allows permit renewal if it is determined that the special event use has not adversely affect the Rural Village designated community. Thus, to further ensure that the special event use preserves and maintains the character of the rural atmosphere and designated Special Neighborhood, additional restrictions may be added or a new permit may not be granted, terminating the temporary event use.

Regarding the physical changes to the site being made to accommodate the special event use, such structural development is minor and does not involve the construction of new buildings that may detract from the prominence or historic character of the Albion Schoolhouse or the historic character of other existing buildings in the Albion Village. The approved commercial-grade driveway approach is an improvement to an existing driveway, adding 1,000 square feet of paved surface to the first 20 linear feet of the existing 13,000 square-foot gravel loop driveway at its intersection with the County road (Albion-Little River Road). Because the apron is sited in a relatively flat area, minimal grading or landform alteration will be required to accommodate this improvement. As the apron is a low-lying feature and located at a low point on the property with trees and shrubs lining the road on either side, the driveway apron will not be visually prominent and will only be visible to people passing directly by it on Albion-Little River Road. The parking area is approved as a lightly graveled lot to allow grass species to persist, and is only permitted to be used in the dry season to avoid erosion and the creation of ruts. A lightly graveled parking area designed to accommodate the growth of grass and used less than fourteen times per year has a very different character than a paved commercial parking lot. In addition, Condition 24 of the County approval requires the submittal of a landscaping plan that shields the parking area from view and reduces the impact of vehicle headlights leaving at night. The landscaping plan is also required to minimize the visibility of the development.

Therefore, the degree of factual and legal support for the County's decision is high, the extent and scope of the approved development is small in scale, and the consistency of the approval with the local community character does not raise an issue of statewide concern. . Therefore, the Commission finds that the appeal raises no substantial issue with regard to the approved project's consistency with the policies of the certified LCP requiring that approved development must: (1) be subordinate to the character of its setting; (2) remain within the scope and character of the existing development in the neighborhood; and (3) preserve and maintain the character of the rural atmosphere and visual quality of the existing coastal village of Albion.

Adequacy of Water Supply

The certified LCP requires that the approving authority determine whether an adequate on-site water source to serve proposed development is available before approving a coastal development permit (CZC Section 20.532.095). The certified LCP also requires that potential major water users show proof of an adequate water supply and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies [LUP 3.8-9; CZC § 20.516.015].

The appellants raise concerns about the water quantity usage of the approved development and its impacts on the wells of adjacent properties as well as its cumulative impacts on the aquifer. The appeal describes how the Albion Village north of the Albion River suffers from a marginal water supply with wells on existing residences periodically running dry despite the installation of storage tanks and the voluntary imposition of water conservation measures. According to the appellants, the lack of available groundwater prevents significant new development in the neighborhood:

The Albion Schoolhouse was built in 1923 and the Lumber Mill closed in 1928. When the Mill closed they took down the water system which was a flume carrying water several miles from Dark Gulch to the North Side Village. At that time they tore down the houses that could not prove water. That left 11 houses that are still here today. One new house has been built since 1928. Water has been an ongoing issue for the North Side Rural Village.

The appellants are concerned that the subject property does not have an adequate water supply to serve the approved temporary event use in addition to the existing residence/vacation home rental use. The subject property owned by the Applicants has two wells: one on the western vacant parcel that will be used for parking and one on the eastern Albion Schoolhouse parcel. According to a memorandum from the County's Director of Environmental Health dated December 2015, a Proof of Water test was performed on the well on the western vacant parcel (3890 Albion-Little River Road) as part of a hydrological study (See **Exhibit 7, pg. 51**). The hydrological study appears to have been performed as part of the review of a 1994 land division that created the vacant parcel and three others (Mendocino County Case No. CDMA 30-93). Over the course of a seventeen-hour pump test, the well produced 4 gallons per minute at a steady state. A total of 3,915 gallons of water were extracted during the test. The hydrological test also monitored the effect of that well on the nearest neighboring well. The well on the neighboring parcel (not part of the subject CDP), which is about 75 feet away, exhibited a net drawdown of approximately 3 inches, which, according to the County's Mendocino Coastal Groundwater Development Guidelines, is considered less than significant.

According to the hydrological study, the well that was installed on the western vacant parcel adjoining the Albion Schoolhouse parcel was intended to supply an individual residence with expected water supply needs of 540 gallons per day on a sustained basis, and peak daily uses of as much as 1,000 to 1,500 gallons per day. In December 2015, Carl Rittiman and Associates, Inc. (CRA) prepared an estimate of water usage during a one-day temporary event with 100 attendees and 6 event staff present (See **Exhibit 7, pg.**

52-53). CRA estimated that such an event would require approximately 474 gallons of water. Since the subject CDP allows for up to 14 events per year, the water usage for temporary events each year is estimated at a maximum of 6,636 gallons.

The DEH memorandum states that this usage is well below the 197,100 gallon anticipated annual consumption of an individual residence used to analyze proof of water on the western vacant parcel. However, the well on the western vacant parcel will not only be used to supply water for the temporary events, but also for the Albion Schoolhouse residence/ vacation home rental. Commission staff received information from the applicants who own the subject property confirming that they have connected the water well on the western vacant parcel that will be used for temporary event parking to the Albion Schoolhouse parcel (APN 123-050-11) to serve as the building's primary water source because the well on the adjacent western vacant parcel is a deeper well and produces more water. (See **Exhibit 9, pg.1**). Therefore the estimated water usage for the well on the vacant parcel is closer to 203,463 gallons per year (197,100 gallons for the permanent residence and 6,636 gallons for temporary events).

Nonetheless, the volume of water supplied by the well appears more than sufficient to serve the combined demand for the residence and the 14 temporary events approved per year. The well would potentially need to support a peak daily use of 1,974 gallons (if the Albion Schoolhouse is experiencing a peak daily use of 1,500 gallons and a special event of 106 persons is occurring requiring 540 gallons). As the well on the western vacant parcel produced 4 gallons per minute at a steady state and 3,915 gallons of water total during a seventeen-hour pump test, the well produces more than double the volume of water in one day than would be needed at periods of peak demand. Furthermore, the County has imposed a number of conditions of approval of the subject CDP to assure the demand for water does not exceed the capacity of the water source, including a condition requiring the installation of a 2,500-gallon water tank to provide sufficient water reserves. In addition, to prevent actual events from exceeding the water usage estimate calculated by CRA, the conditions of approval of the CDP limit the maximum occupancy of the site to 106 persons (the number of people used in the CRA water usage analysis). The conditions of approval also require that the permittee provide portable toilets for events that exceed fifty attendees, which will reduce the demand for water for flushing toilets. The condition requiring portable toilets is significant because the water usage estimate calculated by CRA indicates that 424 of the total of 474 gallons of water required to serve a temporary event is needed for bathroom use, of which three-fourths (or 318 gallons) is needed for flushing toilets. The water usage analysis performed by CRA therefore supports the adequacy of water as approved by the local government because it indicates that the projected demand for water for the temporary event use was based on an assumption that no portable toilets would be used (See **Exhibit 7, pg. 53**) even though portable toilets are required as a condition of approval.

The appellants argue that because the hydrological study used by Carl Rittiman and Associates and DEH to analyze water capacity was conducted in the 1990s prior to the use of the Albion Schoolhouse as a vacation rental, the hydrological study fails to capture current baseline conditions. According to the appellant, the baseline water usage of the

property is greater than assumed because the hydrological study based water usage on a permanent residence rather than as a vacation home rental that sleeps 10-14 people. The applicants respond that because the vacation rental is only occupied 30% of the year, it uses less water than a permanent residence. The applicants also submitted a report of a well test performed on the well on the western vacant parcel by Horizon Real Estate Inspection Services in April 2014. The report states that the well exhibited a recovery rate of 8.1 gallons per minute during the well test and estimates that at this rate the well is capable of producing 11,664 gallons of water in a twenty-four hour time period (See **Exhibit 9, pg. 6**). This estimate is significantly higher than what was reported by CRA in the 1990s Proof of Water Test, which found that the well on the western vacant parcel produced 4 gallons per minute at a steady state and 3,915 gallons of water total during a seventeen-hour pump test.

After receiving the additional well test information and in light of the appellants' concerns about the adequacy of the well, Commission staff has asked DEH whether they believe the new well test information submitted by the applicants further demonstrates the sufficiency of the well and to clarify whether they believe adequate water supply has been demonstrated to support 14 temporary events at the site annually in addition to the site's current residential/ vacation home rental use. DEH responded by email on March 16, 2016 that although they do not recognize the validity of the well test reported by Horizon Real Estate Inspection Services, they are satisfied that the Proof of Water Test conducted as part of the Hydrological Study demonstrates that there is adequate water to support 14 temporary events, especially with the required increase in storage capacity and other conditions imposed. In addition, DEH recognizes that the applicants/landowner are using the same well to support the uses at the Albion Schoolhouse and believe there is no problem with the well serving both the existing schoolhouse uses and the approved temporary events (See **Exhibit 10, pg. 1**).

Given County approval (a) only results in the addition of a maximum of 14, one-day, 106 person events per year, and (b) is only valid for a period of three years, the Commission finds that the appeal of the development as approved by the local government does not raise a substantial issue regarding the approved project's consistency with the policies of the certified LCP related to adequacy of water supply.

F. CONCLUSION

For the reasons stated above, the Commission finds that there is factual and legal evidence in the record to support the County's approval of a CDP. The Commission therefore finds that the appeal raises no substantial issue with respect to the grounds on which it was filed.

APPENDIX A

COMMISSION'S APPEAL JURISDICTION OVER THE PROJECT

On December 16, 2015 the Mendocino County Coastal Permit Administrator approved CDP No. 2013-0012 with conditions for the use of an existing residence as a facility for temporary events, up to fourteen (14) per year, and associated development.

After certification of Local Coastal Programs (LCPs), Section 30603 of the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (CDPs). Section 30603 states that an action taken by a local government on a CDP application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified LCP and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because the approved development is located within a designated "highly scenic area," which is a type of sensitive coastal resource area. Section 30116 of the Coastal Act defines Sensitive Coastal Resource Areas as follows:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.*
- (b) Areas possessing significant recreational value.*
- (c) Highly scenic areas. (emphasis added)*
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.*
- (e) Special communities or neighborhoods which are significant visitor destination areas.*
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.*
- (g) Areas where divisions of land could substantially impair or restrict coastal access.*

Section 30502 of the Coastal Act indicates that sensitive coastal resource areas are areas within the coastal zone where the protection of coastal resources and public access requires, in addition to the review and approval of zoning ordinances, the review and approval by the Commission of other implementing actions to protect coastal resources. Sensitive coastal resource areas (SCRAs) can be designated either by the Commission pursuant to Section 30502 of the Coastal Act, or by local government by including such a designation in its Local Coastal Program (LCP).

Section 30502 directs the Commission to designate SCRAs not later than September 1, 1977, pursuant to a report which must contain the following information:

- (1) A description of the coastal resources to be protected and the reasons why the area has been designated as a sensitive coastal resource area;*
- (2) A specific determination that the designated area is of regional or statewide significance;*
- (3) A specific list of significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access;*
- (4) A map of the area indicating its size and location.*

The Commission did not ultimately designate SCRAs or make recommendations to the Legislature, as contemplated by Section 30502 and 30502.5. Because it did not designate SCRAs, the Commission does not have the authority to require local governments to adopt such additional implementing actions. Nothing in Sections 30502 or 30502.5, however, overrides other provisions in the Coastal Act that assign primary responsibility to local governments for determining the contents of LCPs and that authorize local governments to take actions that are more protective of coastal resources than required by the Coastal Act. Such Coastal Act provisions support the position that the Commission does not have the exclusive authority to designate SCRAs. In 1977, the Attorney General's Office advised the Commission that if the Commission decided not to designate SCRAs, local government approvals of development located in SCRAs delineated in LCPs would nonetheless be appealable to the Commission.

The ability of local governments to designate SCRAs in LCPs is further supported by the legislative history of changes to Section 30603. In 1982, after the 1978 deadline for the Commission to designate SCRAs, the Legislature amended the provisions of Section 30603 that relate to appeals of development located in SCRAs (Cal. Stats. 1982, c. 43, sec. 19 (AB 321 - Hannigan)). The Legislature's 1982 revisions to the SCRA appeal process demonstrate that the Commission's decision not to designate SCRAs did not have the effect of preventing local governments from designating SCRAs through the LCP process. If the Commission's decision not to designate SCRAs rendered the Coastal Act provisions that relate to SCRAs moot, the Legislature's action in 1982 would have been a futile and meaningless exercise. Instead, by deliberately refining the SCRA appeal process, the Legislature confirmed that local governments continue to have the authority to designate SCRAs.

Although a city or county is not required to designate SCRAs in their LCP, at least four local governments have chosen to do so. The Commission has certified LCP's that contain SCRA designations from the City of Grover Beach (1982), San Luis Obispo County (1987), the City of Dana Point (1989) and the segment of Mendocino County's LCP that covers areas outside of the Town of Mendocino (1992).

Designation of SCRAs in this manner is consistent with the reservation of local authority, under Section 30005, to enact certain regulations more protective of coastal resources than what is required by the Act. As noted above, the Coastal Act does not require local governments to designate SCRAs, but local governments are allowed to designate such areas.

The appeal of Mendocino County Coastal Development Permit No. CDP No. 2013-0012 was accepted by the Commission on the basis that the project is located in a sensitive coastal resource area designated by Mendocino County and certified by the Commission when the County's LCP was certified in 1992.

The applicable designation of sensitive coastal resource areas was accomplished in the LCP by defining sensitive coastal resource areas within the LCP to include "highly scenic areas," and by mapping specific geographic areas on the certified Land Use Maps as "highly scenic." Chapter 5 of the Mendocino County General Plan Coastal Element (the certified Land Use Plan) and Division II of Title 20, Section 20.308.105(6) of the Mendocino County Coastal Zoning Code (CZC), both define "Sensitive Coastal Resource Areas" to mean "those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity." Subparts (c) of these sections include "highly scenic areas." This definition closely parallels the definition of SCRA contained in Section 30116 of the Coastal Act. Mendocino LUP Policy 3.5 defines highly scenic areas to include, in applicable part, "those [areas] identified on the Land Use Maps as they are adopted." Land Use Map 18, "Albion," designate the area where the property is located that is the subject of Mendocino County Permit No. 2013-0012 as highly scenic. Therefore, it is clear that by defining sensitive coastal resource areas to include highly scenic areas, and by then mapping designated highly scenic areas on the adopted Land Use Maps, the County intended that highly scenic areas be considered sensitive coastal resource areas.

Section 30603 of the Coastal Act states that "after certification of its local coastal program, an action taken by a local government on a coastal development permit may be appealed to the Commission..." Included in the list of appealable developments are developments approved within sensitive coastal resource areas. Additionally, Division II of Title 20, Section 20.544.020(B)(6) of the certified Mendocino County Coastal Zoning Code specifically includes developments approved "located in a sensitive coastal resource area" as among the types of developments appealable to the Coastal Commission.

Therefore, for all of the above reasons, the Commission finds that as (1) highly scenic areas are designated and mapped in the certified LCP as a sensitive coastal resource area,

and (2) approved development located in a sensitive coastal resource area is specifically included among the types of development appealable to the Commission in the certified LCP, Mendocino County's approval of local Permit No. CDP No. 2013-0012 is appealable to the Commission under Section 30603(a)(3) of the Coastal Act and Section 20.544.020(B)(6) of the certified Mendocino County Coastal Zoning Code.

APPENDIX B
SUBSTANTIVE FILE DOCUMENTS

Mendocino County certified local coastal program (LCP)

Appeal File No. A-1-MEN-16-0007, including local record for Mendocino County
Coastal Development Permit No. 12-2103

APPENDIX C
EXCERPTS FROM THE MENDOCINO COUNTY CERTIFIED LCP
REGARDING LAND USE & ZONING
(Emphasis added)

County of Mendocino Coastal Element (LUP) 2.2 (Description of Land Use Plan Map Designations) Section on Land Use Classifications states in applicable part:

... ..

Rural Village – Coastal (Map Code: RV)

Intent: To preserve and maintain the character of the rural atmosphere and visual quality of the following villages: Westport, Cleone, Caspar, Little River, Albion, Elk and Manchester; and to provide a variety of community- oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.

***Principal Permitted Use:** One dwelling unit per existing parcel and associated utilities and light agriculture.*

***Conditional Uses:** Cottage industry, neighborhood commercial, visitor accommodations, public and semi-public facilities and utilities, increased intensity of existing use, laundromat, electrical transmission and distribution lines (see Policy 3.11-9), natural gas pipeline (see Policy 3.11-5).*

... ..

LUP 4.9 (Dark Gulch to Navarro River Planning Area – Albion Planning Area) states in applicable part:

... ..

Albion Village

Approaching from the north, motorists see one of the coast's most striking townscapes: a wood trestle bridge in the foreground of a small village that clings to the edge of the hill. This village is composed of two segments-the cluster of dwellings off Albion Ridge Road and the group of buildings on Albion-Airport Road north of the bridgehead.

Coastal Element Policies: Albion

4.9-1. *The Albion community north of the bridge shall be designated Rural Village. The Albion community at the south end of the bridge shall be designated Rural Village. Retail establishments shall be limited in type and size; new stores shall be located only in the areas designated commercial.*

4.9-2. *In order to maintain the special community character, building permits shall require that building materials, color and architectural forms of new structures exposed to public view be similar to those existing buildings. Existing buildings shall not be remodeled in a manner that would detract from their historic character.*

... ..

Mendocino County Coastal Zoning Code (CZC) Section 20.324, Coastal Commercial Use Types, states in applicable part:

... ..

20.324.100 Neighborhood Commercial Services. Commercial retail services of a small scale, convenience retail stores and services commonly located in or adjacent to and providing direct services to residential zones including banks, foodmarkets, and drugstores.

... ..

CZC Section 20.388, RV – “Rural Village District”, states in applicable part:

20.388.005 – Intent.

This district is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.

20.388.010 – Principal Permitted Uses for RV Districts.

The following use types are permitted in an RV District:

(A) Coastal Residential Use Types.

Family Residential: Single-family; Vacation Home Rental.

(B) Coastal Agricultural Use Types.

*Light Agriculture;
Row and Field Crops;
Tree Crops.*

(C) Coastal Open Space Use Types.

Passive Recreation

20.388.015 – Conditional Uses for RV Districts.

The following use types are permitted in the RV District upon the issuance of a coastal development use permit:

(A) Coastal Civic Use Types.

*Administrative Services: Government;
Alternative Energy Facilities: On-site;
Ambulance Services;
Cemetery Services;
Clinic Services;
Community Recreation;
Cultural Exhibits and Library Services;
Day Care Facilities/Small Schools;
Educational Facilities;
Fire and Police Protection Services;
Group Care;
Lodge, Fraternal and Civic Assembly;
Major Impact Services and Utilities;
Minor Impact Utilities;
Religious Assembly.*

(B) Commercial Use Types.

Administrative and Business Offices;

- Animal Sales and Services: Household Pets;*
- Animal Sales and Services: Veterinary (Small Animals);*
- Automotive and Equipment: Gasoline Sales;*
- Automotive and Equipment: Repairs, Light;*
- Automotive and Equipment: Repairs, Heavy;*
- Commercial Recreation: Indoor Entertainment;*
- Commercial Recreation: Indoor Sports and Recreation;*
- Construction Sales and Services;*
- Cottage Industries;*
- Eating and Drinking Establishments;*
- Food and Beverage Preparation: Without Consumption;*
- Food and Beverage Retail Sales;*
- Laundry Services;*
- Medical Services;*
- Neighborhood Commercial Services;*
- Personal Services;*
- Recycling Centers;*
- Repair Services: Consumer;*
- Retail Sales: General;*
- Wholesaling, Storage and Distribution: Miniwarehouses;*
- Wholesaling, Storage and Distribution: light;*
- (C) Visitor Accommodations and Services Use Types.**
- Bed and Breakfast Accommodation;*
- Hostel;*
- Hotel;*
- Inn;*
- Motel;*
- Visitor-oriented Eating and Drinking Establishments;*
- Visitor-oriented Retail Sales.*

... ..

CZC Section 20.460, Temporary Use Regulations, states in applicable part:

20.460.005 – Declaration.

The purpose of this Chapter is to establish standards and conditions for regulating temporary uses and outdoor gatherings of a temporary nature.

20.460.010 – Identification of Permitted Temporary Uses.

The following temporary uses and associated development may be permitted as specified by these regulations:

- (A) Entertainment Events or Religious Assembly. The temporary gathering of people for a circus, carnival, concert lecture, art or antique show or religious purposes.

... ..

20.46.015 – Temporary Uses Subject to Controls.

Temporary uses shall be subject to all regulations as would be applied to any use located in the same zone, except as otherwise provided by these regulations.

20.460.020 – Entertainment Events or Religious Assembly.

The temporary gathering of people for a circus, carnival, concert, lecture, art or antique show or religious purposes may be permitted upon the issuance of a Coastal Development Permit (Chapter 20.532) in compliance with the following provisions:

- (A) Location. A circus, carnival, concert, lecture, art or antique show or religious assembly may be permitted in any zone.
- (B) Duration. The period of operation of the circus, carnival, concert, lecture, art or antique show or religious assembly shall not exceed fourteen (14) days in any twelve (12) month period.
- (C) Permits.
 - (1) Gatherings of one hundred (100) to one thousand (1,000) persons shall be required to obtain a Coastal Development Permit.
 - (2) Gatherings of over one thousand (1,000) persons shall be required to obtain a Coastal Development Use Permit.
- (D) Exclusions
 - (1) The provisions of this section are not intended to include or regulate private gatherings such as weddings, house-warnings, family gatherings, barbecue or other similar gatherings.
 - (2) Public gatherings that have historically and repeatedly taken place in permanent structures or on existing facilities, unless consistent with uses allowed in that zone, are considered as nonconforming uses which will be excluded from the provisions of this section. See Chapter 20.480 for Nonconforming uses.

... ..

CZC Section 20.532.095, Required Findings for all Coastal Development Permits, states in applicable part: **(A)(3) requires that:**

(A) *The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:*

... ..

- (3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.

... ..

APPENDIX D
EXCERPTS FROM THE MENDOCINO COUNTY CERTIFIED LCP
REGARDING VISUAL RESOURCES
(Emphasis added)

County of Mendocino Coastal Element (LUP) Section 3.5 (Visual Resources, Special Communities and Archaeological Resources), **Policy 3.5-1** states in applicable part:

... ..

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

LUP Policy 3.5-2 states in applicable part:

... ..

Other communities and service centers along the Mendocino Coast including Westport, Caspar, Little River, Albion, Elk and Manchester shall have special protection to the extent that new development shall remain within the scope and character of existing development by meeting the standards of implementing ordinances.

LUP Policy 3.5-3 states in applicable part:

The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

-
- *Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.*

... ..

In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land

and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies.

LUP Policy 3.5-4 states in applicable part:

Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.

Minimize visual impacts of development on hillsides by (1) requiring grading or construction to follow the natural contours; (2) resiting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms; (3) designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites; (4) concentrate development near existing major vegetation, and (5) promote roof angles and exterior finish which blend with hillside.

... ..

LUP Policy 3.5-5 states in applicable part:

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged. In specific areas, identified and adopted on the land use plan maps, trees currently blocking views to and along the coast shall be required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views.

... ..

LUP Policy 3.5-9 states in applicable part:

The location of all new access roads and driveways in rural areas shall be reviewed prior to any grading work to ensure safe location and minimum visual disturbance.

... ..

LUP Policy 3.5-15 states in applicable part:

Security lighting and floodlighting for occasional and/or emergency use shall be permitted in all areas. Minor additions to existing nightlighting for safety purposes shall be exempt from a coastal permit. In any event no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible.

Mendocino County Coastal Zoning Code (CZC) Section 20.388, RV – “Rural Village District”, states in applicable part:

20.388.060 – Special Development Regulations.

Development in Westport, Caspar, Little River, Albion, Elk, Manchester, Anchor Bay and Gualala shall be subject to the development criteria in Section 20.504.020.

CZC Section 20.504.010, “Purpose,” states in applicable part:

The purpose of this section is to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.504.015, “Highly Scenic Areas,” states in applicable part:

(A) The visual resource areas listed below are those which have been designated highly scenic and in which development shall be subordinate to the character of its setting:

... ..

(2) Portions of the Coastal Zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusion of certain areas east of Highway 1.

... ..

(C) Development Criteria.

(1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

... ..

(3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

... ..

(6) Minimize visual impacts of development on hillsides by the following criteria:

- (a) Requiring grading or construction to follow the natural contours;*
- (b) Resiting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms;*
- (c) Designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites;*
- (d) Concentrate development near existing major vegetation; and*
- (e) Promote roof angles and exterior finish which blend with hillside.*

... ..
(10) Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas.

... ..
(13) Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway 1 where an alternate configuration is feasible. (Ord. No. 3785 (part), adopted 1991).

CZC Section 20.504.020, “Special Communities and Neighborhoods,” states in applicable part:

... ..
(B) The communities and service centers, designated as CRV or CFV, of Westport, Caspar, Albion, Elk and Manchester, and the additional areas of Little River, Anchor Bay and Gualala, as described below, shall have special protection as set forth in Section 20.504.020(C):

(C) Development Criteria.

(1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.

(2) New development shall be sited such that public coastal views are protected.

(3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.

(4) Building materials and exterior colors shall be compatible with those of existing structures.

(D) The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.504.035, “Exterior Lighting Restrictions” states in applicable part:

(A) Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.

- (1) *No light or light standard shall be erected in a manner that exceeds either the height limit designated in this Division for the zoning district in which the light is located or the height of the closest building on the subject property whichever is the lesser.*
- (2) *Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.*
- (3) *Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas.*
- (4) *Minor additions to existing night lighting for safety purposes shall be exempt from a coastal development permit.*
- (5) *No lights shall be installed so that they distract motorists.* (Ord. No. 3785 (part), adopted 1991)

APPENDIX E
EXCERPTS FROM THE MENDOCINO COUNTY CERTIFIED LCP
REGARDING ADEQUACY OF WATER SUPPLY
(Emphasis added)

County of Mendocino Coastal Element (LUP) 3.8 (Transportation, Utilities, and Public Services) **Section 3.8-1** states in applicable part:

Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.

On the rural side of the Urban/Rural boundary, consideration shall be given to Land Use Classifications, 50% buildout, average parcel size, availability of water and solid and septage disposal adequacy and other Coastal Act requirements and Coastal Element policies.

... ..

LUP Policy 3.8-9 states in applicable part:

... ..

Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to approval of the proposed use.

Mendocino County Coastal Zoning Code (CZC) Section 20.308.095 “Definitions (P)” defines “Proof of Water” and “Adequate Water Supply” as follows:

... ..

(M) Proof of Water means testing and evaluation of an aquifer to determine the existence of an adequate water supply. Similar to a hydrological study, but generally not as complex.

Proof of water as defined above can be clarified further by the review of additional related definitions as follows:

(1) "Adequate Water Supply" means a combination of production and storage of sufficient quantities to support proposed uses which will not adversely affect contiguous and surrounding uses as defined by the Division of Environmental Health in their publication "Land Development Requirements," as revised.

(2) "Adversely affect" means lowering of the groundwater table of contiguous or hydrologically contiguous parcels to the point where there is no longer an adequate water supply for the uses existing on the parcels. This definition also includes "undesirable result" (as defined in this section) as well as lowering of water levels in existing wells to less than adequate as defined in paragraph (1) of this subsection or existing usage, whichever is greater.

- (3) *“Undesirable result” means a depletion of the groundwater table of contiguous or surrounding properties, or the lowering of water levels in existing wells to levels less than adequate for existing uses, or an adverse cumulative impact where a gradual lowering of the groundwater levels will eventually lead to a depletion of the supply.*
- (4) *“Hydrological Study” means a study of the hydrology of a defined area.*

CZC Section 20.532.095, “Required Findings for all Coastal Development Permits,” states in applicable part:

(A) *The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:*

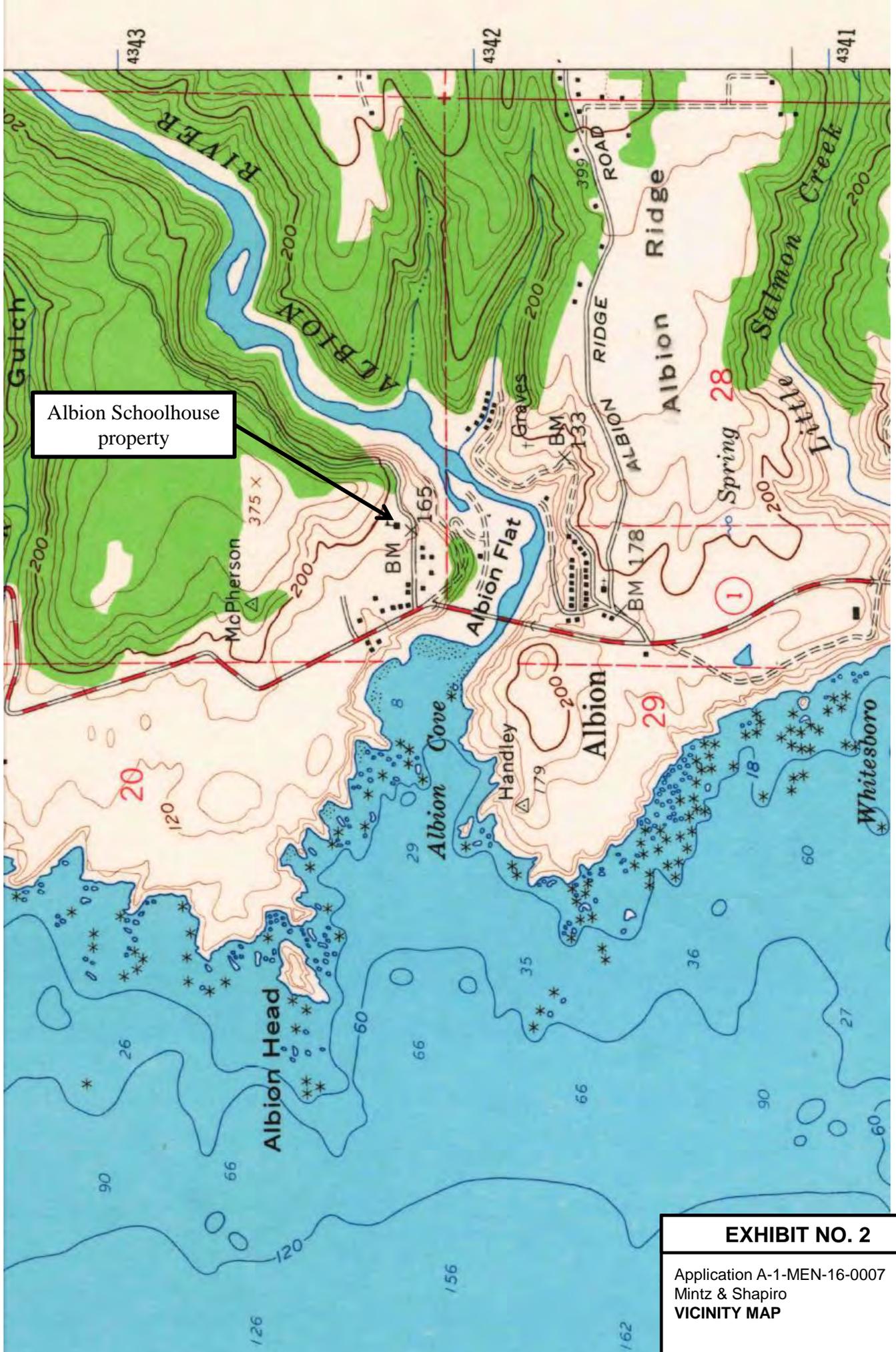
-
- (2) *The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities;*
-
- (6) *Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.*
-

CZC Section 20.516.015, “General Criteria,” states in applicable part:

New development shall be approved subject to the availability of necessary public services and consistent with the following provisions.

(B) **Water Supply.**

(2) *Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to final approval of the proposed use.*



Albion Schoolhouse
property

EXHIBIT NO. 2
Application A-1-MEN-16-0007
Mintz & Shapiro
VICINITY MAP



Subject Property

EXHIBIT NO. 3
Application A-1-MEN-16-0007
Mintz & Shapiro
AERIAL IMAGES
1 of 2



Subject Property

3890 Albion-Little
River Rd
APN 123-050-32

3930 Albion-Little
River Rd
APN 123-050-11

RECEIVED

JUL 23 2015

PLANNING & BUILDING SERV
FORT BRAGG CA

0 40ft

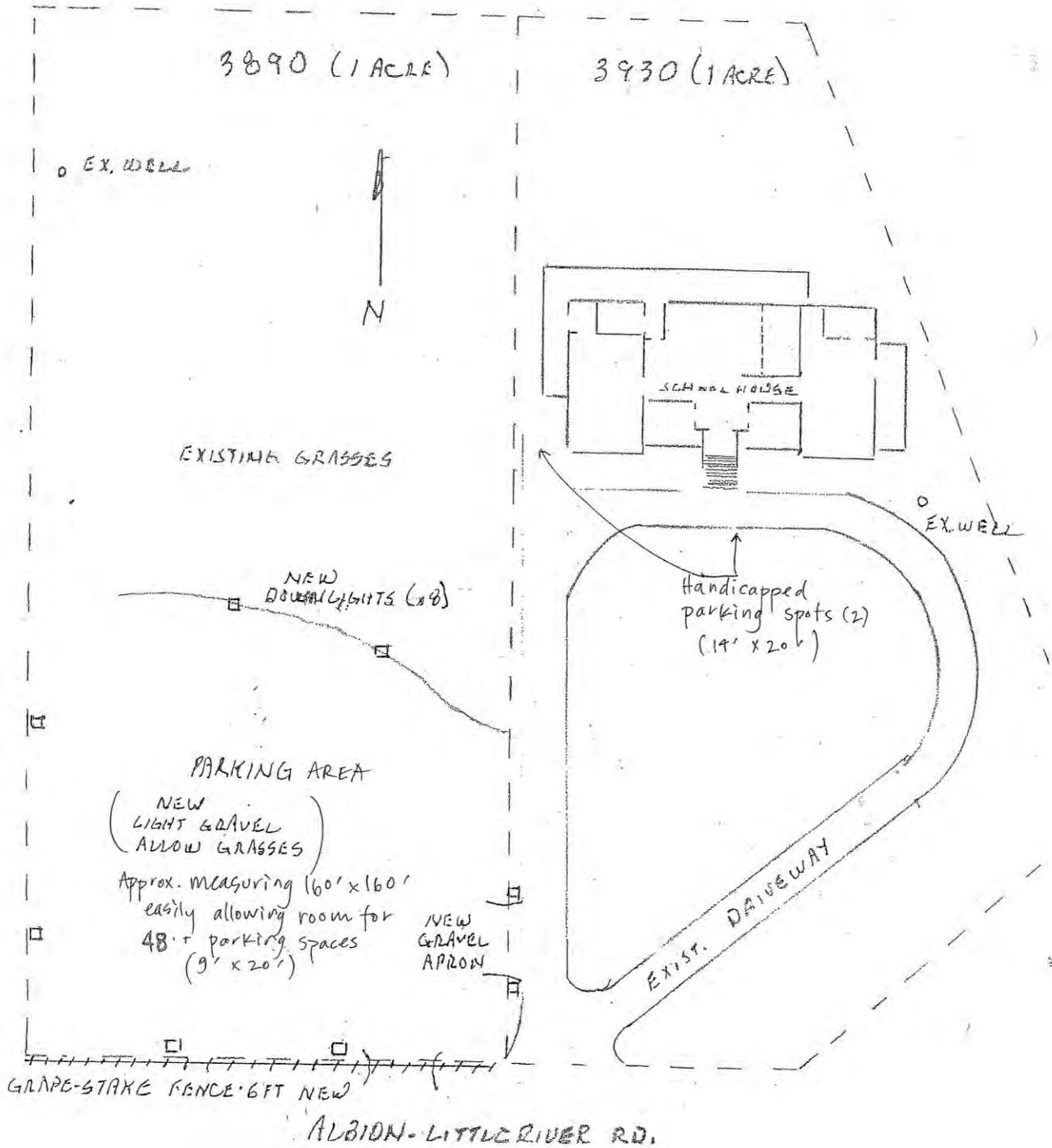


EXHIBIT NO. 4

Application A-1-MEN-16-0007
Mintz & Shapiro
SITE PLAN

RV LAND USE DESIGNATION

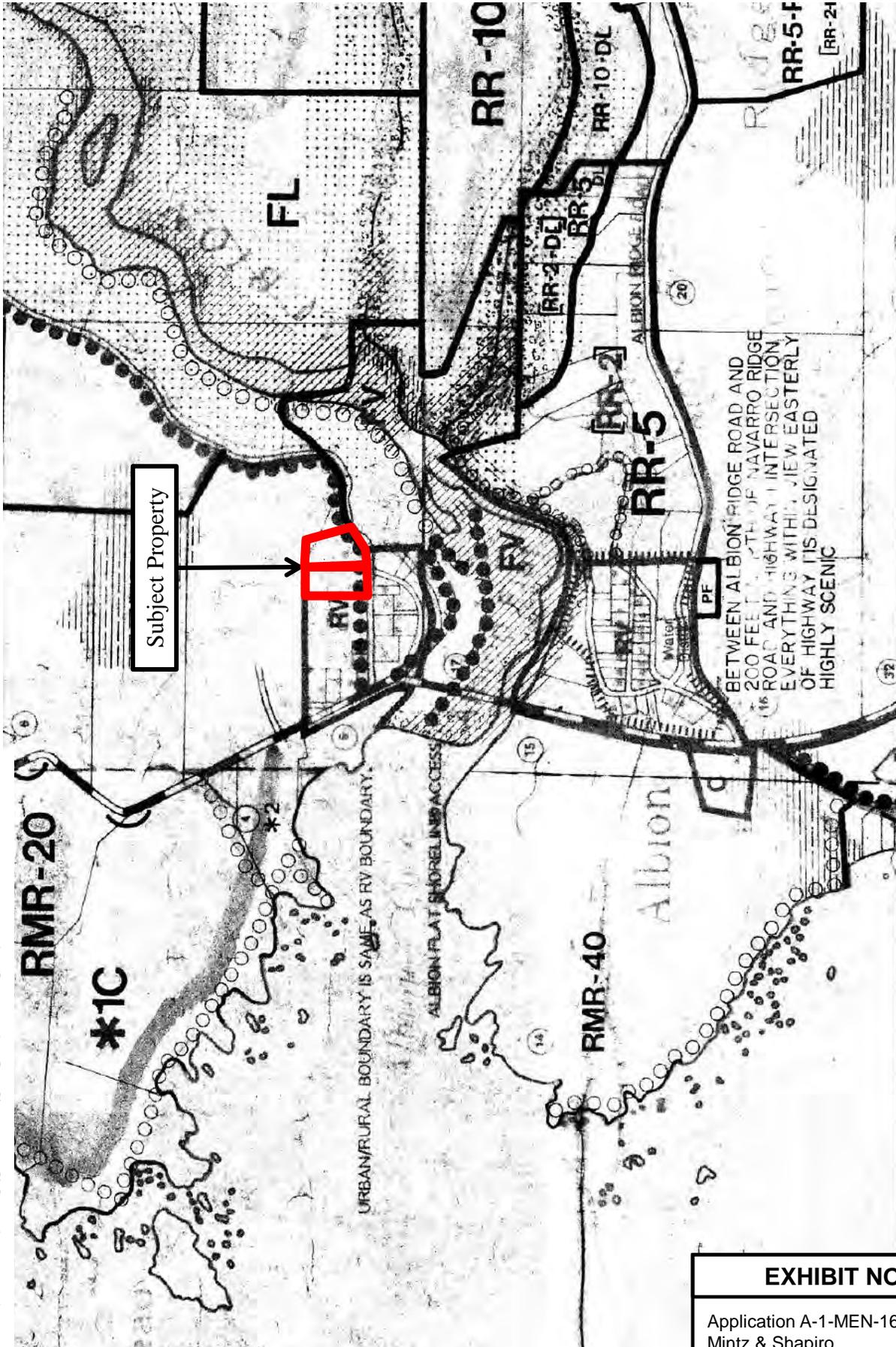
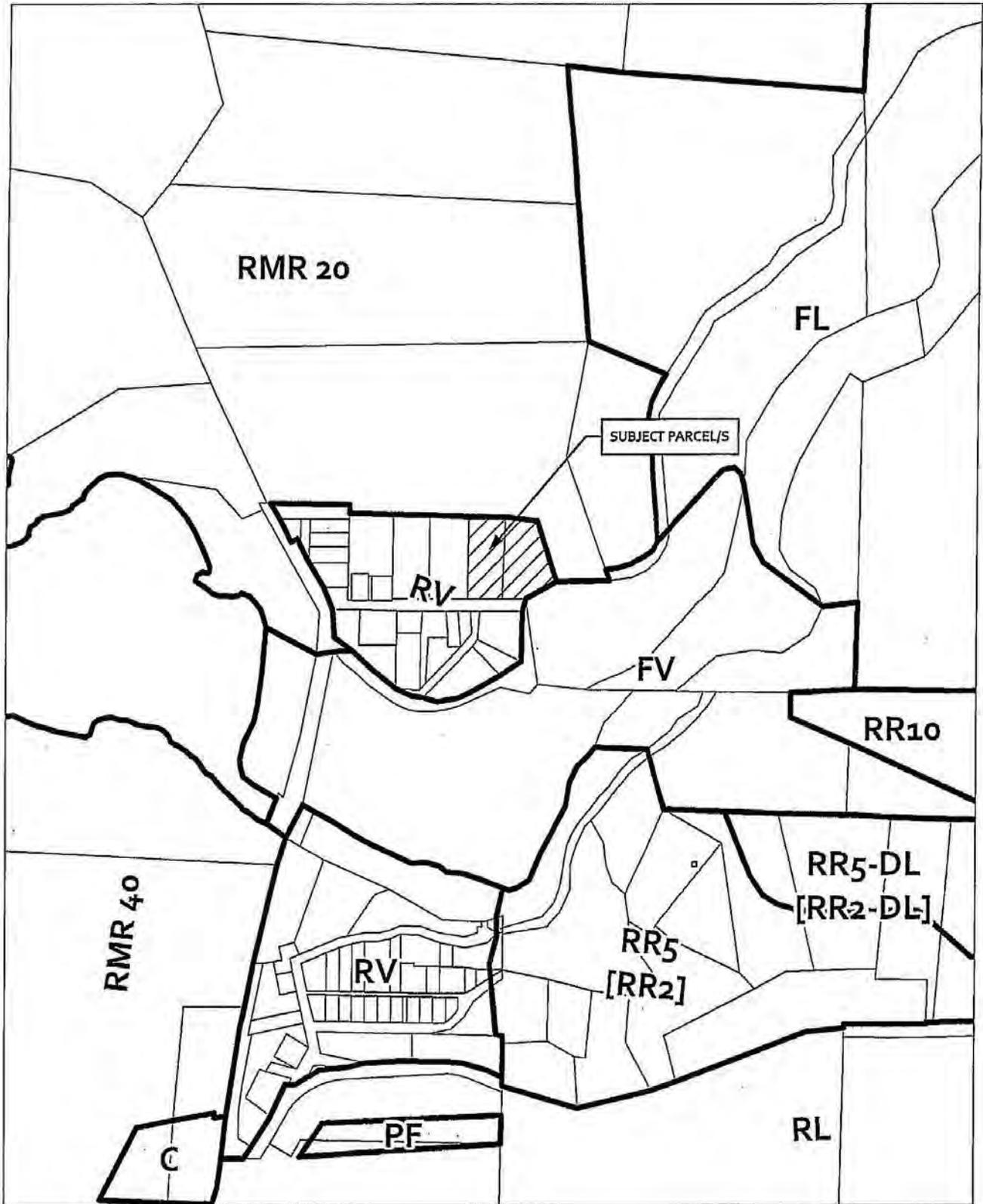


EXHIBIT NO. 5

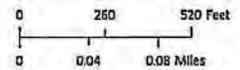
Application A-1-MEN-16-0007
Mintz & Shapiro
LAND USE & ZONING MAPS
1 of 2

RV ZONING DISTRICT



CASE: CDP 2013-0012
 OWNER: Albion Schoolhouse, LLC
 APN: 123-050-11, 32
 APLCT: Wynn Coastal Planning
 ADDRESS: 3930 Albion Little River Rd., AL

 Zoning Master



ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, August, 2015
 All spatial data is approximate. Map provided without warranty of any kind.



