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Staff:	Ruby Pap
Staff Report:	September 1, 2005
Hearing Date:	September 15, 2005

REVISED STAFF REPORT: APPEALSUBSTANTIAL ISSUE

APPEAL NO.:	A-1-MEN-05-032
APPLICANTS:	MacCallum House, L.L.C.
LOCAL GOVERNMENT:	County of Mendocino
DECISION:	Approval with Conditions
PROJECT LOCATION:	In the Town of Mendocino, on the north side of Albion Street and the south side of Ukiah Street at 45020 Albion Street, Mendocino County (APNs 119-236-10, 119-236-12).
PROJECT DESCRIPTION:	Conversion of existing storage shed into a catering kitchen and use of the lawn to place a 40' x 60' tent on weekends when weddings are held.
APPELLANT:	Mary Cesario Weaver
SUBSTANTIVE FILE DOCUMENTS:	1) Mendocino County CDP No. 02-04; and 2) Mendocino County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after continued public hearing, determine that a SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed

and that the Commission hold a de novo hearing, because the appellant has raised a substantial issue with the local government's action and its consistency with the certified Local Coastal Program (LCP).

The development, as approved by the County, consists of the conversion of an existing storage shed into a catering kitchen and use of the lawn to place a 40' x 60' tent on weekends when weddings are held.

The project site is located in the Town of Mendocino, on the north side of Albion Street and the south side of Ukiah Street, at 45020 Albion Street in Mendocino County.

The Appellant poses seven separate contentions that the project is inconsistent with the certified Local Coastal Program (LCP), including visual resource policies, policies for temporary events, cumulative effect policies, maximum lot coverage policies, public service policies, and inconsistency with LCP policies regarding accessory uses and buildings.

Staff recommends that the Commission find that appellant's contentions are valid grounds for an appeal and raise a substantial issue of conformity of the approved development with the certified LCP. Specifically, staff recommends that the Commission finds that the appellant's contention that the exemption from coastal development permitting requirements for the use of the lawn to place tents and hold outdoor wedding gatherings raises a substantial issue of conformity with the temporary events provisions of the Mendocino Town Zoning Code.

Since the public hearing was opened on August 12, 2005, the applicant has provided additional information about previous wedding and other events held on the MacCallum House grounds over the last two years and about scheduled events for 2005. Such events were held 6 times in 2003, 15 times in 2004, and it is anticipated they will be held 18 times in 2005. Staff notes that the previous pattern of wedding and other events and the proposed schedule of future events do not reflect a random series of unanticipated temporary events. Instead, the weddings occur on a regular basis and provide a significant amount of business to the MacCallum House Inn that is both anticipated and planned for.

Because these outdoor events are (1) set up to be permanently served by the auxiliary kitchen, (2) are primarily for private weddings and serve an on-going commercial enterprise, and (3) exceed the definition of "limited duration" because the outdoor weddings have exceeded a consecutive four-month period on an intermittent basis, the local government did not have a high degree of factual or legal support for its decision to exempt the outdoor events at MacCallum House as temporary events. Further, exempting from coastal development permitting requirements the outdoor wedding events at MacCallum House would set a precedent for the Town of Mendocino as the issue of whether activities conform to the temporary use provisions of the Mendocino Town Zoning Code has not previously been considered on appeal by the Commission. Many such events could adversely affect coastal resources, such as public access or visual resources.

The motion to adopt the staff recommendation of Substantial Issue is found on page no. 7.

STAFF NOTES:

1. Revised Staff Report

The public hearing for this project was opened at the August 12, 2005 Commission meeting. The Commission continued the hearing on Substantial Issue, and the applicants signed an unconditional 49-day waiver to facilitate this continuance. Since the August 12th hearing, Commission staff met with the applicants at the site on August 16th, and learned additional information about the project. Staff has also done further analysis of the project's consistency with the Mendocino LCP, including sections of the Mendocino Town Code dealing with accessory uses and the temporary events provisions. As a result, sections of the staff report have been augmented. This revised staff report includes changes to the recommendation on the use of the accessory structure as a kitchen, and finds that this accessory use raises no substantial issue of conformance with the Mendocino Town Code's accessory use provisions. The accessory use provisions of the Mendocino Town Code state that accessory structures and uses must be accessory to the "principal use" of the property, not the "principally permitted use," as previously stated in the July 29th staff report. The use of the accessory structure as a kitchen would be accessory to the "principal use" of an inn and restaurant on the property, regardless of the fact that the inn and restaurant are conditional, and not principally permitted uses on the property. This revised staff report also includes an expanded analysis on the appealability of the project and the consistency of the approved project with the temporary events provisions of the LCP. It also includes as a new exhibit (exhibit 7) new letters received from community members regarding the project.

2. Appeal Process

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 of the Coastal Act states that an action taken by a local government on a coastal development permit application [emphasis added] 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 three hundred 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 one hundred feet of any wetland or stream, or within three hundred feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Additionally, Section 30625 states that a claim of exemption for any development by a local government may be appealed to the Commission. Further, Section 30603(a)(4) makes the approval of "any development" by a coastal county appealable to the

Commission, with the only exception being development that is "designated as the principal permitted use" under the zoning in the LCP.

On June 23, 2005, the Mendocino County Coastal Permit Administrator conditionally approved the coastal development permit application for the project (CDP #2-04) (exhibit no.4). The permit approved the coastal development permit application for the conversion of an existing storage shed into a catering kitchen. The application for the coastal development permit also included a request to allow the use of a 40 by 60 outdoor tent on dates, usually weekends, when weddings are held. Since the County determined that this portion of the application was exempt from coastal development permit requirements, taking the position that these events were temporary events and temporary structures exempt under the Town code's temporary event provisions, the County's action on the coastal development permit application also authorized the applicant's request to use an outdoor tent on the inn lawn for outdoor weddings. As the County's decision to authorize the use of outdoor tents for weddings and other temporary events and approve the conversion of the shed to a kitchen constitute actions on a coastal development permit application for one or more of the kinds of appealable development noted above, the action(s) are appealable to the Commission pursuant to 30603 and 30625 of the Coastal Act.

The approved development is appealable to the Commission for two independent reasons: (1) because, pursuant to Section 30603(a)(4) of the Coastal Act, it is not specifically identified as the principal permitted use in the county's zoning code and (2) because the approved development is located in the Town of Mendocino, a special community as designated in the certified LCP and therefore an appealable sensitive coastal resource area pursuant to Section 30603(a)(3) of the Coastal Act.

Regarding the approved development's appealability pursuant to Section 30603(a)(4), Mendocino Town Zoning Section 20.608.035(I) provides a definition of "Principal Permitted Use" as follows:

"Principal Permitted Use(s)" means the primary use as designated in the Mendocino Town Plan and this Division for each land use classification. Use Types allowed within each principal permitted use category are specified in Chapters 20.644 through 20.684.

The Mendocino Town Plan describes the principally permitted uses for the "Commercial" land-use classification, where the subject property is designed:

Principal Permitted Uses:

Residential: Single family, two family and multifamily dwelling units, subject to density requirements.

Civic Uses: Clinic services, libraries, cultural facilities, lodge, fraternal and civic assembly, religious assembly, minor impact services and utilities.

Commercial Uses: Administrative and business offices, specialty shops, personal services, retail stores (all of which are under 1,000 square feet of floor area per parcel).

The Mendocino Town Zoning Code Section 20.664.010 lists the principally permitted uses for the "Mendocino Commercial" district, where the subject property is designated:

A) The following use types are permitted in the MC District:

(1) Residential Use Types

Family Residential: Single Family

Family Residential: Two Family

Family Residential: Multi-Family

(2) Civic Use Types

Administrative Services Government

Clinic Services

Cultural Exhibits and Library Services

Lodge, Fraternal and Civic Assembly

Minor Impact Utilities

Religious Assembly

(B) The following Use Types which do not exceed one thousand (1,000) square feet of gross floor area per parcel are permitted in the MC District.

(1) Commercial Use Types

Administrative and Business Offices

Medical Services

Personal Services

Retail Sales: Limited

(C) For the purposes of appeal to the Coastal Commission, the Principal Permitted Use for the Commercial District shall be Commercial Use Types. (Ord. No. 3915 (part), adopted 1995) [emphasis added.]

The Mendocino Town Zoning Code lists the principally permitted uses for the *Visitor Serving Facilities Combining District:

*The following use types are permitted in the * District:*

(A) Residential Use Types

Family Residential: Single Family (Ord. No. 3915 (part), adopted 1995)

The property affected by the (1) approved conversion of the storage shed to a kitchen at the MacCallum House Inn and (2) the approved use of the lawn to place a 40 x 60 tent and hold outdoor temporary wedding gatherings is designated Commercial under the LUP and zoned Mendocino Commercial *Visitor Serving Facilities Combining District (MC*) under the Town Coastal Zoning Code. The County's LUP and zoning ordinance designates commercial use types as the principally permitted use for the Mendocino Commercial Zoning District, and specifically states that for purposes of appeal to the Coastal Commission, the Principally Permitted Use for the Commercial District shall be Commercial Use Types. The certified zoning code defines commercial use types to solely include administrative and business offices, medical services, personal services and retail sales. Commercial use types do not include inns, restaurants or food sales for consumptive or non-consumptive use. In fact, dining establishments in this zone are solely allowed as a conditional use, subject to a conditional use permit. Therefore, use of the property as an inn, restaurant, dining establishment, or food sales for consumption or non-consumption is not the principal permitted use under the applicable Mendocino Town Plan or Zoning District (C, MC, and *).¹ Because the approved coastal development permit application for (1) conversion of a storage shed to a kitchen and (2) the approved use of the lawn to place a 40 x 60 tent and hold outdoor wedding gatherings involves development that is not the principal permitted use in an MC* zone, such approved development is appealable to the Coastal Commission. Therefore, the County's approval of the coastal development permit application for the conversion of a storage shed to a kitchen and the use of the lawn to place a 40 x 60 tent and hold outdoor events is appealable to the Commission pursuant to Sections 30603(a)(4) and 30625 of the Coastal Act.

The approved development is also appealable to the Commission pursuant to 30603 (a)(3) of the Coastal Act because the proposed development is within a sensitive coastal resource area. Section 20.608.038(6) of the Mendocino Town Zoning Code and Section 30116 of the Coastal Act define sensitive coastal resource areas as "those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity," including, among

¹ Although Residential and Civic Use types are designated Principally Permitted Uses in the Mendocino Commercial zone, for purposes of appeal to the CCC, they are not considered the Principally Permitted Use in the Mendocino Commercial zone, only Commercial Uses are, as stated in Section 20.664.010(C). Further, even if they were considered the Principally Permitted Use for purposes of determining whether a project is appealable to the CCC, the outdoor wedding events at MacCallum House do not fall under the categories of Residential Use Types or Civic Use Types, as defined in the LCP (Mendocino Town Zoning Code Chapter 20.616 and 20.620). Section 20.620.055 of the Mendocino Town Code defines "Lodge, Fraternal, and Civic Assembly" as meetings and activities conducted primarily for their members by nonprofit organizations which are tax exempt pursuant to Section 501 (c) of the Internal Revenue Code. Excluded from this use type are uses classified as Group Care, or Visitor Accommodations (all types). Typical uses include meeting places for civic clubs, grange halls, lodges, or fraternal or veterans organizations. The County approved outdoor wedding events held at MacCallum house are for profit, and do not meet the above definition for Civic Assembly. While other civic events may occur at MacCallum House, wedding receptions account for the majority of events held there, and the project approved/exempted by the County states: "...use the lawn area to put up a 40' x 60' tent on weekends when weddings are held." Further, these wedding events do not qualify as the "Religious Assembly" civic use type. As defined in the Town Code, "Religious Assembly" is religious services involving public assembly such as customarily occurs in synagogues, temples and churches. The private wedding events held at MacCallum House are not for public assembly and for the most part, are private wedding receptions that are not religious in nature.

other categories, "special communities." Policy 4.13-1 of the Mendocino Town Plan designates the town of Mendocino as a special community. Therefore, the development is located within a sensitive coastal resource area as defined in the LCP, and, as such, is also appealable to the Commission pursuant to Sections 30603(a)(3) and 30625 of the Coastal Act.

The Commission notes that pursuant to Sections 30502 and 30502.5 of the Coastal Act, sensitive coastal resource areas designated by the Commission are subject to review by the legislature. However, Sections 30502 and 30503.5 do not require such legislative review for sensitive coastal resource areas designated by local governments in LCPs. Furthermore, Section 30005 of the Coastal Act allows for local governments to adopt and enforce additional restrictions on the use of land or water not in conflict with the Coastal Act that are more restrictive than the requirements of the Coastal Act. Thus, local governments may designate sensitive coastal resource areas to add restrictions on the use of the designated area without also obtaining review of the designation by the legislature.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. The Commission opened the hearing at its meeting of August 12, 2005. During the continued hearing on September 15th, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised.

The only persons qualified to testify before the Commission on the substantial issue question are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing, copies of which will be provided to all Commissioners.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* portion of the appeal hearing and review the merits of the proposed project. This *de novo* review may occur at the same or subsequent meeting. If the Commission were to conduct a *de novo* hearing on the appeal, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program.

2. Filing of Appeal

One appeal was filed by Mary Cesario Weaver (Exhibit No. 3). The appeal was filed with the Commission in a timely manner on July 14, 2005 within 10 working days of receipt by the Commission of the County's Notice of Final Action (Exhibit No. 4) on July 7, 2005. The Commission sent notice of the appeal to the applicants and the County of Mendocino in a timely manner on July 15, 2005. The Commission opened the substantial issue hearing on August 12, 2005, and the applicants attended the hearing and submitted a 30-page letter to the Commission (exhibit 6). After accepting testimony, the Commission continued the substantial issue and *de novo* hearing.

3. 49-Day Waiver

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. On August 12, 2005, the applicants submitted a signed 49-Day Waiver waiving the applicant's right to have a hearing set within 49-days from the date the appeal was filed.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-05-032 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and 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 TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-1-MEN-05-032 presents 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.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS

The Commission received one appeal of the County of Mendocino's decision to conditionally approve the coastal development permit application from Mary Cesario Weaver. The project as

approved by the County involves the conversion of an existing storage shed into a catering kitchen and use of the lawn to place a 40' x 60' tent on weekends when weddings are held.

The approved project is located near the center of the Town of Mendocino, on the north side of Albion Street and the south side of Ukiah Street, at 45020 Albion Street in Mendocino County. The subject property is surrounded by other commercial and residential development and many historic structures.

The appeal raises seven contentions alleging inconsistency of the approved project with the County's certified LCP. The appellants' contentions are summarized below, and the full text of the contentions is included as exhibit no.3.

1. Visual Resources and Special Communities

The appellant contends that the tents and crowds associated with the outdoor events are not subordinate to the character of its setting, and block public views to a number of surrounding landmark structures, including the MacCallum house itself, and the Red Baptist Church, a Category I landmark structure built in 1984.

2. Duration for Temporary Events

The appellant contends that when interpreting the temporary events provisions of the Mendocino Town Code, the County erred in its decision to exempt the use of the lawn to put up tents and hold weddings from CDP requirements because it did not properly apply the term, "limited duration" to the proposed outdoor wedding events, which means a period of time which does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis. The County Coastal Permit Administrator instead stated that each event at the subject property would not be the same as the one before it unless the same couple repeats their wedding vows twice within a four-month period, so it therefore would not be consecutive. The appellant disputes this interpretation of the term "limited duration". The appellant further contends that the use of the lawn to put up tents for weekend weddings would exceed the requirements of the County Zoning Code, which require that temporary events not exceed 14 days in any 12-month period. The appellant further states that the coastal permit administrator should have considered the temporary event regulations in the County code over the temporary event regulations in the Town code, because the former are the most protective of coastal resources, and there is a provision in the Town code that states that where provisions overlap, the provision that is the most protective of coastal resources shall take precedence.

3. Cumulative Effects

The appellant further contends that the frequency and crowds at the outdoor wedding events at the inn cause cumulative effects on the special community of Mendocino.

4. Maximum Lot Coverage

The appellant further contends that the outdoor tents and canopies associated with the wedding events cause the lot coverage to increase beyond the allowable 25% on the property.

5. Temporary Uses should be Subject to All Regulations

The project description in the coastal development permit application submitted to the County included the use of the lawn area to put up a 40 x 60 foot tent on weekends when weddings would be held. The appellant further contends that the temporary wedding events that were ultimately approved by the County because they were exempted from coastal development permitting requirements should have been subject to all the regulations that would be applied in the Mendocino Commercial (MC) *Visitor Serving Facilities combining district zone.

6. Public Services

The appellant further contends that the development is not provided with an adequate access road for private vehicles, fire trucks, and ambulances, and that pedestrian safety, health, and general welfare are threatened because the approved development is not served by adequate services, such as access roads and proof of adequate water supply. The appellant further contends that the approved auxiliary kitchen and the outdoor gatherings would have an enormous negative impact on transportation, circulation, parking, and pedestrian traffic, since there are no sidewalks on the narrow alley leading to the inn.

7. Accessory Uses/Structures

The appellant further contends that the approval of the kitchen as an "accessory structure" is inconsistent with the County LCP definition of accessory buildings, which states that they shall not include sleeping quarters or kitchens.

B. LOCAL GOVERNMENT ACTION

On June 23, 2005, the Mendocino County Coastal Permit Administrator conditionally approved the coastal development permit application for the project (CDP #2-04) (exhibit no.4). The coastal development permit application was for the conversion of an existing storage shed into a catering kitchen and use of the lawn to place a 40' x 60' tent on weekends when weddings are held.

There were no special conditions imposed on this permit. The County approved the kitchen as an accessory use to the existing hotel and restaurant. Although neither an inn/hotel nor a dining establishment is a principally permitted use in the Mendocino Commercial (MC) zone where MacCallum house is located, the hotel and restaurant were determined by the County to be legally non-conforming uses, as they pre-dated the Coastal Act and the town's zoning

regulations, and therefore the kitchen was determined to be accessory to this legally-non-conforming dining establishment use, and therefore approvable under a standard coastal development permit. Permanent accessory structures such as the catering kitchen are subject to approval of a coastal development permit, as per the Town code's accessory use regulations. This permit is partially "after the fact," because in November of 2004, the County determined that the kitchen had been partially installed and was in use. In 2003, the applicants obtained a building permit and a Mendocino Historic Review Board (MHRB) permit to enclose an existing 184-square-foot wood storage shed and combine it with an adjacent 153-square-foot storage building to create a 337-square-foot storage building. In 2004 they then applied for the subject coastal development permit to allow the use of the storage building to be changed to an auxiliary catering kitchen. In 2004, the applicants then obtained another building permit to extend electrical service to the building, and MHRB permits were obtained for exhaust fans and other exterior alterations to the building. Toward the end of 2004 it was determined that the kitchen was in use.

The application for the coastal development permit also included a request to allow the use of 40 by 60 outdoor tent on dates, usually weekends, when weddings are held. Since the County determined that this portion of the application was exempt from coastal development permit requirements because temporary events and temporary structures are exempt under the Town code's temporary event provisions, the County's action on the coastal development permit application also authorized the applicant's request to use an outdoor tent on the inn lawn for outdoor weddings.

The decision of the Coastal Permit Administrator to approve the development proposed in the coastal development permit application was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received by the Commission staff on July 7, 2005 (exhibit no.4). Section 13573 of the Commission's regulations allows for appeals of local approvals to be made directly to the Commission without first having exhausted all local appeals when, as here, the local jurisdiction charges an appeal fee for the filing and processing of local appeals.

The County's approval of the project was appealed to the Coastal Commission in a timely manner on July 14, 2005, within 10-working days after receipt by the Commission of the Notice of Final Local Action.

C. PROJECT AND SITE DESCRIPTION

The approved development is located in the coastal zone in the Town of Mendocino on the north side of Albion Street and the south side of Ukiah Street, at 45020 Albion Street in Mendocino County (APNs 119-236-10, 119-236-12). The site is currently developed with the MacCallum House Inn, a 2,600 square foot historic house, and several smaller surrounding structures, including a gazebo, cottage, carriage house, green house, loft, and water tower. The front of the inn facing Albion Street contains a large lawn and landscaped area where the tent would be placed on weekends during wedding gatherings. The kitchen as approved would be located in

back of the inn near Ukiah Street (to the north), and would contain a walk-in refrigeration unit, two 6-burner commercial ranges with a vent hood above, a dishwasher, three sinks, drainboards, counters, a stainless steel work table, and dry storage shelving.

The Town of Mendocino is recognized as a unique community on the northern California coast, and is listed on the National Register of Historic Places. The town is designated as a "Special Community" in the County's LCP. The MacCallum House Inn is a historic building located in the core historic district of downtown Mendocino, which contains structures dating back to the late 1800s. The subject property is surrounded by other commercial and residential development and many historic structures.

D. SUBSTANTIAL ISSUE ANALYSIS.

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program...

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (California Code of Regulations, Title 14, Section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants 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.

1. Appellant's Contentions Are Valid Grounds for Appeal

The appellant's contentions present potentially valid grounds for appeal in that they allege the approved development's inconsistency with the policies of the certified LCP. These contentions allege that the approval of the project by the County raises significant issues related to LCP provisions regarding visual resources and special communities, maximum lot coverage, accessory uses/structures, public services, temporary events, and cumulative effects. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the appeal raises a substantial issue with regard to the approved project's conformance with the certified Mendocino County LCP.

Allegations Raising Substantial Issue:

a. Temporary Events

Appellant's contentions 1-6 (described in Section (II)(A)) present valid grounds for appeal, as they allege the project's inconsistency with policies of the certified LCP. Contentions 1-6 provide allegations against the use of the lawn to place tents and to hold outdoor temporary wedding gatherings. The project description in the coastal development permit application submitted to the County included the use of the lawn area to put up a 40 x 60 foot tent on weekends when weddings would be held. The County ultimately approved this portion of the coastal development permit application by determining that these temporary events were exempt from coastal development permitting requirements, as per the temporary use regulations of the Town's zoning code.

Coastal Act Section 30603(a) states in applicable part:

After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:... [Emphasis added]

Coastal Act Section 30625(a) states in applicable part:

...any appealable action on a coastal development permit or claim of exemption for any development by a local government or port governing body may be appealed to the commission by an applicant, any aggrieved person, or any two members of the commission...[Emphasis added]

LCP Policies

Chapter 20.708, Temporary Use Regulations, of the Mendocino Town Zoning Code states in applicable part:

Sec. 20.708.010 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.

(B) Construction Support. Temporary building and structures supporting residential development and/or major construction.

(C) Uses in New Subdivisions. Temporary uses in new major or parcel subdivisions which support the sale of dwellings and lots within the same subdivision.

(D) Use of a Trailer Coach. Temporary use of a trailer coach for certain purposes.