Albion Schoolhouse property from Albion-Little River Road.



Albion Schoolhouse property from Highway 1 (from the north).

EXHIBIT NO. 6

Application A-1-MEN-16-0007
Mintz & Shapiro
SITE PHOTOGRAPHS



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
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pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

February 12, 2016

RECEIVED

FEB 16 2016

CORRECTED NOTICE OF FINAL ACTION

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDP_2013-0012

DATE FILED: 6/19/2013

OWNER: ALBION SCHOOLHOUSE LLC

APPLICANT: SYDNEY MINTZ & JUSTINE SHAPIRO

AGENT: WYNN COASTAL PLANNING

PROJECT COORDINATOR: JULIA ACKER

REQUEST: Standard Coastal Development Permit for temporary events, up to 14 days per year. Associated development includes the installation and maintenance of a lightly graveled parking lot, installation of a commercial driveway approach, and removal of three (3) Eucalyptus trees.

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 4 (e) minor temporary use of land having negligible or no permanent effects on the environment.

LOCATION: In the Coastal Zone, 0.5+- miles north of the town of Albion, on the north side of Albion-Little River Road, 300+- feet east of its intersection with Highway 1. Located at 3890 and 3930 Albion Little River Road; APN 123-050-11 and 123-050-32.

ACTION TAKEN:

The Coastal Permit Administrator, on December 16, 2015, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

Attachments

cc: Coastal Commission
Assessor

EXHIBIT NO. 7

Application A-1-MEN-16-0007
Mintz & Shapiro
NOTICE OF FINAL LOCAL ACTION
Page 1 of 53



February 12, 2016

REVISED FINAL FINDINGS AND CONDITIONS OF APPROVAL

**CASE# CDP_2013-0012 - ALBION SCHOOLHOUSE LLC/MINTZ-SHAPIO
12/16/2015**

The Coastal Permit Administrator approves Coastal Development Permit # CDP_2013-0012 per the findings and conditions of approval contained in the staff report and as modified during the public hearing as follows:

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 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.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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 applicant 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 applicant 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. In order to provide for the protection of natural resources on the site, the following is required:
 - a. All project impacts, including materials and equipment storage, and ground disturbing impacts, shall be limited to areas at least 100 feet from the Northern Bishop Pine Forest.
 - b. Invasive English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), periwinkle (*Vinca major*) and cotoneaster (*Cotoneaster franchetii*) shall be removed from all portions of the property to the greatest extent practicable.
 - c. During construction, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.
 - d. New landscaping on the property shall not include any invasive plants and shall ideally consist of native plants compatible with the existing native plant communities.
10. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete, to the satisfaction of the Department of Transportation, a commercial driveway approach onto Albion-Little River Road (CR 403). The approach shall have a minimum width of eighteen (18) feet, and length of twenty (20) feet measured perpendicular to the edge of the County road, and be paved with asphalt concrete.
11. Prior to issuance of the Coastal Development Permit, a revised site plan demonstrating compliance with the required yard setbacks for the parking area and compliance with the corridor preservation setback from the roadway for the proposed fencing shall be submitted to the Planning Division for review and approval.
12. The proposed parking area shall be surfaced, at minimum, with light gravel. Light gravel is defined as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified.
13. The applicant shall adhere to the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino County Code. No amplified sound shall be permitted outside the structure. Failure to comply with the Exterior Noise Limit Standards may lead to revocation of this Coastal Development Permit.
14. Prior to use of the structure for temporary events, the applicant shall obtain a Building Permit for the necessary occupancy change of the structure, to the satisfaction of the Mendocino County Building Division. A California licensed architect or engineer shall prepare the plans addressing the (1) accessibility, (2) exiting, and (3) structural issues. The maximum number of occupants at the site shall be determined during review of the occupancy change. The maximum occupancy of the structure shall be limited to one-hundred and six (106) persons (including staff) in attendance.

- Failure to limit the number of occupants on the site, in conformance with the maximum occupancy permitted according to the Uniform Building Code, may lead to revocation of this Coastal Development Permit.
15. Prior to issuance of the Coastal Development Permit, a detailed parking plan shall be submitted for the proposed parking area which shall be located as far from Albion-Little River Road as possible. The parking plan shall, at minimum, demonstrate compliance with the required parking space size standards, number of required spaces, circulation, emergency vehicle access, and ADA accessible parking spaces, and stormwater drainage.
 16. There shall be no event parking along Highway 1, Albion-Little River Road, or along the driveway. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
 17. Prior to issuance of the Building Permit for the occupancy change, the applicant shall demonstrate, to the satisfaction of the Mendocino County Division of Environmental Health, the following:
 - a. A qualified site evaluator shall be hired by the owner/applicant to determine whether the existing septic system is in proper working order and will be able to accept the additional effluent.
 - b. If food is to be prepared on-site, a permit to operate a food facility shall be required from Environmental Health.
 - c. The owner/applicant shall conform to required state drinking water requirements, if applicable.
 18. A valid Mendocino County Business License for the subject property shall be issued and kept current by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
 19. Up to fourteen (14) events per year and no more than two (2) events per month may be held at the site within the structure at APN 123-050-11. Parking shall occur at APN 123-050-32, and shall be limited to the designated areas shown on the site plan dated July 23, 2015. The maximum number of attendees shall not exceed one-hundred and six (106) persons during the period of May 15 through October 31, as can be accommodated by on-site parking on the vacant lot. During the period of November 1 through May 14, attendance shall be limited to fourteen (14) passenger vehicles, as can be accommodated by the fourteen (14) on-site parking spaces on the same parcel as the structure. Events shall be limited to one (1) day in duration, where amplified music, event parking, etc. may occur. Set-up and clean-up and other activities may occur on the day before and after the actual event day. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
 20. Event operation hours shall be limited to between 10 AM to 10 PM daily. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
 21. ~~Lighting for events shall be~~ Prior to issuance of the Coastal Development Permit, Planning Staff shall perform a site visit and verify that all exterior lighting is downcast and shielded, and shall be limited in illumination power to only the amount required for nighttime navigation and safety of the immediate area surrounding the event area. There shall be no exterior lighting in the parking field.
 22. Should the use of the structure for temporary events cease for any reason for a period of one (1) year or more, this Coastal Development Permit shall become null and void and a new Coastal Development Permit shall be required.

23. Prior to any ground disturbing activities, the applicant shall obtain all necessary permits from the Mendocino County Air Quality Management District.
24. Prior to issuance of the Coastal Development Permit, the applicant shall submit a landscaping plan to the Department of Planning and Building Services, which is intended to show how landscape improvements will minimize the visibility of the structure and associated improvements from adjacent properties on the south and west sides. Specifically the plan shall shield the parking area from view and reduce the impact of vehicles headlights leaving at night. Prior to use of the parking area (allowable beginning on May 15), the applicant shall install all landscaping approved under the landscaping plan.
25. The applicant shall adhere to the recommendations from the Division of Environmental Health, as follows:
 - a. Events shall be limited to one per week, not to exceed four events per month.
 - b. Portable toilets shall be provided for events that exceed fifty (50) attendees.
 - c. A 2,500-gallon water storage tank shall be installed to provide sufficient water reserves.
26. The use of the parking area shall be limited to the dry season, specifically May 15 through October 31. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
27. This permit shall be valid for a period of three (3) years after issuance and may be renewed at the expiration of three (3) years if it is determined that the special event use has not adversely affected the Rural Village designated community. The applicant has the sole responsibility of renewing this permit within the specified time-frame. Notice will not be provided prior to expiration.



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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FB FAX: 707-961-2427
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

January 5, 2016

RECEIVED

JAN - 8 2016

NOTICE OF FINAL ACTION

**CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: GDP_2013-0012

DATE FILED: 6/19/2013

OWNER: ALBION SCHOOLHOUSE LLC

APPLICANT: SYDNEY MINTZ & JUSTINE SHAPIRO

AGENT: WYNN COASTAL PLANNING

PROJECT COORDINATOR: JULIA ACKER

REQUEST: Standard Coastal Development Permit for temporary events, up to 14 days per year.

Associated development includes the installation and maintenance of a lightly graveled parking lot, installation of a commercial driveway approach, and removal of three (3) Eucalyptus trees.

ENVIRONMENTAL DETERMINATION: Class 4 (e) minor temporary use of land having negligible or no permanent effects on the environment Categorical Exempt

LOCATION: In the Coastal Zone, 0.5+- miles north of the town of Albion, on the north side of Albion-Little River Road, 300+- feet east of its intersection with Highway 1. Located at 3890 and 3930 Albion Little River Road; APN 123-050-11 and 123-050-32.

ACTION TAKEN:

The Coastal Permit Administrator, on December 16, 2015, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

Attachments

cc: Coastal Commission
Assessor



December 28, 2015

FINAL FINDINGS AND CONDITIONS OF APPROVAL
CASE# CDP_2013-0012 - ALBION SCHOOLHOUSE LLC/MINTZ-SHAPIO
12/16/2015

The Coastal Permit Administrator approves Coastal Development Permit # CDP_2013-0012 per the findings and conditions of approval contained in the staff report and as modified during the public hearing as follows:

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 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.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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 applicant 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 applicant 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. In order to provide for the protection of natural resources on the site, the following is required:
 - a. All project impacts, including materials and equipment storage, and ground disturbing impacts, shall be limited to areas at least 100 feet from the Northern Bishop Pine Forest.
 - b. Invasive English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), periwinkle (*Vinca major*) and cotoneaster (*Cotoneaster franchetii*) shall be removed from all portions of the property to the greatest extent practicable.
 - c. During construction, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.
 - d. New landscaping on the property shall not include any invasive plants and shall ideally consist of native plants compatible with the existing native plant communities.
10. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete, to the satisfaction of the Department of Transportation, a commercial driveway approach onto Albion-Little River Road (CR 403). The approach shall have a minimum width of eighteen (18) feet, and length of twenty (20) feet measured perpendicular to the edge of the County road, and be paved with asphalt concrete.
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12. The proposed parking area shall be surfaced, at minimum, with light gravel. Light gravel is defined as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified.
13. The applicant shall adhere to the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino County Code. No amplified sound shall be permitted outside the structure. Failure to comply with the Exterior Noise Limit Standards may lead to revocation of this Coastal Development Permit.
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- Failure to limit the number of occupants on the site, in conformance with the maximum occupancy permitted ~~according to the Uniform Building Code~~, may lead to revocation of this Coastal Development Permit.
15. Prior to issuance of the Coastal Development Permit, a detailed parking plan shall be submitted for the proposed parking area which shall be located as far from Albion-Little River Road as possible. The parking plan shall, at minimum, demonstrate compliance with the required parking space size standards, number of required spaces, circulation, emergency vehicle access, ~~and~~ ADA accessible parking spaces, and stormwater drainage.
 16. There shall be no event parking along Highway 1, Albion-Little River Road, or along the driveway. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
 17. Prior to issuance of the Building Permit for the occupancy change, the applicant shall demonstrate, to the satisfaction of the Mendocino County Division of Environmental Health, the following:
 - a. A qualified site evaluator shall be hired by the owner/applicant to determine whether the existing septic system is in proper working order and will be able to accept the additional effluent.
 - b. If food is to be prepared on-site, a permit to operate a food facility shall be required from Environmental Health.
 - c. The owner/applicant shall conform to required state drinking water requirements, if applicable.
 18. A valid Mendocino County Business License for the subject property shall be issued and kept current by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
 19. Up to fourteen (14) events per year and no more than two (2) events per month may be held within the structure at APN 123-050-11. ~~Parking shall occur at APN 123-050-32, and shall be limited to the designated areas shown on the site plan dated July 23, 2015. The maximum number of attendees shall not exceed one-hundred and six (106) persons during the period of May 15 through October 31, as can be accommodated by on-site parking on the vacant lot. During the period of November 1 through May 14, attendance shall be limited to fourteen (14) passenger vehicles, as can be accommodated by the fourteen (14) on-site parking spaces on the same parcel as the structure. Events shall be limited to one (1) day in duration, where amplified music, event parking, etc. may occur. Set-up and clean-up and other activities may occur on the day before and after the actual event day.~~ Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
 20. Event operation hours shall be limited to between 10 AM to 10 PM daily. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
 21. ~~Lighting for events shall be~~ Prior to issuance of the Coastal Development Permit, Planning Staff shall perform a site visit and verify that all exterior lighting is downcast and shielded, and shall be limited in illumination power to only the amount required for nighttime navigation and safety of the immediate area surrounding the event area.
 22. Should the use of the structure for temporary events cease for any reason for a period of one (1) year or more, this Coastal Development Permit shall become null and void and a new Coastal Development Permit shall be required.

23. Prior to any ground disturbing activities, the applicant shall obtain all necessary permits from the Mendocino County Air Quality Management District.
24. Prior to issuance of the Coastal Development Permit, the applicant shall submit a landscaping plan to the Department of Planning and Building Services, which is intended to show how landscape improvements will minimize the visibility of the structure and associated improvements from adjacent properties on the south and west sides. Specifically the plan shall shield the parking area from view and reduce the impact of vehicles headlights leaving at night. Prior to use of the parking area (allowable beginning on May 15), the applicant shall install all landscaping approved under the landscaping plan.
25. The applicant shall adhere to the recommendations from the Division of Environmental Health, as follows:
 - a. Events shall be limited to one per week, not to exceed four events per month.
 - b. Portable toilets shall be provided for events that exceed fifty (50) attendees.
 - c. A 2,500-gallon water storage tank shall be installed to provide sufficient water reserves.
26. The use of the parking area shall be limited to the dry season, specifically May 15 through October 31. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
27. This permit shall be valid for a period of three (3) years after issuance and may be renewed at the expiration of three (3) years if it is determined that the special event use has not adversely affected the Rural Village designated community. The applicant has the sole responsibility of renewing this permit within the specified time-frame. Notice will not be provided prior to expiration.



MEMORANDUM

DATE: December 16, 2015
TO: Coastal Permit Administrator
FROM: Julia Acker, Planner II
RE: CDP 2013-0012 Mintz/Shapiro Modifications to the Conditions of Approval of the Staff Report presented at the Coastal Permit Administrator Hearing on December 16, 2015

Please note that deletions are shown as ~~stricken~~ and additions are shown as underlined.

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 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.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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 applicant 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 applicant 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. In order to provide for the protection of natural resources on the site, the following is required:
 - a. All project impacts, including materials and equipment storage, and ground disturbing impacts, shall be limited to areas at least 100 feet from the Northern Bishop Pine Forest.
 - b. Invasive English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), periwinkle (*Vinca major*) and cotoneaster (*Cotoneaster franchetii*) shall be removed from all portions of the property to the greatest extent practicable.
 - c. During construction, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.
 - d. New landscaping on the property shall not include any invasive plants and shall ideally consist of native plants compatible with the existing native plant communities.
10. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete, to the satisfaction of the Department of Transportation, a commercial driveway approach onto Albion-Little River Road (CR 403). The approach shall have a minimum width of eighteen (18) feet, and length of twenty (20) feet measured perpendicular to the edge of the County road, and be paved with asphalt concrete.
11. Prior to issuance of the Coastal Development Permit, a revised site plan demonstrating compliance with the required yard setbacks for the parking area and compliance with the corridor preservation setback from the roadway for the proposed fencing shall be submitted to the Planning Division for review and approval.
12. The proposed parking area shall be surfaced, at minimum, with light gravel. Light gravel is defined as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified.
13. The applicant shall adhere to the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino County Code. No amplified sound shall be permitted outside the structure. Failure to comply with the Exterior Noise Limit Standards may lead to revocation of this Coastal Development Permit.
14. Prior to use of the structure for temporary events, the applicant shall obtain a Building Permit for the necessary occupancy change of the structure, to the satisfaction of the Mendocino County Building Division. A California licensed architect or engineer shall prepare the plans addressing the (1) accessibility, (2) exiting, and (3) structural issues. ~~The maximum number of occupants at the site shall be determined during review of the occupancy change.~~ The maximum occupancy of the structure shall be limited to one-hundred and six (106) persons (including staff) in attendance. Failure to limit the number of occupants on the site, in conformance with the maximum occupancy

permitted according to the Uniform Building Code, may lead to revocation of this Coastal Development Permit.

15. Prior to issuance of the Coastal Development Permit, a detailed parking plan shall be submitted for the proposed parking area which shall be located as far from Albion-Little River Road as possible. The parking plan shall, at minimum, demonstrate compliance with the required parking space size standards, number of required spaces, circulation, emergency vehicle access, ~~and~~ ADA accessible parking spaces, and stormwater drainage.
16. There shall be no event parking along Highway 1, Albion-Little River Road, or along the driveway. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
17. Prior to issuance of the Building Permit for the occupancy change, the applicant shall demonstrate, to the satisfaction of the Mendocino County Division of Environmental Health, the following:
 - a. A qualified site evaluator shall be hired by the owner/applicant to determine whether the existing septic system is in proper working order and will be able to accept the additional effluent.
 - b. If food is to be prepared on-site, a permit to operate a food facility shall be required from Environmental Health.
 - c. The owner/applicant shall conform to required state drinking water requirements, if applicable.
18. A valid Mendocino County Business License for the subject property shall be issued and kept current by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
19. Up to fourteen (14) events per year and no more than two (2) events per month may be held within the structure at APN 123-050-11. Parking shall occur at APN 123-050-32, and shall be limited to the designated areas shown on the site plan dated July 23, 2015. The maximum number of attendees shall not exceed one-hundred and six (106) persons during the period of May 15 through October 31, as can be accommodated by on-site parking on the vacant lot. During the period of November 1 through May 14, attendance shall be limited to fourteen (14) passenger vehicles, as can be accommodated by the fourteen (14) on-site parking spaces on the same parcel as the structure. Events shall be limited to one (1) day in duration, where amplified music, event parking, etc. may occur. Set-up and clean-up and other activities may occur on the day before and after the actual event day. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
20. Event operation hours shall be limited to between 10 AM to 10 PM daily. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
21. ~~Lighting for events shall be~~ Prior to issuance of the Coastal Development Permit, Planning Staff shall perform a site visit and verify that all exterior lighting is downcast and shielded, ~~and shall be limited in illumination power to only the amount required for nighttime navigation and safety of the immediate area surrounding the event area.~~
22. Should the use of the structure for temporary events cease for any reason for a period of one (1) year or more, this Coastal Development Permit shall become null and void and a new Coastal Development Permit shall be required.
23. Prior to any ground disturbing activities, the applicant shall obtain all necessary permits from the Mendocino County Air Quality Management District.

24. Prior to issuance of the Coastal Development Permit, the applicant shall submit a landscaping plan to the Department of Planning and Building Services, which is intended to show how landscape improvements will minimize the visibility of the structure and associated improvements from adjacent properties on the south and west sides. Specifically the plan shall shield the parking area from view and reduce the impact of vehicles headlights leaving at night. Prior to use of the parking area (allowable beginning on May 15), the applicant shall install all landscaping approved under the landscaping plan.
25. The applicant shall adhere to the recommendations from the Division of Environmental Health, as follows:
 - a. Events shall be limited to one per week, not to exceed four events per month.
 - b. Portable toilets shall be provided for events that exceed fifty (50) attendees.
 - c. A 2,500-gallon water storage tank shall be installed to provide sufficient water reserves.
26. The use of the parking area shall be limited to the dry season, specifically May 15 through October 31. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
27. This permit shall be valid for a period of three (3) years after issuance and may be renewed at the expiration of three (3) years if it is determined that the special event use has not adversely affected the Rural Village designated community. The applicant has the sole responsibility of renewing this permit within the specified time-frame. Notice will not be provided prior to expiration.



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT/COASTAL DEVELOPMENT PERMIT**

**DECEMBER 16, 2015
CDP_2013-0012**

RECEIVED

JAN - 8 2016

**CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**

OWNER/APPLICANT: SYDNEY MINTZ & JUSTINE SHAPIRO
336 JUANITA WAY
SAN FRANCISCO, CA 94127

AGENT: WYNN COASTAL PLANNING
BLAIR FOSTER
703 N MAIN STREET
FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit for temporary events, up to fourteen (14) days per year. Associated development includes the installation and maintenance of a lightly graveled parking lot, installation of a commercial driveway approach, and removal of three (3) Eucalyptus trees.

LOCATION: In the Coastal Zone, 0.5± miles north of the town of Albion, on the north side of Albion-Little River Road, 300± feet east of its intersection with Highway 1, located at 3890 and 3930 Albion-Little River Road; APN 123-050-11 and -32.

APPEALABLE: Yes (Highly Scenic Area)

PERMIT TYPE: Standard Coastal Development Permit

TOTAL ACREAGE: 1.04 Acres (APN 123-050-11) and 1 Acre (APN 123-050-32)

GENERAL PLAN/COASTAL PLAN: Rural Village (RV)

ZONING: Rural Village, forty-thousand square-foot minimum lot size

EXISTING USES: Single Family Residential/Vacation Home Rental (APN 123-050-11); vacant- existing well (APN 123-050-32)

ADJACENT ZONING: North: RMR20
East: FL160/RMR20
South: FL160/RV
West: RV40K

SURROUNDING LAND USES: North: Vacant/Agricultural
East: Residential
South: Residential
West: Residential/Vacant

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA – Class 4 (e) minor temporary use of land having negligible or no permanent effects on the environment

PROJECT DETERMINATION: Approve with Conditions

PROJECT DESCRIPTION: Standard Coastal Development Permit for temporary private events, up to fourteen (14) days per year, such as weddings, community gatherings, and workshops. Associated development includes the installation and maintenance of a lightly graveled parking lot (at 3890 Albion-Little River Road), installation of a commercial driveway approach (twenty (20) feet wide tapering fifty (50) feet on either side of driveway along the road) to Mendocino County Department of Transportation standards, and removal of three (3) Eucalyptus trees to allow for tapers and improved sight distance on Albion-Little River Road.

SITE DESCRIPTION AND SETTING: The combined 2 acre subject parcels are situated approximately 0.5 miles north of the town of Albion, on the north side of Albion-Little River Road, approximately 300 feet east of its intersection with Highway 1. The site is surrounded by residential properties to the east, west and south, agricultural property to the north. Directly adjacent to the west of the subject parcels is vacant residentially zoned parcels. 3930 Albion-Little River Road (APN 123-050-11) is currently developed with a single-family residence and the owners have a valid business license for use of the property as a vacation home rental. 3890 (APN 123-050-32) is currently undeveloped, but was used in the past as informal parking. In 2013, a violation case was opened against the property for holding special events without the proper permits. This Coastal Development Permit seeks to legalize the holding of temporary events at the subject parcels for up to fourteen (14) days per year.

OTHER RELATED APPLICATIONS: ZC# 2013-0009 violation case for the renting of the structure for large events without the proper permits.

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	123-050-32: CDMS 30-93 See conditions. BL 2015-0064 Vacation Home Rental.
Mendocino Department of Transportation	Recommended installation of a commercial driveway approach, per standard requirements.
Environmental Health – Fort Bragg	See comments in Utility section of report.
Building Inspection – Fort Bragg	Currently the structure is an R-3/SFR occupancy. The owner will need to submit a completed building permit application, and a plan designed and reviewed by a licensed Architect or Engineer for a change of building occupancy classification permit. The plan will detail the portion of the SFR that will be used for events, and the structural/seismic integrity, as well as the H/C accessibility aspects for this change to an A-2 or A-3 assembly occupancy permit.
Assessor	No response
Caltrans	No response
Department of Fish and Wildlife	Provided recommendations on removal of Eucalyptus trees. Limiting timing of removal to August 31 through February 1.
Coastal Commission	No response
Albion-Little River Fire District	No response

KEY ISSUES: Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Code (MCC). **ATTACHMENT A** of this report individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project.

The issues listed below are drawn from **ATTACHMENT A** and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

Land Use: The subject parcel is zoned and classified in the Mendocino County General Plan as Rural Village. The intent of the Rural Village district is “to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.” This application proposes the use of an existing residence as a facility for temporary events, up to fourteen (14) per year, and associated

improvements. The proposed project does not conflict with the intent of the district to provide for mixed commercial and residential activities.

A single family residence and associated improvements are consistent with the allowable uses within the zoning district. The proposed use of the structure as a temporary event facility is regulated by MCC Section 20.460.020, which allows the temporary gathering of one hundred (100) to one thousand (1,000) persons for entertainment events or religious assembly upon issuance of a Coastal Development Permit. The proposed use is consistent with the provisions of MCC Section 20.460.020 for allowance of temporary events. **Condition 14** is recommended requiring that the applicants obtain the necessary occupancy change within the structure to allow its use for temporary events.

Yards: The minimum required front, side, and rear yards in the Rural Village zoning district for a parcel of this size are twenty (20) feet from the front and rear yards and six (6) feet in the side yard (MCC Section 20.388.030 through Section 20.388.035). The existing structures are compliant with yard setback requirements. The plot plan submitted for the project did not clearly demonstrate that the parking area would meet required yard setbacks; however, Staff finds the area adequate to support the required parking in addition to providing the adequate yard setbacks.

Additionally, the proposed six (6) foot fencing along the roadway is required to be located outside the corridor preservation setback for Albion-Little River Road (CR 403). Albion-Little River Road is designated as a local road, requiring a twenty-five (25) foot setback from the centerline of the roadway to any development.

In order to demonstrate compliance with the required yard setbacks and the corridor preservation setback for Albion-Little River Road **Condition 11** is recommended. With the inclusion of the recommended condition the proposed development is consistent with the yard setback requirements of the Rural Village zoning district.

Natural Resources: A Biological Scoping Survey was prepared by Spade Natural Resources Consulting in July 2015. The survey found that the northern property boundary has the rare plant community of Northern Bishop Pine Forest (NBPF). The remainder of the site has non-native grassland, eucalyptus, and non-native cypress. All proposed improvements are proposed outside of the 100 foot buffer for the NBPF resource. Despite the proposed development being located well outside the buffer area for the NBPF, Spade Natural Resources Consulting has recommended several conditions, included as **Condition 9**, to insure that the proposed development shall not impact biological resources on the site.

Noise: Due to the location of the proposed use within a residential neighborhood, the applicant is advised of the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino County Code. **Condition 13** is recommended to require the applicant comply with the Exterior Noise Limit Standards. Any verified violation of the Exterior Noise Limit Standards may be cause for revocation of this Coastal Development Permit.

Utilities: The existing residence is served with water from an existing on-site well, and similarly sewage disposal is accommodated by an existing septic system.

The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. DEH requested the applicant to submit additional items prior to use of the structure for temporary events. **Condition 17** is recommended to reflect DEH concerns.

Access Roads: The parcel is currently accessed by a private driveway from Albion-Little River Road, and this application proposes to upgrade the access to a commercial driveway approach. Mendocino County Department of Transportation reviewed the application and requested the installation of a commercial driveway approach, included as **Condition 10**.

Parking: The proposed use requires additional parking availability on-site. Staff found the proposed use to be most similar to exhibition halls, assembly halls and dance halls, which require one (1) parking space per one hundred (100) square feet gross floor area (MCC Section 20.472.030 (D)). The structure totals 4,850 square-feet and therefore forty-eight (48) parking spaces are required. The site plan designates an area that is approximately 25,600 square-feet for parking and there are additionally two (2) accessible parking spaces. Each parking space

is required to be nine (9) feet by twenty (20) feet in size (180 square-feet per parking space). The area designated for parking has the potential to accommodate up to one hundred forty two (142) parking spaces. The plot plan submitted for the project did not clearly demonstrate that the parking area would meet required yard setbacks; however, Staff finds the area adequate to support the required parking in addition to providing the adequate yard setbacks. **Condition 11** is recommended to ensure that the parking area meets required yard setbacks. **Condition 15** is recommended to ensure that there is adequate parking provided on the site and **Condition 16** is recommended to ensure that there is no parking along Albion-Little River Road or off-site, where it may disturb the adjacent residential properties.

MCC Section 20.472.010 (l) states that *Parking areas shall, at a minimum, be surfaced with gravel; however, the approving authority may require a hard surface such as road oil mix, or other surfacing of a more durable type such as a bituminous plant mix, asphaltic concrete or concrete as a condition of the Coastal Development Permit.* The applicants have submitted a letter from Micheala Biaggi, a stormwater and soils expert, attesting that a “light gravel” surface is sufficient to serve the sporadic parking needs in the proposed special event parking area. “Light gravel” is defined, by Ms. Biaggi, as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified. Ms. Biaggi states that the “light gravel” will provide the same surface integrity to that of a full gravel surface, for the following reasons:

1. The proposed special event vehicle parking area has historically been used for special event vehicle parking over the past fifteen (15) years, during which time the soil has been somewhat compacted by vehicles.
2. Light Gravel will continue to allow the grass species to survive, versus a Full Gravel surface, which will outcompete the grasses causing them to die. Grasses and their root systems keep the soil intact, which is a natural soil stabilization and dust suppressant best management practice. Grasses naturally regenerate, whereas rock inevitably moves and shifts and requires re-application from time-to-time. Please note, the grass is mowed during the dry season, and kept short, as is necessary.
3. The topography of this site slopes from north to south and east to west. Exhibits in the letter show a natural concave depression in the southwest corner of the property, which is where the special event parking area is proposed. In addition, this is the only area on the property where such parking is feasible without grading, given its relative flatness. A full gravel surface in the proposed parking area is likely to slow water infiltration during rain events, when sheet flow collects and ponds in this part of the property. A full rock surface is likely to cause excess water to leave the property, and may cause an inundation of sheet flow runoff to the adjacent county road, Albion-Little River Road.
4. Special event parking will occur during the dry season, which is typically May through October, when the soil naturally has minimal soil moisture, thus avoiding potential erosion impacts and creation of ruts.

Staff finds the analysis by Ms. Biaggi to adequately demonstrate that the use of “light gravel” is a comparable surface to that of full gravel and is appropriate for the proposed use of temporary events. **Condition 12** is recommended requiring the parking area be surfaced with “light gravel.”

PROJECT DETERMINATION FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, based on the following findings and conditions.

REQUIRED FINDINGS FOR THIS COASTAL DEVELOPMENT PERMIT:

1. The proposed development is in conformity with the certified Local Coastal Program. The proposed project for establishment of a temporary event facility is in conformity with the goals and policies of the certified Local Coastal Program. The facility will contribute towards improvement of visitor serving facilities within the Mendocino County Coastal Zone; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The existing residence is served with water from an existing well and sewage disposal is accommodated by an existing septic system. The parcel is currently accessed by a private residential driveway approach off Albion-Little River Road. The access is required to be upgraded to a commercial

approach (Condition 10). Parking shall be accommodated on-site and is adequate to support the proposed use; and

3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district. This application proposes the use of an existing residence as a facility for temporary events, up to fourteen (14) per year, and associated improvements. The proposed project does not conflict with the intent of the district to provide for mixed commercial and residential activities; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, within the meaning of the California Environmental Quality Act. The proposed project is Categorically Exempt from the provisions of CEQA, pursuant to Class 4 of Article 19 of the California Environmental Quality Act Guidelines. The Class 4(e) exemption finds that "minor temporary use of land having negligible or no permanent effects on the environment", meeting the criteria of Section 15304, has "been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA." The proposed development meets the criteria of Section 15304, and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. For small projects such as remodels, additions, small outbuildings (projects with minimal earthwork) Mendocino County Department of Planning and Building Services (PBS) procedure is to not refer these types of projects to either California Historic Resource Information System (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 was determined to be an appropriate guidance document for what projects should require archaeological review. The proposed project consists of use of an existing structure for temporary events, upgrade of the existing driveway to a commercial driveway approach, and the addition of fencing and outdoor lighting. County staff determined that due to the small scale of the proposed development and lack of ground disturbance, no archaeological review would be required. Condition 8 is recommended in case archaeological resources are discovered; and
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 Albion Transfer Station is located approximately four (4) miles from the project site, providing for the disposal of solid waste resulting from the existing residential use on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. The increase in traffic volume associated with the development proposed in the application will be negligible as it is on a temporary basis. The parcel is currently accessed by a private driveway from Albion-Little River Road, and this application proposes to upgrade the access to a commercial driveway approach. Mendocino County Department of Transportation reviewed the application and requested the installation of a commercial driveway approach; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan. The proposed development is located east of Highway One. The parcel is shown, on the certified Local Coastal Program map (Map 18-Albion), to have an existing public access trail that follows Albion-Little River Road. The project would have no effect on public access to the coast. The proposed development is therefore consistent with public access and public recreation policies.

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 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.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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 applicant 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 applicant 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. In order to provide for the protection of natural resources on the site, the following is required:
 - a. All project impacts, including materials and equipment storage, and ground disturbing impacts, shall be limited to areas at least 100 feet from the Northern Bishop Pine Forest.
 - b. Invasive English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), periwinkle (*Vinca major*) and cotoneaster (*Cotoneaster franchetii*) shall be removed from all portions of the property to the greatest extent practicable.
 - c. During construction, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.
 - d. New landscaping on the property shall not include any invasive plants and shall ideally consist of native plants compatible with the existing native plant communities.
10. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall

complete, to the satisfaction of the Department of Transportation, a commercial driveway approach onto Albion-Little River Road (CR 403). The approach shall have a minimum width of eighteen (18) feet, and length of twenty (20) feet measured perpendicular to the edge of the County road, and be paved with asphalt concrete.

11. Prior to issuance of the Coastal Development Permit, a revised site plan demonstrating compliance with the required yard setbacks for the parking area and compliance with the corridor preservation setback from the roadway for the proposed fencing shall be submitted to the Planning Division for review and approval.
12. The proposed parking area shall be surfaced, at minimum, with light gravel. Light gravel is defined as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified.
13. The applicant shall adhere to the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino County Code. Failure to comply with the Exterior Noise Limit Standards may lead to revocation of this Coastal Development Permit.
14. Prior to use of the structure for temporary events, the applicant shall obtain a Building Permit for the necessary occupancy change of the structure, to the satisfaction of the Mendocino County Building Division. A California licensed architect or engineer shall prepare the plans addressing the (1) accessibility, (2) exiting, and (3) structural issues. The maximum number of occupants at the site shall be determined during review of the occupancy change. Failure to limit the number of occupants on the site, in conformance with the maximum occupancy permitted according to the Uniform Building Code, may lead to revocation of this Coastal Development Permit.
15. Prior to issuance of the Coastal Development Permit, a detailed parking plan shall be submitted for the proposed parking area. The parking plan shall, at minimum, demonstrate compliance with the required parking space size standards, number of required spaces, circulation, emergency vehicle access, and ADA accessible parking spaces.
16. There shall be no event parking along Highway 1, Albion-Little River Road, or along the driveway. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
17. Prior to issuance of the Building Permit for the occupancy change, the applicant shall demonstrate, to the satisfaction of the Mendocino County Division of Environmental Health, the following:
 - a. A qualified site evaluator shall be hired by the owner/applicant to determine whether the existing septic system is in proper working order and will be able to accept the additional effluent.
 - b. If food is to be prepared on-site, a permit to operate a food facility shall be required from Environmental Health.
 - c. The owner/applicant shall conform to required state drinking water requirements, if applicable.
18. A valid Mendocino County Business License for the subject property shall be issued and kept current by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
19. Up to fourteen (14) events per year may be held within the structure at APN 123-050-11. Parking shall occur at APN 123-050-32, and shall be limited to the designated areas shown on the site plan dated July 23, 2015. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
20. Event operation hours shall be limited to between 10 AM to 10 PM daily. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
21. Lighting for events shall be downcast and shielded, and shall be limited in illumination power to only the amount required for nighttime navigation and safety of the immediate area surrounding the event area.

22. Should the use of the structure for temporary events cease for any reason for a period of one (1) year or more, this Coastal Development Permit shall become null and void and a new Coastal Development Permit shall be required.
23. Prior to any ground disturbing activities, the applicant shall obtain all necessary permits from the Mendocino County Air Quality Management District.

Staff Report Prepared By:

DATE

JULIA ACKER
PLANNER II

JA/at
October 23, 2015
Categorically Exempt

ATTACHMENTS

- A- Coastal Permit Approval Checklist
- B- Location Map
- C- Google Earth Imagery
- D- Site Plan
- E- ESHA Site Plan
- F- Elevation
- G- Floorplan
- H- Zoning Display Map
- I- General Plan Classifications
- J- LCP Map 18: Albion
- K- Adjacent Parcels
- L- Fire Hazard Zones & Responsibility Areas
- M- Ground Water Resources
- N- Highly Scenic & Tree Removal Areas

**APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST
CDP_2013-0012 (MINTZ/SHAPIRO)
DECEMBER 16, 2015**

PROJECT TITLE: CDP_2013-0012 (MINTZ/SHAPIRO)

PROJECT LOCATION: 3930 & 3890 ALBION-LITTLE RIVER ROAD
ALBION, CA 95410

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Julia Acker
Mendocino County Planning and Building Services
120 West Fir Street, Fort Bragg, California 95437
707-964-5379

GENERAL PLAN DESIGNATION: RV (Rural Village)

ZONING DISTRICT RV (Rural Village)

DESCRIPTION OF PROJECT: Standard Coastal Development Permit for temporary private events, up to fourteen (14) days per year, such as weddings, community gatherings, and workshops. Associated development includes the installation and maintenance of a lightly graveled parking lot (at 3890 Albion-Little River Road), installation of a commercial driveway approach (twenty (20) feet wide tapering fifty (50) feet on either side of driveway along the road) to Mendocino County Department of Transportation standards, and removal of three (3) Eucalyptus trees to allow for tapers and improved sight distance on Albion-Little River Road.

SITE DESCRIPTION AND SETTING: The combined 2 acre subject parcels are situated approximately 0.5 miles north of the town of Albion, on the north side of Albion-Little River Road, approximately 300 feet east of its intersection with Highway 1. The site is surrounded by residential properties to the east, west and south, agricultural property to the north. Directly adjacent to the west of the subject parcels is vacant residentially zoned parcels. 3930 Albion-Little River Road (APN 123-050-11) is currently developed with a single-family residence and the owners have a valid business license for use of the property as a vacation home rental. 3890 (APN 123-050-32) is currently undeveloped, but was used in the past as informal parking. In 2013, a violation case was opened against the property for holding special events without the proper permits. This Coastal Development Permit seeks to legalize the holding of temporary events at the subject parcels for up to fourteen (14) days per year.

DETERMINATION: The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit**, pursuant to Section 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

Consistent (with conditions of approval)

The Local Coastal Program sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program serves as an element of the General Plan and includes Division II of the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

General Plan Land Use – Rural Residential

The subject parcel is classified as Rural Village (RV) by the Coastal Element of the Mendocino County General Plan, which is intended “to preserve and maintain the character of the rural atmosphere and visual quality of the...[rural] villages...and to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.” (Chapter 2.2). The principally permitted use designated for the RV land use classification is “One dwelling unit per existing parcel and associated utilities and light agriculture.” The minimum parcel size for the RV land use classification is variable, depending on the availability of public utilities. The parcel is not provided with any public utilities, resulting in a minimum parcel size of 40,000 square-feet.

The parcel is currently developed with a single family residence, a principally permitted use, and is therefore consistent with the Rural Village classification of the Coastal Element of the Mendocino County General Plan.

Hazards

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone. The proposed project is to use the existing structure for holding temporary events up to fourteen (14) days per year.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone. The San Andreas Fault is located approximately three miles off-shore to the west of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

Landslides: There are no translational/rotational or debris slides mapped on the subject parcels.

Erosion: The existing structure is located in a relatively flat area and minor grading shall be required to accommodate the proposed commercial driveway access. Best Management Practices shall be implemented during construction to prevent delivery of sediment to any adjacent watercourses. The designation of appropriate Best Management Practices for every building permit is a standard requirement.

Flooding: There is no mapped floodplain on the subject parcel; therefore, no conditions are necessary to ensure consistency with flood policy.

Fire: The project is located in an area that has a moderate fire hazard severity rating. The project application is exempt from the need to obtain California Department of Forestry and Fire Protection (CalFire) clearance.

Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504.

The project is not located in an area that is designated Highly Scenic by the Local Coastal Program. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. The residence is existing on the parcel and therefore the parking area and driveway are the two proposed improvements that would be subject to Highly Scenic Area criteria. All proposed development will be below the maximum height for construction in a Highly Scenic Area. The proposed development is located in an already developed area and primarily in the footprint of existing improvements; therefore, there is not significant concern that the proposed improvements would impact the visual quality in the area.

MCC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel. There is minimal exterior lighting proposed as part of this application and staff has reviewed the proposed lighting and finds it consistent with the exterior lighting regulations set forth in MCC Section 20.504.025.

Natural Resources

Protection of natural resources is addressed in Chapter 3.1 of the Mendocino County Coastal Element and implemented by MCC Chapter 20.496.

A Biological Scoping Survey was prepared by Spade Natural Resources Consulting in July 2015. The survey found that the northern property boundary has the rare plant community of Northern Bishop Pine Forest (NBPF). The remainder of the site has non-native grassland, eucalyptus, and non-native cypress. All proposed improvements are proposed outside of the 100 foot buffer for the NBPF resource. Despite the proposed development being located well outside the buffer area for the NBPF, Spade Natural Resources Consulting has recommended several conditions to insure that the proposed development shall not impact biological resources on the site.

Condition 9: In order to provide for the protection of natural resources on the site, the following is required:

- a. All project impacts, including materials and equipment storage, and ground disturbing impacts, shall be limited to areas at least 100 feet from the Northern Bishop Pine Forest.
- b. Invasive English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), periwinkle (*Vinca major*) and cotoneaster (*Cotoneaster franchetii*) shall be removed from all portions of the property to the greatest extent practicable.

- c. During construction, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.
- d. New landscaping on the property shall not include any invasive plants and shall ideally consist of native plants compatible with the existing native plant communities.

With the inclusion of the recommended conditions, the project is found consistent with MCC Chapter 20.496.

Noise

Due to the location of the proposed use within a residential neighborhood, the applicant is advised of the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino County Code. **Condition 13** is recommended to require the applicant comply with the Exterior Noise Limit Standards. Any verified violation of the Exterior Noise Limit Standards may be cause for revocation of this Coastal Development Permit.

Condition 13: The applicant shall adhere to the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino County Code. Failure to comply with the Exterior Noise Limit Standards may lead to revocation of this Coastal Development Permit.

➤ **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

Consistent (with conditions of approval)

Utilities: The existing residence is served with water from an existing on-site well, and similarly sewage disposal is accommodated by an existing septic system.

The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. DEH requested the applicant to submit additional items prior to use of the structure for temporary events. **Condition 17** is recommended to reflect DEH concerns.

Condition 17: Prior to issuance of the Building Permit for the occupancy change, the applicant shall demonstrate the following, to the satisfaction of the Mendocino County Division of Environmental Health:

- a. A qualified site evaluator shall be hired by the owner/applicant to determine whether the existing septic system is in proper working order and will be able to accept the additional effluent.
- b. If food is to be prepared on-site, a permit to operate a food facility shall be required from Environmental Health.
- c. The owner/applicant shall conform to required state drinking water requirements, if applicable.

Access Roads: The parcel is currently accessed by a private driveway from Albion-Little River Road, and this application proposes to upgrade the access to a commercial driveway approach. Mendocino County Department of Transportation reviewed the application and requested the installation of a commercial driveway approach.

Condition 10: The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete, to the satisfaction of the Department of Transportation, a commercial driveway approach onto Albion-Little River Road (CR 403). The approach shall have a minimum width of eighteen (18) feet, and length of twenty (20) feet measured perpendicular to the edge of the County road, and be paved with asphalt concrete.

Parking: The proposed use requires additional parking availability on-site. Staff found the proposed use to be most similar to exhibition halls, assembly halls and dance halls, which require one (1) parking space per one hundred (100) square feet gross floor area (MCC Section 20.472.030 (D)). The structure totals 4,850 square-feet and therefore forty-eight (48) parking spaces are required. The site plan designates an area that is approximately 25,600 square-feet for parking and there are additionally two (2) accessible parking spaces. Each parking space is required to be nine (9) feet by twenty (20) feet in size (180 square-feet per parking space). The area designated

for parking has the potential to accommodate up to one hundred forty two (142) parking spaces. The plot plan submitted for the project did not clearly demonstrate that the parking area would meet required yard setbacks; however, Staff finds the area adequate to support the required parking in addition to providing the adequate yard setbacks.