(E) Family Care Unit. The temporary use of a building, structure or trailer coach to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

(F) Film Production. The temporary use of a building, structure or property for the purposes of film production. If film production activities constitute development as defined by Section 20.608.023(C), a Coastal Development Permit shall be required. (Ord. No. 3915 (part), adopted 1995)

Sec. 20.708.015 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. All temporary uses must comply with Chapter 20.760. (Ord. No. 3915 (part), adopted 1995)

Sec. 20.708.020 Entertainment Events, Religious Assembly, Other Large Public Gatherings or Other Temporary Events.

(A) Purpose and Authority. The purpose of this section is to identify the standards the Department of Planning and Building Services, under the direction of the Director, will use in determining whether a temporary event is excluded from coastal development permit requirements.

(B) Procedure. The organizer of a temporary event is required to contact the Department of Planning and Building Services to allow the Director or his/her designee to review the project and determine if a coastal development permit is necessary, pursuant to the following regulations.

(C) Criteria for Requiring a Coastal Development Permit. Except as described below, temporary events are excluded from coastal development permit requirements.

The Director may determine that a temporary event is subject to coastal development permit review if the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

(1) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

(2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Subsection (D) below;

(3) The event would restrict public use of parking areas to the extent that it would significantly impact public recreation areas or public access to coastal waters;

(4) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

(D) Definitions. For purposes of this section, the following definitions shall apply.

(1) "Temporary event(s)" means an activity or use that constitutes development as defined in Section 20.608.023 of the Mendocino Town Zoning Code; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, street, or parking area which is otherwise open and available for general public use;

(2) "Limited duration" means a period of time which does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis;

(3) "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, etc., which do not involve grading or landform alteration for installation;

(4) "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access, or access to coastal waters other than for or through the event itself;

(5) "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources;

(6) "Sandy beach area" includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest...[emphasis added.]

Discussion

The approved conversion of the outdoor storage shed to a catering kitchen facility is intended to serve the outdoor wedding events and other community events at MacCallum House. This fact suggests that the approved use of the lawn to place a tent and hold outdoor temporary wedding gatherings is intended to accommodate intermittent events occurring indefinitely into the future. Temporary events are defined in the town code as being of "limited duration." "Limited duration" is defined as a period of time that does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis.

The applicants provided information on the types and numbers of events that are held on the MacCallum House lawn, in an August 23, 2005 letter to the Commission (exhibit 6). The MacCallum House holds private wedding events for its guests and community events for various entities in Mendocino, including fundraisers, Easter egg hunts, and music festivals. Since 2003, at least 50% (annually) of the events have been private guest events, and this percentage has gone up to 66% (in 2004) and to date in 2005 has been 50% although this percentage will rise because of several booked weddings in the fall (based on personal communication with the applicants, private events will comprise about 61% of the events at MacCallum house for the year 2005 [pers. comm. with applicants, August 23, 2005]). While in 2003 MacCallum House held only six events, this number rose sharply in 2004 with fifteen events (10 of which were weddings or 'private guest events') and in 2005 this number is expected to be eighteen (11 of which are weddings or 'private guest events'). Further, according to personal communication with the applicants, MacCallum House books wedding events several months in advance to fill

the popular wedding season in Mendocino, which take place in the spring and early summer and the fall (Noah Sheppard and Jed Ayers, per. com., 8/16/05).

Since the public hearing was opened on August 12, 2005, the applicant has provided additional information about previous wedding and other events held on the MacCallum House grounds over the last two years and scheduled events for 2005. Such events were held 6 times in 2003, 15 times in 2004, and it is anticipated they will be held 18 times in 2005. The Commission notes that the previous pattern of wedding and other events and the proposed schedule of future events do not reflect a random series of unanticipated temporary events. Instead, the weddings occur on a regular basis and provide a significant amount of business to the MacCallum House Inn that is both anticipated and planned for.

Because these outdoor events (1) are set up to be permanently served by the auxiliary kitchen, (2) are primarily for private weddings and serve an on- going commercial enterprise, and (3) exceed the definition of "limited duration" because the outdoor weddings have exceeded a consecutive four-month period on an intermittent basis, the Commission finds that the local government did not have a high degree of factual or legal support for its decision to exempt the outdoor events at MacCallum House as temporary events. Further, exempting from coastal development permitting requirements the outdoor wedding events at MacCallum House would set a precedent for the Town of Mendocino, as the issue of whether activities conform to the temporary use provisions of the Mendocino Town Zoning Code has not previously been considered on appeal by the Commission. Many such events could negatively affect coastal resources, such as public access or visual resources.

Therefore, for all of the above reasons, the Commission finds that the decision by the Coastal Permit Administrator to authorize the use of the MacCallum House lawn for outdoor wedding events raises a substantial issue of conformance with Mendocino Town Code Section 20.708.020.

Allegations Raising No Substantial Issue:

a. Accessory Uses/Structures and Public Services

Appellant's contention no. 7 states that the approval of the kitchen as an "accessory structure" is inconsistent with the County LCP definition of accessory buildings, which states that they shall not include sleeping quarters or kitchens except as provided in the accessory use regulations of the Town Zoning Code.

LCP Policies

Mendocino Town Zoning Code Section 20.608.020(F) states:

"Accessory Building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or

building site; i.e., private garage, storage shed, farm out buildings, etc. In no case shall such accessory structure dominate, in purpose, the principal lawful structure or use. This definition, by itself, is not intended to prohibit an accessory structure which is greater in size than the main structure. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy except as provided in Chapter 20.704 [emphasis added].

Mendocino Town Zoning Code Section 20.608.035(J) states:

"Principal Use(s)" means the primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.

Section 20.704.010 of the Mendocino Town Zoning Code, Accessory Uses Encompassed by Principal Use, states:

(A) In addition to the principal uses expressly included in the zoning districts each use type shall be deemed to include accessory uses which are specifically identified by these Accessory Use Regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Accessory uses shall not include manufacturing, processing or transportation of flammable, combustible, explosive, toxic or other hazardous materials. Such determinations which are made by the Director shall be subject to the administrative appeal procedure commencing at Chapter 20.728 [emphasis added].

(B) An accessory structure may be constructed prior to the construction of a dwelling on the premises. An accessory structure shall not be used for temporary or permanent occupancy as a residence, without compliance with Section 20.708.025(B) (Construction Support). Accessory uses and structures shall be subject to the provisions of Chapter 20.720 (Coastal Development Permit Regulations). [emphasis added.]

Section 20.704.015 of the Mendocino Town Zoning Code, "Residential and Agricultural Use Types," States:

Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single family residence:

(A) Private Garages.

(B) Children's playhouses, patios, porches, gazebos, etc.

(C) Windmills.

(D) Shops (non-business purposes).

(E) Barns.

(F) Private swimming pools and hot tubs (not subject to setback requirements in the side or rear yards of any district).

(G) Accessory Living Unit. Not more than one (1) accessory living unit for each legal parcel.

(H) Day care center, family care home or school, for six (6) or less persons.

(I) Travel Trailer or Camper. The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes and only when authorized pursuant to Section 20.760.045. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.

(J) Home Occupations. Subject to Chapter 20.696.

(K) Household Pets. The keeping of dogs and cats and other household pets, but not including kennels.

(L) Accessory Parking. When authorized pursuant to Section 20.760.045, the following may be allowed:

(1) The parking of one (1) large vehicle or construction equipment upon private property forty thousand (40,000) square feet or less in size.

(2) The parking of two (2) large vehicles or construction equipment upon private property greater than forty thousand (40,000) square feet but less than five (5) acres.

(3) The parking of three (3) large vehicles or construction equipment upon private property in excess of five (5) acres.

(4) Nothing in this subsection shall restrict the number of vehicles or construction equipment used by the property owner for their own agricultural or home use.

As used in this subsection "large vehicle" shall mean vehicles of three ton tare (unladen weight).

(M) Public Access. The offer to dedicate and acceptance of a dedication for an accessway except that the construction of a public access trail and, or construction of a staircase accessway on a bluff face (as determined by the Department of Planning and Building Services) will require a Coastal Development Use Permit.

(N) Other Necessary and Customary Uses. Accessory non-residential uses and non-residential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal use, as determined by the Director. (Ord. No. 3915 (part), adopted 1995)

Section 20.704.020, Civic and Commercial Use Types, of the Mendocino Town Code states:

(A) Public Access. The offer to dedicate, acceptance of a dedication or construction of a public access trail except that the construction of a staircase accessway on a bluff face (as determined by the Department of Planning and Building Services) will require a use permit.

(B) Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal civic or commercial uses shall be permitted where these use types are permitted. [emphasis added.]

Section 20.664.010 of the Mendocino Town Code, Principal Permitted Uses for MC Districts, states:

(A) The following use types are permitted in the MC District:

(1) Residential Use Types

Family Residential: Single Family

Family Residential: Two Family

Family Residential: Multi-Family

(2) Civic Use Types

Administrative Services Government

Clinic Services

Cultural Exhibits and Library Services

Lodge, Fraternal and Civic Assembly

Minor Impact Utilities

Religious Assembly

(B) The following Use Types which do not exceed one thousand (1,000) square feet of gross floor area per parcel are permitted in the MC District.

(1) Commercial Use Types

*Administrative and Business Offices
Medical Services
Personal Services
Retail Sales: Limited*

(C) For the purposes of appeal to the Coastal Commission, the Principal Permitted Use for the Commercial District shall be Commercial Use Types.

Section. 20.664.015 of the Mendocino Town Code, Uses for MC Districts Subject to a Minor Use Permit, states:

The following use types may be permitted in the MC District upon issuance of a minor use permit:

(A) Civic Use Types

Day Care Facilities/Small Schools

(B) Commercial Use Types

*Business Equipment Sales and Services
Food and Beverage Preparation: Without Consumption
Food and Beverage Retail Sales
Repair Services, Consumer
Retail Sales: General (Ord. No. 3915 (part), adopted 1995)*

Section 20.664.020 of the Mendocino Town Zoning Code, Uses for MC Districts Subject to a Major Use Permit, states:

The following use types may be permitted in the MC District upon issuance of a major use permit.

(A) Civic Use Types

*Educational Facilities
Major Impact Services and Utilities*

(B) Commercial Use Types

*Agricultural Sales and Services
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Gasoline Sales
Automotive and Equipment: Repairs
Building Maintenance Services
Commercial Recreation: Indoor Sports and Recreation
Commercial Recreation: Indoor Entertainment
Communication Services
Construction Sales and Services
Custom Manufacturing*

Eating and Drinking Establishments
Financial Services [emphasis added.]

Sec. 20.684.010 of the Mendocino Town Zoning Code, Principal Permitted Uses for *Visitor Serving Facilities Combining Districts states:

*The following use types are permitted in the * District:*

(A) Residential Use Types

Family Residential: Single Family (Ord. No. 3915 (part), adopted 1995)

Sec. 20.684.015 Conditional Uses for * Districts.

*The following use types may be permitted in the * District upon issuance of a use permit:*

(A) Residential Use Types

All Residential Use Types specified in the base zone.

(B) Visitor Accommodation Use Types

Hostel

Hotel

Inn

Motel

Student/Instructor Temporary Housing (Ord. No. 3915 (part), adopted 1995)[emphasis added.]

Sec. 20.684.020 Development Regulations for * Districts.

*Within the * District, site development regulations of the base zone shall apply, including the provisions of Section 20.660.075(A) and (B) when combined with the MMU District*

Discussion

The appellant notes that Mendocino Town Zoning Code Section 20.608.020(F) indicates that accessory buildings shall not contain sleeping quarters or kitchen facilities and are therefore not intended for human occupancy, except as provided in Chapter 20.704. The appellant contends that the approved project is inconsistent with Section 20.608.020(F) because it authorizes a kitchen in an accessory structure. However, Section 20.608.020(F) does not completely prohibit kitchen facilities within accessory buildings. Section 20.608.020(F) indicates kitchens may be allowed in accessory structures if they are provided for under Chapter 20.704 of the Code, which is the chapter entitled "Accessory Use Regulations."

The approved conversion of the storage shed to a kitchen was approved by the County as an "accessory use," as per Mendocino Town Zoning Code Section 20.704.020(B). This section states that in addition to the principal uses on a property other accessory uses that are associated

with and incidental to the principal uses shall be permitted with a coastal development permit; and for those developments located in commercial zones, accessory structures and uses necessarily and customarily associated with the principal civic or commercial uses shall be permitted. Principal uses are defined in the Town zoning code as the primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed. In the case of MacCallum House, the property and grounds have been used as an inn and restaurant since 1976. This is a legal non-conforming use as per the Mendocino LCP, and the property is located in a *Visitor Serving Facilities Combining Zone. The use of the storage shed as an auxiliary kitchen is accessory, and incidental to, the primary inn and restaurant use of the property, consistent with the accessory use provisions in the Town Code (Section 20.704.020(B)) for developments located in commercial zones. Therefore, as a kitchen is accessory to the principal use of the property, installation of a kitchen in the accessory structure is provided for under Section 20.704.020(B).

For the above reasons, the Commission finds that the local government had a high degree of legal and factual support for its decision to approve the conversion of the storage shed to an auxiliary kitchen. Therefore, the Commission finds that the appeal raises no substantial issue with regards to conformance with the requirements of the accessory structure provisions of Section 20.608.020(F) of the Mendocino Town Zoning Code.

Conclusion

All of the various foregoing contentions raised by the appellants have been evaluated against the claim that they raise a substantial issue in regard to conformance of the local approval with the certified LCP. The Commission finds that the development proposed by the applicant in the coastal development permit application and approved by the County raises a substantial issue of conformance with the certified LCP, with respect to the contention raised concerning inconsistency of the approved development with the temporary events policies of Mendocino Town Zoning Code.

EXHIBITS

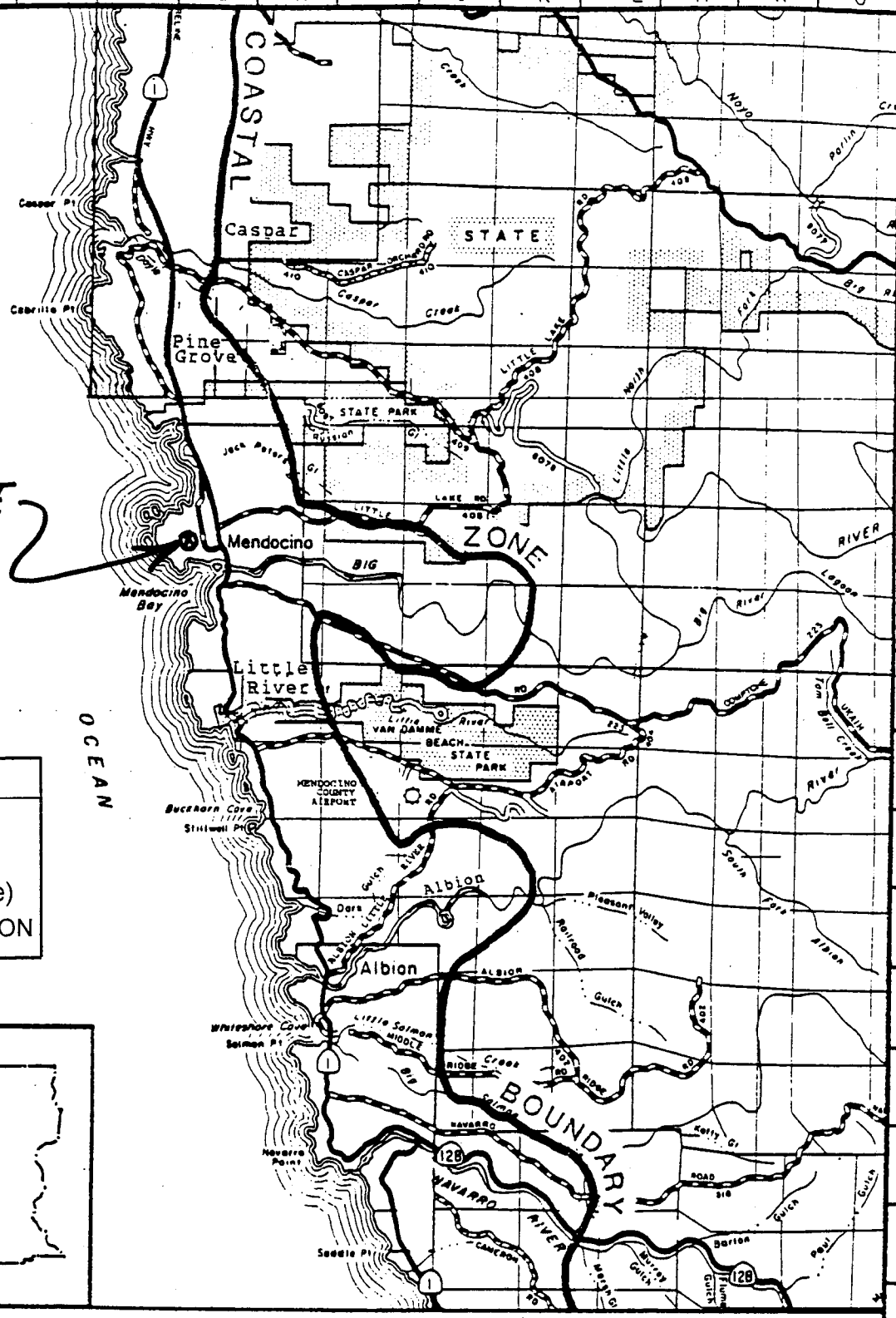
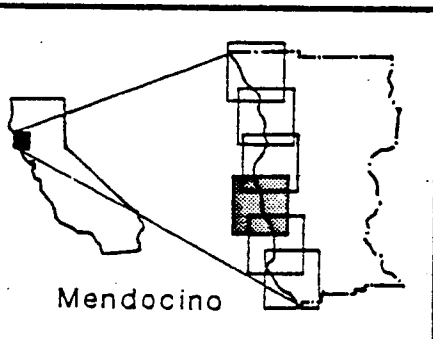
1. Regional Location Map
2. Vicinity Map
3. Appeal
4. Notice of Final Local Action
5. Project Plan
6. Applicant's Correspondence
7. Other Correspondence

A B C D E F G H I J K L M N O

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PROJECT SITE

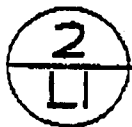
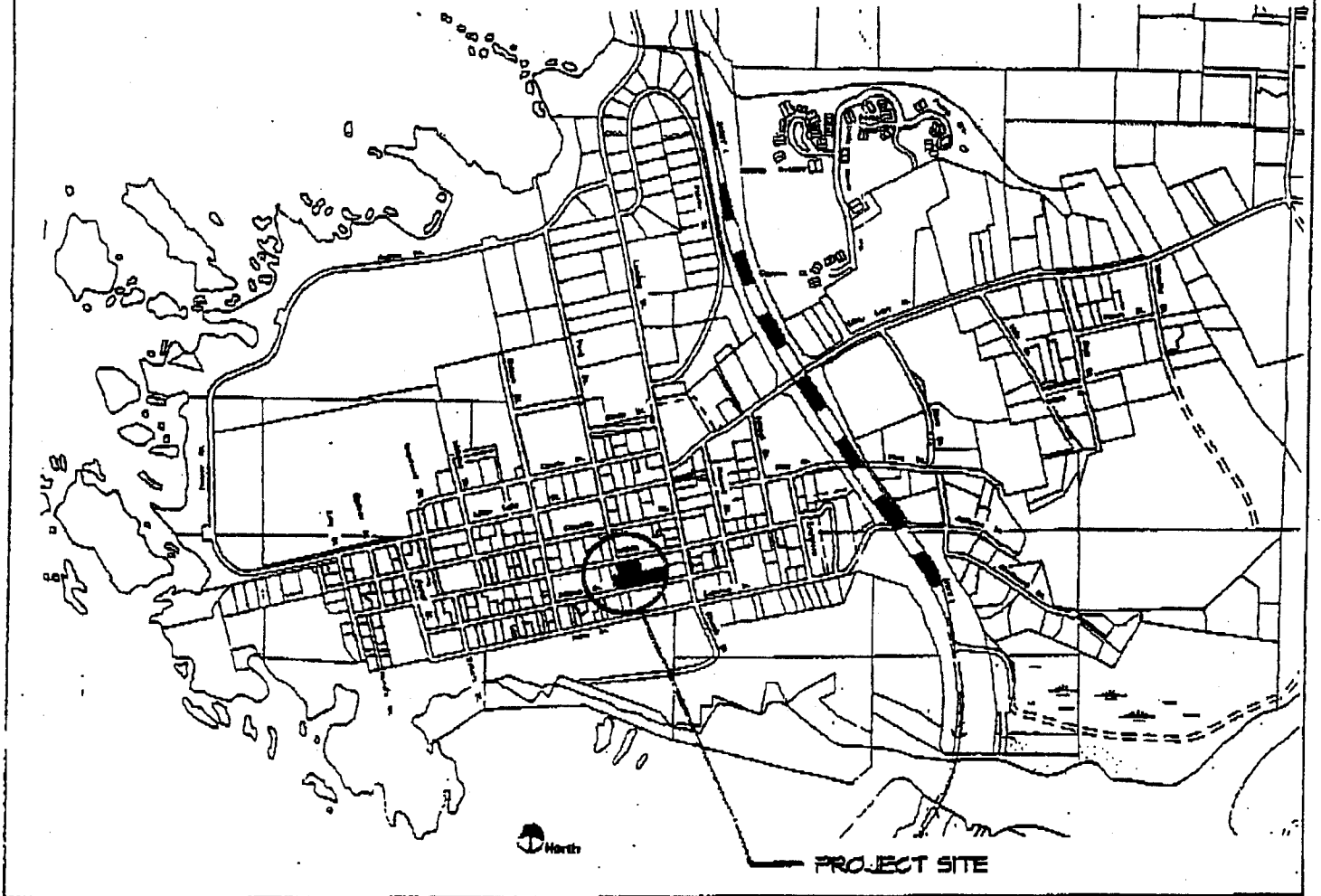
EXHIBIT NO. 1
 APPEAL NO.
 A-1-MEN-05-032
 (MacCallum House)
 REGIONAL LOCATION



LOCATION MAP



Town of Mendocino



LOCATION MAP



EXHIBIT NO. 2
APPEAL NO.
A-1-MEN-05-032
(MacCallum House)
VICINITY MAP

C

MacCALLUM HOUSE LLC

LOCATION MAP

SCALE: NONE



Mary Cesario Weaver
P.O. Box 1395
Mendocino, CA 95460
961-0937 or 357-2846
marvinmendo@hotmail.com

Bob Merrill
California Coastal Commission
North Coast District Office
P.O. Box 4908
Eureka, CA 95502-4908
445-7833 445-7877 fax

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CALIFORNIA
COASTAL COMMISSION

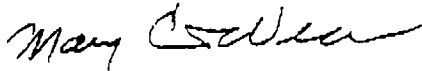
July 11, 2005

Dear Mr. Merrill,

Enclosed is my appeal of CDP #2-04, the staff report on this project, a list of code sections cited in my appeal and a letter from Wanda Traber in regards to this hearing.