Condition 11: Prior to issuance of the Coastal Development Permit, a revised site plan demonstrating compliance with the required yard setbacks for the parking area and compliance with the corridor preservation setback from the roadway for the proposed fencing shall be submitted to the Planning Division for review and approval.

Condition 15: Prior to issuance of the Coastal Development Permit, a detailed parking plan shall be submitted for the proposed parking area. The parking plan shall, at minimum, demonstrate compliance with the required parking space size standards, number of required spaces, and ADA accessible parking spaces.

Condition 16: There shall be no event parking along Highway 1, Albion-Little River Road, or along the driveway. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.

MCC Section 20.472.010 (I) states that *Parking areas shall, at a minimum, be surfaced with gravel; however, the approving authority may require a hard surface such as road oil mix, or other surfacing of a more durable type such as a bituminous plant mix, asphaltic concrete or concrete as a condition of the Coastal Development Permit.* The applicants have submitted a letter from Micheala Biaggi, a stormwater and soils expert, attesting that a “light gravel” surface is sufficient to serve the sporadic parking needs in the proposed special event parking area. “Light gravel” is defined, by Ms. Biaggi, as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified. Ms. Biaggi states that the “light gravel” will provide the same surface integrity to that of a full gravel surface, for the following reasons:

1. The proposed special event vehicle parking area has historically been used for special event vehicle parking over the past fifteen (15) years, during which time the soil has been somewhat compacted by vehicles.
2. Light Gravel will continue to allow the grass species to survive, versus a Full Gravel surface, which will outcompete the grasses causing them to die. Grasses and their root systems keep the soil intact, which is a natural soil stabilization and dust suppressant best management practice. Grasses naturally regenerate, whereas rock inevitably moves and shifts and requires re-application from time-to-time. Please note, the grass is mowed during the dry season, and kept short, as is necessary.
3. The topography of this site slopes from north to south and east to west. Exhibits in the letter show a natural concave depression in the southwest corner of the property, which is where the special event parking area is proposed. In addition, this is the only area on the property where such parking is feasible without grading, given its relative flatness. A full gravel surface in the proposed parking area is likely to slow water infiltration during rain events, when sheet flow collects and ponds in this part of the property. A full rock surface is likely to cause excess water to leave the property, and may cause an inundation of sheet flow runoff to the adjacent county road, Albion-Little River Road.
4. Special event parking will occur during the dry season, which is typically May through October, when the soil naturally has minimal soil moisture, thus avoiding potential erosion impacts and creation of ruts.

Staff finds the analysis by Ms. Biaggi to adequately demonstrate that the use of “light gravel” is a comparable surface to that of full gravel and is appropriate for the proposed use of temporary events. **Condition 12** is recommended requiring the parking area be surfaced with “light gravel.”

Condition 12: The proposed parking area shall be surfaced, at minimum, with light gravel. Light gravel is defined as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified.

Drainage: Drainage is subject to MCC Section 20.492.025, and provides regulations mitigating the impact of stormwater runoff and erosion. Minimal grading will be required for the proposed project, therefore standard Best Management Practices are recommended during grading activities to reduce impacts from altering land forms

(grading) and redirecting stormwater flows. The designation of Best Management Practices is a standard requirement in the building permit/grading permit process.

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

Consistent (with conditions of approval)

Intent: The subject parcel is zoned Rural Village. The intent of the Rural Village zoning district is “to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.” This application proposes the use of an existing residence as a facility for temporary events, up to fourteen (14) per year, and associated improvements. The proposed project does not conflict with the intent of the district to provide for mixed commercial and residential activities.

Use: The applicant proposes use of an existing residence as a temporary event facility with associated improvements. The existing single family residence and associated improvements are consistent with the allowable uses within the zoning district. The proposed use of the structure as a temporary event facility is regulated by MCC Section 20.460.020, which allows the temporary gathering of one hundred (100) to one thousand (1,000) persons for entertainment events or religious assembly upon issuance of a Coastal Development Permit. Therefore, **Condition 14** is recommended requiring that the applicants obtain the necessary occupancy change within the structure to allow its use for temporary events.

Condition 14: Prior to use of the structure for temporary events, the applicant shall obtain a Building Permit for the necessary occupancy change of the structure, to the satisfaction of the Mendocino County Building Division. A California licensed architect or engineer shall prepare the plans addressing the (1) accessibility, (2) exiting, and (3) structural issues. The maximum number of occupants at the site shall be determined during review of the occupancy change. Failure to limit the number of occupants on the site, in conformance with the maximum occupancy permitted according to the Uniform Building Code, may lead to revocation of this Coastal Development Permit.

With the recommended conditions, the proposed use is consistent with the provisions of MCC Section 20.460.020 for allowance of temporary events.

Density: The maximum dwelling density in the Rural Village zoning district is one single family dwelling per forty-thousand (40,000) square-feet. The proposed development does not conflict with the dwelling density standards of the Rural Village zoning district.

Yards: The minimum required front, side, and rear yards in the Rural Village zoning district for a parcel of this size are twenty (20) feet from the front and rear yards and six (6) feet in the side yard (MCC Section 20.388.030 through Section 20.388.035).

The existing structures are compliant with yard setback requirements. The plot plan submitted for the project did not clearly demonstrate that the parking area would meet required yard setbacks; however, Staff finds the area adequate to support the required parking in addition to providing the adequate yard setbacks.

Additionally, the proposed six (6) foot fencing along the roadway is required to be located outside the corridor preservation setback for Albion-Little River Road (CR 403). Albion-Little River Road is designated as a local road, requiring a twenty-five (25) foot setback from the centerline of the roadway to any development.

In order to demonstrate compliance with the required yard setbacks and the corridor preservation setback for Albion-Little River Road **Condition 11** is recommended.

Condition 11: Prior to issuance of the Coastal Development Permit, a revised site plan demonstrating compliance with the required yard setbacks for the parking area and compliance with the corridor preservation setback from the roadway for the proposed fencing shall be submitted to the Planning Division for review and approval.

With the inclusion of the recommended condition the proposed development is consistent with the yard setback requirements of the Rural Village zoning district.

Height: The maximum permitted building height for structures in the Rural Village zoning district is thirty-five (35) feet (MCC Section 20.388.040). Existing structures will not be altered and the proposed project consists of an at-grade parking area, commercial driveway approach, fencing along the roadway and new down-lights in the parking area.

The fencing is currently proposed at a six (6) foot height and is considered to be non-view obscuring. Therefore, the fence is not subject to the height limitations contained in MCC Section 20.444.015 (E).

Lot Coverage: The maximum permitted lot coverage in the Rural Village zoning district is fifty (50) percent for a parcels of this size (MCC Section 20.388.045). The parcels equal approximately 87,120 square feet, allowing for a maximum permitted lot coverage of approximately 43,560 square feet. Including the existing driveway, and existing residence, the lot coverage on the parcels would be less than 20,000 square feet for a lot coverage percentage of approximately twenty-five (25) percent. The proposed development is therefore consistent with the lot coverage requirements of the Rural Village zoning district.

➤ **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

Consistent (without conditions of approval)

The proposed project is Categorical Exempt from the provisions of CEQA, pursuant to Class 4 of Article 19 of the California Environmental Quality Act Guidelines. The Class 4 (e) exemption finds that “minor temporary use of land having negligible or no permanent effects on the environment”, meeting the criteria of Section 15304, has “been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.”

The proposed development meets the criteria of Section 15304, and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

➤ **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

Consistent (with conditions of approval)

For small projects such as remodels, additions, small outbuildings (projects with minimal earthwork) Mendocino County Department of Planning and Building Services (PBS) procedure is to not refer these types of projects to either California Historic Resource Information System (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 was determined to be an appropriate guidance document for what projects should require archaeological review. The proposed project consists of use of an existing structure for temporary events, upgrade of the existing driveway to a commercial driveway approach, and the addition of fencing and outdoor lighting. County staff determined that due to the small scale of the proposed development and lack of ground disturbance, no archaeological review would be required.

The applicant is still advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the “Discovery Clause.” Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

Condition 8: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

- **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.**

Consistent (with conditions of approval)

Solid Waste: The Albion Transfer Station is located approximately four (4) miles from the project site, providing for the disposal of solid waste resulting from the existing residential use on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. The development of a temporary event facility will generate waste but not in a significant amount to require additional disposal. Solid waste disposal is adequate to serve the proposed and existing development.

Roadway Capacity: The increase in traffic volume associated with the development proposed in the application will be negligible. The parcel is currently accessed by a private driveway from Albion-Little River Road, and this application proposes to upgrade the access to a commercial driveway approach. Mendocino County Department of Transportation reviewed the application and requested the installation of a commercial driveway approach.

Condition 10: The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete, to the satisfaction of the Department of Transportation, a commercial driveway approach onto Albion-Little River Road (CR 403). The approach shall have a minimum width of eighteen (18) feet, and length of twenty (20) feet measured perpendicular to the edge of the County road, and be paved with asphalt concrete.

The existing roadways and private access are adequate to serve the proposed development.

- **20.532.095(B)(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

Consistent (without conditions of approval)

The proposed development is located east of Highway One. The parcel is shown, on the certified Local Coastal Program map (Map# 18- Albion), to have an existing public access trail that follows Albion-Little River Road. The project would have no effect on public access to the coast. The proposed development is therefore consistent with public access and public recreation policies.

References:

Micheala Biaggi. July 14, 2015. Letter.

Biological Scoping Survey Report for 3930 Albion Little River Road (APNs 123-050-11 & -32) Albion, CA Mendocino County. July 23, 2015. Asa & Teresa Spade, Spade Natural Resources Consulting.

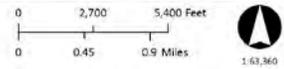
Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan.* 1991. Ukiah, CA.

Title 20, Division II of the Mendocino County Code. The County of Mendocino.



CASE: CDP 2013-0012
OWNER: Albion Schoolhouse, LLC
APN: 123-050-11, 32
APLCT: Wynn Coastal Planning
ADDRESS: 3930 Albion Little River Rd., AL

- Major Towns & Places
- Major Roads
- Major Rivers
- Highways



LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, August, 2013.
 All spatial data is approximate. Map provided without warranty of any kind.



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——— Public Roads
 - - - Private Roads

0 25 50 Feet
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GOOGLE EARTH IMAGERY
 IMAGERY DATE: 8-17-2013

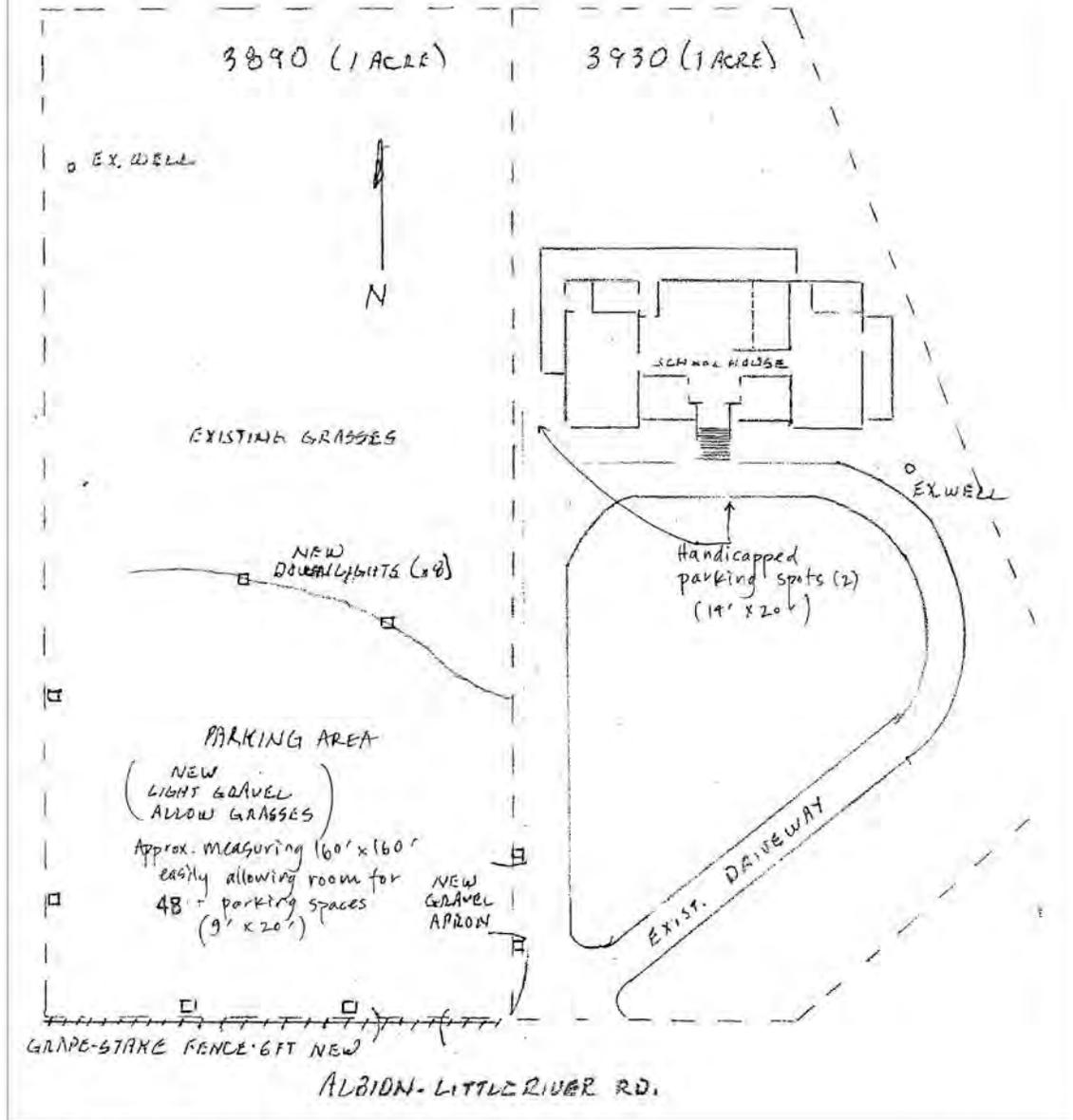
Map produced by the Mendocino County Planning & Building Services, August, 2013
 All spatial data is approximate. Map provided without warranty of any kind.

RECEIVED

JUL 23 2015

PLANNING & BUILDING SERV
FORT BRAGG CA

1" = 40 FT.



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NO SCALE

SITE PLAN

Map produced by the Mendocino County Planning & Building Services, October, 2013.
 All spatial data is approximate. Map provided without warranty of any kind.

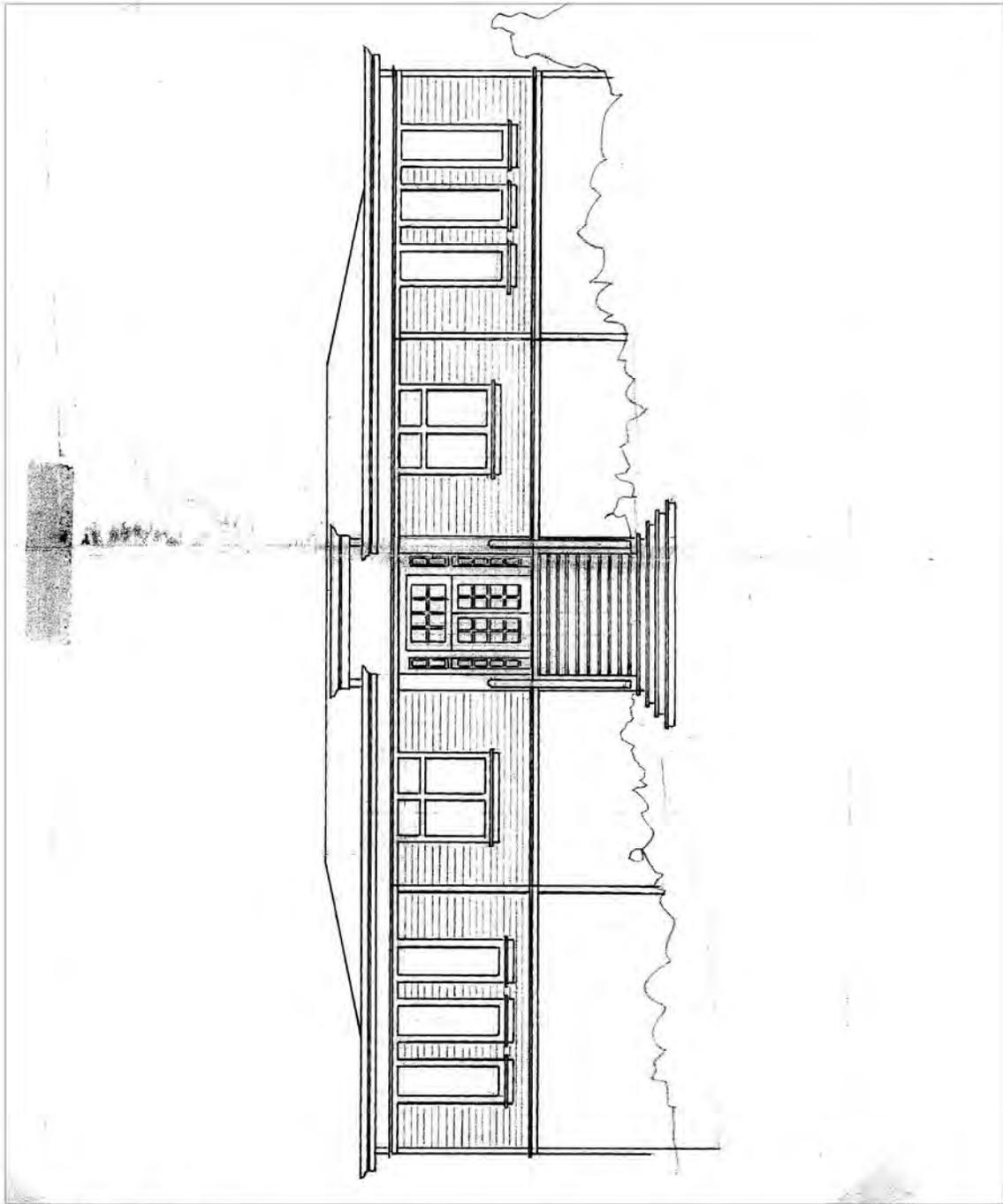


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NO SCALE

ESHA SITE PLAN

Map produced by the Mendocino County Planning & Building Services, October, 2013.
 All spatial data is approximate. Map provided without warranty of any kind.

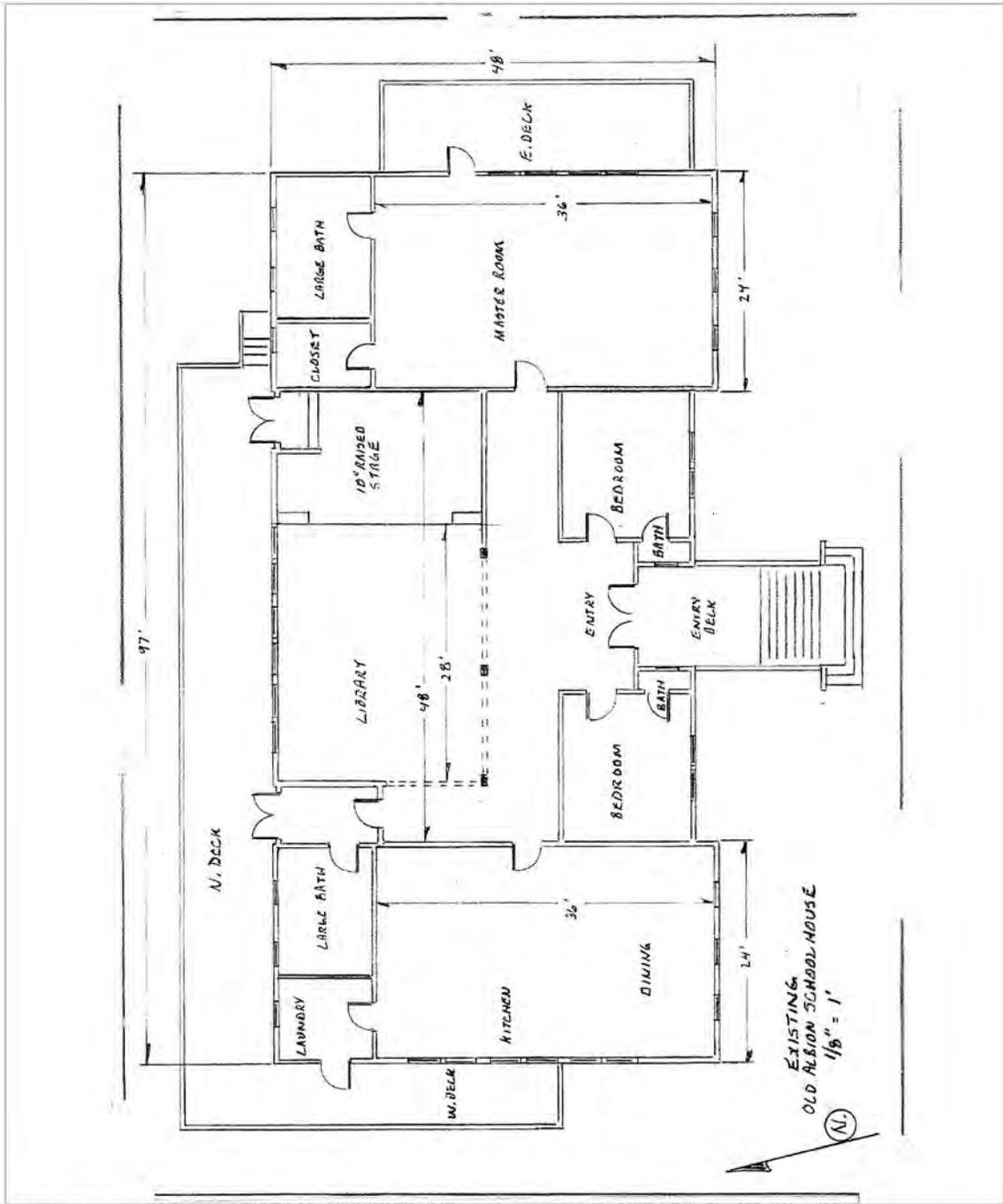


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NO SCALE

ELEVATIONS

Map produced by the Mendocino County Planning & Building Services, October, 2013.
All spatial data is approximate. Map provided without warranty of any kind.

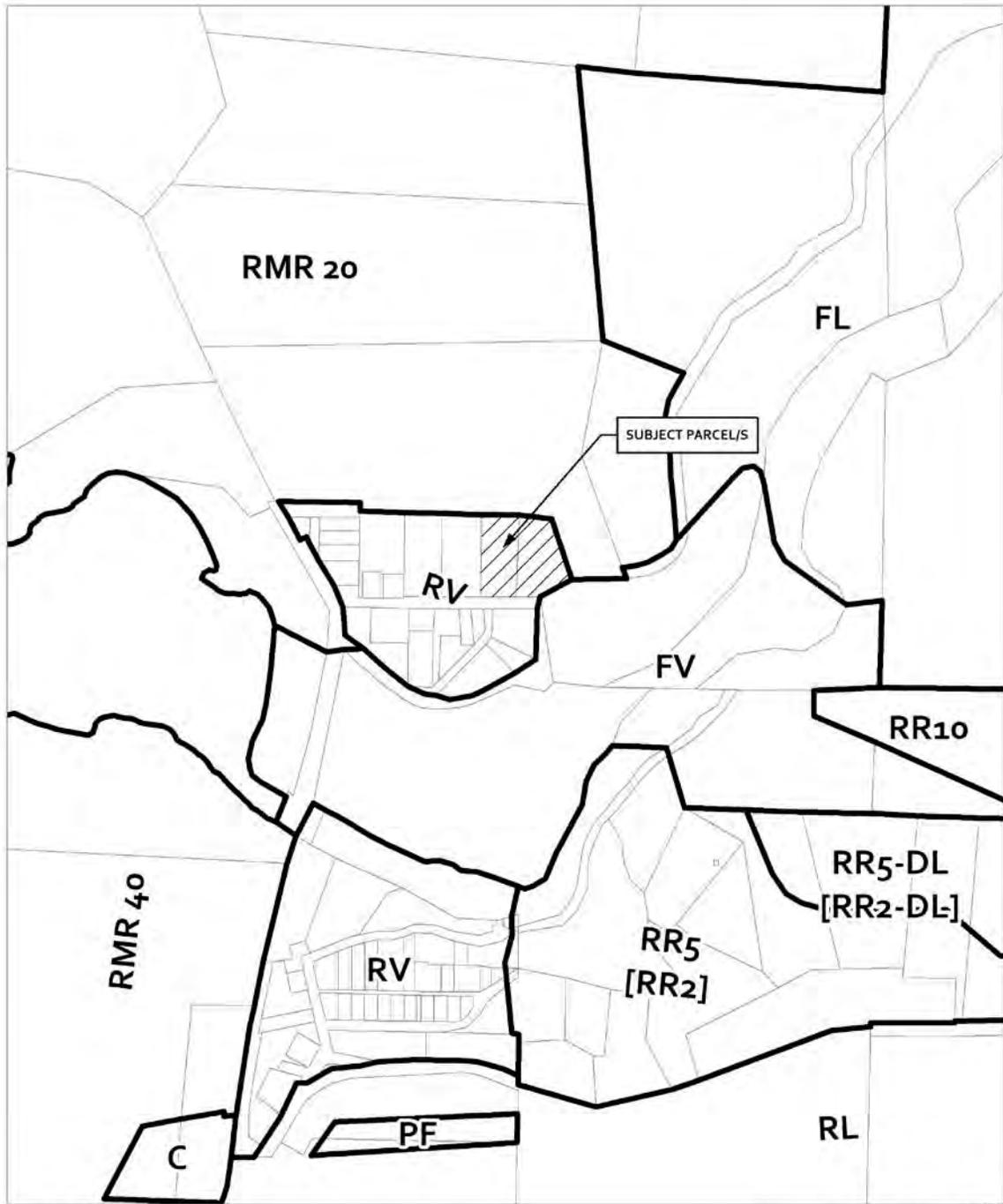


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NO SCALE

FLOOR PLAN

Map produced by the Mendocino County Planning & Building Services, October, 2013.
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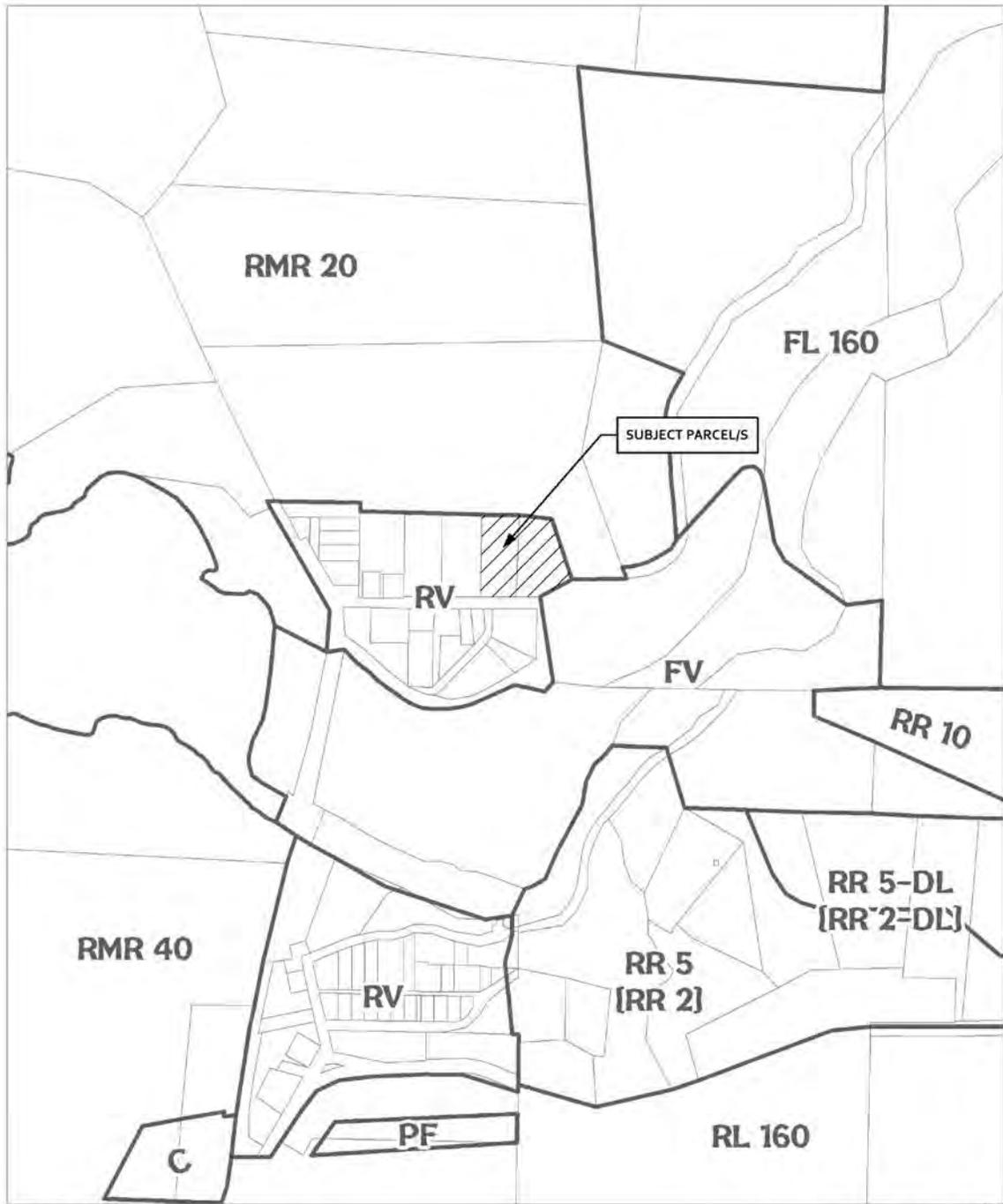
 Zoning Master

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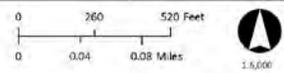
ZONING DISPLAY MAP

Map produced by the Mercurius County Planning & Building Services, August 2012.
 All spatial data is approximate. Map provided without warranty of any kind.



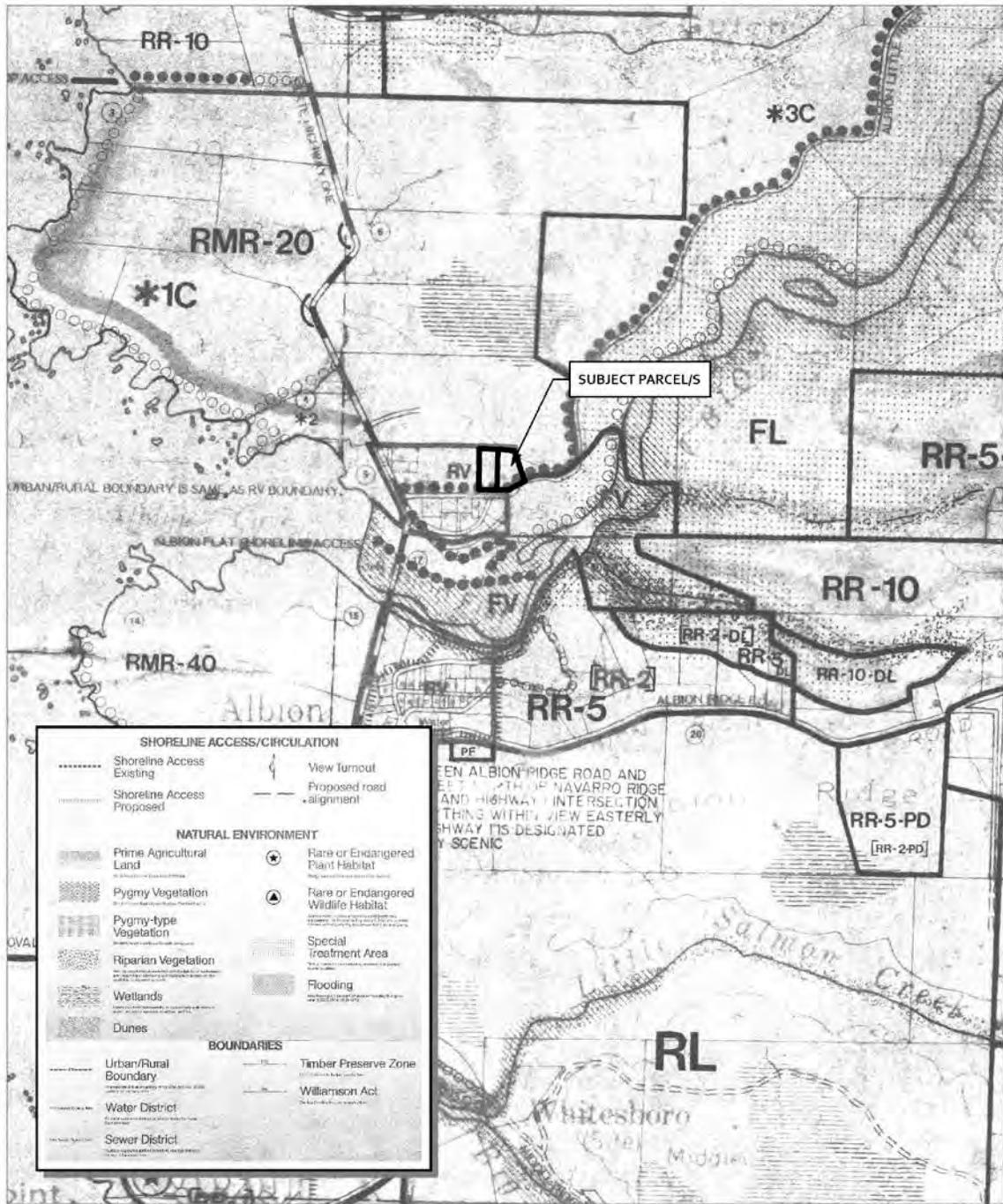
CASE: CDP 2013-0012
 OWNER: Albion Schoolhouse, LLC
 APN: 123-050-11, 32
 APLCT: Wynn Coastal Planning
 ADDRESS: 3930 Albion Little River Rd., AL

 General Plan Master

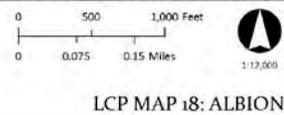


GENERAL PLAN CLASSIFICATIONS

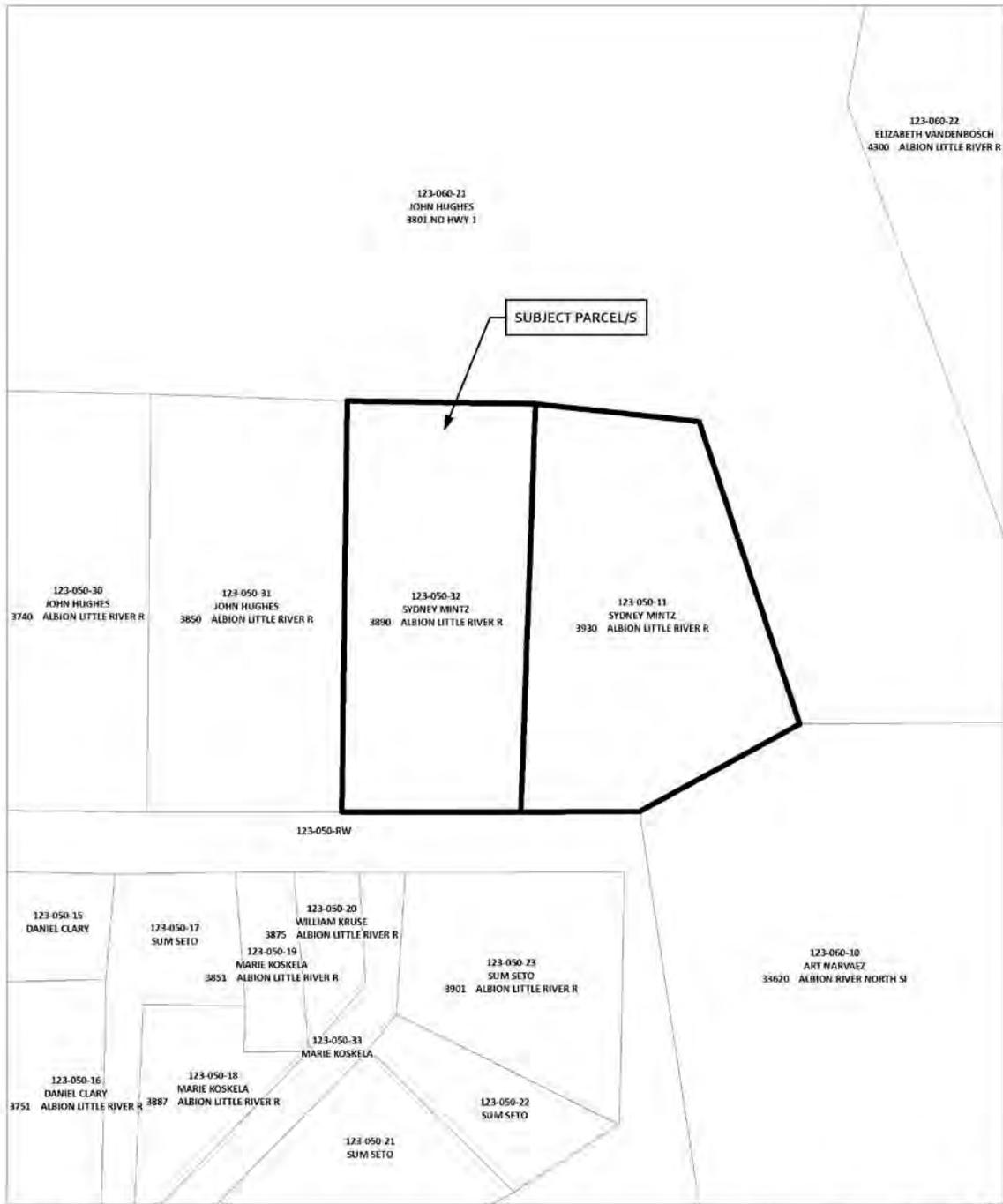
Map produced by the Mendocino County Planning & Building Services, August 2013.
 All spatial data is approximate. Map provided without warranty of any kind.



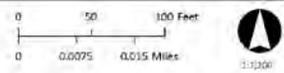
CASE: CDP 2013-0012
OWNER: Albion Schoolhouse, LLC
APN: 123-050-11, 32
APLCT: Wynn Coastal Planning
ADDRESS: 3930 Albion Little River Rd., AL



Map produced by the Mendocino County Planning & Building Services, August, 2013.
 All spatial data is approximate. Map provided without warranty of any kind.

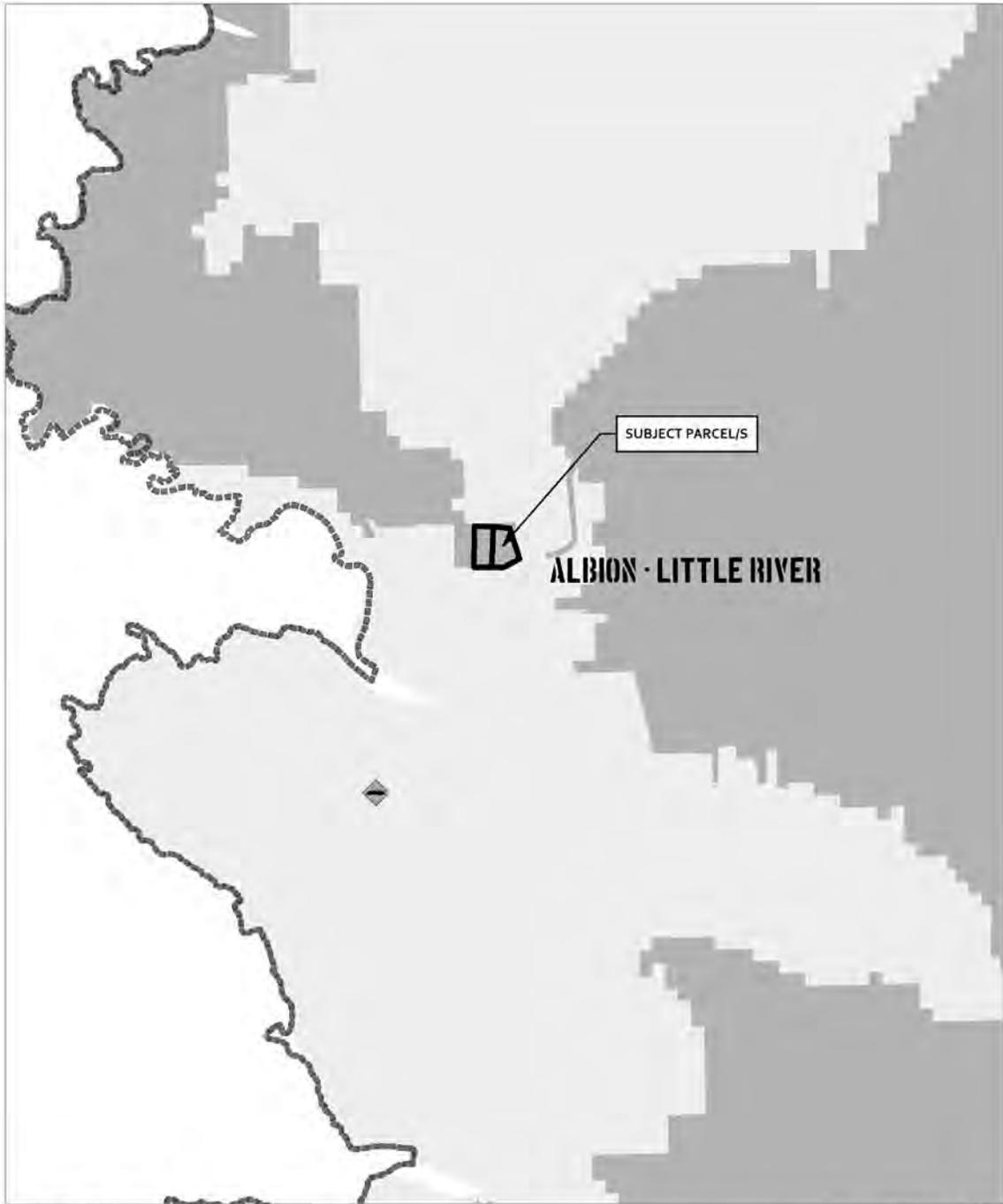


CASE: CDP 2013-0012
 OWNER: Albion Schoolhouse, LLC
 APN: 123-050-11, 32
 APLCT: Wynn Coastal Planning
 ADDRESS: 3930 Albion Little River Rd., AL



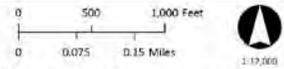
ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, August 2013.
 All spatial data is approximate. Map provided without warranty of any kind.