Please do not hesitate to contact me if you have any questions or information for me about this appeal. I was present and spoke against this project at the June 23, 2005 hearing in Fort Bragg heard by Ray Hall, Mendocino County Coastal Permit Administrator.

Sincerely,



Mary Cesario Weaver

EXHIBIT NO. 3

APPEAL NO.

A-1-MEN-05-032

(MacCallum House)

APPEAL (Page 1 of 12)

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET, SUITE 200

EUREKA, CA 95501

VOICE (707) 445-7833 FAX (707) 445-7877

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COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)Name: MARY CESARIO WEAVERMailing Address: P.O. Box 1395City: MENDOCINO, CAZip Code: 95460Phone: (707) 961-0937SECTION II. Decision Being Appealed

1. Name of local/port government:

MENDOCINO COUNTY

2. Brief description of development being appealed:

CDP #2-04CONVERT EXISTING STORAGE SHED INTO A CATERING KITCHEN AND
USE THE LAWN AREA TO PUT UP A 40' BY 60' (2,400 SQ. FT.) TENT
ON WEEKENDS WHEN WEDDINGS ARE HELD.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

IN THE COASTAL ZONE, IN THE TOWN OF MENDOCINO (HISTORIC ZONE A),
ON THE NORTH SIDE OF ALBION ST. (CR#407D) AND THE SOUTH SIDE OF
ULIATH ST. (CR#407C), APPROXIMATELY 250' WEST OF THEIR INTERSECTIONS WITH
LAWSING ST. (CR#500), AT 45020 ALBION ST., AP# 119-236-10

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



Approval; no special conditions



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: _____

DATE FILED: _____

DISTRICT: _____

2 of 12

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

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

- ☒ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: 6-23-05

7. Local government's file number (if any): CAP # 2-04

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:

MACCALLUM HOUSE
NOAH SHEPPARD + JEA AYRES
P.O. Box 206
MENDOCINO, CA 95460

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

(1) SUSAN SMITH c/o JOHN CURRY P.O. Box 457 MENDOCINO, CA 95460

(2) KATHLEEN CAMERON P.O. Box 438 MENDOCINO, CA 95460

(3) WANDA TRABER P.O. Box 813 MENDOCINO, CA 95460

(4) CLINTON SMITH P.O. Box 1761 MENDOCINO, CA 95460

(5) KATHLEEN DONOVAN P.O. Box 393 MENDOCINO, CA 95460

(6) IAN MAYENO P.O. Box 813 MENDOCINO, CA 95460

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.

SEE ATTACHED PAGES.

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.

Mary Coleman
Signature of Appellant(s) or Authorized Agent

Date: 7. 11. 05

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)

Date: _____

History: Prior to the purchase of the MacCallum House about two years ago by Noah Sheppard and Jed Ayers, the previous owners used the inside of the inn/restaurant/bar for the normal business activities associated with an inn. In the thirty years I have lived here, it was rare for any events to be held outside of the building itself. When they did have a special event, they closed the restaurant/bar to the general public. There is **no established history** of outdoor gatherings at the MacCallum House. It is a new use that the current owners are lobbying hard to continue.

In addition to wedding receptions, other activities now vigorously promoted by the new inn owners as "outdoor events" held in tents or under canopies at the inn include political candidates' fundraisers, music concerts, outdoor barbecues and other uses, most attended by between 100 and 500 people.

The inn would like to build a 2,400 square foot addition to their 2,600 sq. ft. inn, but the zoning laws prevent that, so instead a "2,400 sq. ft. tent" and/or 4 or 5 canopies are erected to shelter the participants.

Since they do not close the restaurant/bar/inn for these weekly events, they need an extra kitchen, recently installed in an accessory building, to serve the food and drinks to people at the outside event.

Although residential neighbors and business owners have complained for two years about these loud, boisterous activities, the Mendocino Historical Review Board, which grants permits for tents (but has never been asked about the canopies) has no jurisdiction over the "use" of the premises, only the "design" of structures.

At the CDP hearing on June 23, 2005, the Coastal Permit Administrator, Ray Hall, stated that in his opinion the county also has **no jurisdiction** over the use of the premises for these kind of activities.

The narrow alley, Albion Street, that the inn is located on, is virtually blocked for days at a time with large delivery trucks bringing in products not just for the restaurant and bar in the inn, but for the additional products used by the 100 to 500 people who attend the outdoor events; food, drinks, tents, canopies, portable toilets, musical and video equipment, portable wooden dance floors, tables, chairs, and so on.

The **cumulative impact of this intensification of use is horrific**. These kind of events should not be held outdoors. There are plenty of halls to rent in Mendocino with parking lots for these activities. **This intensification of use has a negative impact on the character of the special community of Mendocino.**

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COASTAL COMMISSION

6 of 12

Since it is Ray Hall's opinion that a CDP is not needed, the local fire department is not required to perform an inspection of the premises and the California Department of Forestry and Fire Protection does not require review of projects on parcels smaller than one acre for compliance with CDF fire standards. This highly congested narrow street, Albion Street, is further compromised during these activities when fire trucks or ambulances could not make their way down the alley to protect the health, safety and welfare of the citizens. 20.604.035(C)

Precedent Setting: A neighbor in Mendocino, Ruth Schnell, who wanted to have outdoor events at her home a few blocks away was told a few years ago by the Mendocino County Board of Supervisors that she is limited to 2 outdoor events a year with tents and canopies for all of the reasons I have addressed in my statement. To permit the MacCallum House to have these perpetual, unlimited events would set a new precedent for all property owners in the Town of Mendocino to have the same events on their properties every day of the year.

Why policies and requirements make the project (CDP #2-04) inconsistent with the land use plan and the reasons why the decision warrants a new hearing:

The Town of Mendocino is the only recognized special community in the Local Coastal Plan.

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance....New development shall be subordinate to the character of the setting. This development is not.

30253(5). New development shall protect special communities and neighborhoods... This development does not.

30116. Sensitive coastal resource areas include (e) special communities or neighborhoods and © highly scenic areas. These coastal resources are impacted by this development.

Title 20 Division III of the Mendocino Town Plan segment of the Coastal Element of the Mendocino County General Plan states:

Land use regulations are deemed necessary to preserve the character of the Town, allow for orderly growth by careful delineation of land uses, and protect Mendocino's status as a special community.

20.604.035(B) Where regulations overlap between this Division and between Divisions of Title 20 overlap, the regulation which, on balance, is most protective of coastal resources shall take precedence.

20.460.020(B) Duration. The period of operation for a temporary event shall not exceed 14 days in any 12 month period. The Coastal Administrator did not cite this section in his interpretation of the code yet it is the most protective of coastal resources and this special community. 20.604.035(B)

20.460.020(C) Gatherings of 100 to 1,000 persons shall be required to obtain a CDP. The Coastal Administrator also did not enforce or require this section in his decision and it also is the most protective. 20.604.035(B) 20.604.035(C)

Transportation and Circulation: The Coastal Administrator states the second kitchen and outdoor gatherings will not result in any change in traffic to the site and will have no impact on transportation or circulation. This is absolutely not true, as stated earlier. These events, this intensification of use, has an enormous negative impact on transportation, circulation, parking and on pedestrian traffic since there are no sidewalks on this narrow alley. 20.604.035(C)...and the requirements shall be held to be the minimum requirements for the promotion and protection of the public safety, health and the general welfare.

Accessory Buildings: 20.608.020(F) Accessory buildings shall not contain any sleeping quarters or kitchens. A permit should not have been granted for the kitchen.

Cumulative Effect: 20.608.022(J) The frequency and crowds at these events on this property have created a cumulative effect on this special community and neighborhood.

Maximum Lot Coverage: 20.664.060 Maximum lot coverage at this site is 25% and with the tents and canopies goes over this limit. 20.608.031(13) (Definition covers all structures) and 20.708.015 Temporary uses shall be subject to all regulations as would be applied to any use located in the same zone.

Protect public views to landmark structures as described in the Inventory of Historic Structures in the Appendix of the Mendocino Town Plan. 20692.020(B) This development blocks public views of a number of surrounding landmark structures including the MacCallum House itself and the Red Baptist Church, a Category I landmark structure built in 1894.

Temporary Uses: If the activities for which this permit was approved are a temporary use (uncertain at this time) all temporary uses shall be subject to all regulations as would be applied to any use in the same zone, (which they are not complying with.) 20.708.015 The Coastal Administrator at the June 23, 2005 hearing wanted to split this permit in half at the time of the hearing and consider the issue of temporary events and tents separately at a later time. This was not done, however, and the permit was approved. Mr. Hall could not determine what a "temporary use" was or what any definition of "limited duration" meant or what the word "event" meant. Yet he determined that this project was excluded from CDP requirements and 20.708.020: did not think the unique and changing circumstances on this property and its current intensification of use had the

potential for **significant adverse impacts on coastal resources, and the special community of the Town of Mendocino.**

Although one definition says "limited duration" means a period of time which does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis, Mr. Hall said in so many words that each event is not the same as the one before it, so therefore are not consecutive unless the same couple repeats their wedding vows twice within a four month period, which is an outrageous and insulting interpretation of the code.

I asked Mr. Hall to check with county counsel for an interpretation (as I have for over two years) with no reply from counsel or Frank Lynch, the chief county planner, who I personally wrote a four page letter to on this issue in February of 2005.

In addition, Mr. Hall **did not** cite 20.460.020(B) duration **shall not** exceed 14 days in any 12 month period or 20.460.020(C) permit **shall be** required for gatherings of 100 to 1,000 persons. 20.604.035(B) and when there is a conflict in divisions, the most protective of coastal resources, special community, **shall** take precedence.

In his findings, Mr. Hall also said the use did not require any permits because it has not historically been required to obtain a permit or to monitor the associated impacts. This is simply not true. As stated in the introduction, this is a **"new use, an intensification of use with negative cumulative impacts"** and those impacts have been entered into the record by neighbors and businesses in the neighborhood for over two years with no resolution. The MHRB says it cannot rule on use and neither can the county according to Ray Hall. The neighbors have stated in the record that the use is a **nuisance.**

Zoning: This project does not comply with the zoning requirements for the Mendocino Commercial District. It exceeds the lot coverage.

Findings: 1. The proposed development is **not** in conformity with the certified LCP.

2. The proposed development is **not** provided with an adequate access road.

3. The proposed development is **not** consistent with the purpose and intent of the zoning district applicable to the property as well as all other provisions of Division III of the Mendocino County Code and does **not** preserve the integrity of the zoning district.

4. Other public services, including but not limited to public roadway capacity for private vehicles, fire trucks, and ambulances; fire hazards, transportation, circulation, parking, pedestrian safety, health, safety and general welfare of the public and proof of adequate water supply have **not** been adequately addressed and are **not** adequate to serve the proposed development.

Enclosures: Staff report 6/23/05 Letter from Wanda Traber

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Appeal from Coastal Permit Decision of Local Government CDP #2-04
Heard before Coastal Permit Administrator Ray Hall on June 23, 2005

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List of code sections cited in my statement for easy reference: (3 pages)

CALIFORNIA
COASTAL COMMISSION

Special communities: The Town of Mendocino is the only recognized special community in the Local Coastal Plan. (Mendocino County General Plan Coastal Element 3.5)

30251. "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance.....New development shall be subordinate to the character of its setting."

30253(5). "New development shall protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."

30106. "Development" means,, on land, in or under water, the placement or erection of any solid material or structure.....change in the density or intensity of use of land....change in the intensity of use of water....."

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground....Section 20.608.038(33) Mendocino County Zoning Code Town of Mendocino Title 20-Division III of the Mendocino County Code

30116. "Sensitive coastal resource areas" include (e) special communities or neighborhoods and © highly scenic areas.

This Division is adopted pursuant to Title 7 of the Government Code and Section 30500 et. seq. of the California Public Resources Code to implement the Mendocino Town Plan segment of the Coastal Element of the Mendocino County General Plan; to prescribe land use regulations for the Town of Mendocino deemed necessary to preserve the character of the Town; to allow for orderly growth by careful delineation of land uses, provision of community services and review of development proposals; to protect Mendocino's status as a special community, significant coastal resource, and a historic residential community; and to supplement the policies of Division II. Section 20.604.010 Necessity and Purpose of Title 20-Division III.

20.604.015 All development shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than as is permitted in the zone in which such land, building, structure or premise is located.

20.604.035(B) Where regulations overlap within this Division and between Divisions of

10 of 12

Title 20 overlap, the regulation which, on balance, is **most protective** of coastal resources **shall** take precedence.

20.604.035(C) In interpreting and applying the provisions of this Division, the Mendocino Town Plan and Chapter 3 of the California Coastal Act (PRC Sections 30210 through 30263) **shall** guide its interpretation, and the **requirements shall** be held to be the **minimum requirements** for the promotion and protection of the public safety, health and the general welfare.

20.608.005 Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained in this Division, in which case the **Division definition shall prevail.**

20.608.010(C) "Shall" is always mandatory and not discretionary.

20.608.020(F) "Accessory Building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site..... Accessory buildings **shall not contain** any sleeping quarters or kitchen facilities.

20.608.030(B) "Kitchen" means any room or portion of a building used or intended or designed to be used for **cooking or the preparation of food**, whether the cooking unit be **permanent or temporary and portable**, including any room having a sink and cooking stove that has a flat top with plates or racks to hold utensils over flames or coils.

20.608.022(J) "Cumulatively" or "Cumulative Effect" means the incremental effects of an individual project in connection with the effect of past projects, the effects of other current projects, and the effects of reasonably foreseeable probable future projects.

20.608.031(13) "Lot Coverage" means the percentage of gross lot area covered by all buildings and structures on a lot, including decks, porches and walkways; excluding uncovered required parking areas, landscaping, patios and terracing."

20.664.060 Maximum lot coverage for MC Districts is **25%.**

20.692.020(B) All applications for new development **shall** be reviewed for consideration of requiring dedicated scenic easements (4) **to protect public views to landmark structures** as described in the Inventory of Historic Structures in the Appendix of the Mendocino Town Plan.

20.708.015 Temporary Uses **shall** be subject to all regulations as would be applied to any use located in the same zone, except as provided by these regulations. All temporary uses must comply with Chapter 20.760.

20.708.020 Entertainment Events, Other Large Public Gatherings or other Temporary

Events. The purpose of this section is to identify the standards the Department of Planning and Building Services, under the direction of the Director, will use in determining whether a temporary event is excluded from coastal development permit requirements.

The Director may determine that a temporary event is subject to a CDP review if the Director determines that unique or changing circumstances exist relative to a particular temporary event that have **the potential for significant adverse impacts on coastal resources.**

Such circumstances may include (2) that the event and its associated activities or access requirements will either **directly or indirectly impact significant scenic resources (Special Community)** or other coastal resources as defined in Subsection (D)(5) visitor and recreational facilities. (3) The event would restrict public use of **parking areas** to the extent that it would significantly impact public recreation areas or public access to coastal waters or (4) The event has historically required a CDP to address and monitor associated impacts to coastal resources.

D(1) "Temporary event" means an activity or use that constitutes development (30106 or Section 20.608.023 (same definition, see above), is an activity or function of limited duration and involves the placement of non-permanent structures.

D(2) "Limited duration" means a period of time which does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis.

D (3) "Non-permanent structures" include but are not limited to bleachers, perimeter fencing, **vendor tents, canopies**, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, etc., which do not involve grading or landform alteration for installation.

D(5) "Coastal resources" include visitor and recreational facilities.

Title 20 Division III supplements Title 20 Division II (see above) and when the two are in conflict, the division with the regulation that is **most protective** of coastal resources **shall** take precedence. 20.604.035(B)

20.460.020(B) Duration. The period of operation for a temporary event shall not exceed 14 days in any 12 month period.

20.460.020(C)1 Gatherings of 100 to 1,000 persons shall be required to obtain a CDP.

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COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
790 SOUTH FRANKLIN • FORT BRAGG • CALIFORNIA • 95437

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FAX 707-961-2427
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www.co.mendocino.ca.us/planning

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CALIFORNIA
COASTAL COMMISSION

July 5, 2005

NOTICE OF FINAL ACTION

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

CASE#: CDP #02-04
OWNER: MacCallum House LLC
APPLICANT: Noah Sheppard & Jed Ayres
REQUEST: Convert existing storage shed into a catering kitchen and use the lawn area to put up a 40' by 60' tent on weekends when weddings are held.
LOCATION: In the coastal zone, in the Town of Mendocino (Historic Zone A), on the north side of Albion St. (CR# 407D) and the south side of Ukiah St. (CR# 500), at 45020 Albion St., AP# 119-236-10 & 12.
PROJECT COORDINATOR: Charles N. Hudson

HEARING DATE: June 23, 2005

APPROVING AUTHORITY: Coastal Permit Administrator

ACTION: Approved with Conditions.

See staff report for the findings and conditions in support of this decision.

The project was not appealed at the local level.

The 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.

EXHIBIT NO. 4

APPEAL NO.

A-1-MEN-05-032

(MacCallum House)

NOTICE OF FINAL ACTION

(Page 1 of 11)

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP 02-04 HEARING DATE: 6/23/05

OWNER: MacCallum House (Sheppard/Ayres)

ENVIRONMENTAL CONSIDERATIONS:

☒ Categorically Exempt
☐ Negative Declaration
☐ EIR

FINDINGS:

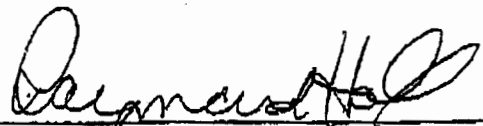
☒ Per staff report
☐ Modifications and/or additions

ACTION:

☒ Approved
☐ Denied
☐ Continued _____

CONDITIONS:

☒ Per staff report
☐ Modifications and/or additions



Signed: Coastal Permit Administrator

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 2-04
June 23, 2005
CPA-1

OWNER: MacCallum House LLC
P. O. Box 206
Mendocino, CA 95460

APPLICANT: Noah Sheppard & Jed Ayres
P. O. Box 206
Mendocino, CA 95460

REQUEST: Convert existing storage shed into a catering kitchen and use the lawn area to put up a 40' by 60' tent on weekends when weddings are held.

LOCATION: In the coastal zone, in the Town of Mendocino (Historic Zone A), on the north side of Albion St. (CR# 407D) and the south side of Ukiah St. (CR# 407C), approximately 250 feet west of their intersections with Lansing St. (CR# 500), at 45020 Albion St., AP# 119-236-10 & 12.

APPEALABLE AREA: Yes (Special Community)

PERMIT TYPE: Standard

TOTAL ACREAGE: 0.7± acre

GENERAL PLAN: C (Commercial)

ZONING: MC * (Mendocino Commercial with visitor-serving facilities combining district)

EXISTING USES: MacCallum House Inn and Restaurant

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt - Class 3(e)

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CALIFORNIA
COASTAL COMMISSION

OTHER RELATED APPLICATIONS: Numerous permit applications have been submitted in conjunction with the MacCallum House property. The permits listed below are those related to the present coastal development application, CDP 2-04.

MHRB Permit No. 03-06, submitted 2/11/03, approved 4/7/03, issued 4/18/03, for (in part) enclosing the two open sides of a storage shed with redwood siding to match existing.

Building Permit No. 2003-0669, submitted 7/1/03, revised 8/21/03, issued 8/28/03, not finalized, for enclosing an existing storage area. The initial application showed a kitchen, and was not approved because it would have been a change in use. The application was revised to show only dry storage and a refrigerator.

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 2-04
June 23, 2005
CPA-2

CDP 2-04 (this application) was submitted 1/23/04 for the catering kitchen.

MHRB Permit No. 04-09, submitted 3/15/04, approved 5/3/04, issued 5/14/04, for new exterior siding, new doors, and a wall-mounted vent fan for the catering kitchen. At the hearing it was determined that the roof on the remodeled building was too high and was required to be lowered.

Building Permit No. 2004-0138, submitted 2/12/04, issued 2/12/04, not finalized, for adding an electrical sub-panel in an existing storage building.

MHRB Permit No. 04-28, submitted 6/22/04, approved 7/12/04, and issued 7/22/04, for a ventilation fan for a commercial range in the catering kitchen. The fan is to be recessed into a copper-lined well in the roof.

MHRB Permit No. 04-46, submitted 9/22/04, approved 10/4/04, and issued 10/15/04, allowing the copper enclosure of the fan approved by MHRB 04-28 to be changed to unfinished redwood siding.

A violation fee was collected for CDP 2-04 on 11/4/04 after it was determined that the kitchen had been partially installed and was in use.

Use of a 40' by 60' tent in conjunction with events on the MacCallum House property has been repeatedly approved by MHRB. Following is a list of MHRB Permits issued within the last three years, the hearing dates, and the dates approved for tent use. For some events the tent may be erected on the day preceding the approved dates of use, and/or removed on day following the approved dates of use.

MHRB #03-50	9/8/03	Sept. 26-27, 2003; Oct. 18, 2003; and Nov. 15-16, 2003.
MHRB #04-09	5/3/04	June 18-19, 2004; Aug. 20-21, 2004.
MHRB #04-21	6/7/04	June 25-26, 2004; Aug. 3, 2004; Aug. 7-8, 2004.
MHRB #04-39	8/23/04	Sept. 3-5, 2004; Sept. 16-18, 2004; Sept. 24-25, 2004; Oct. 1-2, 2004; Oct. 8-10, 2004; Nov. 5-6, 2004.
MHRB #05-16	4/4/05	April 23, 2005; May 14, 2005; June 4, 2005; July 16, 2005; Sept. 3, 2005; Sept. 24, 2005; Oct. 8-9, 2005; Oct. 15, 2005; Oct. 22, 2005.

PROJECT DESCRIPTION: The applicants have enclosed an existing 184 square foot wood storage shed and combined it with an adjacent 153 square foot storage building to create a 337 square foot storage building. They are requesting a coastal development permit to allow the use of the storage building to be changed to an auxiliary catering kitchen. The kitchen will contain a walk-in refrigeration unit, two 6-burner commercial ranges with a vent hood above, a dishwasher, three sinks, drainboards, counters, a stainless steel work table, and dry storage shelving. In 2003 the applicant obtained an MHRB permit and building permit to close in the open wood storage shed. In 2004, after CDP 2-04 was submitted requesting conversion of the building to a catering kitchen, a building permit was obtained to extend electrical service to the building, and MHRB permits were obtained for exhaust fans and other exterior alterations to the building. Toward the end of 2004 it was determined that the kitchen was in use, and a violation fee was imposed for CDP 2-04, to include legitimizing the unauthorized change in use.