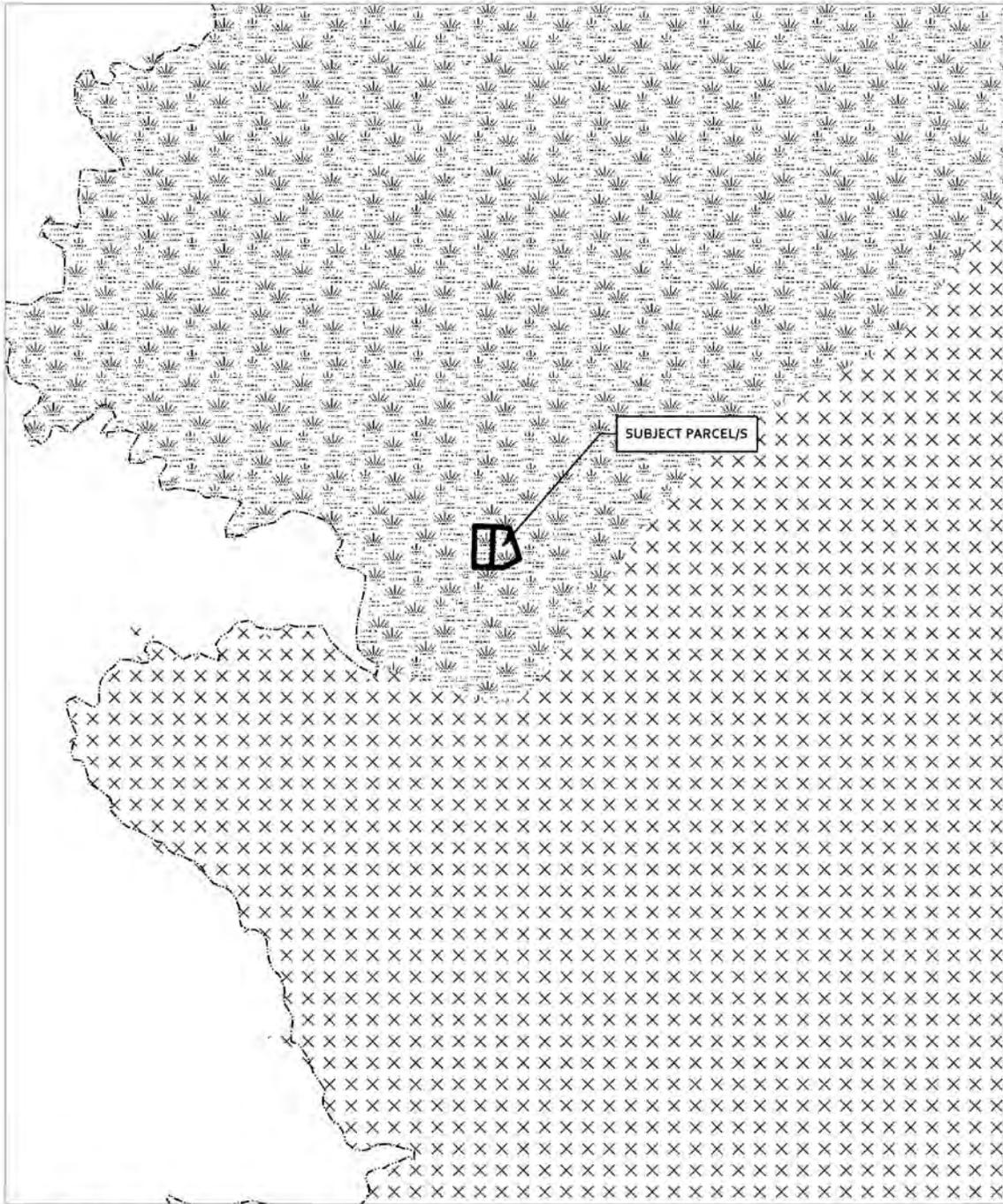
CASE: CDP 2013-0012
OWNER: Albion Schoolhouse, LLC
APN: 123-050-11, 32
APLCT: Wynn Coastal Planning
ADDRESS: 3930 Albion Little River Rd., AL

 Fire Stations
 Moderate Fire Hazard
 High Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, August 2013.
 All spatial data is approximate. Map provided without warranty of any kind.

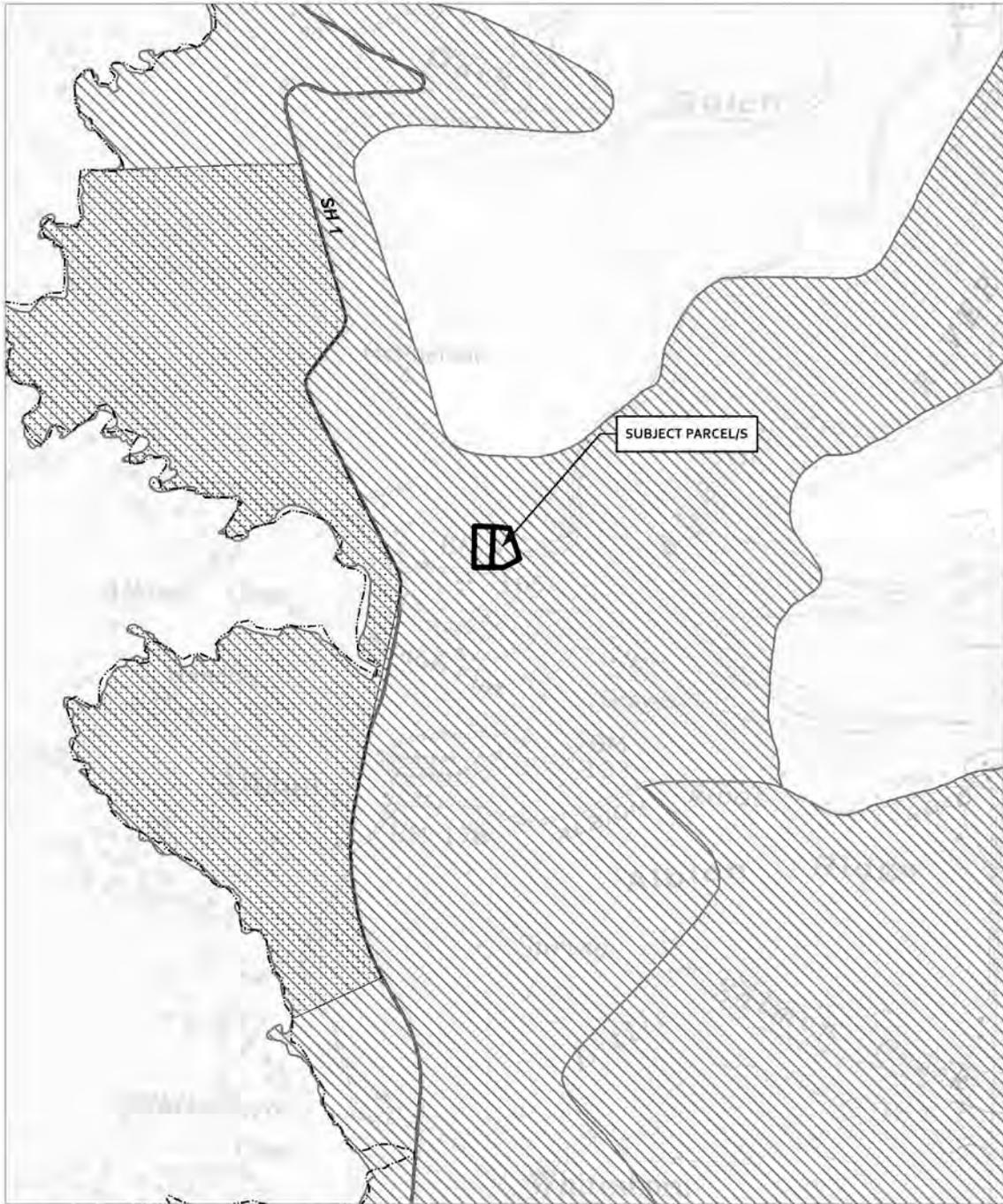


CASE: CDP 2013 0012
OWNER: Albion Schoolhouse, LLC
APN: 123-050 11, 32
APLCT: Wynn Coastal Planning
ADDRESS: 3930 Albion Little River Rd., AL

X X X Critical Water Areas
 Marginal Water Resources

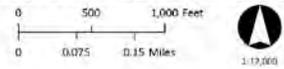
0 500 1,000 Feet
 0 0.075 0.15 Miles
 1:10,000
GROUND WATER RESOURCES

Map produced by the Mendocino County Planning & Building Services, August 2013.
 All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2013-0012
 OWNER: Albion Schoolhouse, LLC
 APN: 123-050-11, 32
 APLCT: Wynn Coastal Planning
 ADDRESS: 3930 Albion Little River Rd., AL

-  Highly Scenic Area
-  Tree Removal Area
-  Highways



HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, August, 2012.
 All spatial data is approximate. Map provided without warranty of any kind.



**COASTAL DEVELOPMENT PERMITS
AGENDA**

**DECEMBER 16, 2015
10:00 A.M.**

**FORT BRAGG PUBLIC LIBRARY
499 EAST LAUREL STREET, FORT BRAGG, CALIFORNIA**

1. Meeting Called to Order -- 10:00 a.m.
2. Determination of Noticing.
3. Public Hearing Items.

3a. **CASE#:** CDP_2013-0012

DATE FILED: 6/19/2013

OWNER: ALBION SCHOOLHOUSE LLC

APPLICANT: SYDNEY MINTZ & JUSTINE SHAPIRO

AGENT: WYNN COASTAL PLANNING

PROJECT COORDINATOR: JULIA ACKER

REQUEST: Standard Coastal Development Permit for temporary events, up to 14 days per year. Associated development includes the installation and maintenance of a lightly graveled parking lot, installation of a commercial driveway approach, and removal of three (3) Eucalyptus trees.

ENVIRONMENTAL DETERMINATION: Categorically Exempt under Class 4 (e) minor temporary use of land having negligible or no permanent effects on the environment.

LOCATION: In the Coastal Zone, 0.5± miles north of the town of Albion, on the north side of Albion-Little River Road, 300± feet east of its intersection with Highway 1. Located at 3890 and 3930 Albion Little River Road; APN 123-050-11 and 123-050-32.

RECOMMENDED ACTION: APPROVAL WITH CONDITIONS

3b. **CASE#:** CDP_2015-0014

DATE FILED: 4/14/2015

OWNER: STATE OF CALIFORNIA

APPLICANT: CALTRANS

AGENT: FRANK DEMLING

PROJECT COORDINATOR: JULIA ACKER

REQUEST: Standard Coastal Development Permit to remove a 10 foot wide by 200 foot long strip of pavement on the west side of the Westport Union Landing Vista Point parking lot due to bluff erosion.

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA under Class 1 (c)- Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety). Caltrans has filed a Categorical Exclusion Determination Form.

LOCATION: In the Coastal Zone, approximately 3 miles north of the town of Westport, on the west side of Highway 1, approximately 100 feet west of its intersection with Seascape Drive (private), located at Postmile Marker 81.14 (APN 013-830-07).

RECOMMENDED ACTION: APPROVAL WITH CONDITIONS

4. **Matters from the Public.** The Coastal Permit Administrator welcomes participation in meetings. This item is limited to matters under the jurisdiction of the Coastal Permit Administrator which are not on the posted agenda and items which have not already been considered by the Coastal Permit Administrator. No action will be taken.
5. **Adjournment.**



APPEAL PROCESS. Applicants or other persons who are dissatisfied with a decision of the Coastal Permit Administrator may appeal the action to the Board of Supervisors. An appeal must be made in writing along with the applicable fee to the Clerk of the Board within 10 calendar days of the Administrator's decision. The appeal of the decision will be placed on the next available Board of Supervisors agenda for consideration and the appellant will be notified of the time, date and place. Appeals to the Board of Supervisors do not necessarily guarantee that the Coastal Permit Administrator's decision will be overturned. In some cases, the Board of Supervisors may not have the legal authority to overturn the decision of the Coastal Permit Administrator.

ADDITIONAL INFORMATION/REPORT AVAILABILITY. The staff report and notice are available on the Department of Planning and Building Services website at www.co.mendocino.ca.us/planning. Additional information regarding the above noted items may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

<http://www.co.mendocino.ca.us/planning>



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

Steve Dunningcliff, Director
Phone: 707-234-8650
Fax: 707-463-5709
Ft. Bragg Phone: 707-964-5379
Ft. Bragg Fax: 707-961-2427
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

MEMORANDUM

DATE: December 15, 2015
TO: Coastal Permit Administrator
FROM: Julia Acker, Planner II
RE: GDP 2013-0012 Mintz/Shapiro

The following summarize the comments received to date on CDP 2013-0012. All public comments are available for review within the project file.

Summary of Comments Received:

- Parking:
 - Concerns were raised about the location of the lot, number of spaces required, surface, impacts to water resources and additionally impacts to biological resources (frogs especially).
 - Would the handicap parking spaces block emergency vehicle access?
 - Concerns that the parking area would be used for the event and not the parking.
 - Some felt that parking around the circular driveway should be adequate.
 - Over-night parking after a special event
- Noise:
 - Concerns were raised about holding any portion of events outdoors and the increased disturbance it brings to adjacent parcels.
 - Concerns were raised about the hours of operation and particularly about enforcement of the noise restrictions (e.g. no amplified music after 10 PM- who enforces this?)
- Water Resources:
 - Concerns were raised about water quantity usage and impacts to wells on adjacent properties as well as the cumulative impacts on the aquifer.
- Exterior Lighting:
 - Concerns were raised about the exterior lighting on the steps of the schoolhouse structure as well as by the entrance sign. Neighbors want to ensure that the parking area lighting will not impact them.
 - Concerns that removal of the Eucalyptus trees and the impact it may have on adjacent properties from less shielding of the lights.
- California Environmental Quality Act (CEQA):
 - Concerns were raised that the project should not be considered Categorical Exempt from CEQA and that it should be re-evaluated because the impacts to resources may be significant.

MISC 652

- Outdoor Use:
 - A major concern is that the exterior grounds will be used for events and particularly for portions of events that are large noise generators such as a wedding reception.
 - The use of the outdoor areas as a restroom and garbage receptacle.
- Roads:
 - Concerns about additional traffic on the roadway generated by the holding of special events.
 - The safety issue of the existing driveway being located within a blind curve.
 - Stormwater impacts to the County Road
- Use- Events in Rural Village (RV) zoning:
 - Concerns were raised by neighbors who do not believe that event permits are allowable within the RV zoning district.
- Event Duration:
 - Concerns were raised about the duration of the events (e.g. is it 1 day (the day of event) or does it include set-up/take-down (3 days)).

California Coastal Commission Staff comments (concern is shown in *italics* and the response is below each concern):

1. *Highly Scenic Area policy consistency*

- a. *Development (including but not limited to parking areas and proposed fencing) within designated Highly Scenic Areas shall be subordinate to the character of its setting (e.g., CZC Section 20.504.015(A)). For the subject site and proposed uses, the findings should additionally evaluate and address the potential use of outdoor tents and limit the size and placement of tents onsite- such as limiting tent placement to within 24 hours of any event. Furthermore, to minimize visual effects, tents should not be allowed to remain onsite for more than 48 hours;*

This permit does not authorize use of tents around the exterior of the property. An amendment to this permit would need to be approved in order to use temporary tents on the parcel.

- b. *The proposed site to be used for parking shall minimize the alteration of natural landforms (as required by CZC Section 20.504.015(C)(6), among others). We note that the proposed project includes construction of a commercial-width (20'-wide) driveway and associated grading;*

The existing access must be upgraded to a commercial approach, per comments received from the Mendocino County Department of Transportation. The proposed commercial approach will improve safety for ingress and egress from the site, and the removal of the Eucalyptus trees will improve the site distance around the blind curve. This upgrade of the driveway approach is necessary to allow the safe use of the property.

- c. *Access roads and driveways shall be sited such that they cause minimum visual disturbance (e.g., CZC Section 20.504.015(C)(13); and*

The response to item b above is also applicable to this response.

Concerns were expressed by adjacent landowners about the potential visual impact as a result of the removal of the Eucalyptus trees. Staff recommends addition of Condition 24 that will require the applicants to submit a landscaping plan which will minimize the visibility of the structure and associated improvements from adjacent properties.

- d. *Night lighting, including but not limited to decorative lighting of the facility, signage lighting, parking area lighting, and vehicular lights, shall all be designed consistent with requirements including but not limited to CZC Section 20.504.035.*

There have been complaints regarding the lighting existing at the Albion Schoolhouse. Condition 21 currently states that "Lighting for events shall be downcast and shielded, and shall be limited in illumination power to only the amount required for nighttime navigation and safety of the immediate area surrounding the event area."

Staff recommends further conditions to address the existing exterior lighting at the facility. At minimum, it shall be required that existing exterior lighting be brought into compliance with policies related to exterior lighting in a highly scenic area.

2. *Adequate utilities and Proof of Water*

Please see the memorandum prepared by Dave Jensen, dated December 15, 2015, attached here.

Condition 25 is recommended which states:

The applicant shall adhere to the recommendations from the Division of Environmental Health, as follows:

- a. Events shall be limited to one per week, not to exceed four events per month.
- b. Portable toilets shall be provided for events that exceed fifty (50) attendees.
- c. A 2,500-gallon water storage tank shall be installed to provide sufficient water reserves.

3. *Grading and Stormwater Runoff policy consistency*

The proposed parking area and associated letter prepared by Michaela Biaggi was reviewed by the Mendocino County Department of Transportation, which did not state any concerns related to potential runoff from the proposed parking area.

Condition 15 currently requires that "Prior to issuance of the Coastal Development Permit, a detailed parking plan shall be submitted for the proposed parking area. The parking plan shall, at minimum, demonstrate compliance with the required parking space size standards, number of required spaces, and ADA accessible parking spaces." In response to comments, Staff recommends that the condition should be modified to address water flows, and to demonstrate compliance with MCC Section 20.492.025 (K) which states that all runoff from storms of a magnitude such that the runoff from eighty-five percent (85%) of storms is encaptured or treated.

4. *Parking area and event use should be limited to May through October*

This was an oversight by Staff. Condition 22 is recommended.

Condition 22: Use of the property for the holding of Events shall be limited to the dry season, specifically May 15 through October 31. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.

5. *Occupants/participants at the site should be enumerated*

A flow analysis was prepared by Carl Rittiman & Associates, Inc. regarding the use of the site for events and was based upon the maximum capacity of 100 persons. Based upon this analysis Condition 14 shall be modified to add that the events shall not exceed one hundred (100) persons in attendance.

6. *Add condition regarding expiration of permit in five (5) years to evaluate impacts*

Condition 23: This permit shall be valid for a period of five (5) years after issuance and may be renewed at the expiration of five (5) years if it is determined that the special event use have not adversely affected the Rural Village designated community. The applicant has the sole responsibility of renewing this permit within the specified time-frame. Notice will not be provided prior to expiration.

7. *Specify the duration of the events*

Condition 19 shall be modified to add that the events shall be limited to 1 day, where amplified music, event parking, etc. may occur. Set-up and clean-up and other activities may occur on the days before and after the actual event day, but shall not include any amplified music, exterior lighting, etc.

RECEIVED

DEC 15 2015

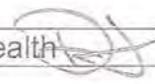
Healthy People, Healthy Communities



PLANNING & BUILDING SERV
FORT BRAGG, CA

MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY

MEMO

Date	December 15, 2015
To	Julia Acker, Planner
From	David Jensen, Director of Environmental Health 
Subject	Albion Schoolhouse

Coastal Development Permit application CDP 2013-0012 requests that up to fourteen temporary events per year be allowed at the Albion Schoolhouse. These events will occur on two adjoining parcels: 3930 Albion Little River Road, which currently supports a three-bedroom residence (Vacation Home Rental) and 3890 Albion Little River Road, which has a drilled well but is otherwise vacant.

Mendocino County Coastal Groundwater Development Guidelines specify that commercial, institutional, and industrial facilities that use less than 1500 gallons of water per day are required to conduct a Proof of Water test. A Proof of Water test was performed on the 3890 parcel as part of a hydrological study. Over the course of the seventeen-hour pump test, the well produced 4 gallons per minute at a steady state. A total of 3,915 gallons of water were extracted during the test. The hydrological test also monitored the effect of that well on the nearest neighboring well. The well on the westerly adjoining parcel, which is about 75 feet away, exhibited a net drawdown of approximately 3 inches, which, according to the Mendocino Coastal Groundwater Development Guidelines, is considered less than significant.

According to the approved hydrological study, the well that was installed on the currently vacant parcel adjoining the schoolhouse, was intended to supply an individual residence, which would be expected to have water supply needs of 540 gallons per day on a sustained basis, and peak daily uses of as much as 1,000 to 1,500 gallons per day. Carl Rittiman and Associates, Inc. (CRA) have prepared an estimate of water usage during a one-day event with 100 attendees and 6 employees present (see attached). CRA estimates that such an event will require approximately 474 gallons of water per event. The water demands of 14 events requiring 474 gallons per event will have significantly less impact on local water reserves than that of a residence that uses 540 gallons each day of the year (6,636 gallons vs. 197,100 gallons anticipated annual consumption).

Nevertheless, Environmental Health recommends that the following conditions be placed on this application in order to further minimize possible water and septic impacts:

1. Events shall be limited to one per week, not to exceed four events per month.
2. Portable toilets shall be provided for events that exceed fifty (50) attendees.
3. A 2,500-gallon water storage tank shall be installed to provide sufficient water reserves.

Thank you for the opportunity to comment on this application.

Attachment

CARL RITTIMAN & ASSOCIATES, INC.

Certified Professional Soil Scientist

PO Box 590 • Mendocino CA 95460

Wynn Coastal Planning
Blair Foster
703 N. Main Street
Fort Bragg, CA 95437

Date: 12/15/15

Re: wastewater flow estimates for events at 3930 Albion Little River Road

Blair,

As requested, I wanted to provide you with a wastewater flow analysis for the proposed uses at the above referenced site.

The site historically supported the old Albion Schoolhouse. The school use ceased and the building was used as a residence. Our office designed a repair disposal system for this site in 1995 which acknowledged a use of 450 gallons for the building, used as a three bedroom home.

The site is used for events which have a maximum capacity of 100 persons. During these events, up to 6 staff are present. The events last up to 6 hours. The flow analyses will focus on the events that hit this upper limit.

The 100 person event includes some facility rental requirements:

portable toilets will be rented

rental dishes and linens will be used; rental dishes are wiped clean and sent back to the rental facility for washing.

all food preparation will take place off-site; some minor washing of serving platters and utensils may occur

As such, the water use for an event can be assigned as follows:

kitchen:	40 gallons per event
cleaning/mopping:	10 gallons per event
bathroom (assume that each person uses the restroom 2 times per event at a flow of 1.5 gallons/flush and 0.5 gallons /hand wash; no reduction for this analysis is taken for portable toilets)	
106 persons x 2 visits x 2.0 gal/visit =	424 gallons per event
Total water flow	474 gallons per event

The total estimated water flow is within 10% of the daily flow assigned to the previous use. We suggest that the flow may be less when factoring in the portable toilet use and the flow may also be decreased if urinals are installed within the mens restroom.

If you have any questions, please feel free to contact our office. Thank you.

Sincerely,

Andrew Kawczak
Associate

Phone 707-937-0804 • Fax 707-937-0575 • e-mail crit@mcn.org

CALIFORNIA COASTAL COMMISSION

**NORTH COAST DISTRICT
OFFICE 1385 EIGHTH
STREET, SUITE 130 ARCATA ,
CA 95521**

VOICE (707) 826-8980 FAX (707) 826-8960

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JAN 19 2016

**CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To

Completing This Form. SECTION I. Appellant(s)

Name:	Dan and Carol Clary	Maria Koskela	Will Kruse	David and Sue Preston	Pam Ogbin
Mailing	P.O. Box 700	P.O. 55	P.O. Box 813	P.O. Box 41	P.O. Box 813
City:	Albion, CA	Albion, CA	Albion, CA	Albion, CA	Albion, CA
Zip Code:	95410	95410	95410	95410	95410
Phone:	707-937-3901	707-937-5563	707-937-1519	707-937-2789	707-937-1519

SECTION II. Decision Being Appealed

- 1. Name of local/port government: Mendocino County Planing and Building**
- 2. Brief description of development being appealed: Standard Coastal Development Permit for temporary events, up to fourteen (14) days per year. Associated development includes the installation and maintenance of a lightly graveled parking lot, installation of a commercial driveway approach, and removal of three (3) Eucalyptus trees.**
- 3. Development's location (street address, assessor's parcel no., cross street, etc.): In the Coastal Zone, 0.5+/-miles north of the town of Albion, on the north side of Albion-Little River Road, 300 +/- feet east of its intersection with Highway 1, located at 3890 and 3930 Albion- Little River Road; APN 123-050-11 and -32.**

EXHIBIT NO. 8
Application A-1-MEN-16-0007 Mintz & Shapiro APPEAL Page 1 of 81

Description of decision being appealed (check one.):

4. Description of decision being appealed (check one.):

Approval; no special conditions

X Approval with special conditions:

Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-MEN-16-0007

DATE FILED: 1/11/16; 1/19/16

DISTRICT: 1 - North Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
(Page 2)

5. **Decision being appealed was made by (check one):**

- X Planning Director/Zoning**
- City Council/Board of Supervisors**
- Planning Commission**
- Other**

6. **Date of Local government's decision: December 16, 2015**

7. **Local government's file number (if any) CDP_2013-0012**

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.) a. Name and mailing address of permit applicant:

Sidney Mintz & Justine Shapiro
336 Juanita Way
San Francisco, CA 94127

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s) . Include other parties which you know to be interested and should receive notice of this appeal.

(1) Dan Clary
P.O. box 700
Albion. CA
95410

(2) Carol Clary
P.O. Box 2
Albion CA 95410

**(3) Will Kruse
P.O. 813
Albion, CA 95410**

**(4) Pam Ogbin
P.O. Box 813
Albion, CA 95410**

**(5) David and Sue Preston
P.O. Box 41
Albion, CA 95410**

**(6) Marie Koskela
P.O. Box 55
Albion, CA 95410**

**(7) Howard and Diane Koskela
36354 Indian Wells
Newark, CA 94560**

**(8) Anthony and Lisa Geer
P.O. Box 688
Albion, CA 95410**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
(Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

We are appealing this coastal permit decision of local government because it is inconsistent with these sections of our Local Coastal Plan:

Rural Village District Section 20.388.005

"This district is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities."

Sec.20.388.005 - Chapter 4.9 - 4.9-1 -
Action Sheet CDP_2013-0012 12/16/15 (#25 b.)

This district is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing Coastal Rural Village. The commercial portion of our rural village is on the South Side of the Albion River. The North Side is farmland and 12 single family dwellings plus the Albion Schoolhouse which has been a single family dwelling from at least 1986. There are 17 full time residents in the neighborhood. A parking lot for 50 +/- cars, a commercial driveway 120' wide at County Road 403, an outside gathering event for 100 people on the North end of the parking lot parcel (or anywhere that there is not parking) and portable toilets are not in accordance with the character and rural atmosphere of our existing Coastal Highly Scenic Rural Village. It changes the character forever and sets a precedence for further development.

The structure on APN123-050-11 was used for community services between 1967 (school closed) and 1986 (when it became a single family residence) but the character of the structure and grounds were never changed. No permanent changes were ever made.

Sec. 20.324. 100

"Neighborhood Commercial Services. Commercial retail services of a small scale, convenience retail stores and services commonly located in or adjacent to and providing direct services to residential zones including banks, food markets, and drugstores. "

from Appendix A

General Plan Land Use - Rural Residential CDP_2013-0012

page 1 A

"The subject parcel is classified as Rural Village (RV) by the Coastal Element of the Mendocino County General Plan,...to provide a variety of community-oriented neighborhood commercial services;... (Chapter 2 .2). The principally permitted use designated for the RV land use classification is "One dwelling unit per existing parcel and associated utilities and light agriculture." The parcel is not provided with any public utilities, resulting in a minimum parcel size of 40,000 square-feet.

The parcel is currently developed with a single family residence, a principally permitted use, and is therefore consistent with the Rural Village classification of the Coastal Element of the Mendocino County General Plan."

MENDOCINO COUNTY COASTAL ELEMENT

2.2 RURAL VILLAGE - COASTAL Map Code: RV

" Principal Permitted Use: One dwelling unit per existing parcel and associated utilities and light agriculture. "

" Conditional Uses: Cottage industry, neighborhood commercial, visitor accommodations, public and semi-public facilities and utilities, increased intensity of existing use, laundromat, electrical transmission and distribution lines (see Policy 3.11-9), natural gas pipeline "

APN 123-050-11 contains the Schoolhouse a "Principal Permitted use"

APN 123-050-32 is a vacant lot zoned S.F.R. - Applicant is requesting associated development of a graveled parking lot for 50 cars and outside events for 100 on a lot zoned SFR.

Staff Report: CDP_2013-0012
page 2

“PROJECT DESCRIPTION: Standard Coastal Development Permit for temporary private events, up to fourteen (14) days per year, such as weddings, community gatherings, and workshops. Associated development includes the installation and maintenance of a lightly graveled parking lot (at 3890 Albion-Little River Road APN 123-050-32), installation of a commercial driveway approach (twenty (20) feet wide tapering fifty (50) feet on either side of driveway(120 feet total) along County Road 403 to Mendocino County Department of Transportation standards, and removal of three (3) Eucalyptus trees to allow for tapers and improved sight distance on Albion-Little River Road.”

This does not fit as a "Conditional use" - "neighborhood commercial" , " banks, food markets, and drugstores. "
in Section 20.324.100 of Division II of Title 20 - Coastal Zoning Code

Chapter 20.460.015 - 20.460.045

Temporary Use Permit means it does not change the property forever. It does not make permanent changes to the land. 14 days a year and no lasting change to the land.

On APN 123-050-11 it removes 3 mature trees to make room to install a commercial driveway 120' wide at County Road 403 and 14 parking spaces.

On APN 123-050-32 it makes parking spaces for 50 cars (+/- 1/2 acre) on a 1 acre vacant lot zoned S.F.R. (lot 4 of a 1993 subdivision of a 4 acre lot). These are permanent changes.

The " associated development " for this project will create permanent change to a Highly Scenic Rural Village that has seen One house built (lot 1 of 1993 subdivision) in the last 90+ years.

An event permit for 100+ attendees inside and outside, 50 parking spaces on one lot APN 123-050-32 zoned S.F.R. A commercial driveway 120' wide at County Road 403 and an additional 14 parking spaces on APN 123- 050-11 are not a neighborhood commercial service. It is out of character and out of scale for a Highly Scenic Rural Village. It is out of scale for a Single Family Residence. Out of scale and character for a water system that is marginal despite what a 22 year old Hydrology report states.

(AGENDA CDP_2013-0012 12/16/15 page 9)

Chapter 3.51, 3.5-4, 3.5-9

The design scale is not within the character of the area.

APN 123-050-11; A commercial driveway approach 20' wide (cement/asphalt) tapering to 50' wide on either side of the driveway (total 120') and removal of three Eucalyptus trees along Albion Little River Road (county road 403)

APN-123-050-32 ; Parking lot for 50 +/- cars and outside events on a lot zoned residential. This parcel is a one acre parcel that was part of a four acre subdivision (four ,one acre lots) made In 1993 and zoned residential. One of the lots has been developed as a single family residence three remain vacant, including APN 123-050-32.

It is not in keeping with the Highly Scenic Rural Village.The applicant currently has a year-round Vacation Home Rental on APN 123-050-11, The coming and going of cars to these events on our narrow county road is invasive to our residential community. Head lights, sun refecton and noise are not In keeping with the Rural Atmosphere.

Chapter 4.9 Mendocino County Coastal Element

The Albion Schoolhouse is perched on the side of a hill overlooking our rural village.It can be seen from HWY 1. It is not 2 private acres. The sound really carries. Most of the weddings that have taken place at the Albion Schoolhouse (all without permits) have been outside. The last one had ceremony and dinner out side. There were 80 guests plus 10 people staying at the vacation rental for the 2 days before and 1 day after. The applicant stated at the 12/16/15 Planning Department meeting (CDP_ 2013-0012) that this was her business model. They used the undeveloped APN 123-050-32 for the ceremony and dinner. The site is surrounded by residential properties to the east, west and south, agricultural property to the north.

Coastal Element Policies: Albion 4,9-1, 4..9- 2, 4.9-5

There are two Albion Rural Villages, one on the South side and one on the North side of the Albion River. When the Lumber Mill built the town they put homes and the Business (commercial) section on the South Side of the Albion River. The Post Office, Grocery Store, Hardware Store and Fire Department are still there. There is nothing commercial in the North Side Highly Scenic Rural Village. The North Side was subdivided in 1893 and became the residential section. There were at least 30 houses. It was called Michigan Hill and the homes housed the administrators and the Mill workers cottages. The Redwood Community Church was built by the community with lumber donated by the Mill and was dismantled to make way for the Albion Bridge In 1944. The Albion Schoolhouse was built in 1923 and the Lumber Mill closed in 1928. When the Mill closed they took down the water system which was a flume carrying

water several miles from Dark Gulch to the North Side Village. At that time they tore down the houses that could not prove water. That left 11 houses that are still here today. One new house has been built since 1928. Water has been an on going issue for the North Side Rural Village

Our Rural Village Is designated Highly Scenic.

There is nothing more beautiful and quaint than the North Side R.V. When you approach our Highly Scenic Rural Village from the east on Albion Little River Road, County Road (403) it's like going back in time, untouched by urbanization. You descend the winding barely two lane road that starts in the Pygmy Forest and travels through majestic Redwoods and Firs, following the course of the Albion River with a glimpse now and then of the River through the trees and ferns and finally passing through our historical residential, llama grazing village to the mouth of the Albion River and the glorious Pacific Ocean. A Commercial Driveway, parking lot for 50+/- cars, outside events for 100 and porta potties are not in character with our pastoral village.

When you approach Albion from the North on Hwy 1 you see eastward the Albion Schoolhouse on the hillside overlooking the quaint cottages and farmhouse. As you head South you see a wooden trestle bridge and in the foreground, small villages on the South side of the bridge.

When you approach from the south after driving along the Navarro Headlands you come to the Historic Albion Bridge. If you make a right turn off of Highway 1 South of the Bridge on Albion Ridge Road you come to the town center. The commercial area. Community-oriented neighborhood commercial services. Post Office, Hardware Store, Grocery Store, Gas Station and Fire Department. If you continue North as you cross the Albion Bridge you have Albion Cove and the Pacific Ocean to the West and below the Albion Flats Fishing Village and Campgrounds. Across the Bridge to the North East. Nestled behind the Eucalyptus grove planted by the Lumber Mill as fuel for their steam driven Mill you will find the residential section of Albion. Small houses at least one hundred years old, built over the years by the Lumber Mill for their administrators and workers. The charm and character has been lovingly preserved by the owners of these homes. Road 403 is of historical significance as an inland trail.

4.9-5 Albion-Little River Inland Trail.

" County Road 403 transverses northeasterly from Highway 1 at Albion to Little River-Airport Road (County Road 404) Existing Development: Pedestrian, bicycle and equestrian use. "



CDP-2013- 0012

Please attache this to our appeal between
page 3 (e) and 3 (f)

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NORTH COAST DISTRICT

Rural Village / Highly Scenic – Summary

-MENDOCINO COUNTY COASTAL ELEMENT

CHAPTER 3 – THE LAND USE PLAN: RESOURCES AND DEVELOPMENT ISSUES AND POLICIES

3.5 VISUAL RESOURCES, SPECIAL COMMUNITIES AND ARCHAEOLOGICAL RESOURCES

3.5.1 "to be visually compatible with the character of surrounding areas"

1. Outside events for 100
2. Parking for 50 cars on APN 123-050-32
3. Parking for 14 cars on APN 123-050-11
4. Turning a one acre vacant lot, zoned S.F.R., into a graveled parking lot.
5. A 120' wide driveway access onto Albion Little River Road (County 403)
6. Removal of 3 mature trees.

Also

Sec. 20.388.005 Intent.

"This district is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities."

(Underline added)

And

Sec. 20.324.100 "Neighborhood Commercial Services. Commercial retail services of a small scale, convenience retail stores and services commonly located in or adjacent to and providing direct services to residential zones including banks, food markets, and drugstores."
(Underline added)

See 1 thru 5 above.

**Mendocino County Coastal Groundwater Development Guidelines
Project 86146 1989, Questa Engineering**

“Commercial, institutional and industrial facilities are required to conduct either Proof of Water or hydrological studies, depending upon the water resource classification, parcel size, adjoining parcel sizes, and the water demands of the facility. The Mendocino County Division of Environmental Health Department may waive the testing requirements on a case-by-case basis for very low water use operations, or where a change in land use can be demonstrated to result in no anticipated increase in water use. Conversely, the Division of Environmental Health may increase the testing requirements for "minor" water use facilities in areas of marginal or critical water resources.

In special circumstances, due possibly to the size, nature or location of a particular project, the Planning Commission, Board of Supervisors or the California Coastal Commission may require more extensive groundwater investigation in addition to or in place of the requirements outlined in these guidelines.”

CDP 2013-0012

Memo from David Jensen , Director of Environmental Health, to Julia Acker, Planner. Dated December 15,2015

David Jensen states in the opening paragraph that The Albion Schoolhouse 3930 Albion Little River Rd is currently a three-bedroom residence (Vacation Home Rental).

Carl Rittiman and Associates, Inc makes no mention of a Vacation Home Rental for 10 in his waste water flow analysis report (water usage). As per phone conversation with them they were not provided this information.

Rittiman is making a determination of water usage based on 14 , 6 hour events per year, with no other water usage. But in fact the vacation home rental sleeps 10 with 2 full baths and 2 half baths, a fully stocked professional kitchen , dishwasher and washer/dryer and all the clean up that goes with that. Flushes, dishes, laundry and baths.

" Mr. Bottrell re-designed the school's 'girls' and 'boys' bathrooms with 20's era sea-green tiles and claw foot bathtubs (with 21st century shower pressure)." From VBRO add for Albion Schoolhouse.

If you figure 6 people with 8 flushes each in 24 hours, that is 96 gal. and then figure 6 bath/showers at 390 gals. That's a total of 486 gals not counting kitchen use. Kitchen?

"KITCHEN: This large room encompasses a chef's KITCHEN which caters to large parties or intimate at-home dining. The Nakashima DINING kitchen table comfortably seats 12. The copper BAR offer prime viewing of the sun setting over the Pacific. A cozy SEATING AREA is arranged by the CUSTOM FIREPLACE fireplace."

From VBRO add for Albion Schoolhouse

So, kitchen water usage. This isn't speaking to catered events. This is from preparation to cleanup.

One meal a day ? Two ? Three ? We don't know how much that is but it's more than 40 gallons(Rittiman Report).

Just to put a number to it:120 gallons per day for kitchen/laundry.

They have plans for an organic vegetable garden, fenced.

Mendocino Art Center Garden Tour

<http://www.mendocinoartcenter.org/MyLasso/AnnualShows/GardenTour15/albion-schoolhouse.ht>

"organic vegetable garden in the field which would be gated in order to thwart the deer and to protect the plants from the coastal winds."

We have been organic gardeners for the last 20+ years and our best guess of water usage for April through November would be 300 gallons a day.

"set up and clean up. There is also an option to purchase accommodations for 10 and exclusive use of the entire property for 3 days / 3 nights for your wedding party, rehearsal dinner, and a post-wedding brunch" From Albion Schoolhouse add at The Wedding Spot.com

To total, based on a 70% occupancy rate at 6 per night, not 10, for the vacation home rental (960 gallons per day) and 12 events per year (424 gallons per event) for the Temporary Event Permit. 201,271 gallons per year for a vacation home rental and events vs. 197,100 gallons anticipated annual consumption.

COASTAL DEVELOPMENT PERMITS AGENDA

DECEMBER 16, 2015 10:00 am

(hand out at meeting)

Memo: David Jensen to Julia Acker Received Dec 15, 2015

"Mendocino County Coastal Groundwater Development Guidelines specify that commercial, institutional, and industrial facilities that use less than 1500 gallons of water per day are required to conduct a Proof of Water test. A Proof of Water test was performed on the 3890 parcel as part of a hydrological study. Over the course of the seventeen-hour pump test, the well produced 4 gallons per minute at a steady state. A total of 3,915 gallons of water were extracted during the test. The hydrological test also monitored the effect of that well on the nearest neighboring well.

The well on the westerly adjoining parcel, which is about 75 feet away, exhibited a net drawdown of approximately 3 inches, which, according to the Mendocino Coastal Groundwater Development Guidelines, is considered less than significant."

MENDOCINO COUNTY
COASTAL GROUNDWATER DEVELOPMENT GUIDELINES
Project 86146 1989

Existing Wells

"Identify all wells within 300 feet of the parcel under study. Show well locations on the assessors parcel map or with measured distances to the pumping well. Describe each well, including depth, pump setting, and perforated interval, geological log if available, use and estimated pumpage, and water level fluctuations. Geologic cross-sections illustrating information from available well logs are recommended."

Notification

"All property owners within { -mile of the pumped well should be notified of the date, time, location and purpose of the pump test, and should be provided with a contact name, phone number and address in the event that their well(s) apparently are affected by the test. The Mendocino Community Services District should be notified of any pump tests to be conducted in the Town of Mendocino. The notice should emphasize that it is important for neighboring well owners to respond as soon as any effects on their well are observed. Subsequent letters and written responses to the letters should be submitted with the hydrological study report. If during pumping, there is evidence that an adjoining property well(s) is being seriously depleted, the pump test should be interrupted until the situation can be investigated and resolved. "

"In special circumstances, due possibly to the size, nature or location of a particular project, the Planning Commission, Board of Supervisors or the California Coastal Commission may require more extensive groundwater investigation in addition to or in place of the requirements outlined in these guidelines."

"Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to approval of the proposed use."

“Commercial, institutional and industrial facilities are required to conduct either Proof of Water or hydrological studies, depending upon the water resource classification, parcel size, adjoining parcel sizes, and the water demands of the facility. The Mendocino County Division of Environmental Health Department may waive the testing requirements on a case-by-case basis for very low water use operations, or where a change in land use can be demonstrated to result in no anticipated increase in water use. Conversely, the Division of Environmental Health may increase the testing requirements for "minor" water use facilities in areas of marginal or critical water resources.”

In the Hydrological Study for John Hughes 11/23/1993

page 6

Drawdown Impacts on Neighboring Water Wells

“Theoretical drawdown effects on adjacent wells were calculated based on the pumping data and aquifer characteristics. Drawdown effects on neighboring wells, and between wells within the proposed subdivision were estimated. The calculations are shown in Appendix C. Assuming a constant pumping rate of 1.0 gpm (1,440 gpd) for 120 days during the dry (summer-fall) period, the calculated drawdown influences are summarized below.”

Drawdown Effects Between Wells.

“Well #1. Well #1 would potentially be influenced by a neighboring well to the southwest and by Well #2. The total estimated drawdown effect will be the sum of the influences of both wells (0.11' + 0.075') which is 0.19 feet, or about two inches. This drawdown influence amounts to 3.2 percent of the saturated thickness of the aquifer.”

“Well #2. Well #2 would potentially be influenced by Well #1 and Well #3. The total estimated drawdown effect will be the sum of the influences of both wells (0.075' + 0.079') is 0.15 feet, or about two inches. This drawdown amounts to 1.8 percent of the saturated thickness of the aquifer.”

“Well #3. Well #3 would potentially be influenced by Well #2 and Well #4. The total estimated drawdown effect will be the sum of the influences of both wells (0.079' + 0.26') which is 0.34 feet, or about four inches. This drawdown amounts to 3.8 percent of the saturated thickness of the aquifer.”

“Well #4. Well #4 would be influenced by Well #3. The estimated drawdown effect is 0.26 feet, or about three inches. This drawdown amounts to 3.8 percent of the saturated thickness of the aquifer.”

The hydrology study listed above on the 3890 parcel was conducted in September 1993 as one of four wells being tested. The 1993 hydrology study did not address the 15 adjoining wells in the hydrology study. The parcel map only shows 6 of the 14 producing wells within 300 feet of the parcel under study. Only 1 of the 15 wells was addressed in the study.

A “ Theoretical drawdown “ (*adjective* - concerned with or involving the theory of a subject or area of study rather than its practical application.) was calculated on the 1 well. No actual test was performed on the 1 well that was addressed in the study. No data was collected from the 15 adjoining wells. Only theoretical data from 1 of 15.

The Drawdown Effects between the 4 wells being tested were only being tested between the 4 wells being tested. Well 1 by 2, 2 by 1 and 3, 3 by 2 and 4, and 4 by 3.

6 adjoining wells to parcel 3890 (APN 123-050-32) all have water quantity issues. Three new wells have been drilled in the 300 foot radius of parcel 3890 in the last 100 years. Two were dry and one at 300 feet produces 1 gallon or less a minute.

The Albion Schoolhouse LLC is a commercial business. A vacation home rental for 10 and a proposed 14 day a year Temporary Event Permit.

“Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to approval of the proposed use.”(from above)

“Conversely, the Division of Environmental Health may increase the testing requirements for "minor" water use facilities in areas of marginal or critical water resources.”

This is historically a marginal water quantity area with one new 3 bedroom home built on parcel #1.

The Albion Schoolhouse LLC is a vacation rental for 10 and proposes to be an event site for up to 100 people.

We as concerned neighbors on the same aquifer as the proposed event site feel water usage for this commercial development has not been adequately addressed.