The application also includes a request to allow the use of a 40' by 60' tent on dates, usually weekends, when weddings and other temporary events are held.

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 2-04
June 23, 2005
CPA-3

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

Land Use: The parcel is classified on the Town of Mendocino Land Use Map as Commercial; and is zoned Mendocino Commercial with the Mendocino Visitor-Serving Facilities Combining District (MC*). The property is the site of the MacCallum House, a hotel, restaurant and bar recognized in the Town Plan (Table 4.13-1) and the Town Zoning Code (Section 20.684.025) as an existing 21 unit visitor-serving facility. The MacCallum House has an established history of hosting weddings and other outdoor gatherings. Weddings and similar gatherings are a permitted accessory use, and the proposed catering kitchen is a permitted accessory structure, as provided by Chapter 20.704 (Accessory Use Regulations) of the Mendocino Town Code. Permanent accessory structures such as the catering kitchen are subject to approval of a coastal development permit (Section 20.704.010 (B)), while temporary events and temporary structures such as a tent are exempt (Section 20.708.020 (C) and (D)).

Section 20.708.020 (C) of the Mendocino Town Code states:

(C) Criteria for Requiring a Coastal Development Permit. Except as described below, temporary events are excluded from coastal development permit requirements.

The Director may determine that a temporary event is subject to coastal development permit review if the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

- (1) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;*
- (2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Subsection (D) below;*
- (3) The event would restrict public use of parking areas to the extent that it would significantly impact public recreation areas or public access to coastal waters;*
- (4) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.*

Section 20.708.020 (D) of the Mendocino Town Code states:

(D) Definitions. For purposes of this section, the following definitions shall apply.

- (1) "Temporary event(s)" means an activity or use that constitutes development as defined in Section 20.608.023 of the Mendocino Town Zoning Code; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, street,*

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 2-04
June 23, 2005
CPA-4

or parking area which is otherwise open and available for general public use;

(2) "Limited duration" means a period of time which does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis;

(3) "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, etc., which do not involve grading or landform alteration for installation;

(4) "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access, or access to coastal waters other than for or through the event itself;

(5) "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources;

(6) "Sandy beach area" includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

Weddings and the associated use of temporary tents at the MacCallum House do not preclude the public from use of a public recreational area, do not impact environmentally sensitive habitat areas or other coastal resource areas, do not restrict parking that would impact to public access to recreation areas or coastal waters, and has not historically required a coastal development permit. Consequently, approval of a coastal development permit is not required for temporary events such as weddings and the associated use of temporary tents at the MacCallum House,

The use of tents in conjunction with temporary events in Mendocino is an issue that has generated some controversy in the Town. The matter was on the MHRB agenda for the October 4, 2004, meeting and several people spoke and/or submitted correspondence in opposition to frequent use of tents. The MHRB considered various alternative means of regulating the use of tents, ranging from unlimited use of tents during certain months of the year to only allowing the use of tents for a specified (small) number of events per year. The Board decided to continue with the current policy, which requires MHRB approval of any dates on which tents are to be used, but does not restrict the number of applications that can be submitted or the number of dates that can be requested. As noted above, the MacCallum House has received approval of several MHRB permits for use of tents in conjunction with temporary events, each permit including two or more events. Also, as noted above, temporary events and associated temporary structures such as tents are exempt from the need to obtain approval of a coastal development permit, and therefore are not evaluated for approval in this report. The use of temporary tents does require approval by the MHRB.

No setbacks are required from property lines in the MC zone. The catering kitchen will be installed within an existing structure, and will not affect any existing setbacks. The proposed development complies with setback requirements.

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**STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP# 2-04
June 23, 2005
CPA-5**

The maximum building height allowed in an MC zone is two stories, and at no point on the parcel more than 28 feet. The drawings submitted with the application show the building to be in compliance, having a maximum height of 12 feet.

Section 20.648.050 of the Mendocino Town Zoning Code limits lot coverage to a maximum of 25%. Lot coverage includes structures, decks, porches and walkways, but does not include uncovered required parking areas, landscaping, patios and terracing. No new lot coverage is proposed.

Growth Management: Policy 4.13-1 of the Mendocino Town Plan states that the controlling goal of the Plan is the preservation of the town's character, which shall be achieved by maintaining a balance between residential units, visitor accommodations, and commercial uses. On the Land Use Map for the Town, the MacCallum House parcel is classified as Commercial, and the MacCallum House is listed in the Plan as one of the Town's visitor-serving facilities. The project will not add any new visitor units to the site and will not alter the balance between residential, visitor, and commercial uses in the Town.

Design Guidelines: Policy 4.13-8 of the Mendocino Town Plan specifies that the Historical Preservation District Zoning Ordinance shall be made a part of the Town Zoning Code, and that development within the Town shall continue to be reviewed by the Mendocino Historical Review Board. Policy 4.13-9 requires that development be consistent with adopted design review guidelines. The Historical Preservation District Ordinance is included in the Town Zoning Code as Chapter 20.760, which also includes design standards for use when considering applications within the Town of Mendocino.

The project entails closing in an existing open shed and combining it with an adjacent shed and converting the combined structure to a catering kitchen. Redwood siding matching existing siding on the building was used on the new exterior walls, and black composition shingles were used for the roof. A solid door was replaced with a door with divided windows, and a second matching door was added.

The project is located in Historic Zone A of the Mendocino Historical Preservation District, and therefore the alterations to the storage sheds to accommodate the catering kitchen are subject to review and approval by the MHRB. As noted above under Other Related Applications, the MHRB has reviewed and approved various aspects of the proposed conversion of the storage buildings into a catering kitchen. On April 7, 2003, the enclosure of the open woodshed was approved. On May 3, 2004, an approval for new siding, new doors, and a wall-mounted fan was granted, and the Board determined that the roof had been constructed higher than permitted and required that it be lowered. On July 12, 2004, another vent fan was approved, and on October 4, 2004, the vent fan enclosure was allowed to be changed from copper to redwood. As required by Section 20.760.065 of the Mendocino County Zoning Code, the MHRB found that the exterior appearance and design of the proposed structure would be in harmony with the exterior appearance and design of existing structures within the District; and that the appearance of the proposed work will not detract from the appearance of other property within the District; and that the alteration of the existing structure will not unnecessarily damage or destroy a structure of historical, architectural or cultural significance.

Visual Resources: The exteriors of the remodeled sheds have not changed appreciably. Visual resource issues were addressed by the MHRB as discussed above, and found to be in compliance with the requirements of both the Historical Preservation District design standards, and the Local Coastal Plan.

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**STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP# 2-04
June 23, 2005
CPA-6**

Public Access: The project site is located west of Highway 1, but east of Heezer Drive, designated as the first public road paralleling the shoreline. Consequently the project will have no impact on public access to the shoreline.

Hazards: The project site is within a State Responsibility Area administered by the California Department of Forestry and Fire Protection, and has a moderate fire hazard severity rating as determined by CDF. CDF does not require review of projects on parcels smaller than one acre for compliance with CDF fire safe standards. There are no other apparent hazards associated with the site.

Natural Resources: The project site has been previously developed. No impact to natural resources is anticipated.

Archaeological/Cultural Resources: The project site is not close to streams or the ocean, and is not an area where archaeological and/or cultural resources are deemed likely to be found. Standard Condition Number 8 is recommended, advising the applicant of the requirements of the County's Archaeological Ordinance (Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Groundwater Resources: The Coastal Ground Water Study prepared in 1982 by the Department of Water Resources shows the parcel to be in an area designated as "Critical Water Resources". The project is within the Mendocino City Community Services District. Water is provided by an on-site well, while sewer service will be provided by the District. The District reviewed the application and submitted the following comments:

The MacCallum House parcels have established A Groundwater Allotment with the MCCSD in the amount of 6,649 gallons per day.

The MCCSD has determined that the catering kitchen is an expansion of the existing kitchen facilities, and the District believes that the use of an outside catering kitchen for special events would not increase the applicant's existing groundwater extraction allotment established for current use.

No adverse impact to groundwater resources is anticipated.

Transportation/Circulation: The property is the site of the MacCallum House, a hotel, restaurant and bar, which has an established history of hosting weddings and other outdoor gatherings. The auxiliary kitchen for providing food service to outdoor gatherings will not result in any change in traffic to the site, and will have no impact on transportation or circulation. Weddings and similar gatherings are a permitted accessory use as provided by Chapter 20.704 of the Mendocino Town Code. They are also exempt from the need to obtain approval of a coastal development permit by Chapter 20.708.020, and could occur with or without the proposed kitchen and tent. The Mendocino County Department of Transportation reviewed the application and had no comment on the project.

Public Health and Safety: The auxiliary kitchen will be used to provide food service to the public, and consequently is subject to the provisions of the California Uniform Retail Food Facility Law, as administered by the Mendocino County Division of Environmental Health. The application was reviewed by Thomas Worley, REHS, who found the plans to be acceptable, and made the following request of the applicant:

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**STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

CDP# 2-04
June 23, 2005
CPA-7

Please contact me at least 2 weeks before you plan to operate, to schedule a preopening inspection. All the equipment must be installed and operating for the preopening inspection. You may want a consultation inspection before the preopening inspection to avoid any delays.

Standard Condition Number 4 requires that all required permits from other agencies having jurisdiction be obtained.

Zoning Requirements: The project complies with the zoning requirements for the Mendocino Commercial (MC) District set forth in Chapter 20.664, and with all other zoning requirements of Division III of Title 20 of the Mendocino County Code.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.720 of the Mendocino County Code, staff recommends that the Coastal Permit Administrator approve the proposed project, and adopt the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as all other provisions of Division III of the Mendocino County Code, and preserves the integrity of the zoning district; 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; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste, public roadway capacity, and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed development; and
7. The proposed development is in conformance with the design standards of Section 20.760.050.

STANDARD CONDITIONS:

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.

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 2-04
June 23, 2005
CPA-8

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 III 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 is 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 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 2-04
June 23, 2005
CPA-9

SPECIAL CONDITIONS:

1. None

Staff Report Prepared By:

June 13, 2005
Date

Charles N. Hudson
Charles N. Hudson
Senior Planner

Attachments: Exhibit A- Location Map
Exhibit B- Site Plan
Exhibit C- Floor Plans
Exhibit D- Elevations

Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$715 (For an appeal to the Mendocino County Board of Supervisors.)

SUMMARY OF REFERRAL AGENCY COMMENTS:

Department of Transportation	No comment.
Environmental Health - Fort Bragg	Please refer to Tom Worley, REHS with DEH in Ukiah.
Environmental Health - Ukiah	3/11/04: Plans incomplete. 6/29/04: Revised plans accepted. Preopening inspection required two weeks prior to opening for operation.
Building Inspection - Fort Bragg	No comment.
Assessor	No response.
Coastal Commission	No response.
MHRB	Must comply with requirements of Section 20.760.065.
MCCSD	The proposed catering kitchen will not require an increase in the applicant's groundwater extraction allotment.