“In special circumstances, due possibly to the size, nature or location of a particular project, the Planning Commission, Board of Supervisors or the California Coastal Commission may require more extensive groundwater investigation in addition to or in place of the requirements outlined in these guidelines. “

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

(Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellants and Date

Signature of Appellants and Date

Dan Clary  1-4-2016

Carol Clary  1-4-2016

Will Kruse  1/5/16

Pam Ogbin  1-4-16

David Preston  1/5/16

Sue Preston  1-5-16

Marie Koskela  1-4-16

Signature of Appellant(s) or

Authorized Agent Date:

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

**I/We hereby
authorize**

**to act as my/our representative and to bind me/us in all matters concerning
this appeal.**

Signature of Appellant(s)

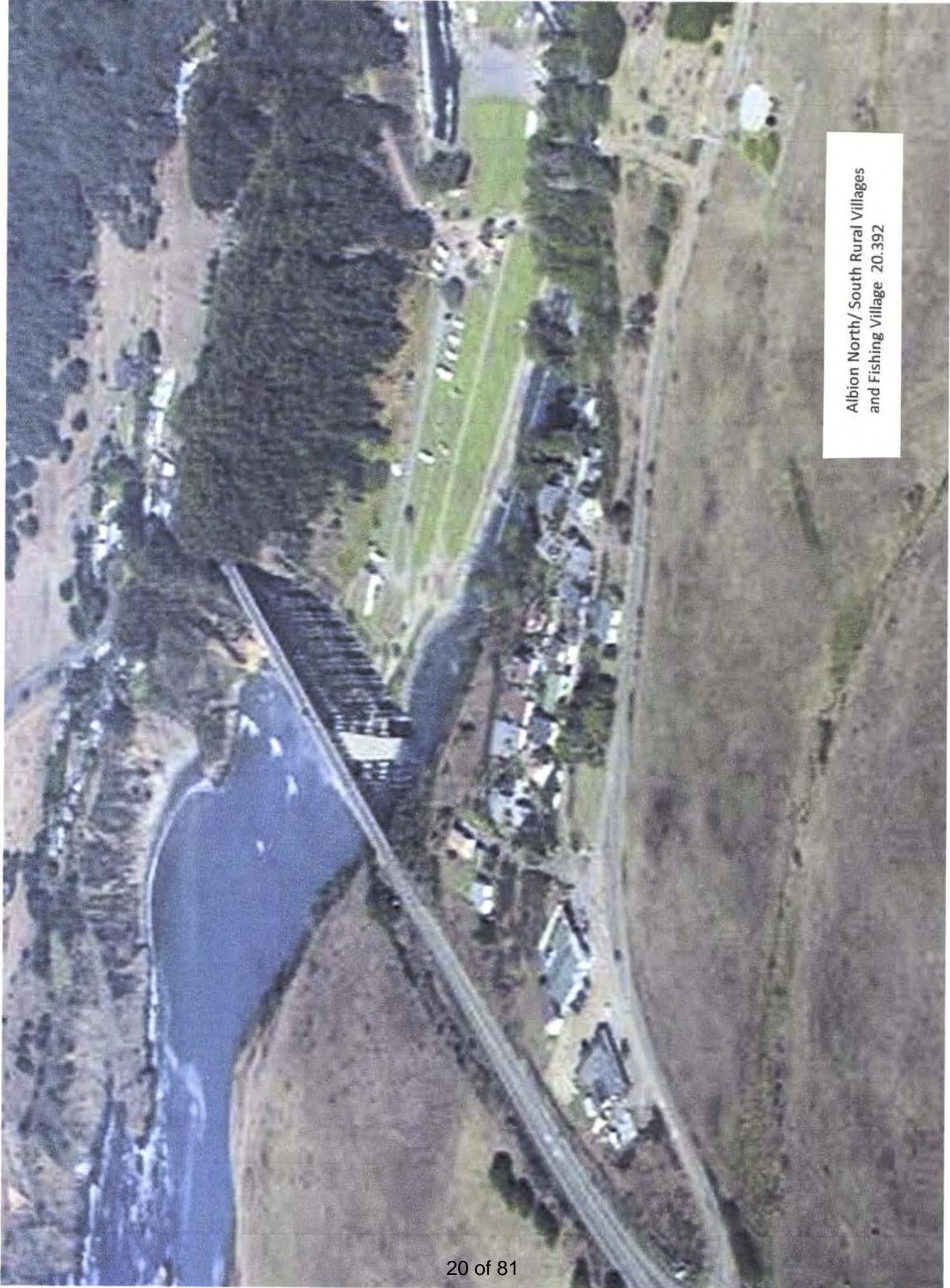
**Dat
e:**

Attachment A
Pictures

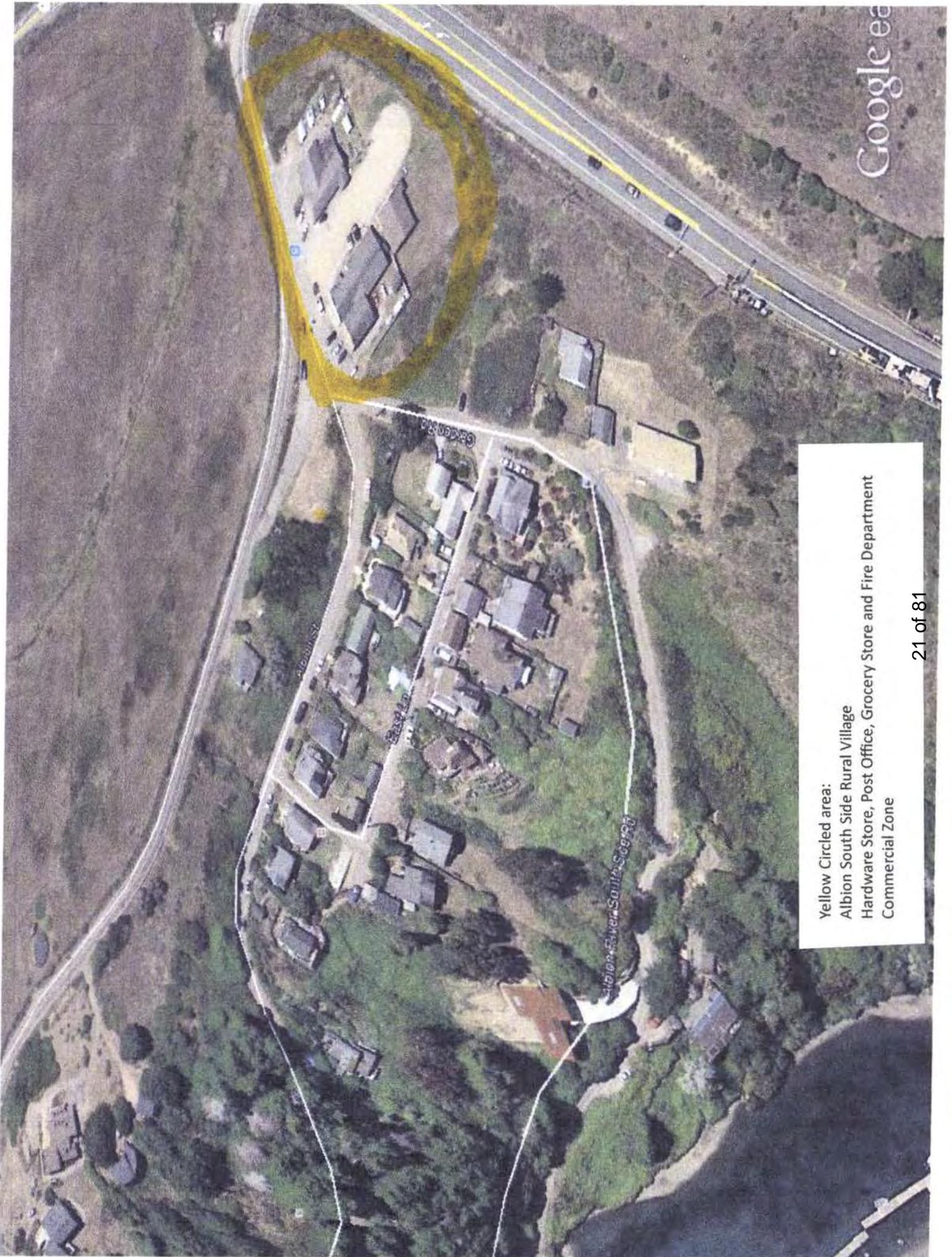
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NORTH COAST DISTRICT

Outside Dining on Vacant Lot





Albion North/ South Rural Villages
and Fishing Village 20.392

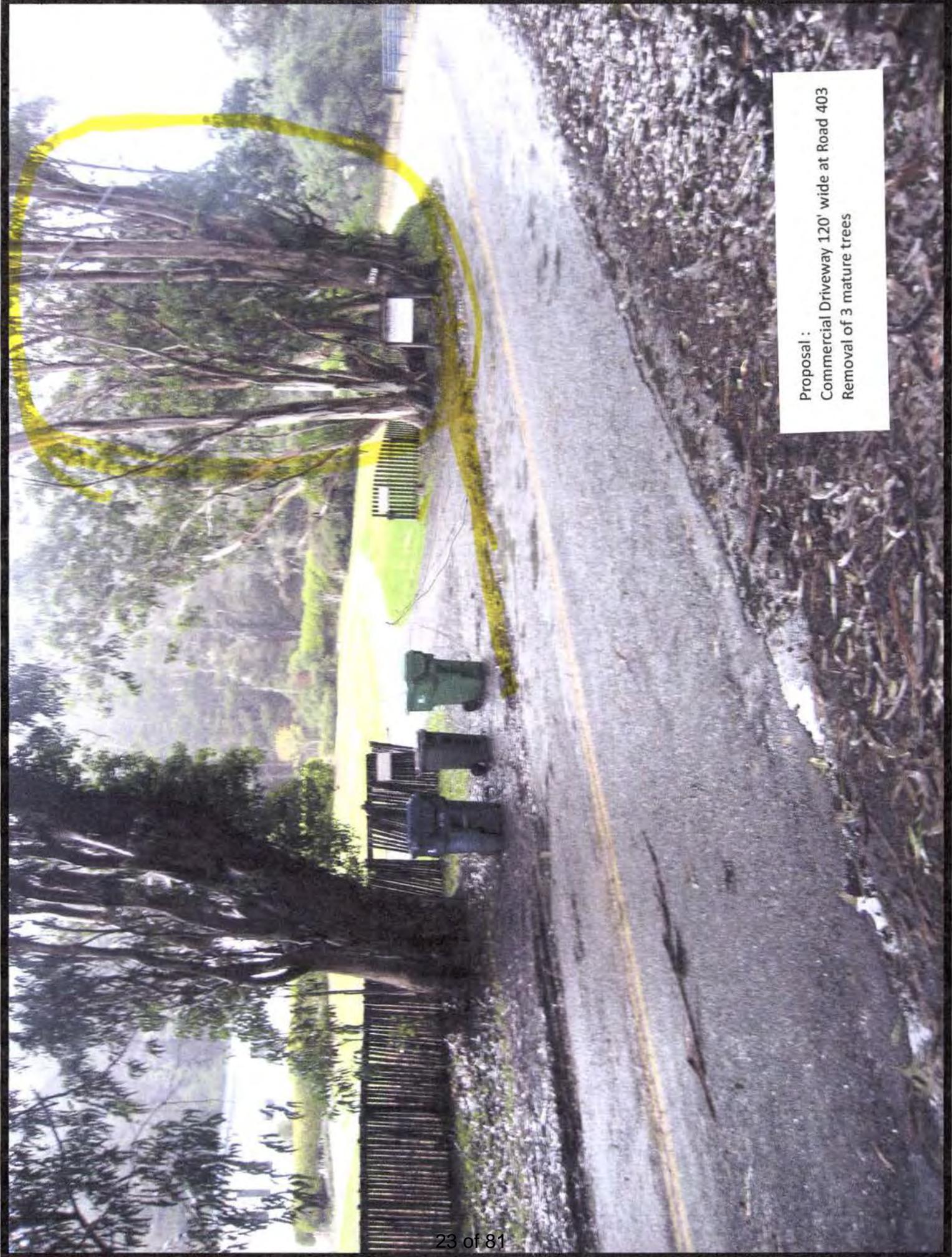


Yellow Circled area:
Albion South Side Rural Village
Hardware Store, Post Office, Grocery Store and Fire Department
Commercial Zone



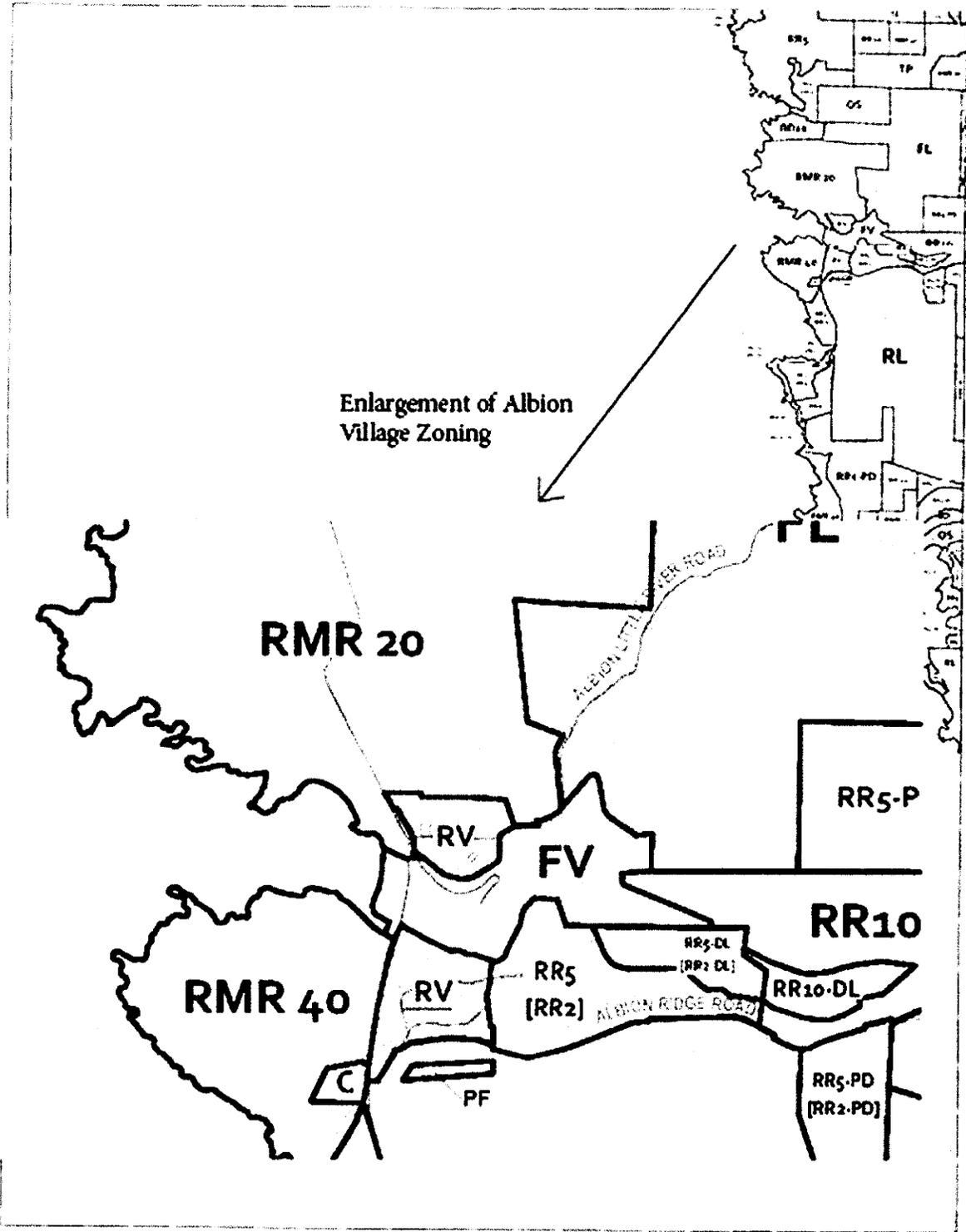
4 acre parcel subdivision in 1993
into 4 one acre lots.
Western most lot developed into SFR and the remaining 3 lots zoned SFR.
Proposal:
Parking for 50 , outside events for 100 in vacant lot closest to the SH

© 2015, Google



Proposal :
Commercial Driveway 120' wide at Road 403
Removal of 3 mature trees

ZONING DISPLAY MAP



Enlargement of Albion Village Zoning

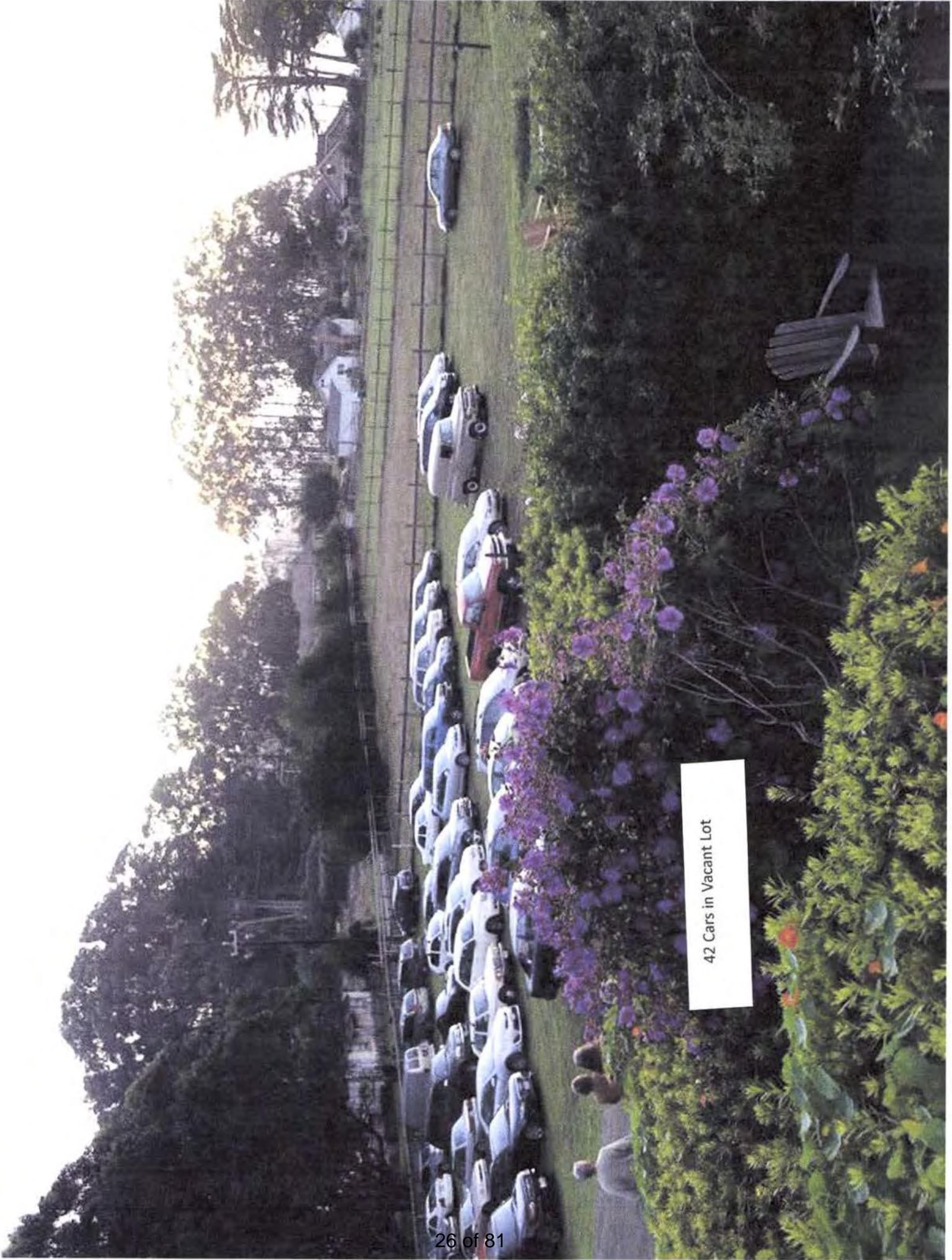
ABBREVIATION KEY

<p>RR5: Residential Rural, 5 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR10: Residential Rural, 10 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR5-P: Residential Rural - Planned, 5 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR5-DL: Residential Rural - Detached Lot, 5 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>[RR2-DL]: Residential Rural - Detached Lot, 2 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR10-DL: Residential Rural - Detached Lot, 10 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR5-PD: Residential Rural - Planned - Detached, 5 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>[RR2-PD]: Residential Rural - Planned - Detached, 2 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p>	<p>RR5: Residential Rural, 5 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR10: Residential Rural, 10 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR5-P: Residential Rural - Planned, 5 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR5-DL: Residential Rural - Detached Lot, 5 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>[RR2-DL]: Residential Rural - Detached Lot, 2 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR10-DL: Residential Rural - Detached Lot, 10 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>RR5-PD: Residential Rural - Planned - Detached, 5 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p> <p>[RR2-PD]: Residential Rural - Planned - Detached, 2 units per acre, 1/2 acre lots, 30' front setback, 30' side setback, 30' rear setback, 10' front yard, 10' side yard, 10' rear yard.</p>
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Wedding on Vacant Lot



42 Cars in Vacant Lot

MARGINAL
WATER
RESOURCES

CRITICAL WATER
RESOURCES BEDROCK

CRITICAL
WATER
RESOURCES

MARGINAL
WATER
RESOURCES

MARGINAL
WATER
RESOURCES

SUFFICIENT
WATER
RESOURCES

CRITICAL
WATER
RESOURCES

MARGINAL
WATER
RESOURCES

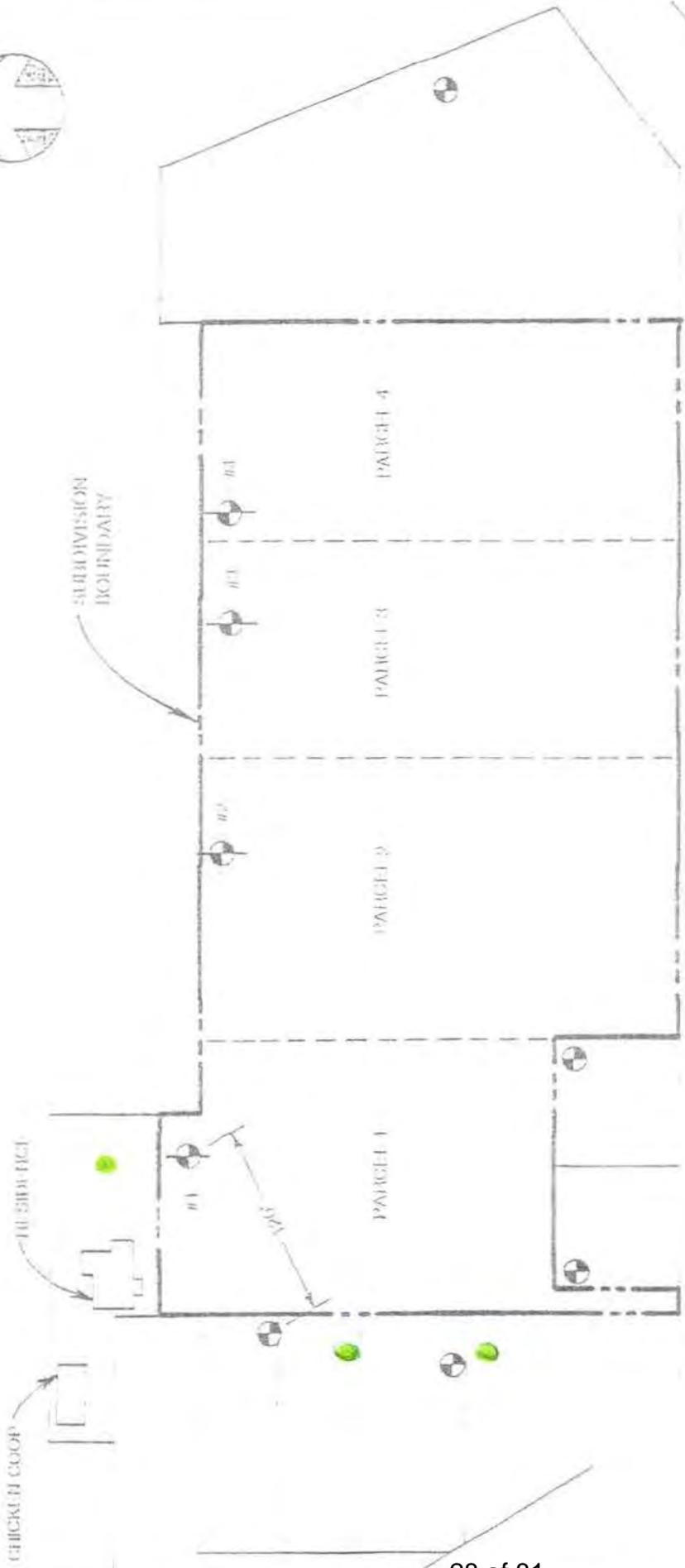
CRITICAL
WATER
RESOURCES

Cakod

Mindakom

Life River





ALBION LITTLE RIVER ROAD

FIGURE 2

PILOT PLAN AND WELL LOCATIONS
 HUGHES MINOR SUBDIVISION
 ALBION, CALIFORNIA

GREEN STAR CHICKEN COOP LOCATIONS
 (FOR THE RECORD, ONLY)

LEGEND

-  WATER WELLS FOR SUBDIVISION LOTS
-  NEIGHBORING WELLS

SCALE: 1" = 100'

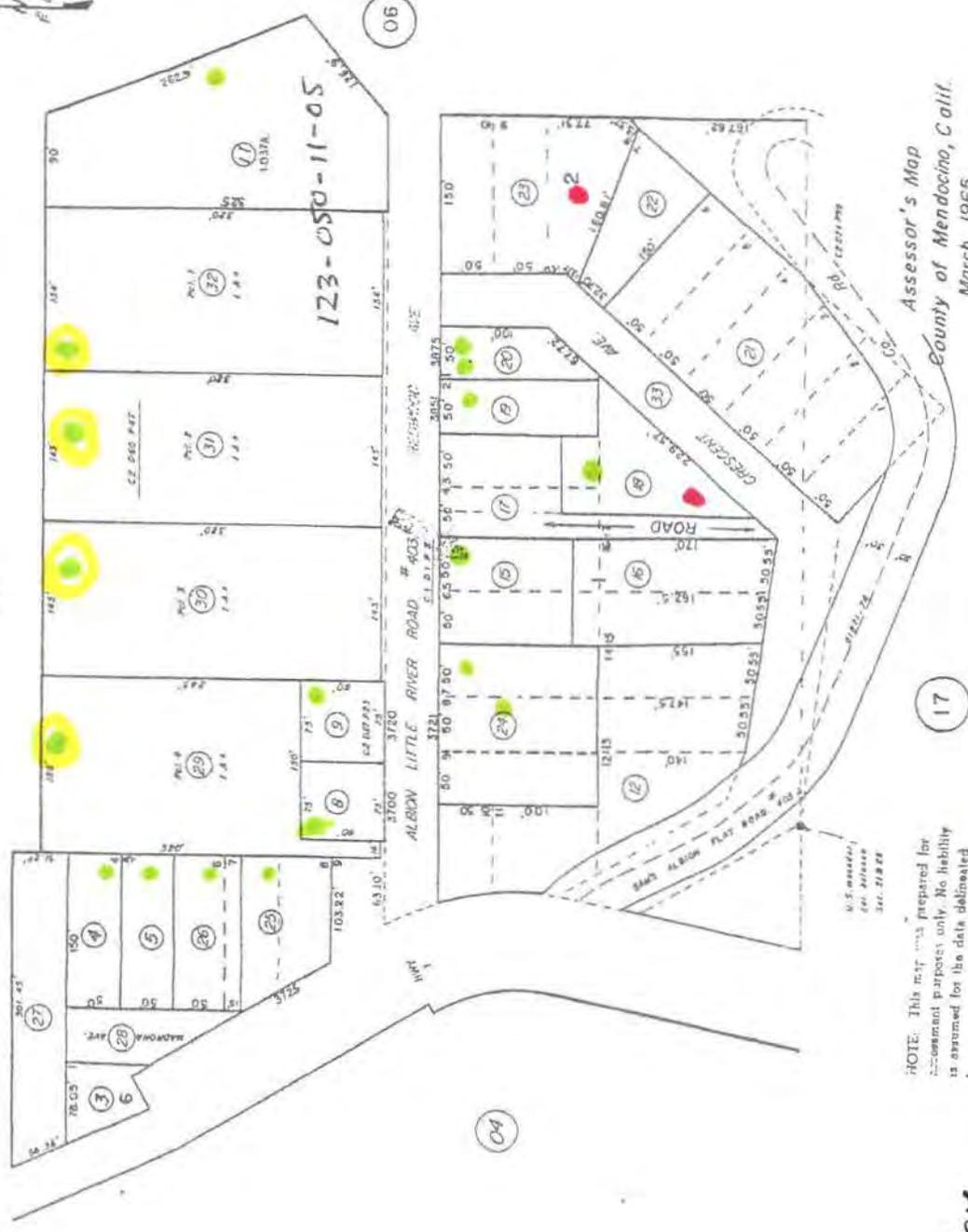
wells not noted on map
drilled wells no water

123-05
104-DH
N
100'

06

06

Albion



Assessor's Map
County of Mendocino, Calif.
March, 1965

NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated hereon.

17

- current wells
- drilled wells no water
- good wells

29 of 8 good wells

18 Wells 1 Aquifer

14 of 18 wells Low Producing

T 16 N, R 17 W
20 21
29 28

School
3000 ft
123-050-11-05

102-70



Albion North Side Rural Village - with all the houses.

RD

COUNTY



5 Houses on south side of
ALBION Little River Road Remain
after Mill takes down water system 1928



Kitchen & Dining area

This stunning room provides the perfect space for cozy meals or large dinner parties. From the copper counter top enjoy the ocean views or relax by the custom fireplace. Our kitchen and pantry is fully stocked for the chef in you. Enjoy the 48" Wolf® Range/Stove, and all our new appliances. If you're in the mood for BBQ we also offer a Weber grill and a smoker on the deck.

There are 2 of these FULL BATHROOMS in the Schoolhouse. One in the MASTER BEDROOM SUITE, and another next to the KITCHEN, with sea-green tiles, fabulous shower pressure, deep luscious bathtub. Era 1930 with all modern amenities. Fully stocked with EO shampoo, conditioner, soap, lotion and plenty of towels.

Attachment B
Emails

NOV 20 - DEC 15, 2015

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JAN 19 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT



Carol Clary <cclarybox2@gmail.com>

Fwd: Case# CDP_2013-0012

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 7:09 PM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

----- Forwarded message -----

From: **Will Kruse** <graphic@mcn.org>
Date: Fri, Nov 20, 2015 at 9:07 AM
Subject: Re: Case# CDP_2013-0012
To: Julia Acker<ackerj@co.mendocino.ca.us>

Hi Julia, I have sent you the below as a letter, sorry it is so long.
Thank you,
Will

Will Kruse
3875 Albion Little River Road
Mail to: P.O. Box 813
Albion, CA 95410
707-684-0229 graphic@mcn.org

November 20, 2015

Julia Acker, project coordinator
County of Mendocino, Dept of Planning & Building
120 West Fir Street, Fort Bragg, CA 95437

RE: Case# CDP_2013-0012 The request for Coastal Development Permit,
to install a parking lot, with commercial entrance, remove trees, 14
large events

Dear Julia,
Thank you for notifying me of this pending action.

I live directly across the road from this development, the
decisions will have a direct effect on my home and water well, and the
Rural Village of North Albion.

I OPPOSE THIS PERMIT REQUEST, for a number of reasons:

* The "public notice of pending action" I just received informs me a
"parking lot" to be put in the field right across from my house

* The notice posted across the street makes NO MENTION of "parking lot", it says "shuttles provided". This has misled my neighbors and I into thinking no parking lot would be pursued in the field.

* This property and my neighbors have already had multiple problems with the previous property owner over trying to throw too large, noisy overly bright parties in this Highly Scenic Rural Village. Excessive noise, lighting, vehicle traffic with all night and overnight large events caused multiple complaints. A new parking lot in the field would bring all that activity even closer to the neighbors houses.

I OPPOSE THIS PERMIT, I think the field is a terrible place for a parking lot.

* The parking lot is unnecessary as ample parking can be fit into the existing lot, next to their own building which is more efficient, and less of a nuisance.

* Moving my neighbor's parking to their farthest property corner away from their building, amplifies the nuisance noise across two lots with lights louder and brighter than ever before.

* The lower half of the field lot, is a saturated wetland during the rainy season with all kinds of deer and wildlife moving down to the estuary and back, what about them.

1: For the 16 years I have lived here, and decades before, this old schoolhouse building has been a single family residence, just another house in our neighborhood, just one lot, nothing commercial about it.

2: The lot directly across the street from me, until recently, has NEVER been part of the old schoolhouse property, and never had commercial use. It has always been a field with tall grasses, a collection area for runoff into the Albion Estuary.

The issues living next to this property, materialize when nobody lives in the home, and it transitions into a party house for hire.

Something has changed with these two lots across from me. The two lots have become one huge place. Where it was once scenic tall grasses, natural and quiet we now have continual mowing and leaf blowing, over several acres of both lots now.

The impact on this household will be enormous if further trees are removed and a commercial entrance made, and a parking lot installed, and a permit for the circus, concert or.. to come to town for 14 days, plus how many days to set it all up and clean it all up.

There are multiple complaints on file when the old schoolhouse had the large parties before, with a petition from the neighborhood. The County Sheriffs report is on file when they closed the large party down

before.

The impacts, and potential nuisance impacts from the old schoolhouse property are now greater than ever, nearly all the buffers are gone; no more fence between the lots, the tall grass to absorb sound mowed to the earth, the trees to buffer disappearing one by one.

The property dominates the skyline and is a backdrop over and above us, essentially broadcasting every vibration, strobe light and buzzer noise into our houses.

1. The Tree Removal - I am concerned that, when 120' of the trees between us are removed, it's going to be twice as bright for my property. The impact of the lights, the projected sound, and view of the building, being above our houses, will certainly be increased without the trees to screen it back.

2. The Commercial Entrance - Does nothing about road safety, and we have a dangerous blind turn. The old schoolhouse high shrubs and fences block the drivers view coming up and down the hill. **There are reasonable alternatives to a parking lot in the wetland area of the field.**

3. Renting 14 times. If the gatherings are inside their building, nobody ever complains - But when the gatherings get larger and spill outside, there are lots of problems. I believe large events are unreasonable in this small neighborhood.

* I believe the environmental impacts are huge with this proposal.

* **The proposed development area is low lying and overflows with mud and sheets of water annually into the road, and across neighboring property into the Albion Estuary.**

* Combining these two properties and removing all the buffers makes one huge development, the impact on the neighboring houses has increased if large events are held.

* If further trees are removed the sounds and lighting of this tall white building will be shooting far outside the now larger property boundaries, this seems totally incongruous with what Highly Scenic is all about.

* **This proposed parking lot is only about 35' from my private water well. This proposed parking lot with cars could contaminate my water, and the water of my neighbors. We have already seen broken down vans stalled in the field for days with the hood up, dripping who know's what on the ground upstream from our wells. The neighborhood of homes nearby have very little water, with some properties having no water in their wells. Will commercial use of the water so close impact the neighborhood water supply?**

* The proposed parking lot in the field, is directly outside and above my home and home office windows. The vehicles and trucks driving in the field point headlights directly at our house. Even tall fences do not block the activity. The proposed parking lot lights are homemade and cast light glare outside the property and into our house windows from above.

* Recent truck driving and vehicle traffic in the field was noisy, with spinning tires in the rain, truck driving over bottles and popping glass, all this noise and activity in what has always been a field, next to my house and loud enough to be heard throughout my house.

* I have tried to block the light, and noise, with tall fences, tall landscaping, heavy drapes, but the property across the street just gets larger, and without the trees, will be monopolizing the view of every north and east window in our home.

Thank you for your time and consideration.

Will Kruse
graphic@mcn.org

Attachments - A letter and photos which I sent to the applicants/property owners Oct 15. The photo shows how bright it is when nobody is home, imagine how bright it gets when they throw a large event party. NOTE - They have reduced the all night lighting after receipt of the attached.

<RuralVillagelights1.pdf>
<RuralVillagelights2.pdf>
<Letter to SH.pdf>

Subject: Fwd: CDP 2013-0012**From:** Carol Clary <cclary@mcn.org>**Date:** 11/20/2015 12:58 PM**To:** Will Kruse <graphic@mcn.org>, "drclary1@gmail.com" <drclary1@gmail.com>, carol clary <cclary@mcn.org>

----- Forwarded Message -----

Subject: CDP 2013-0012**Date:** Fri, 20 Nov 2015 12:56:44 -0800**From:** Carol Clary <cclary@mcn.org>**To:** Julia Acker <ackerj@co.mendocino.ca.us>**CC:** Justine Shapiro <justine@promisefilms.com>, sydmintz@gmail.com

Julia Acker
Mendocino County Planning & Building Services

This is in reference to Staff Report prepared by Julia Acker, Planner 11 dated 11/06/2015
CDP 2013-0012

Starting from page 1
Uncertain on width of commercial driveway. Has this been changed?

3890 Albion Little River Road (APN 123-050-32) lot "was used in past as informal parking"
Bill Bottrell purchased APN 123-05032 from John and Kathryn Hughes 8/24/2012. Before that for the 23 years my wife and I have owned our property across the road from said lot. The lot has been fenced and used for Llama grazing (Hughes Llama Ranch). No Car Parking before 8/24/2012!
Before June 2013 Bill Bottrell held 2-4 events per month for the previous 2 years. Making 30 in total. Some going past 5:00 am. The sheriff was called for one event.

When will there be a "building occupancy classification"?

Look close at what would preserve and maintain the character of the atmosphere and visual quality of our Rural Village. Does an event (14) for 100 to 1000 persons and parking for 40 to 142 cars fit that? How many people allowed? Something needs to be addressed about lights at night and water

Parking:
Unclear how many spaces required. Staff says 48 + 2 ADA.
They request 25,600 sq.ft. for parking. Divide that by 180 sq.ft. for a parking space. That equals 142.2 parking spaces plus 2 ADA.
One more point on that. The one acre lot is 43,500 sq. ft. 25,600 is 58.85% of the one acre. Staff recommendation of 48 parking spaces equals 4850 sq. ft. which is 11.15% of the one acre lot. Visual impact on Rural Village.

Micheala Biaggi states ; "proposed special event parking has historically been used for special event vehicle parking over the past 15 years, during which time the soil has been somewhat compacted by vehicles."

THIS IS NOT CORRECT!

Bill Botrell bought APN 123-050-0032 from John and Kathryn Hughes 8/24.2012. Before that it was a closed lot used for grazing Llamas . No car parking before Botrell bought it from the Hughes 8/24/2012. Botrell sold the two lots to Mintz/Shapiro July 2014.

Visibility of cars, noise headlights and run off on south sloping land. Event parking only May to October-is this correct? Good.

What qualifies Ms. Biaggi to say this site plan designates an area of 25,600 sq ft which is 59% of the one acre lot as appropriate for a parking lot?

This Schoolhouse has not been a commercial building in the 25 plus years we have lived here.

Lynn Bargfrede/Norris bought the property 6/17/1986 for her husband and three children as a single family residence. They sold to Bill Bottrell and his wife and three children in 1995 as a single family residence. Bottrell did extensive renovation and moved in in 1997. He had a recording studio/business in Caspar.

Thank You,

Dan and Carol Clary

attached is petition signed by Albion Schoolhouse Neighbors 4/08/2013

—Attachments:

Albion Schoolhouse Neighbor petition.pdf

974 KB

April 8, 2013

Bill Bottrell

Dear Bill and Laura

We have repeatedly encouraged you to put reasonable parameters on the events being held at the Schoolhouse. The late night noise has been the most serious problem. In spite of our complaints, the nuisance has not lessened.

We are now aware that your only permit is for a vacation rental which does not allow the type of events you are holding. In conversation with the Sheriff and County Planner, we have learned that you intend to attempt to remedy this defect by obtaining a Temporary Use Permit for special events. This application requires the consent of other property owners in the area. As such property owners we cannot agree unless we receive adequate assurance that the problems we have complained about are addressed in the permit and adequate enforcement of the conditions are prescribed.

We are quite willing to work with you if we can be assured sensible hours and reasonable decibel levels. We will not tolerate continuation of the present situation. We intend to see that the law is enforced.

Sincerely,

Nicholas Tully *David Weston* *Will Kruse* *Dan Clary*
Emily M. Tully *Mylla* *Ken Ogbin* *Carol Clary*
Karen Hays *Steve* *Bob Beer*
John Morland *Mary Jennie Kaska*
Sibbille

Residents of Albion Little River Road

Cc: Mendocino Planning Department
Mendocino Sheriff's Department

April 8, 2013

Bill Bottrell

Dear Bill and Laura

We have repeatedly encouraged you to put reasonable parameters on the events being held at the Schoolhouse. The late night noise has been the most serious problem. In spite of our complaints, the nuisance has not lessened.

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We are quite willing to work with you if we can be assured sensible hours and reasonable decibel levels. We will not tolerate continuation of the present situation. We intend to see that the law is enforced.

Sincerely,

Nicholas Tinling
Camille M. Tinling
Kathryn Hughes
John Hughes
Anna Moland

David Preston
Sue J Preston
Lisa Gear

Will Kruse
Pam Ogbin
Anthony Gear
Marie Jennie Koskela
Bibi Sillem

Dan Clary
Carol Clary

Residents of Albion Little River Road

Cc: Mendocino Planning Department
Mendocino Sheriff's Department



Carol Clary <cclarybox2@gmail.com>

Fwd:

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 7:00 PM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>
 Date: Fri, Dec 4, 2015 at 6:44 AM
 Subject:
 To: graphic <graphic@mcn.org>

Will, I sent this 11/26/15 - for you I added at the bottom, a pdf covered to a doc. see if you can edit it.

Dan

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>
 Date: Thu, Nov 26, 2015 at 5:38 PM
 Subject: Wynn Coastal Planning
 To: ackerj@co.mendocino.ca.us
 Cc: kinserb@co.mendocino.ca.us, gustavsona@co.mendocino.ca.us, Sydney Mintz <sydmintz@gmail.com>, justine@promisesfilms.com

Julie Acker 11/27/2015
 RE: CDP #2013-12
 3930 Albion Little River Rd.
 123-050-32

Dear Julia

Questions concerning Wynn Coastal Planning letter dated,
 July 14 2015

We question the "storm water and soil expert's" data that was used to make her conclusions.

1 page

"1. The proposed special event parking area has historically been used for special event vehicle parking over the past 15 years, during which time the soil has been somewhat compacted by vehicles."

APN 123-050-32 (vacant lot), had not been a parking lot prior to Bill Bottrell buying it 8/24/2012. up till that time it was fenced and used for llama grazing, no car parking, no light gravel applied and no compaction by vehicles.

page 2.

"The Albion Schoolhouse has a long history of commercial use and traffic. The Building was constructed in 1924 as a school and functioned as such until 1968. Since then its uses have included: The Whale School, a private: Corners of the Mouth, a retail grocery food store; The Albion Community Center, which hosted concerts, dances and community events. All of these uses included extensive parking on the property with only the use of "light gravel" that persists today. In the 1990's the Albion Schoolhouse became a private residence, though continued to host benefits and community events."

Our history with the schoolhouse goes back to Norris/Bargfrede who bought the property in 1986 (29 years ago) as a single family residence for their family of 5. They lived there for 9 years and sold to Bottrell in 1995. He remodeled and moved in with his family of 5 in 1997. In the 9 years Norris was there, no vehicle parking or soil compaction to soil on the vacant lot (123-050-32). Bottrell lived on and off at 123-050-11 for the next 17 years. There was no vehicle parking, no soil compaction and no use of "light gravel" till 8/24/2012 when Bottrell bought the vacant lot (123-050-32) from John Hughes. From when Bottrell bought in 1995 till 8/24/12 the lot was fenced and only used for llama grazing.

1/11/2016

Gmail - Fwd:

Bill did host benefits and community events but they parked on the road or in front of the schoolhouse.

Conclusion : Staff needs to take another look at data from groundwater and soils expert; "as a 'stormwater and soils expert', I am providing an expert opinion on the use of 'light gravel' to satisfy parking service requirements at the Albion Schoolhouse, specifically in the area proposed for the Temporary Event parking" .

Some information stated in Staff Report dated 11/6/2015 was made based on this faulty information from
Wynn Coastal Planning / Macheala Biaggi

Dan and Carol Clary
3751 Albion Little River Rd.
Albion, Ca

 **WYNN.doc**
92K



Carol Clary <cclarybox2@gmail.com>

41 cars

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 6:57 PM

To: Carol Clary <cclarybox2@gmail.com>, Dan Clary <drclary1@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>

Date: Fri, Dec 4, 2015 at 8:48 AM

Subject: 41 cars

To: ackerj@co.mendocino.ca.us

Cc: Geoffrey Brunet <brunetg@co.mendocino.ca.us>, justine@promisesfilms.com



re: CDP_2013-0012

Julia,

This is what the vacant lot next to the school house looked like a few months ago with 41 cars (could be 2 or 3 more, out of site). The picture shows cars up to the top of the drive, that would be close to 1/2 acre of 1 acre lot.

Dan



Carol Clary <cclarybox2@gmail.com>

Fwd: Highly Scenic

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 6:55 PM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

—— Forwarded message ——

From: **Dan Clary** <drclary1@gmail.com>

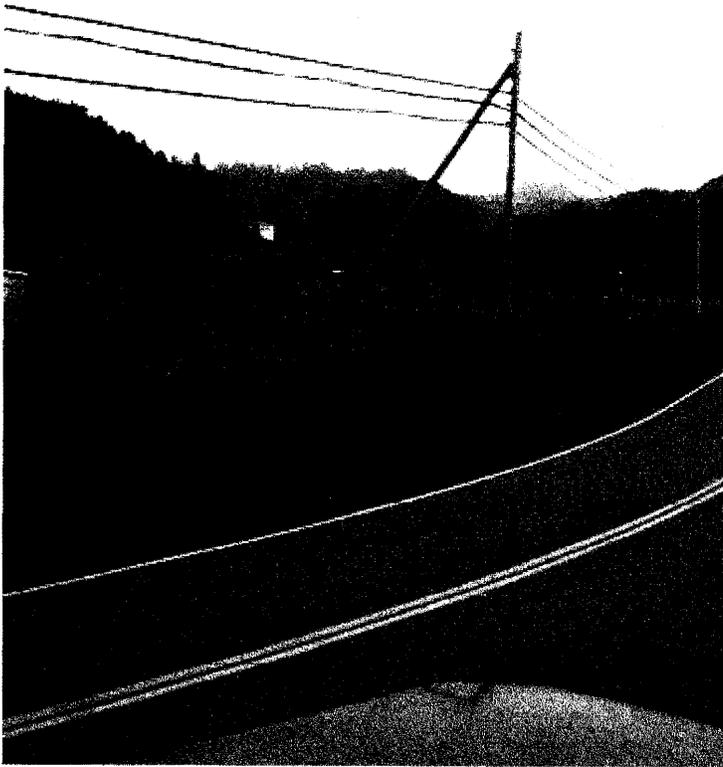
Date: Tue, Dec 8, 2015 at 9:49 AM

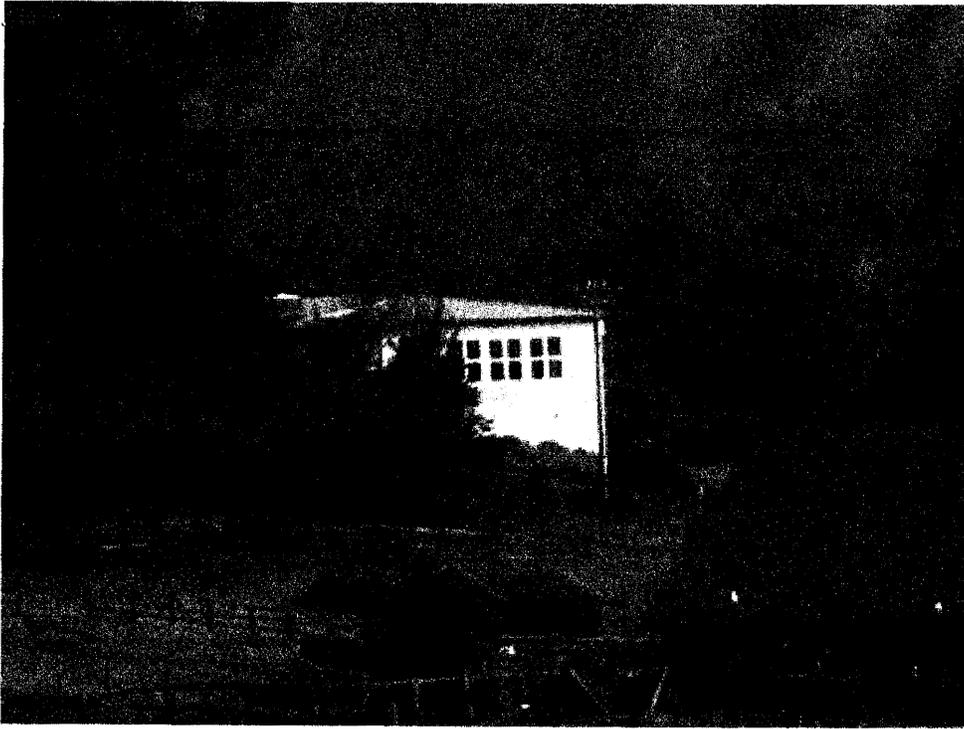
Subject: Highly Scenic

To: Julia Acker <ackerj@co.mendocino.ca.us>

Julia,

These are two pictures, North of mileage marker 44.37 on Highway 1, showing clear visibility from the Highway to the school house and part of proposed parking lot







Carol Clary <cclarybox2@gmail.com>

Fwd: 2013_0012

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 6:54 PM

To: Carol Clary <cclarybox2@gmail.com>, Dan Clary <drclary1@gmail.com>

----- Forwarded message -----

From: Dan Clary <drclary1@gmail.com>

Date: Tue, Dec 8, 2015 at 3:25 PM

Subject: 2013_0012

To: Julia Acker <ackerj@co.mendocino.ca.us>

Julia,

I sent this to Coastal Commission. After words I thought you should be a part to all correspondence re: 2013_0012

Dan

Dan Clary <drclary1@gmail.com>

3:12 PM (6 minutes ago)

to tamara.gedik

RE: APN 123-050-11 and 123-050-32

also
CDP_2013-0012

Tamara Gedik, California Coastal Commission

123-050-11 is a 4850 square foot signal family residence on one acre with a vacation rental.

123-050-32 is an adjoining 1 acre vacant lot.

There are issues with the S.F.R. but for a conversation w/ California Coastal Commission I'll focus on the vacant lot.

Issue 1. copy and paste from page 4 Staff Report;

"The proposed special event vehicle parking area has historically been used for special event vehicle parking over the past fifteen (15) years, during which time the soil has been somewhat compacted by vehicles "

That's just not true: my wife and i have lived full time across the road from the

"proposed special event vehicle parking area" for the last 25 years, up till 8/24/2012

the vacant lot was fenced with no opening to the S.F.R. and only used for llama grazing. No soil compaction - no vehicles, at all, on the property in that 15 years before 8/24/12

Issue 2. page 2 Staff Report;

"ENVIRONMENTAL DETERMINATION: Categorical
y Exempt from CEQA - Class 4 (e) minor temporary use of land
having negligible or no permanent effects on the environment"

This is what Class 4 (e) in CEQA says:

"Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;"

Here is why I don't think the Exemption works for the 1 acre lot:

The proposal calls for turning the 1 acre lot (49,280 s.f.) into a parking lot (25,600 s.f.) to park 142 cars. Some type of gravel or paving would be required to make this work which would become part of the land.

In CEQA Class 4 (e) " it states (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;"

Issue 3. "3. The topography of this site slopes from north to south and east to west. Exhibits in the letter show a natural concave depression in the southwest corner of the property, which is where the special event parking area is proposed. In addition, this is the only area on the property where such parking is feasible without grading, given its relative flatness. A full gravel surface in the proposed parking area is likely to slow water infiltration during rain events, when sheet flow collects and ponds in this part of the property. A full rock surface is likely to cause excess water to leave the property, and may cause an inundation of sheet flow runoff to the adjacent county road, Albion-Little River Road."

To put in a parking lot of 25,600 s.f on this 1 acre site the applicant has not demonstrated it's possible.

THE APPLICANT is now stating parking for 50 cars on APN 123-050-32 and 14 spaces on APN 123-050-11. They have not submitted their new parking plan. Unknow sq. footage at this time.

The 4 points the applicants agent used was from a " stormwater and soils expert, " she stated:

" 1. The proposed special event vehicle parking area has historically been used for special event vehicle parking over the past fifteen (15) years, during which time the soil has been somewhat compacted by vehicles.

2. Light Gravel will continue to allow the grass species to survive, versus a Full Gravel surface, which will out compete the grasses causing them to die. Grasses and their root systems keep the soil intact, which is a natural soil stabilization and dust suppressant best management practice. Grasses naturally regenerate, whereas rock inevitably moves and shifts and requires re-application from time-to-time. Please note, the grass is mowed during the dry season, and kept short, as is necessary.

3. The topography of this site slopes from north to south and east to west. Exhibits in the letter show a natural concave depression in the southwest corner of the property, which is where the special event parking area is proposed. In addition, this is the only area on the property where such parking is feasible without grading, given its relative flatness. A full gravel surface in the proposed parking area is likely to slow water infiltration during rain events, when sheet flow collects and ponds in this part of the property. A full rock surface is likely to cause excess water to leave the property, and may cause an inundation of sheet flow runoff to the adjacent county road, Albion-Little River Road.

4. Special event parking will occur during the dry season, which is typically May through October, when the soil naturally has minimal soil moisture, thus avoiding potential erosion impacts and creation of ruts.

in a 6/25/15 letter from Julia Acker to Blair and Amy (Agents of Applicant) it states:

" I spoke with Andy about the "light gravel" surface idea. He said that the County could accept "light gravel" as an alternate to the full gravel surface, provided that an expert (such as a Civil Engineer) can provide confirmation and support that this is a comparable surface. The County would then have the Department of

1/11/2016

Gmail - Fwd: 2013_0012

Transportation review the documentation from the Engineer and determine whether or not it is acceptable. This option would NOT require a variance."

is the "stormwater and soil expert" a civil engineer? Is she certified by any board that would have oversight to what she says

And then there's her # 4. Special event parking will occur during the dry season, which is typically May through October, when the soil naturally has minimal soil moisture, thus avoiding potential erosion impacts and creation of ruts.

Nothing about that from the applicant - 7 events in 6 months (May/ October)?

Thank you. I wanted to put some of this to print before we talked on the phone.

There's more, this may be a start.

Dan Clary
123-050-15
123-050-16



Carol Clary <cclarybox2@gmail.com>

Fwd: CDP-2013-0012

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 6:47 PM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>

Date: Wed, Dec 9, 2015 at 5:32 PM

Subject: CDP-2013-0012

To: Julia Acker <ackerj@co.mendocino.ca.us>

Cc: "Gedik, Tamara@Coastal" <tamara.gedik@coastal.ca.gov>

Julie,

A question from page 1 Appendix A

APPENDIX page 1

**20.532.095 Required Findings for All
Coastal Development Permits**

**(A) The granting or modification of any coastal
development permit by the approving authority
shall be supported by findings which establish
the following:**

"(1) The proposed development is in conformity with the certified local coastal program. Consistent (With
Conditions of Approval)"

**CHAPTER 3 -- THE LAND USE PLAN: RESOURCES
AND DEVELOPMENT ISSUES AND POLICIES**

**3.5 VISUAL RESOURCES, SPECIAL COMMUNITIES AND
ARCHAEOLOGICAL RESOURCES**

Policies

Coastal Act Requirements

30251.

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize alteration of natural land forms, to be visually compatible with the character of surrounding areas, "

Special Communities and Neighborhoods

- areas that add to the visual attractiveness of the coast.

Highly Scenic Areas to include:

"• those identified on the Land Use Maps as they are adopted."

Visual Resources, Special Communities, and Archaeological Resources Issues

"the coast's visual qualities are vulnerable to degradation through improper location and scale of buildings, blockage of coastal views, alteration of natural land forms and by poor design or placement of roadside signs and utility lines."

In rural areas, outside the coastal villages, the most critical concerns are preservation of coastal views and assuring the compatibility of new development with the natural landscape. The primary views to be considered are those seen from public areas."

My read of: **20.532.095 Required Findings for All Coastal Development Permits:**

. " Associated development " includes the installation and maintenance of a lightly graveled parking lot (at 3890 Albion-Little River Road), installation of a commercial driveway approach (twenty (20) feet wide tapering fifty (50) feet on either side of driveway along the road) to Mendocino County Department of Transportation standards, and removal of three (3) Eucalyptus trees to allow for tapers and improved sight distance on Albion-Little River Road."

. " Associated development includes the installation and maintenance of a lightly graveled parking lot (at 3890 Albion-Little River Road), installation of a commercial driveway approach (twenty (20) feet wide tapering fifty (50) feet on either side of driveway along the road) to Mendocino County Department of Transportation standards, and removal of three (3) Eucalyptus trees to allow for tapers and improved sight distance on Albion-Little River Road.
"

car head lights will be visible to Highway 1 - wind shields and car roof tops will reflect.

On Albion little river Rd. the drive will be 120' wide (a commercial driveway approach (twenty (20) feet wide tapering fifty (50) feet on either side of driveway along the road).

Is "(1) The proposed development is in conformity with the certified local coastal program. ---

Consistent (With Conditions of Approval). "

Please look at this again.

Dan Clary



Carol Clary <cclarybox2@gmail.com>

Fwd: CDP-2013_0012

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 6:36 PM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>

Date: Fri, Dec 11, 2015 at 9:47 AM

Subject: CDP-2013_0012

To: Julia Acker <ackerj@co.mendocino.ca.us>

Cc: gustavsona@co.mendocino.ca.us, "Gedik, Tamara@Coastal" <tamara.gedik@coastal.ca.gov>

CDP-2013_0012

Julia,

APPENDIX A page A4

" MCC Section 20.472.010 (l) states that *Parking areas shall, at a minimum, be surfaced with gravel; however, the approving authority may require a hard surface such as road oil mix, or other surfacing of a more durable type such as a bituminous plant mix, asphaltic concrete or concrete as a condition of the Coastal Development Permit.* The applicants have submitted a letter from Micheala Biaggi, a stormwater and soils expert, attesting that a "light gravel" surface is sufficient to serve the sporadic parking needs in the proposed special event parking area. "Light gravel" is defined, by Ms. Biaggi, as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified. Ms. Biaggi states that the "light gravel" will provide the same surface integrity to that of a full gravel surface, for the following reasons: "

"1. The proposed special event vehicle parking area has historically been used for special event vehicle parking over the past fifteen (15) years, during which time the soil has been somewhat compacted by vehicles ."

ISSUES WITH THIS:

UP till 8/24/2012 this lot was a closed lot that was used for llama glazing. There was no vehicle access, no light gravel applied and only light compaction from llamas. Micheala Biaggi, a stormwater and soils expert, attest that a "light gravel" surface is sufficient to serve the sporadic parking needs in the proposed special event parking area. Micheala is making four points to draw her conclusion; she was given wrong data in statement #1

"2. Light Gravel will continue to allow the grass species to survive, versus a Full Gravel surface, which will out compete the grasses causing them to die. Grasses and their root systems keep the soil intact, which is a natural soil stabilization and dust suppressant best management practice. Grasses naturally regenerate, whereas rock inevitably moves and shifts and requires re-application from time-to-time. Please note, the grass is mowed during the dry season, and kept short, as is necessary."

Question: Will mowing over rocks send dangerous rocks into the are for some distance ?"

"3. The topography of this site slopes from north to south and east to west. Exhibits in the letter show a natural concave depression in the southwest corner of the property, which is where the special event parking area is proposed. In addition, this is the only area on the property where such parking is feasible without grading, given its relative flatness. A full gravel surface in the proposed parking area is likely to

slow water infiltration during rain events, when sheet flow collects and ponds in this part of the property. A full rock surface is likely to cause excess water to leave the property, and may cause an inundation of sheet flow runoff to the adjacent county road, Albion-Little River Road".

"4. Special event parking will occur during the dry season, which is typically May through October, when the soil naturally has minimal soil moisture, thus avoiding potential erosion impacts and creation of ruts."

ISSUES :

Will #4 be a Condition of approval . Will May/October be the open time for Events at the school house. Does the Applicant now have a Permit for 7 Events in 6 months. 14 Events in 6 months would be too much. From the " Wedding Spot " web site " There is also an option to purchase accommodations for 10 and exclusive use of the entire property for 3 days / 3 nights for your wedding party, rehearsal dinner, and a post-wedding brunch. " (http://www.wedding-spot.com/venue/2806/The-Albion-Schoolhouse-in-Mendocino/) Is that one Event? TWO of those a month is too much. PLUS the applicant has a Vacation Rental Permit for the rest of the month.

The Storm water and Soil Expert points out in #4 " Special event parking will occur during the dry season, which is typically May through October, when the soil naturally has minimal soil moisture, thus avoiding potential erosion impacts and creation of ruts "

*Parking on APN 123-050-32 MAY 15 - OCT 31 only
parking NOV 1 - May 14 on APN 123-050-11 2 events per mo. 14 events per year.*

CONCLUSION:

There are many flaws in this Request for a Permit. This is addressing, to park or not on a vacant lot that has historically been used for llama grazing over the past 15 years.

" The topography of this site slopes from north to south and east to west. Exhibits in the letter show a natural concave depression in the southwest corner of the property, which is where the special event parking area is proposed. In addition, this is the only area on the property where such parking is feasible without grading, given its relative flatness."

Again, does the Storm Water and Soils Expert have all the required data to make her conclusions. She states " this is the only area on the property where such parking is feasible without grading, given its relative flatness." The STAFF REPORT and APPENDIX A both state the applicant is requesting 26,600' square feet for parking. this is 51+% of total vacant lot, which is from the flat area at the bottom up to a line parallel to the front of the school house. That's a lot of grading.

*Current proposal 50 cars on APN 123-050-32
and 14 cars on APN 123-050-11.*

Dan Clary



Carol Clary <cclarybox2@gmail.com>

Fwd: Driveway to Road

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 6:31 PM

To: Carol Clary <cclarybox2@gmail.com>, Dan Clary <drclary1@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>

Date: Sat, Dec 12, 2015 at 3:21 PM

Subject: Driveway to Road

To: Julia Acker <ackerj@co.mendocino.ca.us>

Cc: "Gedik, Tamara@Coastal" <tamara.gedik@coastal.ca.gov>, gustavsona@co.mendocino.ca.us, Geoffrey Brunet <brunetg@co.mendocino.ca.us>

CDP 2013-0012Julia,APPENDIX A page A3

Access Roads: The parcel is currently accessed by a private driveway from Albion-Little River Road, and this application proposes to upgrade the access to a commercial driveway approach. Mendocino County Department of Transportation reviewed the application and requested the installation of a commercial driveway approach.

Condition 10: The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete , to the satisfaction of the Department of Transportation , a commercial driveway approach onto Albion-Little River Road (CR 403). The approach shall have a minimum width of eighteen (18) feet, and length of twenty (20) feet measured perpendicular to the edge of the County road, and be paved with asphalt concrete.

Staff Report page 2

"installation of a commercial driveway approach (twenty (20) feet wide tapering fifty (50) feet on either side of driveway along the road) to Mendocino County Department of Transportation standards, and removal of three (3) Eucalyptus trees to allow for tapers and improved sight distance on Albion-Little River Road.

My Question

Condition 10 states an approach of 18' at Albion Little River River Rd., Staff Report "approach (twenty (20) feet wide tapering fifty (50) feet on either side of driveway "

Taking the numbers of the Staff Report, is that making a driveway opening of 120' onto our road?

Also,

Rocking or paving an area of that size on a hillside will create a massive water problem on our road, when it rains.

Dan Clary

Taken 12/12/15





Carol Clary <cclarybox2@gmail.com>

Fwd: 2013-0012 Required Findings #1

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 6:30 PM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>

Date: Mon, Dec 14, 2015 at 1:34 PM

Subject: 2013-0012 Required Findings #1

To: Julia Acker <ackerj@co.mendocino.ca.us>

Cc: "Gedik, Tamara@Coastal" <tamara.gedik@coastal.ca.gov>

CDP_ 2013-0012

Julie,

"REQUIRED FINDINGS FOR THIS COASTAL DEVELOPMENT PERMIT:"

"1. The proposed development is in conformity with the certified Local Coastal Program. The proposed project for establishment of a temporary event facility is in conformity with the goals and policies of the certified Local Coastal Program. The facility will contribute towards improvement of visitor serving facilities within the Mendocino County Coastal Zone; "

"CHAPTER 20.388 RV – RURAL VILLAGE DISTRICT"

" Sec. 20.388.005 Intent. This district is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities. (Ord. No. 3785 (part), adopted 1991) "

Also,

County requires :

Staff Report page 2

" installation of a commercial driveway approach (twenty (20) feet wide tapering fifty (50) feet on either side of driveway along the road) to Mendocino County Department of Transportation standards, and removal of three (3) Eucalyptus trees to allow for tapers and improved sight distance on Albion-Little River Road. "

My Comments

" Sec. 20.388.005 states; Intent. This district is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; "

How could a parking lot for 142 cars and a drive way access on Albion Little River Rd. 142' wide that will have rain water run off issues fit the intent of 20.388.005

Dan Clary

~~Area~~ Current proposal:
50 + 14 cars unken~~own~~ sq. footage



Carol Clary <cclarybox2@gmail.com>

Fwd: Coastal Element CDP_ 2013-0012

Dan Clary <drclary1@gmail.com>

Mon, Jan 11, 2016 at 6:28 PM

To: Carol Clary <cclarybox2@gmail.com>, Dan Clary <drclary1@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>

Date: Tue, Dec 15, 2015 at 1:30 PM

Subject: Coastal Element CDP_ 2013-0012

To: Julia Acker <ackerj@co.mendocino.ca.us>

Cc: "Gedik, Tamara@Coastal" <tamara.gedik@coastal.ca.gov>, gustavsona@co.mendocino.ca.us, Geoffrey Brunet <brunetg@co.mendocino.ca.us>

**-MENDOCINO COUNTY COASTAL ELEMENT
CDP_ 2013-0012**

Julia,

CHAPTER 4 – THE LAND USE PLAN: DESCRIPTIONS AND POLICIES FOR THIRTEEN PLANNING AREAS

4.9 DARK GULCH TO NAVARRO RIVER PLANNING AREA (Albion Planning Area)

"The Albion CAC area covers 35 square miles, much of it in timberland, though the view from Highway 1 consists of vistas of grassy hills on the headlands, coastal terraces and meadows. The coastal zone extends three miles up the Albion River which is estuarine and navigable by canoe"

"The need for preservation of visual resources also affects future development, for much of the planning area both west and east of Highway 1 has been designated as "highly scenic" where development must be subordinate to its setting. "

Coastal Element Policies: Albion

4.9-1 The Albion community north of the bridge shall be designated Rural Village (123-050-11 and 32 schoolhouse)

There are no retail or commercial establishments in the Rural Village north of the bridge.

"The Albion community at the south end of the bridge shall be designated Rural Village. Retail establishments shall be limited in type and size; new stores shall be located only in the areas designated commercial. "

The Rural Village south of the bridge has retail and commercial establishments: a grocery store, gasoline pumps, propane fill up, hardware store, and the post office.

My comments

This states there are two R.V.'s in Albion; north and south of the Albion Bridge. 123-050-11 and 123-050-32 are in the north of the bridge R.V.

From when Albion was a mill town, there were 3 separate areas; the flats/mill area, the north side also called "Michigan Hill was residential, and the south R.V. was residential / commercial.

Turing a vacant lot into a paved parking lot covering

51.7% of a 1+ acre lot and making the driveway on to Albion Little River Rd. 120' wide doesn't fit

"future development, for much of the planning area both west and east of Highway 1 has been designated as "highly scenic" where development must be subordinate to its setting. "

Thank you,
Dan Clary

Attachment C
water emails

RECEIVED

JAN 19 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Subject: Albion Schoolhouse CDP #2013-12

From: Carol Clary <cclary@mcn.org>

Date: 11/25/2015 12:22 PM

To: Julia Acker <ackerj@co.mendocino.ca.us>, Charles.Reed@waterboards.ca.gov, Justine Shapiro <justine@promisesfilms.com>, sydmintz@gmail.com, "Butch & Diane Koskela naturesark"@att.net, Tony & Lisa Gee <ledford@mcn.org>, Nancy Puder <nancypuder@comcast.net>, Sue and Bob Preston <basprst@yahoo.com>, Tinling Camille <camilletinling@gmail.com>, Will Kruse <graphic@mcn.org>
BCC: "drclary1@gmail.com" <drclary1@gmail.com>

Julia Acker
Mendocino County Planning and Building Services
120 West Fir Street
Fort Bragg. Ca 95437

CDP_2013-0012
3930 Albion Little River Road
123-050-11 and 123-050-32

Julia,

One of our concerns for this Permit is water quantity usage. The reason we are addressing it is because it is not mentioned in the Application or the Staff Report.

1. I will start with a history of our community. Water is a major issue for the North Side of the Albion River. The mill brought water to our little mill community through a flume at Dark Gulch. When the last mill closed in 1928 they dismantled the water system and tore down the houses that could not prove water. Look at the old pictures and you will see what I'm talking about. There were four houses on our two lots, they tore down three. Now there is one.

2. When John and Kathryn Hughes subdivided the lot west of the Schoolhouse into four one acre parcels and drilled four wells (one of which is on APN123-050-32) it was explained to my husband by Kelly Pump that the four wells that he was drilling were being fed by a natural collecting basin on the north side of the road. When it rains it captures the water and the overflow then fills the wells on the south side of the road. They are draining water that would overflow to the south side wells which have been here for 85 + years. Example: Tinling, Clary, Koskela, Kruse.

3. When Lynn Bargefrede and Cliff Norris bought the Albion Schoolhouse in 1986 as a single family residence and lived at the Albion Schoolhouse they did not have enough water to support their family of five year round. Bill Bottrell bought the Schoolhouse in 1995 as a single family home for his family of five. He put in a storage tank but still had occasions to buy water. His solution to water was to buy the adjoining lot with well 8/24/2012. APN123-050-32.

4. Everyone in the neighborhood has water quantity problems. We have all run out of water at various times. Our wells don't start to recover until there is 10" of rain. We have had to buy water. We all conserve water to live within our means. We sacrifice to save water. This affects, Koskela, Kruse, Clary, Tingling, Geer, Puder and Preston.

5. The south side of the Albion River has a similar water situation. They put in a community water system and meters on the houses. They still have to conserve water.

6. We think what the Albion Schoolhouse is asking for in CDP-2013-0012 is excessive for our water situation. They will use the most water May thru October which are the driest months and water at it's lowest. They already have a year around Vacation Rental Permit which they advertise sleeps 10-14. How will this affect our wells across the road from the Albion Schoolhouse? How much water will they use for 14 events of 100+ people (flushes, dishes, laundry and baths and all the rest)? A Vacation Rental for 10-14 people (flushes, dishes, laundry and baths and all the rest)?

Please notify me of the Coastal Permit Administrator's actions.

Carol Clary
3751 Albion Little River Road
Albion, California
APN 123-050-15 and APN 123-050-16

Subject: Fwd: Re: Schoolhouse #2
From: Carol Clary <cclary@mcn.org>
Date: 11/13/2015 4:53 PM
To: "drclary1@gmail.com" <drclary1@gmail.com>

----- Forwarded Message -----

Subject: Re: Schoolhouse #2
Date: Fri, 13 Nov 2015 09:29:25 -0800
From: Will Kruse <graphic@mcn.org>
To: carol clary <cclary@mcn.org>

Carol, perfect, exactly correct on every point.
Will

My well is so deep, I use a tiny bucket on fishing rod to pull up small amounts from the center of the earth or so....

On Nov 12, 2015, at 5:11 PM, carol clary <cclary@mcn.org> wrote:

Here's my water letter

----- Forwarded Message -----

Subject: Schoolhouse #2
Date: Thu, 29 Oct 2015 12:45:39 -0700
From: Carol Clary <cclary@mcn.org>
To: Justine Shapiro <justine@promisefilms.com>, sydmintz@gmail.com

Justine and Sydney,

Water:

Water is a major issue for the North Side of the Albion River. As you heard Marie Koskela say the mill brought water to our little mill community through a flume at Dark Gulch. When the last mill closed they dismantled the water system and tore down the houses that could not prove water. Look at the old pictures and you will see what I'm talking about. There were four houses by on our two lots, they tore down three.

When the Hughes subdivided their property (four acres they bought from Sum Seito) into four one acre parcels and drilled four wells it was explained to Dan by Kelly Pump that there is a natural collecting basin on the north side of the road. When it rains it captures the water and the overflow then fills the wells on the south side of the road example: Tinling, Clary, Koskela, Kruse.

Will Kruse had to dig a 300 foot well in order to get enough water to sustain his small parcel.

Marie Koskela runs out of water in the summer. At 93 she goes to the laundromat to do laundry and when she has family come to visit they

can't take showers and bring bottled water to drink. Marie's parents house (west of Kruse) sits empty because of no water.

Camille and Nick Tingling live in what was formerly called the dry house by locals. They have two wells and still run out of water. They put in a huge storage tank last year and also have a large under ground tank and I see the above ground tank is empty. The first year they were here they bought water and since then they have run the hose across the road to get water from the Hughes all the years they have lived here.

Tony and Lisa Geer have minimal water. They get water from the Hughes when need be. They put in a storage tank but must conserve and use water at their restaurant.

Anna Moreland (Puder House) has historical water issues.

Dan and Carol Clary ran out of water the first years that our three person family lived here and that was 25 years ago.

When the Norris's lived at the Albion School House they did not have enough water to support their family of four.

We are all on the same groundwater system here. After four years of major drought and historical documented history of not much water we must respect our neighbors and their water systems. Rain this winter will not solve the water problems.

We would like to see this work for you and the neighborhood.
We are one water system.

We don't walk away from our problems, we solve them.

Dan and Carol



Carol Clary <cclarybox2@gmail.com>

Fwd: well test CDP-2013-0012

Dan Clary <drclary1@gmail.com>

Tue, Jan 12, 2016 at 10:13 AM

To: Carol Clary <cclarybox2@gmail.com>, Dan Clary <drclary1@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>

Date: Mon, Dec 21, 2015 at 11:12 AM

Subject: well test CDP-2013-0012

To: jensend@co.mendocino.ca.us

CDP_2013-0012

re: 3890 Albion Little River Rd., Albion, CA

David Jensen,
Director of Environmental Health

David,

Below are copy and paste from the hand out at the 12/16/15 Planing Meeting in Fort Bragg (CDP_2013-0012), the memo from David Jensen (received 12/15/15) and the Coastal Groundwater Development Guidelines, 1989

The draw down at the vacant lot ABN 123-050-32 and westerly adjoining parcel are part of 4 lots

that made a 4 acre square. The 4 acre square was subdivided into 4 - 1 acre parcels.

123-050-32 is the eastern most of those.

The 4 wells on the 4 parcels were drilled at the same time on a East/West line, on the Northern corners of the lots. Kelly Drilling did the work. At the time of the drilling I spoke with Kelly who said there was an under ground aquafilter that supplied water to the 4 wells and that was the source of water to the wells across the road.

So from that:

The drawdown was 3" from a major body of water that fills and then supplies water to the wells across the road. Those wells across the road would be affected by an unknown amount by that.

" No division of land or Use Permit shall be approved without proof of an adequate (as defined by the County Environmental Health Division) potable water supply for each parcel being created or proposed for special use " and

"Existing water uses shall have priority over uses

for new development. Appropriate planning actions for water resources shall be taken after notification and input from neighborhood residents. "

Who received notification notices of the drawdown ? Not me, anyone on south side of road ?

And

Water wells shall be tested during dry season conditions, which is defined to be the period of August 20th to October 31st.

When was well tested ?

Thanks for the time,

Dan Clary

123-050-15

123-050-16

Coastal Element (LCP) Water Policies

.3.8-9

" Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to approval of the proposed use "

Objectives

" Water wells along the Mendocino Coast intercept groundwater in terrace and alluvial deposits and in fractured bedrock. Hydraulic conductivity can vary by several orders of magnitude between the various geologic materials encountered; thus, water well testing must be carefully planned and conducted to provide accurate and reliable data for analysis of water supply potential. "

" The specific objective of water well testing is to demonstrate that the pumped well has sufficient yield to meet maximum daily water demands. Possible water table drawdown effects on **adjoining properties** are considered to be adequately mitigated if the minimum lot size criteria recommended in the 1982 Mendocino Coastal Groundwater Study are adhered to. "

" The hydrological test also monitored the effect of that well on the nearest neighboring well " No test on wells across the road ? and This information was in a hand out at the 12/16 meeting. Stamped " Received 12/15/15 Planning and Building "

" Water wells shall be tested during dry season conditions, which is defined to be the period of August 20th to October 31st. "

Was it ?

Memo from David Jensen to Julie Acker received
December 15, 2015

Mendocino County Coastal Groundwater Development Guidelines specify that commercial, institutional, and industrial facilities that use less than 1500 gallons of water per day are required to conduct a Proof of Water test. **A Proof of Water test** was performed on the 3890 parcel as part of a hydrological study. Over the course of the seventeen-hour pump test, the well produced 4 gallons per minute at

66 of 81

a steady state. A total of 3,915 gallons of water were extracted during the test. The hydrological test also monitored the effect of that well on the nearest neighboring well.

The well on the westerly adjoining parcel, which is about 75 feet away, exhibited a net drawdown of approximately 3 inches, which, according to the Mendocino Coastal Groundwater Development Guidelines, is considered less than significant.

Mendocino County

COASTAL GROUNDWATER DEVELOPMENT GUIDELINES

Project 86146

July 1989

General Plan Water Policies

1. 6a

No development shall be allowed in the County beyond proof of the capability of the available water supply.

2. 6b

No division of land or **Use Permit** shall be approved without proof of an adequate (as defined by the County Environmental Health Division) potable water supply for each parcel being created or proposed for special use.

3. 6c

Existing water uses shall have priority over uses for new development. Appropriate planning actions for water resources shall be taken after notification and input from neighborhood residents.

Coastal Element (LCP) Water Policies

.3.8-9

" Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to approval of the proposed use "

Objectives

Water wells along the Mendocino Coast intercept groundwater in terrace and alluvial deposits and in fractured bedrock. Hydraulic conductivity can vary by several orders of magnitude between the various geologic materials encountered; thus, water well testing must be carefully planned and conducted to provide accurate and

reliable data for analysis of water supply potential.

The specific objective of water well testing is to demonstrate that the pumped well has sufficient yield to meet maximum daily water demands. Possible water table drawdown effects on **adjoining properties** are considered to be adequately mitigated if the minimum lot size criteria recommended in the 1982 Mendocino Coastal Groundwater Study are adhered to.
(Draw down was only performed on one other well)

Pump Testing Requirements

Water wells shall be tested during dry season conditions, which is defined to be the period of August 20th to October 31st.
(was it?)



Carol Clary <cclarybox2@gmail.com>

Fwd:**Dan Clary** <drclary1@gmail.com>

Tue, Jan 12, 2016 at 10:15 AM

To: Carol Clary <cclarybox2@gmail.com>, Dan Clary <drclary1@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>

Date: Tue, Dec 29, 2015 at 4:36 PM

Subject:

To: jensend@co.mendocino.ca.us

Cc: Julia Acker <ackerj@co.mendocino.ca.us>, "Gedik, Tamara@Coastal" <tamara.gedik@coastal.ca.gov>

"A Proof of Water test was performed on the 3890 parcel as part of a hydrological study." (From : David Jensen To: Julie Acker Dated 12/15/15 - as part of hand out to approve CDP_2013-0012 12/16/15)

Is this a copy and paste from a
November 23, 1993 Hydrological Study For Minor Subdivision 3880 Albion Little
River Rd. Albion, CA
Prepared for John Hughes

" Mendocino County Coastal Groundwater Development Guidelines specify that commercial, institutional, and industrial facilities that use less than 1500 gallons of water per day are required to conduct a Proof of Water test A Proof of Water test was performed on the 3890 parcel as part of a hydrological study. Over the course of the seventeen-hour pump test, the well produced 4 gallons per minute at a steady state. A total of 3,915 gallons of water were extracted during the test. The hydrological test also monitored the effect of that well on the nearest neighboring well. The well on the westerly adjoining parcel, which is about 75 feet away, exhibited a net drawdown of approximately 3 inches, which, according to the Mendocino Coastal Groundwater Development Guidelines, is considered less than significant. "



Carol Clary <cclarybox2@gmail.com>

Fwd: Rittiman had limited info

Dan Clary <drclary1@gmail.com>

Tue, Jan 12, 2016 at 10:16 AM

To: Carol Clary <cclarybox2@gmail.com>, Dan Clary <drclary1@gmail.com>

----- Forwarded message -----

From: **Dan Clary** <drclary1@gmail.com>

Date: Tue, Dec 29, 2015 at 3:19 PM

Subject: Rittiman had limited info

To: jensend@co.mendocino.ca.us

Cc: Julia Acker <ackerj@co.mendocino.ca.us>, "Gedik, Tamara@Coastal" <tamara.gedik@coastal.ca.gov>

Dave,

Just got off the line w/ Carl Rittiman and Associates, Inc.

1. There was no draw down for the current project.
2. Water usage report did not have all information:
 - A. Did not know it was also a Vacation Rental for 10
 - B. The 10 in the wedding party can occupy the Schoolhouse for days before and days after.
 - C. The Vacation Rental is year - round.
 - D. The Schoolhouse web site states " Our kitchen and pantry is fully stocked for the chef in you. Enjoy the 48" Wolf® Range/Stove, and all our new appliances. "

This whole thing needs a do over.**Dan Clary**

Attachment D

Outside event discussion
at Planning and Building Meeting
12-16-15

RECEIVED

JAN 19 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Discussion of outside events at 12/16/2015 meeting of Mendocino County Planning and Building

We did not get to have a discussion at the 12/16/ 2015 meeting after the meeting closed to public input. Andy was giving an overview of what the permit would be. He was talking about how the events would be enclosed in the structure. He was very animated using his hands to demonstrate the enclosure. At that point Justine Shapiro and her agent spoke up. Justine says this doesn't work for me. Everyone who comes here wants to get married outside. Andy said it was not on the application. Justine goes on to say, I'll be forced to sell the lot if I don't have outside events. At this point Andy sees a problem. He tries to reason with her. He doesn't want to see events anywhere other than the structure. People will roam around otherwise. He was trying to keep it away from the neighbors. He was at an impasse. He suggested outside ceremony North of the parking spaces on APN 123-050-32. That's where it ended.

Adjoining property owners never had the opportunity to speak on this. At this point the meeting had been closed to the public. When the applicant and her agent spoke up about the wedding ceremony being outside the meeting had been closed to public discussion. The meeting was never reopened for public discussion. Six joint property owners present didn't have the opportunity to speak. Meeting was closed to public input.

The current applicant and the previous applicant did not request outside events in their Coastal Development Permit Application. Bill Bottrell bought APN 123-050-32 lot for parking. Installation and continued maintenance of parking area. This is what he sold to them. Outside events not in his application or theirs.

Also no where in Staff Report does it mention anything about outside events.

Staff Report Pg.2 Land Use: The subject parcel is zoned and classified in the Mendocino County General Plan as Rural Village. The intent of the Rural Village district is "to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities." This application proposes the use of an existing residence as a facility for temporary events, up to fourteen (14) per year, and associated improvements.

Staff Report Pg 7

Condition 19. Up to fourteen (14) events per year may be held within the structure at APN 123-050-11. Parking shall occur at APN 123-050-32 , and shall be limited to the designated areas shown on the site plan dated July 23, 2015. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.

Coastal Permit Administrator Action Sheet CDP 2013- 0012 12/16/2015

Condition 19. Up to fourteen (14) events per year and no more than two (2) events per month may be held within the structure at APN 123-050-11. ~~Parking shall occur at APN 123-050-32, and shall be limited to the designated areas shown on the site plan dated July 23, 2015. The maximum number of attendees shall not exceed one-hundred and six (106) persons during the period of May 15 through October 31, as can be accommodated by on-site.~~

Conclusion: Nowhere in the Application, Staff Report, CPA Action Sheet is outside events addressed. It's only addressed at the Planning Department Public Meeting when it had been closed to Public Discussion.



Carol Clary <cclarybox2@gmail.com>

#1

Carol Clary <cclarybox2@gmail.com>

Thu, Jan 14, 2016 at 11:19 AM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

ackerj@co.mendocino.ca.us
<http://www.co.mendocino.ca.us/planning/>
>>> Carol Clary <cclary@mcn.org> 12/17/2015 11:15 AM >>>
Mr. Gustavson,

CDP-2013-0012

I have several questions for you about the Temporary Event Permit Action Sheet.

I'm hoping for clarification on several items.

I believe #13 addresses outside noise. At first it was stated that they had to have all of the Events inside the structure. Then after applicant complained about not being able to have a wedding outside it was decided that they could have a wedding at the North top of APN 123-050-32. They would not be able to use the parking area for Events. This has not been included in the document anywhere and if you go back and listen to your recording you will hear it.

#15 and #16 addresses the parking areas. When they were told they could have indoor events Nov to May and use 14 parking spaces in front of the Schoolhouse on APN 123-050-32. Is there enough space there between the set back from road and the driveway? #16 says no parking along driveway and #15 says there must be emergency vehicle access. This area is also in line with the leach field and run off area.

#24 Landscaping. How tall will this landscaping be when it is planted? The existing landscaping is 15 years old. It takes a long time for hedges to grow tall enough to block headlights and reflection from the sun.

We felt the Planning Meeting was good but rushed. We didn't get to ask all our questions and voice our concerns. Julia Acker did an amazing job putting together the Action Sheet considering the time constants.

Carol Clary
3751 Albion Little River Road
Albion California
123-05-15 and 123-050-16



Carol Clary <cclarybox2@gmail.com>

Outside #2

Carol Clary <cclarybox2@gmail.com>

Thu, Jan 14, 2016 at 11:04 AM

To: Carol Clary <cclarybox2@gmail.com>, Dan Clary <drcrary1@gmail.com>

On 12/17/2015 3:31 PM, Julia Acker wrote:

Hello Carol,

Condition 13 states that there shall be no amplified sound permitted outside the structure. You are correct that the discussion during the meeting limited the outdoor event use to the other portion of the field (to the north of the parking area).

Condition 15 requires the submittal of a parking plan which would address any circulation issues that may be present. The conditions are set so if the areas do not meet the requirements they will need to perform improvements or revisions to be in compliance.

Condition 24 requires the submittal of a landscaping plan. The Planning Division will be reviewing the landscaping plan to determine the appropriateness of the plan for the site. Until staff receives the plan we cannot tell you what the height of the vegetation will be.

Please let me know if you have any additional questions.

Thank you,

Julia

Julia Acker

Planner II

County of Mendocino

Planning & Building Services

120 W. Fir Street

Fort Bragg, CA 95437

Main Line: (707) 964-5379

Fax: (707) 961-2427

ackerj@co.mendocino.ca.us

<http://www.co.mendocino.ca.us/planning/>

>>> Carol Clary <cclary@mcn.org> 12/17/2015 11:15 AM >>>



Carol Clary <cclarybox2@gmail.com>

Outside events #3

Carol Clary <cclarybox2@gmail.com>

Thu, Jan 14, 2016 at 11:05 AM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

ackerj@co.mendocino.ca.us

<http://www.co.mendocino.ca.us/planning/>

>>> Carol Clary <cclary@mcn.org> 12/17/2015 4:35 PM >>>

> Julia,

It really needs to be a condition that they can only have out door event use in the upper part of APN 123-050-32. It needs to be in writing. It needs to be documented just like the no amplified sound permitted outside the structure is. What changed Andy's mind about containing it all in the structure? Three times Justine Shapiro has threatened to sell the property if she doesn't get her way. Since the Temporary Event Permit can be transferred to the new owner it needs to be clear what the conditions are. Not just verbal statements. We don't want to have to go through this every time it sells.

We were really rushed through this meeting. 12:35 to 1:15 didn't seem like adequate time to do the revisions to the conditions. This is all important stuff.

Can we be notified when the Parking Plan and Landscaping Plan are submitted? We would like to see them.

Thanks again, Carol



Carol Clary <cclarybox2@gmail.com>

Outside events #4

Carol Clary <cclarybox2@gmail.com>

Thu, Jan 14, 2016 at 11:06 AM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

Subject:Re: Fwd: CDP-2013-0012 Clarification**Date:**Thu, 17 Dec 2015 16:53:43 -0800**From:**Julia Acker <ackerj@co.mendocino.ca.us>**To:**Carol Clary <cclary@mcn.org>**CC:**Andy Gustavson <gustavsona@co.mendocino.ca.us>

Hi Carol,

I cannot speak as to what changed the mind of the CPA. Since the public hearing is closed, we are not able to add additional conditions beyond what was discussed at the hearing.

I can notify you when I receive the Parking Plan and Landscaping Plan.

Thank you,

Julia



Carol Clary <cclarybox2@gmail.com>

#5

Carol Clary <cclarybox2@gmail.com>

Thu, Jan 14, 2016 at 11:15 AM

To: Dan Clary <drcclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

>>> Carol Clary <cclarybox2@gmail.com> 12/29/2015 1:20 PM >>>

CDP_ 2013-0012

Julia,

I'm thinking an email is better than on the phone.

I have a question about #19 in the conditions on the CPA Action Sheet. I get confused by all this. Does this mean the events can only be held within the structure at APN 123-050-11? There is no mention in the Staff Report or Action Sheet of any Events being allowed outside on either parcel.

Also we stopped into the office yesterday to check and see if any appeals had been made to the Board of Supervisors by Mintz/Shapiro. Could we please be notified of any appeals?

One more question. How will the lighting be checked at the Schoolhouse? They have all the lights turned out now. Will you have them turn them all on? Will you check them at night? All the lights that have ever been there are still there. They just need to flip a switch.

The lights on the sign by the road are pointed down but it's the reflection off the white sign that's really horrible it looks like two headlights coming down the road. Who will make sure that they are in compliance?

Thanks,
Carol Clary



Carol Clary <cclarybox2@gmail.com>

Outside events #4

Carol Clary <cclarybox2@gmail.com>

Thu, Jan 14, 2016 at 11:06 AM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

Subject:Re: Fwd: CDP-2013-0012 Clarification**Date:**Thu, 17 Dec 2015 16:53:43 -0800**From:**Julia Acker <ackerj@co.mendocino.ca.us>**To:**Carol Clary <cclary@mcn.org>**CC:**Andy Gustavson <gustavsona@co.mendocino.ca.us>

Hi Carol,

I cannot speak as to what changed the mind of the CPA. Since the public hearing is closed, we are not able to add additional conditions beyond what was discussed at the hearing.

I can notify you when I receive the Parking Plan and Landscaping Plan.

Thank you,

Julia



Carol Clary <cclarybox2@gmail.com>

#6

Carol Clary <cclarybox2@gmail.com>

Thu, Jan 14, 2016 at 11:17 AM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

On Tue, Dec 29, 2015 at 4:18 PM, Julia Acker <ackerj@co.mendocino.ca.us> wrote:

Hi Carol,

Thanks for the email follow-up. I was out yesterday and am just responding to my various voicemails and emails.

At the hearing there was discussion about holding events outside of the structure, the agreement (as recorded on the hearing audio tapes which is part of the record of action for the project) states that the events shall only be permitted on the areas located outside the designated parking areas, as far from neighboring residences as possible and shall not consist of any amplified sound, exterior lighting, etc. The purpose was to not allow event use near the adjacent residences, which is where disturbance to the neighborhood has occurred before.

I will notify you should an appeal be filed.

I will be checking the exterior lighting myself. I will be making a site visit on my way home from work, likely after the permit has passed its two appeal periods. I will be inspecting all lights, likely taking photographs and conferring with the Coastal Permit Administrator prior to providing comments back to the landowners. I will be looking to see that all exterior lighting (whether used occasionally or on a regular basis) is consistent with Section 20.504.035 of the Mendocino County Code. The most applicable standard will be that all lighting be shielded or positioned in a manner so that it will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.

Thank you,

Julia

Julia Acker
Planner II
County of Mendocino
Planning & Building Services
120 W. Fir Street
Fort Bragg, CA 95437
Main Line: (707) 964-5379
Fax: (707) 961-2427
ackerj@co.mendocino.ca.us
<http://www.co.mendocino.ca.us/planning/>



Carol Clary <cclarybox2@gmail.com>

#7

Carol Clary <cclarybox2@gmail.com>

Thu, Jan 14, 2016 at 11:18 AM

To: Dan Clary <drclary1@gmail.com>, Carol Clary <cclarybox2@gmail.com>

Carol Clary <cclary@mcn.org>

12/29/15

to gustavsona, tamara.gedik, Julia

"At the hearing there was discussion about holding events outside of the structure, the agreement (as recorded on the hearing audio tapes which is part of the record of action for the project) states that the events shall only be permitted on the areas located outside the designated parking areas,"

Yes it was discussed at the meeting in closed session after the meeting had been closed to public input. Andy was stating that the events would be held within the Schoolhouse as per Staff Report. Justine Shapiro, the applicant, spoke up and said it wouldn't work for her. Andy stated that they had not requested outside events in their Permit application. Justine said to the effect, that, it doesn't fit my business model. From that, it was determined that events be held outside but only in the area north of the parking on APN 123-050-32, nowhere else. This discussion was in closed session. It never opened for discussion. Opposing view points were not allowed.

Outside events were never a part of the Staff Report. Condition 19 states " Up to 14 events per year and no more than two events per month may be held in the structure at APN 123-050-11." and there were no changes made to this in Condition 19 in the CPA Action Sheet.

Dan and Carol Clary



Dear Coastal Commission,

Intent of Rural Village: To preserve and maintain the atmosphere and visual quality.

The neighbors of the Albion Schoolhouse LLC are homes purchased with life savings. These are not second homes, vacation homes. Some people have lived here all their life (age 93). Some have been here for 25 years. We feel what the new owners of the Albion Schoolhouse, who have never lived here and now are using their Single Family Residence as a vacation rental for 10 and want to have a Temporary Event Permit for 100+ people, permanent parking lot for 50 cars on one parcel and 14 cars on the other parcel. Is not preserving and maintaining our visual quality. It is exploiting and destroying the Character and Resources that they profess to love, the peace, quiet and rural beauty. They will be setting a precedence for further development.

The people of this Rural Village do not have homes here to live next to an Event Center. One new home has been built here since 1928. The 12 homes here were built by the Albion Lumber Co and have been lovingly cared for by the owners who have cherished the rural character of our village.

The Albion Schoolhouse does not serve as a Community Oriented Neighborhood Service. It offers nothing to the neighbors except 10 vacation renters (365 days a year) and 100+ people and 50 cars at their events. It does not benefit our neighborhood.

The consumption of water by the Albion Schoolhouse, SFR, is over the top. We live in a historically marginal water area where water is a most precious commodity.

We have given you in this Appeal the facts and the history and now the emotion.

Thank you for Saving our Most Precious Rural Village and Coastal Community.

Carol Clary
3751 Albion Little River Road
Albion California

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FEB 26 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

2/10/2016

Tamara -

From: Sydney Mintz <sydmintz@gmail.com>
Subject: CDP #2013-12 Permit Application and Appeal Information
Date: January 27, 2016 at 22:08:38 PST
To: Tamara.Gedik@coastal.ca.gov
Cc: Justine Shapiro <justine@promisesfilms.com>, Sydney Mintz <hello@thealbionschoolhouse.com>

here are the attachments, etc.
Thank you!

To: Tamara Gedik and Robert Merrill
California Coastal Commission

**Re: CDP #2013-12 Permit Application information
Justine Shapiro-Sydney Mintz
APN: 123-050-11 and APN: 123-050-32**

Justine

February 5, 2016:

Dear Tamara and Bob, This is a print out of the email I sent to you on Jan 27.

This print-out is essentially a duplicate of the email with one addition: I've added a our correspondence between ourselves and Andy Gustavson /County.

I hope you will find all this paper relatively well organized for a pleasurable reading experience!

Please find enclosed 11 documents relating to our permit and appeal.

First, to clarify on the subject of water:

Our 2 APNS each have one well.

1. The well on APN: 123-050-11 (on the 3930 Albion Little River Road -The Albion Schoolhouse - lot) was the primary source of water for The Albion Schoolhouse under William Bottrell's ownership (1995-2014).
2. William Bottrell purchased APN 123-050-32 (formerly a llama field) on 8/24/2012. On 8/25/2014, shortly after we purchased both APN's, we hired Superior Pump to connect this well up to The Schoolhouse as it is a deeper well and produces more water.

Please see attached (enclosed) 11 documents:

1. Horizon Real Estate Inspection Services

Inspection of 2 wells

Recommendation to make the well on APN: 123-050-32 the primary water source for the Albion Schoolhouse.

4/8/14

APN: 123-050-11

APN: 123-050-32

EXHIBIT NO. 9

Application A-1-MEN-16-0007
Mintz & Shapiro
APPLICANTS' CORRESPONDENCE
Page 1 of 45

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2. Superior Pump and Drilling:

Receipt from work to connect the well on APN: 123-050-32 to The Albion Schoolhouse

3. Superior Pump and Drilling:

Receipt for Repairs and Maintenance of Water Storage Tank

NOTE: Storage Tank holds 4,000 gallons of water

4. Alpha Analytical Laboratories:

Water Analysis

11/10-2014

5. A-1 Septic:

Inspections Report from 4/2014

6. Our Neighbor's Concerns re: water usage

Our neighbors (Dan and Carol Clary) claim that our permit fails to provide proof of adequate water. Our question to you is this: Did County Planning officials address water in the case of our permit? Should evidence of adequate water have been submitted with the October 23rd permit application?

7. Water Usage Report and e-mail from Blair Foster:

Did Environmental Health provide what was necessary to demonstrate to the County and our neighbors adequate water capacity at the Albion Schoolhouse. (Blair seems to address this in her e-mail.)

12/3/15

8. FYI- Correspondence from Shapiro-Mintz to Neighbors regarding our conservation efforts 11/25/2015

9. Letters from neighbors in favor of our Permit Application

10. Outstanding Issues: Now that we in 'de novo' on our permit we aren't sure to whom we ought to address the following questions: Should we address the following questions to CCC or to the County?

After more than one year on this, and thousands of dollars paid, we are eager to get the straight answer on what has so far been confusing and consequently terribly frustrating. Our hope that in the course of this appeal process, all of the following issues will be clarified.

a. Final action on permit: CDP #2013-12. Does our permit include the ability to hold 'events' outdoors on both APNs? As we made clear during the December 16 2015 hearing before Andy Gustavson, we do not need a permit if it means we can't offer clients use of the entire property.

b. Dave Jensen's role. What do you understand of Mr. Jensen's role in the procurement of our permit? **(please see email attachment from Wynn Coastal to Mr. Jensen).**

c. Please clarify (in the case of The Albion Schoolhouse - zoned "rural village") the difference between a 'commercial event' a "private event" and a "public event". Please show us the specific code which defines a public vs. private event. For example when we 'donate' The Albion Schoolhouse to a local non-profit, and they advertise to the event to the public, we understand that this would define the event as 'public" (please see the earlier correspondence with Andy Gustavson*). If we invite people to our home to benefit an organization, individual artist, etc. and invitations are sent out by us (the owners of The Schoolhouse) personally, is this considered a 'private' event?

d. Regardless of the permitting process we would like clarification as to how The Albion Schoolhouse can be utilized by vacation renters. Who rules on this? The California Coastal Commission or the County. For example: can our vacation rental guests have 10 friends over for dinner? 30 friends over for dinner? 50 friends over for dinner? If these guests adhere to the noise, light and parking limits, is there any reason they can't have a big dinner party or a brunch? What constitutes an event?

***11. Correspondence between Gustavson (County) and Mintz-Shapiro**

Thank you both so much for your attention to all of our questions as we move forward in the permitting process.

Sincerely, Sydney Mintz and Justine Shapiro
The Albion Schoolhouse
510-282-4838 –Justine's mobile
415-533-6629 -Sydney's mobile

¹
1 of 11 documents for CCC to review:

1. Horizon Real Estate Inspection Services

1 WELLTEST - OLDER EAST WELL (house)

CDP #2013-0012

Mintz-Shapiro

REPORT NO.:

11420414

INSPECTION DATE:

4-8-14

CLIENTS: Sydney Mintz and Justine Shapiro

Error! AutoText entry not defined. Error! AutoText entry not defined.Error!

AutoText entry not defined.Error! AutoText entry not defined.

PROPERTY INSPECTED: 3930 Albion Little River Rd. Albion, Ca.

Well Quality and Quantity Test

Well Type

Drilled well.
Well Casing

Iron well casing.
This well casing is corroded and introducing iron bacteria into the well water.

Well Depth

Not determined due to the pump and equipment located in the well. Appears to be approx. 55' deep.

Pump

¾ hp surface mounted jet pump located in the sub area under the structure.

Pressure Tank

Bladder type pressure tank.

Well Pump

Submersible located in the well.

Well Seal

Sanitary well seal installed but does not sea adequately due to corroded well casing.

Pump Protection Equipment

Pump teck low level protection device installed.

Filtering Equip.

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NORTH COAST DISTRICT

Filter is located under the kitchen sink. This filter was not tested.

Water Storage Tank

Wood water storage tank located up the slope and on a concrete pad.

The tank is redwood and noted to be in serviceable condition. The screen at the vent located at top of the tank is damaged and may allow animal entry into the tank water. Recommend repairs to the vent screening.

Well Test Results

Duration of Test

4 hour test

Water Clarity

Clear.

Water Quality Results

Total Coliform - To be sent as soon as available.

Fecal Coliform -

Recovery Rate
and Depth

A recovery rate of **.5 GPM**. (Gallons per minute) was reached at the bottom of the well. At this rate this well is capable of producing **720 gallons of water in a twenty-four hour time period**. This test is good for this date only and can change during the year.

Water levels and well recovery rates can change throughout the year. Water levels usually reach their lowest levels during the late fall. This test is good for this well on this date.

Comments

Recommend this well be kept as a standby water source and that the new well be used as the primary water source for this property.

WELL TEST - NEW WEST WELL

11420414

4-8-14

REPORT NO.:

INSPECTION DATE:

CLIENTS: Sydney Mintz and Justine Shapiro

PROPERTY

INSPECTED: 3930 Albion Little River Rd. Albion, Ca.

Well Quality and Quantity Test

Well Type

Drilled.

Well Casing

5" PVC well casing.

Well Depth

105' deep.

Well Test Results

Duration of Test

4 hour test.

Water Clarity

Muddy for the first 30 gallon pumped and cleared up quickly during the test.

Water Quality Results

Total Coliform -

To be sent as soon as available.

Fecal Coliform -

Recovery Rate
and Depth

A recovery rate of **8.1 GPM.** (Gallons per minute) was reached at 33' down from the top of the well. . At this rate this well is capable of producing **11,664 gallons of water in a twenty-four hour time period.** This test is good for this date only and can change during the year.

Water levels and well recovery rates can change throughout the year. Water levels usually reach their lowest levels during the late fall. This test is good for this well on this date.

Comments

This well had a stabilized recovery rate and the water was visually clear during the last 31/2 hours of the test.

Recommend this well be developed as the primary water source for this property based on the performance of this well on this date.

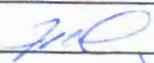
1251 N Main St
 Fort Bragg, CA 95437
 707-964-9511
 CA Lic.# 495399, Cert. SB# 1738751

Estimate

Date	Estimate #
8/25/2014	407

Name / Address
Justine Shapiro 58 Westportal Ave San Francisco CA 94127

Ship To
3930 Albion Little River Rd Albion, CA

			Project
Description	Qty	Rate	Total
<ul style="list-style-type: none"> - Submersible Pump 1/2hp - 1" 160psi Poly Drop Pipe - 5" x 1" Well Seal w/SST fittings - Controls - Pump Tec - 1" PVC Pipe - 1" Conduit - Float Switch - Sub-Panel w/Breakers - #12 Wire - Pipe, fittings, valves, conduit, wire, electrical misc 		2,925.00	2,925.00
Labor - Install new submersible pump in west well, trench and backfill PVC fill line and conduit from the house to the well, replace water system disconnect switch with a sub-panel and mount well controls, wire an additional float switch in the storage tank for the new pump, tie new fill line in to the existing line to the storage tank.		2,752.00	2,752.00
			
Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined <u>75%</u> deposit with reminder of balance due upon completion.		Subtotal	\$5,677.00
Signature 	Date 8 26 2014	Sales Tax (7.625%)	\$223.03
Authorized Signature  Justine Shapiro		Total	\$5,900.03

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CALIFORNIA
 COASTAL COMMISSION
 NORTH COAST DISTRICT

Superior Pump & Drilling, Inc.

1251 N Main St
 Fort Bragg, CA 95437
 707-964-9511
 CA Lic.# 495399, Cert. SB# 1738751

Estimate

3rd of 11 documents for CCC to review:
 3. Superior Pump and Drilling:

Date:	Estimate #
10/7/2014	418

Name / Address
Justine Shapiro 58 Westportal Ave # 341 San Francisco CA 94127

Ship To
3930 Albion Little River Rd Albion, CA

Description	Qty	Rate	Project
			Total
Torch Down Roofing		200.00	200.00
Underlayment		30.00	30.00
Copper Cap		65.00	65.00
Stainless Steel Hatch		584.00	584.00
Mesh Screen		30.00	30.00
SST Nails, Fasteners, Caulking		90.00	90.00
Labor - Install new roofing on storage tank, replace broken access hatch, galvanized cap and screen around the tank.		1,000.00	1,000.00
			
Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined <u>\$189</u> deposit with remainder of balance due upon completion.		Subtotal	\$1,999.00
Signature 	Date	Sales Tax (7.625%)	\$0.00
Authorized Signature		Total	\$1,999.00

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 COASTAL COMMISSION
 NORTH COAST DISTRICT



Alpha

4th of 11 documents for CCC to review:
4. Alpha Analytical Laboratories:

Alpha Analytical Laboratories Inc.

e-mail: clientservices@alpha-labs.com

Corporate: 208 Mason St., Ukiah, CA 95482 • Phone: (707) 468-0401 • Fax: (707) 468-5267

Bay Area: 6398 Dougherty Rd., Suite 35, Dublin, CA 94568 • Phone: (925) 828-6226 • Fax: (925) 828-6309

Central Valley: 9090 Union Park Way, Suite 113, Elk Grove, CA 95624 • Phone: (916) 686-5190 • Fax: (916) 686-5192

ELAP Certificates 1551, 2728 and 2922

10 November 2014

Superior Pump

Attn: Justin Quevedo

P.O. Box 1551

Ft. Bragg, CA 95437

RE: Shapiro

Work Order: 14J2205

Enclosed are the results of analyses for samples received by the laboratory on 10/30/14 15:30. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Jeanette L. Poplin For Chelsea L. Sandelin
Project Manager

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FEB 16 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT



Alpha Analytical Laboratories Inc.

e-mail: clientservices@alpha-labs.com

Corporate: 208 Mason St., Ukiah, CA 95482 • Phone: (707) 468-0401 • Fax: (707) 468-5267

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CHEMICAL EXAMINATION REPORT

Page 1 of 3

Superior Pump
P.O. Box 1551
Ft. Bragg, CA 95437
Attn: Justin Quevedo

Report Date: 11/10/14 09:45
Project No: 3930 Albion L.R. Rd.
Project ID: Shapiro

Order Number
14J2205

Receipt Date/Time
10/30/2014 15:30

Client Code
SUPUMP

Client PO/Reference

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
Well	14J2205-01	Water	10/29/14 16:30	10/30/14 15:30

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



Alpha Analytical Laboratories Inc.

e-mail: clientservices@alpha-labs.com

Corporate: 208 Mason St., Ukiah, CA 95482 • Phone: (707) 468-0401 • Fax: (707) 468-5267

Bay Area: 6398 Dougherty Rd., Suite 35, Dublin, CA 94568 • Phone: (925) 828-6226 • Fax: (925) 828-6309

Central Valley: 9090 Union Park Way, Suite 113, Elk Grove, CA 95624 • Phone: (916) 686-5190 • Fax: (916) 686-5192

CHEMICAL EXAMINATION REPORT

Page 2 of 3

Superior Pump
P.O. Box 1551
Ft. Bragg, CA 95437
Attn: Justin Quevedo

Report Date: 11/10/14 09:45
Project No: 3930 Albion L.R. Rd.
Project ID: Shapiro

Order Number	Receipt Date/Time	Client Code	Client PO/Reference
14J2205	10/30/2014 15:30	SUPUMP	

Alpha Analytical Laboratories, Inc.

	METHOD	BATCH	PREPARED	ANALYZED	DILUTION	RESULT	PQL	NOTE
Well (14J2205-01)			Sample Type: Water		Sampled: 10/29/14 16:30			
Metals (Drinking Water) by EPA 200 Series Methods								
Boron	EPA 200.7	AK40550	11/05/14 11:26	11/06/14 12:32	1	ND mg/L	0.10	
Metals by EPA 200 Series Methods								
Calcium	EPA 200.7	AK40336	11/03/14 10:18	11/06/14 12:32	1	19 mg/L	1.0	
Iron	"	"	"	"	"	1.0 "	0.10	
Magnesium	"	"	"	"	"	7.5 "	1.0	
Manganese	"	"	"	"	"	0.044 "	0.020	
Sodium	"	"	"	"	"	37 "	1.0	
Conventional Chemistry Parameters by APHA/EPA Methods								
pH	SM4500-H+ B	AJ43032	10/30/14 17:00	10/30/14 17:00	1	7.46 pH Units	1.68	T-14
Specific Conductance (EC)	SM2510B	"	"	"	"	310 umhos/cm	20	
Total Dissolved Solids	Calculation	"	"	"	"	150 mg/L	10	
Hardness, Total	SM2340B	AK40336	11/03/14 10:18	11/06/14 12:32	"	79 "	5	

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



Alpha Analytical Laboratories Inc.

e-mail: clientservices@alpha-labs.com

Corporate: 208 Mason St., Ukiah, CA 95482 • Phone: (707) 468-0401 • Fax: (707) 468-5267

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CHEMICAL EXAMINATION REPORT

Page 3 of 3

Superior Pump
P.O. Box 1551
Ft. Bragg, CA 95437
Attn: Justin Quevedo

Report Date: 11/10/14 09:45
Project No: 3930 Albion L.R. Rd.
Project ID: Shapiro

Order Number
14J2205

Receipt Date/Time
10/30/2014 15:30

Client Code
SUPUMP

Client PO/Reference

Notes and Definitions

- QM-4X The spike recovery was outside of QC acceptance limits for the MS and/or MSD due to analyte concentration at 4 times or greater the spike concentration. The QC batch was accepted based on LCS and/or LCSD recoveries within the acceptance limits.
- T-14 Residual chlorine, dissolved oxygen, and pH must be analyzed in the field to meet the EPA specified 15 minute hold time.
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis
- RPD Relative Percent Difference
- PQL Practical Quantitation Limit

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

HOMEOWNER PACKAGE

1 Quart Plastic Bottle – No special instructions, just fill it up.

Total Hardness:	Soft 0 – 50 mg/L Medium 50 – 100 mg/L Hard 100 – 200 mg/L Very Hard Over 200 mg/L
Total Dissolved Solids:	Acceptable 0 – 500 mg/L High in dissolved Minerals Over 500 mg/L
Specific Conductance:	Acceptable 0 – 800 umhos/cm High in dissolved Minerals Over 800 umhos/cm
Sodium:	No official guidelines. Heart Association suggests a maximum of 20 mg/L for people on sodium restricted diets.
Iron:	EPA suggests a maximum of 0.3 mg/L for public water systems.
Manganese:	EPA suggests a maximum of 0.05 mg/L for public water systems. High iron and manganese values do not present a health hazard. They are a cosmetic problem in that they stain porcelain fixtures & cause a metallic taste.
PH:	Acid Under 6.5 Slightly Acid 6.5 to 6.9 Neutral 7.0 Slightly Alkaline 7.1 to 8.0 Alkaline Over 8.0
Boron:	EPA has no official guidelines for human consumption of Boron For agricultural purposes: Below 0.5 mg/L Satisfactory for all crops 0.5 – 1.0 mg/L Satisfactory for most crops; sensitive crops may show leaf injury but yields may not be affected: 1.0 – 2.0 mg/L Satisfactory for semi-tolerant crops. Sensitive crops are usually reduced in yield and vigor 2.0 – 10.0 mg/L Only tolerant crops produce satisfactory yields

Small 100 ml bottle – special handling, see instructions included

Total and Fecal Coliform:	Absent – No coliforms found Present – Total coliforms found renders the water <u>potentially</u> Unsatisfactory and unsafe. Fecal coliforms found <u>renders</u> the water UNSAFE.
---------------------------	--



Alpha Analytical Laboratories Inc.
e-mail: clientservices@alpha-labs.com

Laboratory & Corporate: 208 Mason Street, Ukiah, CA 95482
707-468-0401 • Fax: 707-468-5267
Service Center & Micro Lab: 6398 Dougherty Road, Suite 35, Dublin, CA 94568
925-828-6226 • Fax: 925-828-6309

Chain of Custody Record

Reports and Invoices will be delivered by e-mail in .pdf format.
Lab No. 1452205 Page of

Report to: Company: <u>Superior Pump</u> Attn: <u> </u>		Invoice to (if different): Company: <u> </u> Attn: <u> </u>		Project Info for Report: Project Name: <u>SHAPIRO</u> Project No: <u>3930</u> PO/Reference: <u>Albion C.R. Rd.</u>	
Address: <u> </u>		Address: <u> </u>		Address: <u> </u>	
Phone/Fax: <u> </u>		Phone/Fax: <u> </u>		Phone/Fax: <u> </u>	
E-mail Address: <u> </u>		E-mail Address: <u> </u>		E-mail Address: <u> </u>	
Samplers Signature: <u>[Signature]</u> Print: <u> </u>		Container: 40ml VOA <input type="checkbox"/> Poly <input checked="" type="checkbox"/> Amber <input type="checkbox"/> Sleeve <input type="checkbox"/> Other <input type="checkbox"/>		Preservative: HCL <input type="checkbox"/> HNO3 <input type="checkbox"/> H2SO4 <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Water <input type="checkbox"/> Soil <input type="checkbox"/> Other <input type="checkbox"/>	
Sample Identification <u>Well</u>		Sampled: Date: <u>10/29</u> Time: <u>4:30</u>		Matrix: <u>XX</u>	
Relinquished by: <u>[Signature]</u>		Received by: <u>DFA-FB</u> <u>[Signature]</u>		Date: <u>10/30/14</u> Time: <u>9:03 AM</u>	
State System Number: <u> </u>		CDPH Write On EDT Report? <input type="radio"/> Yes <input type="radio"/> No		If "Y" please enter the Source Number(s) in the column above.	
Global ID: <u> </u>		CA Geotracker EDF Report? <input type="radio"/> Yes <input type="radio"/> No		EDF to (Email Address): <u> </u>	
Travel and Site Time: <u> </u>		Mileage: <u> </u>		Misc. Supplies: <u> </u>	
Signature below authorizes work under terms stated on reverse side.					
Analyses Requested					
<u>HOMEOWNR 4/6 BAC</u>					
TAT		Lab Approval Required For Rush TATs		Sample Notes (lab use only)	
10 days <input type="radio"/>		Rush: <input type="radio"/>		Temperature: <u>24</u> deg. C	
5 days <input type="radio"/>		48 hours <input type="radio"/>		Shipment Method: <u> </u>	
Other: <input type="radio"/>		Other: <input type="radio"/>		Custody Seals: <u>Y / N / O</u>	
Sample Notes or CDPH Source Numbers: <u> </u>					

5th of 11 documents for CCC
to review

A-1 Septic Service

RECEIVED



5. A-1 Septic

California Contractors License # 838308
41221 Airport Road
Little River, CA 95456
707-937-0496



Rick Ricca, Owner
Licensed by Mendocino County Health Department Permit #102
NAWT Inspector ID 11100ITC

STATEMENT

DATE April 7, 2014

NAME Sarah Schoeneman
ADDRESS 3930 Albion Little River Rd
CITY Albion
PHONE 937-5822
BILL TO sarah@mendorealty.com

DATE SERVICE	TYPE SERVICE	NEXT SERVICE DUE	CHARGES
April 7, 2014	Onsite Report		\$350.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00

COMMENTS : _____

TOTAL THIS INVOICE \$350.00

UNIT CAPACITY	CONSTRUCTION	TYPE	GALLONS PUMPED

IN USE	NOT IN USE	ACCUMULATION	SYSTEM	FUNCTIONAL

SERVICE PORTS	TOP	MAIN BAFFLE	OUTLET BAFFLE

Onsite Wastewater Treatment Inspection Report
Ricca's A-1 Septic Service
41221 Airport Rd
Little River CA 95456
California Contractor's License 838308
NAWT Inspector ID 113230 IC
Licensed by Mendocino County Health Dept. Permit 102

Ordered by:	<u>Sarah Shoeneman</u>	Date Scheduled:	<u>April 7, 2014</u>
Send Copy to:	<u>Mendo Realty</u>	Fax to:	<u>sarah@mendorealty.com</u>
Site Address 1	<u>3930 Albion Little River Rd</u>	Billing Address 1	_____
Address 2	<u>Albion</u>	Billing Address 2	_____
Phone	<u>937-5822</u>	Phone	_____

A. General Information

- 1.) Age of System 19 years
 Was a Homeowner Questionnaire Completed? Yes No
- Water Softener Garbage Disposal Whirlpool Bath Cleaning Service
- 2.) Number of people occupying dwelling: Currently 0 Anticipated unknown
 If currently unoccupied, for how long has it been vacant? _____ months
 In-home business type: Visitor Yes No
- 3.) Number of bedrooms in dwelling Design: 3 Listing: 3
- 4.) Has there ever been a backup in the house? Yes No
- 5.) List any known repairs made to the system with dates: _____

- Repairs made by: _____
- 6.) Has the system recently been inspected by another firm? Yes No
 If so, who? _____ Did it fail? Yes No
- 7.) Is there a service contract for system maintenance? Yes No
 Company: _____
- 8.) Date the treatment (septic) tank was last pumped: _____ Never to my knowledge
 At what frequency? _____ Company: _____

9.) The above information is true to the best of my knowledge

Owner	Date
Additional Comments: _____	Information from onsite observations

B. System Type

1.) Components of Wastewater Treatment System

Septic Tank Construction: concrete Estimated Designed Capacity: 1200 Gallons
 Aerobic Treatment Unit: No Estimated Designed Capacity: _____ Gallons
 Pump Chamber: No Estimated Running/Reserve Capacity: _____ Gallons
 Additional Components: Gravity drain field

2.a) Gray water Discharge?

None Surface Subsurface Unknown

2.b) Foundation Drainage System?

None Surface Subsurface Unknown

Comments: _____

C. Evaluation Procedures:

Locate, access and open the septic tank cover:

Is the cover satisfactory? Yes No
 Can Surface water infiltrate into tank? Yes No
 Any indicators of previous failure? Yes No
 Inspect structural integrity of tank Yes No
 Estimated percentage of sludge in tank contents: 10 percent
 Estimated percentage of scum in tank contents: 10 percent
 Was system load tested? Yes No
 Was inlet line inspected by video? Yes No
 Was the septic tank pumped? Yes No

When is the next pumping recommended? 1 year
 Inlet baffle good Main baffle good Outlet baffle good Filter not applicable

Was the distribution box exposed?

Inspect structural integrity of distribution box Yes No
 Condition of distribution box --Select--
 Were the distribution lines hydro-jetted? Yes No
 Estimated total feet of line hydro-jetted _____ feet
 Was the distribution system inspected by video? Yes No
 Estimated total feet of line inspected _____ feet

Results of video inspection _____

Is there a pump chamber or other type of pumping system?

Was the integrity of the pump chamber or basin checked? Yes No
 Is there a filter in the pump chamber? Yes No
 Filter in pump chamber --Select--

Is there a working high level alarm? Yes No
 Does the electrical hook-up appear to be satisfactory? Yes No
 Is the pump operational? Yes No
 Was the chamber pumped? Yes No

Examine drain field area

Type of distribution gravity
 Is there evidence of previous failure? Yes No
 Surfacing effluent? Yes No
 Lush vegetation? Yes No
 Estimated distance between drain field and well: >100 ft

Notes: _____

GPS coordinates of septic tank or aerobic treatment unit: N39 N/A W123

GPS coordinates of drain field area: N39 W123

A map of this system is included with this report

D. Report Summary

- 1.) Septic tank is in acceptable condition
2.) Aerobic unit is in --Select--
3.) Drain field is in acceptable condition

Comments: This system appears to be functional and the septic tank should be pumped within one to two years or prior to being occupied on a full-time basis. The tank access system leaves much to be desired as the tank is partially under a hedge and rather difficult to access. Access risers should be installed. There is a hole drilled in the clean out cap just outside the building. This should be plugged or the cap replaced as it could result in odor complaints

E. Disclaimer

Based on what I was able to observe and my experience with onsite wastewater technology, I submit this Onsite Wastewater Treatment System Inspection Report based on the present condition of the onsite wastewater treatment system. I have not been retained to warrant, guarantee, or certify the proper functioning of the system for any period of time in the future. Because of numerous factors (usage, soil characteristics, previous failures, repairs, etc.) which may affect the proper operation of a wastewater treatment system, this report shall not be construed as a warranty by me that the system will function properly for any particular buyer. I hereby **DISCLAIM ANY WARRANTY**, either expressed or implied arising from the inspection of the wastewater treatment system referred to in this report. I am not ascertaining the impact the system is having or may have on the environment.

Rick Ricca
Ricca's A-1 Septic Service
Contractor's Licence 838308
Mendocino County Permit 102
NAWT Inspector ID 113230 IC

Phone: (707) 937-0496

880 N. BUSH ST.
UKIAH, CA 95482
(707) 463-4466

DIVISION OF ENVIRONMENTAL HEALTH
DEPARTMENT OF PUBLIC HEALTH
COUNTY OF MENDOCINO

120 W. FIR ST.
FORT BRAGG, CA 95437
(707) 864-4713

CW FORM 902

INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT

PERMIT NUMBER	RECEIPT NUMBER	PERMIT NUMBER
001800	001800	No 108450
-\$125.00	<input type="checkbox"/> ADDITION	<input checked="" type="checkbox"/> REPAIR
	<input type="checkbox"/> RENEWAL	

SEE REVERSE SIDE FOR AS-BUILT SKETCH

SYSTEM TYPE: STD
describe: describe

SPECIAL REQUIREMENTS:
 Install in As per plan
 Special Design (Describe) Special Design (Describe)
 All toilets to be replaced by 60-Flt models.

Waiver Required:
Describe: _____

Remarks: There are a # of SPECIAL COMMENTS IN THE SPECIAL DESIGN & INSTALLATION FEATURES section of the soils report. The owner/installer shall be aware of these ADAPTATIONS & ESPECIALLY #S 1, 4, 7, 9, 10, 13, 14, 15. Identifications of all pipe lines is the responsibility of the owner & others.

REQUIREMENTS & SPECIFICATIONS:
 GENERAL REQUIREMENTS
 1. Leach Trenches shall be covered with a minimum of 12 inches of backfill after Health Department approval.
 2. Septic tank and disposal field must be 10 feet from property lines and structures, 100 feet from any water well or surface drainage.
 3. When the sewage disposal system has been installed, and before top soil is placed over it, the INSTALLER SHALL NOTIFY the Health Department IN WRITING that a final inspection can be made. Allow five working days for the inspection.
 4. Trenches shall have a gradual fall of 1 inch to 30 feet.

TREATMENT TANK
 Septic Tank-size 1200 gals.
 Other, describe: _____

SUBSURFACE DISPOSAL AREA
 Trench Disposal
 Total linear feet of trench 220 ft.
 Number of trenches 6
 Length of each trench 45 ft.
 Total depth of trench 4.5 ft.
 Depth of gravel below line 3.0 ft.
 Leach Bed
 Total Bed area _____ sq. ft.
 Number of beds _____
 Width _____ ft. Length _____ ft.
 Total Depth of bed(s) _____ ft.
 Depth of gravel below line _____ ft.

Other Disposal Area:
 Describe: _____

PERMIT ISSUED: Jan Ehlers, PEHS DATE: 10/24/95
 INSTALLATION APPROVAL BY: Jan Ehlers DATE: 26 July 1996

→ hereby made to the Mendocino County Division of Environmental Health for a permit to construct or repair a sewage disposal system as described below in compliance with the code of Mendocino County or for clearance for other construction.

SITE ADDRESS 3930 Albion - Airport Rd
 ASSESSOR'S PARCEL 123-05-11
 LOCATION _____
 OWNER NAME Bill/Elizabeth Bottrell CITY Albion
 MAILING ADDRESS PO Box 1393 Mendocino CA 95460
 TYPE OF STRUCTURE
 Single Family Residence
 Other _____
 No. of Bedrooms 3
 Type of Facility _____
 No. employees, units, etc. _____

Design Flow _____

(ONE OF TWO MUST BE COMPLETED)
 01. A currently effective certificate of Workmen's Compensation Insurance coverage is on file with this office.
 02. I certify that in the performance of the work for which this permit will be issued I shall not employ any person in any manner permitted to become subject to the workmen's compensation laws of California.

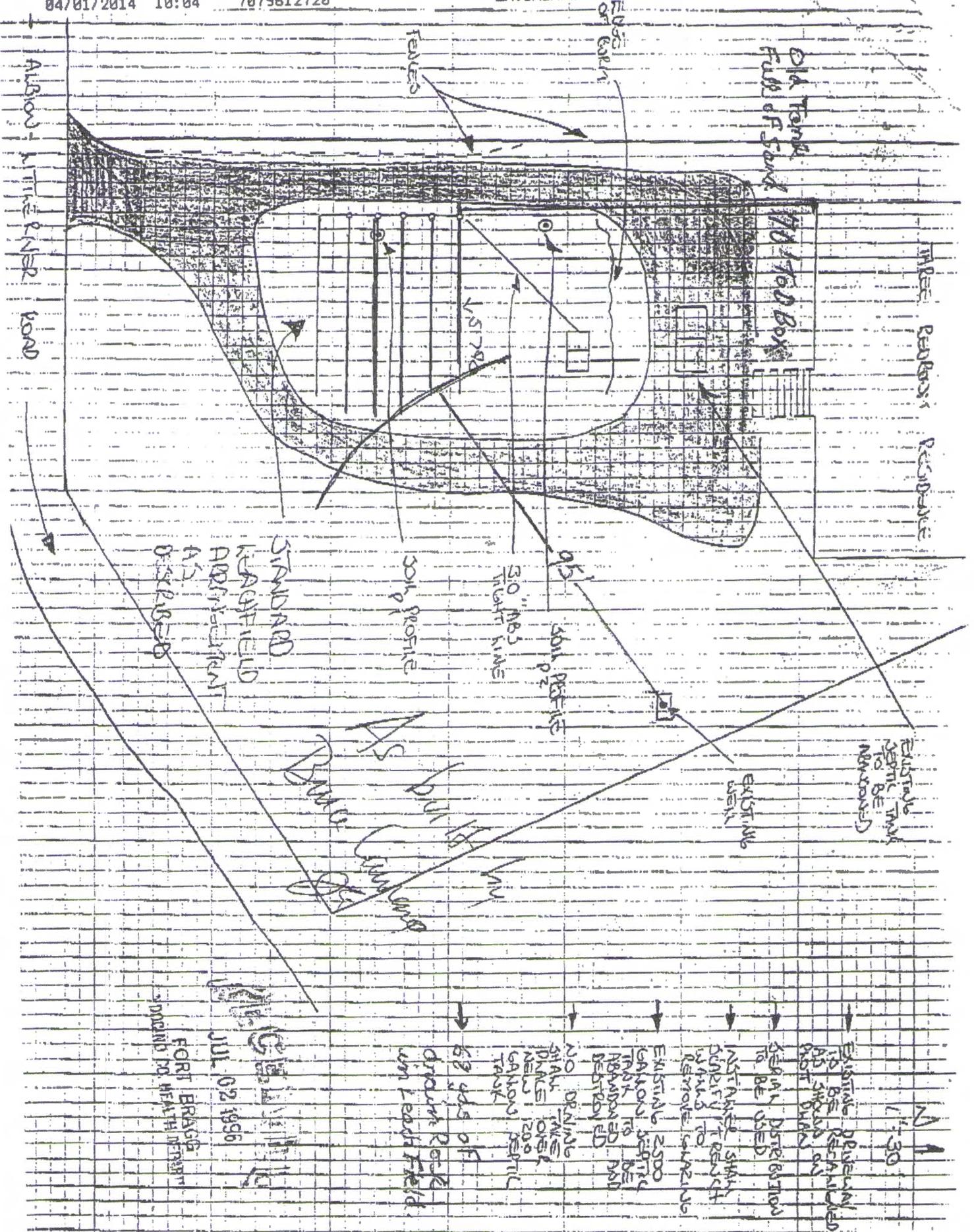
APPLICANT
 COMPLETE EITHER A OR B
 01. The Applicant is licensed under the provisions of the contractor's license law under license # _____ which license is in full force and effect.
 02. The Applicant is exempt from the provisions of the contractor's license law for the following reasons: _____

DATE _____ SIGNATURE _____

IMPORTANT: I agree to obtain Environmental Health Officer's inspection of installation prior to covering.
 I agree to construct this disposal system in accordance with all the provisions of the code of Mendocino County and with the plan attached heron.
 It is understood that the issuance of a permit in no way indicates that a guarantee of perfect and indefinite operation of this system is made by the Mendocino County Division of Environmental Health, and that the homeowner is required to make any repairs necessary to confine sewage below the surface of the ground.

SIGNATURE _____ DATE _____
 OWNER
 OWNER'S AGENT
 COASTAL ZONE
 APPROVED BY: Jan Ehlers DATE: 10/27/95
 MENDOCINO COUNTY PLANNING DEPARTMENT

THIS PERMIT EXPIRES 2 YEARS FROM DATE OF ISSUANCE - MENDOCINO COUNTY CODE SEC. 16.08.020
 Unless renewed prior to expiration.



EXISTING
WELL
EXISTING
WELL
TO BE
REMOVED

AS
Bona Land
AS
Bona Land

11
JUL 02 1956
FQRT BRASIS
DOWNSIDE HEALTH DEPT

- EXISTING PHYSICAL TO BE RE-MANAGED AS SHOWN ON PHOTO DRAWING
- KEMAN DISTRIBUTION TO BE USED
- INSTALLED SHANK SUPPLY TRENCH IN PLACE TO REMOVE SAMPLING
- EXISTING 2500 GALLON 3500 GALLON TO BE REMOVED AND RE-DEPOSITED
- NO DRAINAGE SHANK TAKE DRAINS OVER AREA 200 GALLON CERAMIC TANK
- 68 yds of dump rock in Leadfield

6th of 11 documents for CCC to review: 6. Our Neighbor's Concerns re: water usage

Neighbor's Water Concerns: 11/25/15

CDP #2013-0012

Mintz-Shapiro

On Nov 25, 2015, at 12:22, Carol Clary <cclary@mcn.org> wrote:

Julia Acker
Mendocino County Planning and Building Services
120 West Fir Street
Fort Bragg, Ca 95437

CDP_2013-0012
3930 Albion Little River Road
123-050-11 and 123-050-32

RECEIVED

FEB 16 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Julia,

One of our concerns for this Permit is water quantity usage. The reason we are addressing it is because it is not mentioned in the Application or the Staff Report.

1. I will start with a history of our community. Water is a major issue for the North Side of the Albion River. The mill brought water to our little mill community through a flume at Dark Gulch. When the last mill closed in 1928 they dismantled the water system and tore down the houses that could not prove water. Look at the old pictures and you will see what I'm talking about. There were four houses on our two lots, they tore down three. Now there is one.

2. When John and Kathryn Hughes subdivided the lot west of the Schoolhouse into four one acre parcels and drilled four wells (one of which is on APN123-050-32) it was explained to my husband by Kelly Pump that the four wells that he was drilling were being fed by a natural collecting basin on the north side of the road. When it rains it captures the water and the overflow then fills the wells on the south side of the road They are draining water that would overflow to the south side wells which have been here for 85 + years. Example: Tinling, Clary, Koskela, Kruse.

3. When Lynn Bargefrede and Cliff Norris bought the Albion Schoolhouse in 1986 as a single family residence and lived at the Albion Schoolhouse they did not have enough water to support their family of five year round. Bill Bottrell bought the Schoolhouse in 1995 as a single family home for his family of five. He put in a storage tank but still had occasions to buy water. His solution to water was to buy the adjoining lot with well 8/24/2012. APN123-050-32.

4. Everyone in the neighborhood has water quantity problems. We have all run out

of water at various times. Our wells don't start to recover until there is 10" of rain. We have had to buy water. We all conserve water to live within our means. We sacrifice to save water. This affects, Koskela, Kruse, Clary, Tingling, Geer, Puder and Preston.

5. The south side of the Albion River has a similar water situation. They put in a community water system and meters on the houses. They still have to conserve water.

6. We think what the Albion Schoolhouse is asking for in CDP-2013-0012 is excessive for our water situation. They will use the most water May thru October which are the driest months and water at it's lowest. They already have a year around Vacation Rental Permit which they advertise sleeps 10-14.

How will this affect our wells across the road from the Albion Schoolhouse? How much water will they use for 14 events of 100+ people (flushes, dishes, laundry and baths and all the rest)? A Vacation Rental for 10-14 people (flushes, dishes, laundry and baths and all the rest)?

Please notify me of the Coastal Permit Administrator's actions.

Carol Clary
3751 Albion_Little River Road
Albion, California
APN 123-050-15 and APN 123-050-16

Begin forwarded message:

From: Dan Clary <drclary1@gmail.com>
Date: November 26, 2015 at 17:38:27 PST
To: ackerj@co.mendocino.ca.us
Cc: kinserb@co.mendocino.ca.us, gustavsona@co.mendocino.ca.us, Sydney Mintz <sydmintz@gmail.com>, justine@promisesfilms.com
Subject: Wynn Coastal Planning

Julie Acker 11/27/2015
RE:CDP #2013-12
3930 Albion Little River Rd.
123-050-32

Dear Julia

Questions concerning Wynn Coastal Planning letter dated,

July 14 2015

We question the "storm water and soil expert's" data that was used to make her conclusions.

1 page "1. The proposed special event parking area has historically been used for special event vehicle parking over the past 15 years, during which time the soil has been somewhat compacted by vehicles."

APN 123-050-32 (vacant lot), had not been a parking lot prior to Bill Bottrell buying it 8/24/2012. up till that time it was fenced and used for llama grazing, no car parking, no light gravel applied and no compaction by vehicles.

page 2.

"The Albion Schoolhouse has a long history of commercial use and traffic. The Building was constructed in 1924 as a school and functioned as such until 1968. Since then its uses have included: The Whale School, a private: Corners of the Mouth, a retail grocery food store; The Albion Community Center; which hosted concerts, dances and community events. All of these uses included extensive parking on the property with only the use of "light gravel" that persists today. In the 1990's the Albion Schoolhouse became a private residence, though continued to host benefits and community events."

Our history with the schoolhouse goes back to Norris/Bargfrede who bought the property in 1986 (29 years ago) as a single family residence for their family of 5. They lived there for 9 years and sold to Bottrell in 1995. He remodeled and moved in with his family of 5 in 1997. In the 9 years Norris was there, no vehicle parking or soil compaction to soil on the vacant lot (123-050-32). Bottrell lived on and off at 123-050-11 for the next 17 years. There was no vehicle parking, no soil compaction and no use of "light gravel" till 8/24/2012 when Bottrell bought the vacant lot (123-050-32) from John Hughes. From when Bottrell bought in 1995 till 8/24/12 the lot was fenced and only used for llama grazing.

Bill did host benefits and community events but they parked on the road or in front of the schoolhouse.

Conclusion : Staff needs to take another look at data from groundwater and soils expert; "as a 'stormwater and soils expert', I am providing an expert opinion on the use of 'light gravel' to satisfy parking service requirements at the Albion Schoolhouse, specifically in the area proposed for the Temporary Event parking" .

Some information stated in Staff Report dated 11/6/2015 was made based on this faulty information from

Wynn Coastal Planning / Macheala Biaggi

Dan and Carol Clary
3751 Albion Little River Rd.

7th of 11 documents for CCC to review:
7. Water Usage Report and e-mail from Blair Foster:



According to Mendocino County Groundwater Guidelines a SFR uses **540 gallons of water/ day**.

For our figures below we will use this guide. With that figure, **a full time occupancy of a SFR will use 197,000 gal/year**.

At present, with the current development of SFR in the Albion Village neighborhood pictured above (excluding the Albion Schoolhouse) uses **1,576,800 gal/year** (8 x 197,000)

The Albion Schoolhouse (at current 30% occupancy rate) uses **65,700 gal/year**
If the Albion Schoolhouse were to be a full time SFR it would use 197,000 gal/year

Should the vacant lots of the Albion neighborhood pictured above be developed with a SFR (all permissible) the water use would climb to **3,350,700gal/year**- This includes the vacant parcel owned by the Albion Schoolhouse. (17 x 197,000)

The current application for 14 days of Temporary Events will increase water usage of the Albion Schoolhouse by 7,560 gallons. This brings the current total to **73,260 gal/year** versus the normal full time resident using **197,100 gal/ year**.

RECEIVED

FEB 16 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

8th document of 11 for CCC to review:
8. FYI- Correspondence from Shapiro-Mintz to Neighbors regarding our conservation efforts

Communication Regarding Water Conservation from Shapiro-Mintz to Neighbors:
CDP #2013-0012
Mintz-Shapiro

RECEIVED

FEB 16 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

From: Albion Schoolhouse [<mailto:hello@thealbionschoolhouse.com>]

Sent: Friday, November 27, 2015 11:31 PM

To: Dan & Carol Clary; Julia Acker

Cc: Charles.Reed@waterboards.ca.gov; Kathy And John Hughes; sydney mintz; "Butch & Diane Koskela naturesark"@att.net; Tony and Lisa Geer; Nancy Puder and Khamoor Poehlman; Sue and Bob Preston; Anna Morland; Camille and Nick Tinling; Will Kruse; Pamela Allen; Sarah Schoeneman; kinserb@co.mendocino.ca.us; gustavsona@co.mendocino.ca.us

Subject: regarding our permit application

Dear Julia, Dan & Carol Clary, and our neighbors, We'd like to respond to and perhaps clear up a few of the Clary's concerns (please read their emails below).

We have done all we can to keep you all in the loop and engage in open honest transparent conversation.

It's unfortunate that the Clary's have felt the need to move this conversation into a space of assumption rather than conversation.

From the moment we purchased the property we sought to connect personally with our neighbors so that we

could benefit from their knowledge and be apprised of their concerns.

We have done everything to invite you all into conversation with us.

We are not rich city girls.

We are doing our best to earn revenue from the property in a responsible fashion and in respect of the natural environment.

We aren't trying to make a profit.

We are just trying to hang onto The Albion Schoolhouse.

We bought The Schoolhouse because we fell in love with it, and because we love Mendocino.

Justine grew up in Berkeley and Sydney's best friends live in Caspar.

Mendocino is the place we love most and where we hope to one day live full-time.

Vacation rentals alone do not cover the costs to maintain and run The Albion Schoolhouse.

A vacation rental is not allowed to have events.

In order to have events in a neighborhood zoned "rural village" one is required to secure "an event permit"

An "event permit" allows for up to 14 event days annually.
That means 14 days in one year.
That's what all this is about.

The income from 14 event days helps to cover maintenance costs. If we can't have 14 events per year, we will have no choice but to sell The Albion Schoolhouse.

Please understand, we are trying to make this work without hurting any of you and without impacting the neighborhood's resources.
Anyone who owns The Schoolhouse will need this permit, unless they are gazillionaires.

Sydney and I are fully aware of that water is a precious resource - especially during this drought.
We have initiated steps to minimize water use and are dealing with the water use in the following manner:

- **GENERAL IMPACT:** We expect that 90% the 14 annual event days will be events of between 60-85 guests. We prefer smaller events too. Our site fee is the same no matter if 50 or 100 guests: \$3,500 peak season and \$2650 off peak.
- **FLUSHES:** we require that events rent porta-lets when more than 60 guests are present.
- **LAUNDRY** all towels are dropped off at Lucy's Laundry in Fort Bragg. Our bed sheets are a stain resistant brand of synthetic microfiber (Comphy Co.) which requires no more than a 20 minute wash.
- **DISH WASHING:** events of more than 30 we require that guests rent all their linens as well as dishware/glassware/flatware so that our dishwasher and laundry is not in use for clean up
- **OUR PUMP:** The Schoolhouse is hooked up to the aquifer in the field adjacent to the Hughes property. It is our understanding that our well does not affect or impact the accessibility of water for the rest of the neighborhood.
- **GUEST NUMBERS:** that the Schoolhouse sleeps 10 (not 14) people, maximum
- **LANDSCAPING:** that the landscaping is natural and requires little--if any--water
- **CONSCIOUSNESS & COMMUNICATION:** that though we cannot completely control our guests' usage, we are careful to remind them of the drought and the importance of being conservative.
- **USAGE:** the Schoolhouse is EMPTY 70% of the year, during which time there is no water usage AT ALL up at the Schoolhouse.

PUBLIC HEARING: There is a public hearing on our permit Dec 16th at 10am at the Fort Bragg Public Library. Please feel free to join us.

We are appreciative of your questions and your support.

We'd like to make this a win win.

Let us know if you have any questions or wish to speak in person or on the phone.

Kind wishes,
Justine and Sydney

**9th of 11 documents for CCC to review:
9. LETTERS FROM NEIGHBORS IN FAVOR OF OUR PERMIT APPLICATION**

CDP #2013-0012 Mintz-Shapiro

1.

From: Guy Pacurar <guy@brewerygulchinn.com>

Subject: RE: CDP 2013-0012

Date: December 15, 2015 at 23:38:26 PST

To: ackerj@co.mendocino.ca.us

Cc: blair@WCPlan.coM

**CDP_2013-0012
3930 Albion Little River Road
123-050-11 and 123-050-32**

Dear Ms. Acker, We are writing in support of Sydney and Justine's application for a permit that would allow them to host 14 events annually at the subject address, the Old Albion School House.

Our home is located approximately 600 feet due west of the school house. While we have no standing to address the issue of water usage, we have lived across the field from this property for five years and two sets of owners. Under the previous ownership, vacation rentals of the property occurred with little apparent oversight or consideration of the neighboring properties. Unpermitted (to our knowledge) events occurred with no consultation of adjacent property owners and no apparent restrictions set with regards to the end time of these events. Gatherings at the school house were allowed to go on into the early morning hours, music played loudly and the quiet enjoyment of our property was severely impacted.

Since purchasing the property, Sydney and Justine have gone out of their way to meet their neighbors, discuss their vision for the property and solicit our input, suggestions and criticisms. They have retained the services of one of the neighbors to act as a manager for the property. They have reached out to all neighbors whenever any type of activity at their property might impact any nearby properties. Activities have always been curtailed at a reasonable hou

Sydney and Justine have worked hard to retain the character of this historic property. Their intention at purchase was cover the cost of ownership through limited vacation rentals. However, the cost of maintenance, both ongoing and deferred, and various infrastructure issues that required immediate attention have made it imperative that additional funding be identified. Permitting 14 events per year should provide that funding. Absent the permission to hold these events, my understanding is that they may be forced to sell the adjacent parcel (which lies between the school house and our house). I would imagine, should that occur, the potential impact of a single family home our our water supply would be significantly greater than that represented by these 14 events.

It is our hope that you will grant this permit to the applicant.

Sincerely,

Guy Pacurar and Sarah Schoeneman
3700 1/2 Albion Little River Rd.
Albion, CA 95410
[\(707\) 937-4752](tel:(707)937-4752)

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FEB 16 2016

**CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**

2.

From: Nicholas Tinling <nicktinling@gmail.com>

Date: December 10, 2015 at 12:10:11 PST

To: ackerj@co.mendocino.ca.us

Subject: CDP_2013-0012 3930 Albion Little River Road 123-050-11 and 123-050-32

I am a neighbor of Justine and Sydney, owners of the subject property. I live next door to the Clary's who have been critical of their plans to hold events based on their fears that the proposed use would impact, among other things, the ground water availability. The basis of their concern is contained in paragraph 2 of an e-mail that states:

"2. When John and Kathryn Hughes subdivided the lot west of the Schoolhouse into four one acre parcels and drilled four wells (one of which is on APN123-050-32) it was explained to my husband by Kelly Pump that the four wells that he was drilling were being fed by a natural collecting basin on the north side of the road. When it rains it captures the water and the overflow then fills the wells on the south side of the road. They are draining water that would overflow to the south side wells which have been here for 85 + years. Example: Tinling, Clary, Koskela, Kruse. "

I would suggest that there is no way that someone from Kelly Pump would have actual knowledge that there is a "natural collecting basin" on the north side of the road. The further conclusion that "when it rains it captures the water and the overflow then fills the wells on the south side of the road" is not supported by the observable behavior of the the water wells on both sides of the roads.

The wells on the north side furthest from the road produce significant water throughout the year, without any noticeable reduction in flow during the months you would normally expect the water table to drop. The wells on the south side of the road, and the wells on the north near the road have significantly reduced flow during the months that the water table is low, usually late summer through mid winter. . On several occasions I, and other neighbors who have low producing wells, have tapped into one the Hughes wells to refill a tank (with their permission).

The behavior of the wells can be explained by the published science on the water geology of the area.

"There are no continuous or extensive ground water aquifers in the Fort Bragg coastal area. Ground water is stored in marine terrace deposits of clay, silt, sand, and gravel that overlie much of the area in the silt, sand, and gravel of river channel deposits found adjacent to most of the streams; and to a minor extent in fractures and joints of under lying consolidated bedrock and in the sand dune area...The lack of continuity of ground water throughout the terraces is illustrated by the abandonment of numerous wells because of lack of water. Yields vary greatly within individual terraces and between adjacent wells. "

Recommended Water Well Construction and Sealing Standars - Mendocino County" Bulletin No. 62, California Department of Water Resoources, November 1958" page 88.

Based on the observations and this science, the yield of the wells on the south side of the road are dependent on the particular geological characteristics associated with the well, not the characteristics of nearby wells. In other words, the water usage at the school house has little or no effect on the yield of the wells on the south side of the road.

With regard to their concerns about traffic and parking. Our experience is that the owners have been very careful about insuring that there is minimal impact from either noise, parking, or traffic. We have not been inconvenienced by any events that have been held in the past. Sure, there is a little noise, but it is not excessive and never goes late. I cannot say the same about the noise we experience from different neighbors using chain saws and chippers.

Nicholas Tinling

3.

From: Camille Tinling <camilletinling@gmail.com>

Subject: The Albion Schoolhouse

Date: December 10, 2015 at 11:19:43 PM PST

To: ackerj@co.mendocino.ca.us

Cc: blair@WCPlan.com

CDP_2013-0012
3930 Albion Little River Road
123-050-11 and 123-050-32

Dear Julia, I am a neighbor of all the interested parties. I know that some of our neighbors have shared their opinions with you, so I decided I should weigh in with my thoughts on the subject of an events permit for The Albion Schoolhouse.

I will not try to address the science, though Dan Clary's description of how the water is caught in a basin on the north side of the road which then spills over so we can have water on the south side sounds very far-fetched. I feel more confident sharing my ideas about the social and economic realities we are facing as a community.

I have lived here six years. In that time, the previous owner of the schoolhouse had converted it to a single family dwelling with a large sound studio so that he could work at home. As someone who had achieved a high level of success in the music business, he could afford to do that.

There are few people who could afford to buy that schoolhouse as a single family dwelling. In fact, the previous owner had come to a point where he and his daughter were trying to make some extra income by using the schoolhouse for special events. Perhaps the way he did so is part of the reason why some neighbors are concerned. Neither he nor his daughter were very thoughtful in their approach to community relations.

Sydney and Justine bought the schoolhouse knowing that they would have to rent it out in order to keep it. They were upfront with everyone in the neighborhood about their plans, and they have done everything to solicit feedback and to make sure that their needs to make ends meet are not imposing on our need to have a comfortable neighborhood.

The place was not built to be a single family dwelling. When it functioned as a school, there was a lot of noise, and all those kids had to flush toilets and wash hands. My reality is that Justine and Sydney should be free to use their purchase in a way that enables them to keep it. They are carrying that whopping mortgage, not the neighbors. They have shown themselves to be considerate and thoughtful. If they cannot do what they need to keep paying that mortgage, the next owners may not be so thoughtful of the neighborhood.

Sincerely,
Camille Tinling

4.

From: kathryn&john hughes <jkhughes@mcn.org>

Date: November 29, 2015 at 14:34:44 PST

To: 'Albion Schoolhouse' <hello@thealbionschoolhouse.com>

Subject: RE: regarding our permit application

Sydney and Justine,

I have remained in the background on this, but am here on the sidelines.

Your 14 events does not affect us at all.

We will be on vacation for the hearing date, but I will try to get a letter in support.

Kathy and John

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10th of 11 documents for CCC to review:
10-Outstanding Issues:

FEB 16 2016

CDP #2013-0012 Mintz-Shapiro

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

1/24/16

Justine called to speak with Julia Acker to convey the information from Bob Merrill that "if the county made an error, Julia has to rescind the notice of final action. And to call Bob and Tamara". Justine was connected to Julia's boss Bill Kinzer. Justine spoke with him explaining the 'error'. The 'error' refers to a section in the permit (Section 19) please see below.

"19. Up to fourteen (14) events per year may be held within the structure at APN 123-050-11. Parking shall occur at APN 123-050-32, and shall be limited to the designated areas shown on the site plan dated July 23, 2015. Failure to comply with this condition may lead to revocation of this Coastal Development Permit."

Bill Kinzer said that on Monday Jan 24 he would speak with Dave Gustavson and with Bob Merrill. **We'd like to know what the outcome is of this conversation was. Should the language in the permit reflect the modifications made during the permit hearing on December 16th. ???**

During the hearing one of the issues that most needed clarification had to do with whether or not our permit included outdoor events.

On October 23, 2015 the permit application was submitted with the language that events would take place "within the structure" (see attached public document.)

On December 14, 2015 — 2 days prior to the hearing— we received a hard copy of the permit and noticed Special Condition #19 stating "up to fourteen [14] events per year... may be held within the structure at APN 123-050-11.

On December 16, 2015, during the public hearing, our permit was read aloud. Andy repeated something along the lines of "you can't hold events outdoors". At that point I explained that if our permit excluded outdoor events, than we had no need for this permit since people don't generally come to Mendocino to have events that restrict them to an interior space. Andy quickly understood the import of this, and modified the permit to include outdoor events so long as a) there is no amplified noise and b) our permit renewal period would be shortened from 5 years to 3 years.

On January 6, 2016 we received a copy of the final permit as submitted to the Coastal Commission which failed to include what seemed a vitally important modification which Andy had made permitting us to have outdoor events. Instead the language in this final permit under Special Condition #19 was in its original form allowing for events "within the structure of APN ..."

On January 13, 2015 Sydney and I met with Amy Wynn and Blair Foster during which time we pointed out that the permit failed to include the language which permits use of the outdoor space.

On January 14, 2016 Wynn Coastal Planning sent an email to Julia with the following question: "can you note that an outdoor ceremony sans amplified sound on APNs 123-050-11 & -32 would be substantially in conformance with CDP #2013-0012?"

From: **Justine Shapiro** justine@promisesfilms.com
Subject: Fwd: Mints Shapiro/ Albion Schoolhouse CDP #2013-12
Date: February 5, 2016 at 18:38
To:



From: Blair Foster WCP <blair@wcplan.com>
Subject: Re: Mints Shapiro/ Albion Schoolhouse CDP #2013-12
Date: January 20, 2016 at 12:02:27 PST
To: Dave Jensen <jensend@co.mendocino.ca.us>
Cc: Amy Wynn <Amy@WCPlan.com>, Justine Shapiro <justine@promisesfilms.com>, Justine Shapiro <sydmintz@gmail.com>

Thanks, Dave!
And thanks again for all your heroic (and last minute) efforts on the behalf of the Albion Schoolhouse. It was key to the approval of this permit.

See you soon.

Best,
Blair

On Jan 20, 2016, at 11:44 AM, Dave Jensen <jensend@co.mendocino.ca.us> wrote:

I am so sorry to hear this.
All the best,
DJ

>>> Blair Foster WCP <blair@wcplan.com> 1/20/2016 11:32 AM >>>
Dear Julia,

Please see attached reflecting our removal of ourselves as agents for CDP application #2013-12.
I have delivered a hard copy to you today.

Thanks.

Blair

Blair Foster
Wynn Coastal Planning
703 North Main Street
Fort Bragg, CA 95437
ph: 707-964-2537
fax: 707-964-2622
www.WCPlan.com and on [FaceBook](#)

Blair@WCPlan.com



From: Blair Foster WCP blair@wcplan.com 
Subject: Re: Clarification
Date: January 20, 2016 at 10:54
To: Justine Shapiro justine@promisesfilms.com, Justine Shapiro sydmintz@gmail.com
Cc: Amy Wynn Amy@wcplan.com

BF

Dear Justine and Sydney,

I formally acknowledge the receipt of your email dated January 19th (see below) requesting no further work from our office. We understand that we will no longer represent you nor advise you as you move forward with your Coastal Development Permit, and simultaneously acknowledge that we are no longer your agents. We will notify the county and the Coastal Commission of this development.

We wish you the best as you move forward as stewards of the Albion Schoolhouse.

Thanks you.

Blair

On Jan 19, 2016, at 8:07 PM, Sydney Mintz <sydmintz@gmail.com> wrote:

Dear Amy and Blair,

We were very disappointed at the outcome of our meeting last week. Not only did our meeting highlight a significant variance from what we expected compared to what you delivered, but it also caused us to question whether your further representation of our project is in our mutual best interests.

It may be that this matter will resolve itself quickly and favorably. We are anticipating an imminent call with the Coastal Commission representative. That is the good news. The bad news is that we have to make an instant decision on how we will proceed. We do not have the luxury of time to evaluate this further at present. Given our lack of confidence in your work as we expressed to you, we do not want you to take any further steps or devote any additional time to this matter until we can better understand where the matter presently sits, what, if anything, needs to be done further, and who the best party to represent the project might be.

Please confirm immediately your receipt and acknowledgement of the foregoing.

Sydney Mintz and Justine Shapiro

Blair Foster
Wynn Coastal Planning
703 North Main Street
Fort Bragg, CA 95437
ph: 707-964-2537
fax: 707-964-2622
www.WCPlan.com and on [FaceBook](#)

Blair@WCPlan.com



***11. Correspondence between Gustavson (County) and Mintz-Shapiro**

DATE: January 18, 2016

TO:

The Dept of Planning and Building Services, County of Mendocino:

Steve Dunicliff, Director
Andy Gustavson, Coastal Permit Administrator
Julia Acker, Planning Division,
Angie Hamilton Code Enforcement Division,
Jose Martinez, Building Division,
Michael Oliphant, Building Division,
Ryan McEnery, Environmental Health Division,
Tamara Gedik, California Coastal Commission

Wynn Coastal Planning: Amy Wynn and Blair Foster
Mendocino Coast Clinics

Paula Cohen, Tawny MacMillan, Lucresha Renteria

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CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

We are writing you all regarding 2 issues that have arisen with regard to our permit application.

1. The definition of public vs. private events as it pertains to 'donations' of the Schoolhouse to community organizations for events. Sometimes those events are by invitation only, and other times the invitations are posted to the public.
2. Clarification of our permit regarding Special Condition #19, which states that "up to fourteen [14] events per year... may be held within the structure at APN 123-050-11.

1.

As you are all aware, my partner Sydney Mintz and I had offered to host a fundraising dinner on January 28th, 2016 in our home to benefit Mendocino Coast Clinics.

On Friday January 15th Andy Gustavson emailed a cautionary letter to my partner and I (please see attached) that informed us that by hosting this event we would be in violation of our permit application. I responded with a letter (please see attached) expressing shock that hosting this long planned for fundraising dinner at The Schoolhouse would put us in violation. Andy kindly called me at the

end of that same day to further discuss and clarify why holding this event would put us in violation.

During our phone call Andy explained that when invitations go out to the public, the event is then deemed 'public' as opposed to 'private'. And he further explained that "public" events require ADA, Fire Inspections, etc. However, if we host an event for our friends and kin (by personal invitation) the event is considered a private party.

When we purchased The Albion Schoolhouse we knew that the property had a violation posted against it. Therefore, we spent time with all our neighbors to better understand their grievances. Moreover we sought the advice of experts, Wynn Coastal Planning, to insure that in moving forward we would be in full compliance.

In January 2015 we hired Wynn Coast Planning to craft and submit a permit application articulating our vision for the 14 events. We were clear, in writing and in verbal exchanges, that our vision included a) a desire to have commercial events (such as weddings and retreats) for which we could charge a site fee to bring in additional revenue b) a desire to share the Schoolhouse with community based non-profits for fundraising and educational purposes c) a desire to enjoy this home, and share it with our friends and families.

Since purchasing The Albion Schoolhouse in July 2014 we have "donated" our home to several community-based organizations without charging a fee. The Mendocino Arts Center had two events: The Mendocino Coast Garden Show on June 20, 2015 and a fundraising dinner on November 1, 2015. Both events were advertised to the public. We also "donated" our home as a vacation rental to several auctions (WineSong, Mendocino public schools, and a Bay Area based human rights organization). We also offered our home to WineSong for their annual fundraiser.

When we knew what questions to ask we asked them. We never pretended to know more than we do. We are as educated in the ins and outs of Mendocino County Code as your basic Mendocino County homeowner. We totally relied upon our consultants and the county planners to advise us.

In April 2015 we asked Wynn Coastal Planning in writing, in person

and over the phone, as to whether or not we could “donate” the Schoolhouse. (Please see email pasted below).

During our permit hearing on December 16th, 2015 I asked Andy Gustavson if ‘donations’ of The Schoolhouse, such as the upcoming dinner to benefit Mendocino Coast Clinics would count towards the 14 days allotted for events. He did not hesitate to tell me that indeed, donating The Schoolhouse to an organization for their use would count towards the 14 events. be considered a public event however, at that time, he did not go into detail and added, somewhat jokingly, that he ‘pleads the fifth’. I did not take this as a clear instruction that we would be in violation of our permit if we had the dinner, I just thought it meant that in future we would have to count ‘donations’ towards the allotted 14. After the hearing, neither Wynn Coastal Planning nor Julia Acker suggested that we cancel the dinner. In fact when I spoke with Julia about it on January 11th I made the case that I simply did not understand how anyone can tell us who and what we can do in our own home. She advised that I send a letter to Andy explaining myself and she saw my point. When we brought it up to Amy and Blair at Wynn Coastal Planning they did not explain why we would be in violation and concurred that we ought to send a letter to Andy. The message I got was that this was somehow a gray area since no one was citing code, or law, or anything specific with regards to our right to hold events in our home.

I do not understand why, at any time, it was not made explicitly clear to me that donating The Schoolhouse would constitute a violation. Had that been explained, on December 16th or in April of 2015 when I emailed Wynn Coastal Planning, we would not have offered our home to Mendocino Art Center, the Mendocino Coast Clinics or the Mendocino Public Schools.

Had someone at the hearing told me, “if you advertise to the public it is considered a public event” we would have known that all of the prior donations were in violation.

If someone at the hearing or prior to the hearing had told me “if you have the public come to The Schoolhouse prior to the installation of ‘life saving measures’ such as ADA, Fire inspection, etc, we would have clearly understood that the answer to our question regarding donating the Schoolhouse for any public event was a NO.

Given that we were not in possession of this information until my January 15th phone conversation with Andy Gustavson, MCC's only recourse is to cancel this event 10 days before it is scheduled to occur.

2.

During the hearing one of the issues that most needed clarification had to do with whether or not our permit included outdoor events.

On October 23, 2015 the permit application was submitted with the language that events would take place "within the structure" (see attached public document.)

On December 14, 2015 — 2 days prior to the hearing— we received a hard copy of the permit and noticed Special Condition #19 stating "up to fourteen [14] events per year... may be held within the structure at APN 123-050-11.

On December 16, 2015, during the public hearing, our permit was read aloud. Andy repeated something along the lines of "you can't hold events outdoors". At that point I spoke up and explained that if our permit excluded outdoor events, than we had no need for this permit since people don't generally come to Mendocino to have events that restrict them to an interior space. Andy quickly understood the import of this, and modified the permit to include outdoor events so long as a) there is no amplified noise and b) our permit renewal period would be shortened from 5 years to 3 years.

On January 6, 2016 we received a copy of the final permit as submitted to the Coastal Commission which failed to include what seemed a vitally important modification which Andy had made permitting us to have outdoor events. Instead the language in this final permit under Special Condition #19 was in its original form allowing for events "within the structure of APN ..."

On January 13, 2015 Sydney and I met with Amy Wynn and Blair Foster during which time we pointed out that the permit failed to include the language which permits use of the outdoor space.

On January 14, 2016 Wynn Coastal Planning sent an email to Julia with the following question: "can you note that an outdoor ceremony sans amplified sound on APNs 123-050-11 & -32 would be substantially in conformance with CDP #2013-0012?"

Can someone amongst you kindly answer the following questions:

1. What will the impact on the permit timeline be now that the permit has to be re-submitted with an adjustment for outdoor weddings?
2. Will the neighbors once again be invited to comment on this re-submittal, even though it was clearly articulated during the hearing?
3. Is there specific code on the books stipulating something along the lines of 'advertising to the public' constituting a public event?

We want to move forward with the permitting and would appreciate knowing the answer to these questions.

Sincerely, Justine Shapiro and Sydney Mintz

Exhibit A: Permit application Submitted 10/23/15 to Mendocino County by Julia Acker

<https://co.mendocino.ca.us/planning/pdf/current/boards/CDP%202013-0012%20Mintz.pdf>

Exhibit B: E-mail correspondence re: donations of the Schoolhouse:

From: Justine Shapiro <justine@promisesfilms.com>

Subject: Re: Wine Song sept 11, 2015 use of Schoolhouse

Date: April 29, 2015 at 12:47:23 PDT

To: Blair Foster <blair@wcplan.com>

Cc: Pamela Allen <pwadesign@aol.com>, Amy Wynn <Amy@WCPlan.com>

Dear Blair. GOOD LUCK in your meeting with Julia. And thank you for checking this out with her.

All the best, Justine

On Apr 29, 2015, at 12:43, Blair Foster WCP <blair@wcplan.com> wrote:

Hi Justine,

I am quite confident that this should be NO problem. However, I would like your permission to bring this up with Julia tomorrow morning. I don't think it will hurt to ask her, and of course, we want to verify that we are in NO way putting your current application in jeopardy, should you donate to Winesong.

Let's touch base tomorrow late morning.

Thanks.

Blair

On Apr 29, 2015, at 11:25 AM, Justine Shapiro

<justine@promisesfilms.com> wrote:

Dear Blair, Wine Song has asked if we would donate The Schoolhouse this year for their Friday night donor party (5:30-8pm September 11, 2015).

About 100 cars would park on the property.

Given our permit status, can we offer The Schoolhouse this year? We would not be paid anything.

Thanks so much.

Justine



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

Steve Dunicliff, Director
Telephone 707-234-6650
FAX 707-463-5709
Ft. Bragg Phone 707-964-5379
Ft. Bragg Fax 707-961-2427
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

January 14, 2016

Justine Shapiro & Sydney Mintz
336 Juanita Way
San Francisco, CA 94127
hello@thealbionschoolhouse.com

Subject: Coastal Development Permit Application No.: CDP 2013-0012
Site Address: 3890 & 3930 Albion Little River Rd
Assessor's Parcel No.: 123-050-11 & 123-050-32

Dear Ms. Shapiro and Ms. Mintz,

It has come to the attention of this Department that there is a scheduled event to occur at the Albion Schoolhouse property on January 28, 2016. The subject permit has not completed the associated appeal period with the California Coastal Commission which is expected to end on approximately January 25th and therefore a valid permit for the proposed event does not exist at this time. Provided there is no appeal, there are still several conditions of approval related to the permit that must be complied with prior to use of the property for events.

The outstanding conditions of approval are attached here for your reference. Condition 14 requires completion of an approved building permit for the occupancy change of the structure. Lack of compliance with this Condition raises safety, fire, and accessibility issues for any event that may be held on your parcel. Until the necessary conditions of approval have been satisfied the Planning Division cannot authorize the commencement of the use on the property.

Please be advised that use of the property for an event without the proper permits in place may result in revocation or modification of this Coastal Development Permit in accordance with Mendocino County Code Section 20.536.030.

Please contact this office as soon as possible to set up a meeting to discuss this issue.

Sincerely,

Andy Gustavson
Coastal Permit Administrator

Attachment: Final Findings and Conditions of Approval, Case # CDP_2013-0012
Article from Fort Bragg-Mendocino Coast Packet, January 2016

Cc: Wynn Coastal Planning, 703 N Main St., Fort Bragg, CA 95437
Steve Dunicliff, Director
Julia Acker, Planning Division
Angie Hamilton, Code Enforcement Division
Jose Martinez, Building Division

Michael Oliphant, Building Division
Ryan McEnery, Environmental Health Division
Tamara Gedik, California Coastal Commission



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
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STEVE DUNNICLIFF, DIRECTOR
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pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

December 28, 2015

FINAL FINDINGS AND CONDITIONS OF APPROVAL
CASE# CDP_2013-0012 - ALBION SCHOOLHOUSE LLC/MINTZ-SHAPIO
12/16/2015

The Coastal Permit Administrator approves Coastal Development Permit # CDP_2013-0012 per the findings and conditions of approval contained in the staff report and as modified during the public hearing as follows:

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 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.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
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 applicant 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 applicant 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. In order to provide for the protection of natural resources on the site, the following is required:
 - a. All project impacts, including materials and equipment storage, and ground disturbing impacts, shall be limited to areas at least 100 feet from the Northern Bishop Pine Forest.
 - b. Invasive English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), periwinkle (*Vinca major*) and cotoneaster (*Cotoneaster franchetii*) shall be removed from all portions of the property to the greatest extent practicable.
 - c. During construction, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.
 - d. New landscaping on the property shall not include any invasive plants and shall ideally consist of native plants compatible with the existing native plant communities.
10. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete, to the satisfaction of the Department of Transportation, a commercial driveway approach onto Albion-Little River Road (CR 403). The approach shall have a minimum width of eighteen (18) feet, and length of twenty (20) feet measured perpendicular to the edge of the County road, and be paved with asphalt concrete.
11. Prior to issuance of the Coastal Development Permit, a revised site plan demonstrating compliance with the required yard setbacks for the parking area and compliance with the corridor preservation setback from the roadway for the proposed fencing shall be submitted to the Planning Division for review and approval.
12. The proposed parking area shall be surfaced, at minimum, with light gravel. Light gravel is defined as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified.
13. The applicant shall adhere to the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino County Code. No amplified sound shall be permitted outside the structure. Failure to comply with the Exterior Noise Limit Standards may lead to revocation of this Coastal Development Permit.
14. Prior to use of the structure for temporary events, the applicant shall obtain a Building Permit for the necessary occupancy change of the structure, to the satisfaction of the Mendocino County Building Division. A California licensed architect or engineer shall prepare the plans addressing the (1) accessibility, (2) exiting, and (3) structural issues. The maximum number of occupants at the site shall be determined during review of the occupancy change. The maximum occupancy of the structure shall be limited to one-hundred and six (106) persons (including staff) in attendance.

Failure to limit the number of occupants on the site, in conformance with the maximum occupancy permitted according to the Uniform Building Code, may lead to revocation of this Coastal Development Permit.

15. Prior to issuance of the Coastal Development Permit, a detailed parking plan shall be submitted for the proposed parking area which shall be located as far from Albion-Little River Road as possible. The parking plan shall, at minimum, demonstrate compliance with the required parking space size standards, number of required spaces, circulation, emergency vehicle access, and ADA accessible parking spaces, and stormwater drainage.
16. There shall be no event parking along Highway 1, Albion-Little River Road, or along the driveway. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
17. Prior to issuance of the Building Permit for the occupancy change, the applicant shall demonstrate, to the satisfaction of the Mendocino County Division of Environmental Health, the following:
 - a. A qualified site evaluator shall be hired by the owner/applicant to determine whether the existing septic system is in proper working order and will be able to accept the additional effluent.
 - b. If food is to be prepared on-site, a permit to operate a food facility shall be required from Environmental Health.
 - c. The owner/applicant shall conform to required state drinking water requirements, if applicable.
18. A valid Mendocino County Business License for the subject property shall be issued and kept current by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
19. Up to fourteen (14) events per year and no more than two (2) events per month may be held within the structure at APN 123-050-11. ~~Parking shall occur at APN 123-050-32, and shall be limited to the designated areas shown on the site plan dated July 23, 2015. The maximum number of attendees shall not exceed one-hundred and six (106) persons during the period of May 15 through October 31, as can be accommodated by on-site parking on the vacant lot. During the period of November 1 through May 14, attendance shall be limited to fourteen (14) passenger vehicles, as can be accommodated by the fourteen (14) on-site parking spaces on the same parcel as the structure. Events shall be limited to one (1) day in duration, where amplified music, event parking, etc. may occur. Set-up and clean-up and other activities may occur on the day before and after the actual event day.~~ Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
20. Event operation hours shall be limited to between 10 AM to 10 PM daily. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
21. ~~Lighting for events shall be~~ Prior to issuance of the Coastal Development Permit, Planning Staff shall perform a site visit and verify that all exterior lighting is downcast and shielded, and shall be limited in illumination power to only the amount required for nighttime navigation and safety of the immediate area surrounding the event area.
22. Should the use of the structure for temporary events cease for any reason for a period of one (1) year or more, this Coastal Development Permit shall become null and void and a new Coastal Development Permit shall be required.

23. Prior to any ground disturbing activities, the applicant shall obtain all necessary permits from the Mendocino County Air Quality Management District.
24. Prior to issuance of the Coastal Development Permit, the applicant shall submit a landscaping plan to the Department of Planning and Building Services, which is intended to show how landscape improvements will minimize the visibility of the structure and associated improvements from adjacent properties on the south and west sides. Specifically the plan shall shield the parking area from view and reduce the impact of vehicles headlights leaving at night. Prior to use of the parking area (allowable beginning on May 15), the applicant shall install all landscaping approved under the landscaping plan.
25. The applicant shall adhere to the recommendations from the Division of Environmental Health, as follows:
 - a. Events shall be limited to one per week, not to exceed four events per month.
 - b. Portable toilets shall be provided for events that exceed fifty (50) attendees.
 - c. A 2,500-gallon water storage tank shall be installed to provide sufficient water reserves.
26. The use of the parking area shall be limited to the dry season, specifically May 15 through October 31. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
27. This permit shall be valid for a period of three (3) years after issuance and may be renewed at the expiration of three (3) years if it is determined that the special event use has not adversely affected the Rural Village designated community. The applicant has the sole responsibility of renewing this permit within the specified time-frame. Notice will not be provided prior to expiration.

*Mendocino Coast Clinic fundraiser***Winter Winemaker Gala at Albion Schoolhouse Jan. 28**

By Mary A Charlebois

A Winter Winemaker Gala will pair fine wines with fabulous foods on Thursday, Jan. 28, in the historic Albion Schoolhouse in Albion. The gala benefits the nonprofit Mendocino Coast Clinics.

Bubbly Brut and classic strings. Lobster Bisque, mussels, Chenin Blanc. Lamb and Pinot Noir. Dessert and Tocai Friulano. Classic food, outstanding wines, warm soft ambiance, congenial companions. That's the scene for Mendocino Coast Clinics' Winter Winemaker Gala. The wine and food affair will showcase locally sourced ingredients at historic Albion Schoolhouse in Albion.

Chef de Cuisine Kim Badenhop and Winemaker Gregory Graziano have united to craft a six-course feast. Accentuating the richness of the Pacific, each course will be flawlessly paired with an impeccable wine.

The Albion Schoolhouse is the setting for the gala fundraiser. The lovingly-restored building has seen many uses over its 90-plus years, as a school, community center, grocery, pot dispensary, women's coop, college annex and recording studio.

Owners Sydney Mintz and Justine Shapiro now operate it as a vacation rental, small event and meeting space. In addition to bedrooms and baths, there is a chef's kitchen, library, stage with lighting and microphones, outdoor decks, secret gardens and even a Principal's Office. Overlooking the Pacific, it's just 0.2 miles east on Albion-Little River Road.

Mendocino Coast Clinics, a nonprofit health clinic, provides quality health care to



Albion Schoolhouse entrance. Photo by Mary Charlebois.

more than half of Mendocino Coast's residents. Executive Director Paula Cohen says, "The ultimate goal for MCC is the health of our community. To fill the need, fundraising

has become a vital part of our commitment. Even with the [Affordable Care Act], we must close the one million dollar gap in unfunded mandates for those we serve."

Monies raised from this event will help purchase three new

dental sensors, two pediatric and two adult exam tables, two handicapped door openers and add to the MCC Angel Fund.

The Winter Winemaker Gala is Thursday, Jan. 28. Cocktails, Cuvce Brut and music be-

gin at 6:30 p.m. with dinner to follow. Complimentary shuttle service will be available for North Coast lodgings, from Fort Bragg to Albion.

Tickets are \$225. Seating is limited. For reservations call 707-961-3463 or email events@mccinc.org. To see a detailed menu, photos of The Albion Schoolhouse and links to Mendocino Coast Clinics, visit [where marygos.com](http://wheremarygos.com).



Albion Schoolhouse stage. Photo by Mary Charlebois.

Gedik, Tamara@Coastal

From: Dave Jensen <jensend@co.mendocino.ca.us>
Sent: Wednesday, March 16, 2016 1:30 PM
To: Gedik, Tamara@Coastal
Cc: Merrill, Bob@Coastal
Subject: RE: clarification re: adequacy of water for Albion Schoolhouse site

1. do you believe that their results, and/or the information in your memo, demonstrate an adequate water supply to support the 14 temporary events at the site in addition to the site's current residential/VHR use?

I do not recognize the validity of the well test reported by Horizon Real Estate Inspection Services.

As stated in my memo dated December 15, 2015, I am satisfied that the Proof of Water Test conducted as part of the Hydrological Study demonstrates that there is adequate water to support 14 temporary events, especially with the storage capacity and other conditions I proposed in that memo.

2. And, is there any problem from DEH's perspective with the applicants connecting to/utilizing the adjacent water source to support the uses at the Albion Schoolhouse (they own both parcels)?

None whatsoever.

David Jensen
Environmental Health Director
Interim Public Health Branch Director
Mendocino County
707-234-6636

>>> "Gedik, Tamara@Coastal" <Tamara.Gedik@coastal.ca.gov> 3/16/2016 1:02 PM >>>
Hi Dave,

I understand from speaking with Mendocino County Planning staff yesterday, that your department is super busy at the moment. I don't mean to pester you, especially knowing how swamped you are, but if there's any way you could respond to my inquiry below I'd really appreciate it, as it would help us move forward with addressing the appeal of the Albion Schoolhouse temporary events project.

Thanks again in advance for your assistance,

~Tamara L. Gedik
Coastal Program Analyst
California Coastal Commission
North Coast District Office
1385 8th Street, Ste. 130 • Arcata, CA 95521
E: Tamara.Gedik@coastal.ca.gov
P: 707.826.8950 • **Fax:** 707.826.8960

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EXHIBIT NO. 10
Application A-1-MEN-16-0007
Mintz & Shapiro
COMMISSION STAFF'S
CORRESPONDENCE WITH COUNTY DEH
Page 1 of 2



SaveOurWater.com · Drought.CA.gov

From: Gedik, Tamara@Coastal
Sent: Monday, March 07, 2016 1:11 PM
To: Jensen, David@(MENDOCINO COUNTY)
Subject: clarification re: adequacy of water for Albion Schoolhouse site

Hi Dave,

As you may be aware, our office received an appeal of the County's approval of a coastal development permit authorizing up to 14 temporary events per year at the Albion Schoolhouse. One of the contentions the appellants raise is a concern regarding the adequacy of water to support temporary events at the site. I received from the appellants a memo that you provided to County Planning on December 15, with concerns expressed that the hydrological study referenced in the memo was not a recent study associated with the subject project. Subsequently, I received information from the applicants indicating they have connected the water well on the adjacent vacant parcel (APN 123-050-32) to the Albion Schoolhouse parcel (APN 123-050-11) to meet its water supply needs because the water supply on the adjacent vacant parcel has a greater water supply. I've attached an excerpt of their transmittal showing information related to the water supply testing that the applicants had conducted at the site, and I've also attached the County memo that contains your memo on pg. 7.

I realize that the water testing information that the applicants provided was done in April rather than during the dry weather period. Could you clarify for me: do you believe that their results, and/or the information in your memo, demonstrate an adequate water supply to support the 14 temporary events at the site in addition to the site's current residential/VHR use? And, is there any problem from DEH's perspective with the applicants connecting to/utilizing the adjacent water source to support the uses at the Albion Schoolhouse (they own both parcels)?

Thank you Dave for your assistance,

~Tamara L. Gedik

Coastal Program Analyst
California Coastal Commission

North Coast District Office

1385 8th Street, Ste. 130 • Arcata, CA 95521

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