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MacCALLUM HOUSE INN & RESTAURANT

GREY WHALE BAR & CAFÉ

August 23, 2005

RE: Appeal No A-1-MEN-05-032

RECEIVED

AUG 24 2005

Dear Ruby Pap and Bob Merrill,

CALIFORNIA
COASTAL COMMISSION

As we discussed during your site visit on August 16, we wanted to give you a sense of the number of events that we have held on our lawn that were community events, versus events for hotel guests. As you know, not all of these events involve the erection of a tent, which, when needed, we rent from a local vendor. Some of these events share tents on the same weekend. Here is the analysis,

2003 – 50 % Guests / 50% Community

3 Guest Events (9/27, 10/18 and 11/16)

3 Community Events (April Easter Egg Hunt, July School Fundraiser BBQ, November Mendocino County Alliance Fundraiser)

2004 – 66.6% Guests / 33.3% Community

10 Guest Events (6/19, 6/26, 8/8, 8/21, 9/5, 9/18, 9/25, 10/2, 10/10, 11/6)

5 Community Events (April Easter Egg Hunt, June Kelley House History Day, July School Fundraiser BBQ, August Boxer Event, October Cultivating Community Event)

2005 (to date) – 50% Guests / 50% Community

5 Guest Events (4/23, 5/14, 6/4, 7/16, 7/31)

5 Community Events (April Easter Egg Hunt, June Dog Show Fundraiser Mendocino Coast Humane Society, July School Fundraiser BBQ, July Mendocino Music Festival Concert, July Mendocino Coast Clinics Fundraiser)

(For the remainder of 2005, so far at least 25% of the scheduled outdoor events are for community groups)

As you can see, there is a very healthy portion of the events serving non-profit Mendocino civic and community groups. In addition, we welcome the public (residents and visitors alike) to informally enjoy the MacCallum House grounds for relaxing, picnicking and playing croquet on a year-round basis. We hope you find a way to insert these very pertinent findings into your analysis.

Sincerely,

Jed Ayres *Megan Ayres* *Noah Sheppard*
Jed and Megan Ayres and Noah Sheppard

EXHIBIT NO. 6

A-1-MEN-05-032

(MacCallum House)

APPLICANT'S

CORRESPONDENCE

(Page 1 of 36)



MacCallum House



Facsimile Transmittal



To: Ruby Pap Fax: 707 445-7877
From: Jed Ayres Date: 8/22/2005
Re: Appeal No. A-1-MEN-05-032 Pages: 3 including cover
CC:
☒ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Hi Ruby,

Attached is a letter and corresponding data regarding our groundwater allotment and the annual use. As you will see we are well below our allotted use even though we have substantially increased our occupancy, installed irrigation and had events.

Sincerely,


Jed Ayres
Owner / General Manager
707 937-8737 Office
707 937-2243 Fax
jed@maccallumhouse.com
www.maccallumhouse.com

RECEIVED

AUG 22 2005

CALIFORNIA
COASTAL COMMISSION

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Aug 22 05 04:43p

MacCallum House

7079379905

p. 2

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

Post Office Box 1029

Mendocino, CA 95460

Business Phone (707) 937-5790 Treatment Plant (707) 937-5751 Fax (707) 937-3837

August 22, 2005

RECEIVED

AUG 22 2005

**CALIFORNIA
COASTAL COMMISSION**

Mr. Jed Ayres
P. O. Box 206
Mendocino, CA 95460

RE: Groundwater Extraction Allotment
MacCallum House -

Dear Mr. Ayres:

In 1995, the MacCallum House Inn established a Groundwater Extraction Allotment in the amount of 6,649 gallons per day (gpd).

Since January of 2004 to date, the average monthly groundwater extraction reported was 4,017 gallons per day, which is 60% of the total allowable extraction of 6,649 gpd. The MacCallum House Inn/Restaurant is well within their allowable groundwater extraction.

Sincerely,


Jodi Mitchell
District Secretary

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Aug 22 05 04:43p

MacCallum House

7079379905

p.3

45040 Albion Street
MacCallum House

6,649

Date	Meter	Days	Gallons	Gal/day
1/2/2004	10438429			
1/30/2004	10495900	28	57471	2053
3/5/2004	10579755	35	83855	2396
4/2/2004	10672736	28	92981	3321
5/7/2004	10832172	35	159436	4555
6/4/2004	10973860	28	141688	5060
7/2/2004	11129705	28	155845	5566
8/6/2004	11315990	35	186285	5322
9/3/2004	11478304	28	162314	5797
10/1/2004	11618911	28	140607	5022
11/5/2004	11748219	35	129308	3695
12/3/2004	11841057	28	92838	3316
2/4/2005	12000708	63	159651	2534
3/2/2005	12075542	26	74834	2878
4/1/2005	12184190	30	108648	3622
5/6/2005	12317700	35	133510	3815
6/3/2005	12424540	28	106840	3816
7/1/2005	12571835	28	147295	5261
8/8/2005	12784550	38	212715	5598
Total		584	2346121	4017

Allotment: 6649
60.42%

RECEIVED

AUG. 22 2005

CALIFORNIA
COASTAL COMMISSION4 of 36

MacCALLUM HOUSE INN & RESTAURANT

GREY WHALE BAR & CAFÉ

OWNERS PROFILE

MacCallum House partners Jed & Megan Ayres, and Noah Sheppard



On July 3rd, 2002 the MacCallum House property changed hands for the first time in a generation. It was taken over by native Mendocino residents, Jed and Megan Ayres and Noah Sheppard. All three grew up in Mendocino and attended Mendocino High School together. Jed and Megan were high school sweethearts. Noah and Jed grew up together on upper Albion Ridge Road just south of Mendocino. During high school Jed and Noah worked at the MacCallum House under current chef Alan Kantor. Noah was a line cook and Jed was a dishwasher/prep cook (his very first job)!

Megan is a graduate of Sonoma State University with a BS in English Literature. She holds a Masters in English and Teaching. Prior to moving back to Mendocino she taught 7th and 8th grade at Roosevelt Middle School in the Richmond District of San Francisco.

Jed Ayres is an honor graduate of Sonoma State with a BS in business administration. He also holds an MBA with honors from SF State. Before relocating to Mendocino he held executive management positions at GE Capital IT Solutions and Rhythms Netconnections.

Noah Sheppard is an accomplished contractor who has spent his career on the Mendocino Coast building custom houses, remodeling and restoring homes. He has a passion for craftsmanship and brings his many talents to maintaining the MacCallum House property.

All three owners share a passion for customer service and providing guests with the very best bed and breakfast experience possible. Soon after taking over the Inn they added a full gourmet breakfast and a wine hour. They look forward to the opportunity to meet you and share their version of warm Mendocino hospitality.

On October 21st, 2002 Megan and Jed were blessed with their first child, Amanda. Their second child, Adam arrived nearly two years later on September 3rd, 2004. Surrounded by the energy and love of travelers, their inn family and their grandparents they are sure to grow up with a fun loving personalities. Both Amanda and Adam look forward to the opportunity to meet you!

Received at Commission
Meeting

AUG 12 2005



From: Stephane Dahl

45020 Albion Street, Post Office Box 206, Mendocino California 95460
707.937.0289 • maccallumhouse.com

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MacCALLUM HOUSE INN & RESTAURANT

G R E Y W H A L E B A R & C A F É **F9b**

August 8, 2005

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

RE: Appeal No. A-1-MEN-05-032 (MacCallum House, Mendocino)
 REQUEST FOR "NO SUBSTANTIAL ISSUE" FINDING

Dear Commissioners:

On Friday, August 12, your Commission will consider whether Appeal No. A-1-MEN-05-032 (MacCallum House) raises a substantial issue. We, the undersigned MacCallum House owners and applicants, respectfully request that you hold a hearing and determine that the appeal raises "No Substantial Issue" of conformance with the certified Mendocino Town Local Coastal Program.

The historic MacCallum House and grounds are enjoyed not only by visitors from all over the world, but also by the very special Mendocino community that three generations of the Ayres and Madden families, and four generations of Sheppards, call home. As Mendocino natives, we are honored to continue a long tradition of outdoor civic events, with the ongoing review and approval of the Mendocino Historical Review Board, as required by the certified Local Coastal Program.

The Mendocino County permit before you on appeal allows us to use just under 70 square feet of an existing storage shed for food preparation in conjunction with these functions, that include a long list of charitable and cultural events, in addition to the weddings referenced in the staff report. Commission files contain over 250 letters from Mendocino residents, supporting both the minor conversion and continued availability of the grounds for these outdoor events, that were not included in the staff report.

It is important for the Commission to understand that:

- The appeal before you is limited only to a minor change in use. The County permit addresses and approves *only* a change in use. Thus, no other "development" is before the Commission on appeal.
- Temporary Event Tents are not before the Commission as part of this appeal. The County expressly deleted them from County review and approval for CDP 2-04, (Mendocino County Staff Report, Page 4, attached as Exhibit 4 to the Commission Staff Report), and are not before the Commission on appeal.
- "Civic Uses" are a permitted use in the "Commercial" zone (Town Plan, Town Zoning Code Sections 20.620.005 and 20.664.010[2]). The outdoor events hosted at MacCallum House are permitted civic uses, and would raise no LCP use issues if they were before the Commission.
- The Outdoor events are "Temporary" (Town Zoning Code Sections 20.708.010[A], 20.708.015, 20.708.020, 20.760.045, and 20.760.050), as determined by the County and the Mendocino Historical Review Board, and would raise no LCP consistency issues if they were before the Commission.



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MacCALLUM HOUSE INN & RESTAURANT

- "Food Preparation" is an allowed accessory use for "Civic Uses" (Town Zoning Code Sections 20.704.010[a] and 20.704.020). Converting <70 square feet of an existing 350 square foot storage shed to allow food preparation for permitted civic uses raises no LCP issues. (Because the shed does not contain, and has no room for, a toilet or other restroom facilities, it is also consistent with Town Zoning Code Section 20.704.010[b].)

The Mendocino Town Plan and Zoning Code certified by the Coastal Commission contain numerous constraints to protect the unique character of our community, while also affording the public the opportunity to enjoy our historic and natural resources. The Mendocino Historical Review Board is charged with assuring that all uses, including temporary ones, comply with the Town standards.

Special events using temporary tents, as allowed in the certified LCP, are a part of the history of Mendocino, dating back to the early 20th Century, and possibly before. Today they provide an opportunity for community events that Mendocino simply has no permanent buildings of sufficient size to accommodate.

Although the primary use of the grounds is not part of the permit pending before you on appeal, a few details might assist in understanding how a small outdoor food preparation area within an existing storage shed in the "Commercial" zone will serve the intent of the LCP-approved land use and zoning.

During our ownership, temporary tents have been permitted by the MHRB and erected for these gatherings on 18 occasions (3 in 2003, 11 in 2004, and 4 so far in 2005), for a total of 33 days over a three-year period. Community groups also have access to the temporary tents erected for wedding receptions (also a permitted civic use), and the MHRB has occasionally allowed the tent to remain in place for 2-3 days to facilitate such events.

Having the ability to prepare refreshments for these events on site, without having to cart them from another location, or even from within the MacCallum House restaurant, will enhance enjoyment of these facilities by guests and community members alike. Among the community groups that benefit from MacCallum House outdoor events are: (partial list)

- Anderson Valley Music Program
- Cancer Resource Center
- Kelly House - Mendocino Historical Research, Inc.
- Mendocino Coast Clinic
- Mendocino Humane Society
- Mendocino Music Festival
- M.U.S.E
- Mendocino Easter Egg Hunt

Because our County-approved conversion of storage space for food preparation is an allowed accessory use to LCP-permitted civic uses that benefit Mendocino residents and the public, and is consistent with all other applicable LCP policies, as demonstrated above, we ask you to find that the County permit approval raises "No Substantial Issue."

Thank you for your consideration. We will be present on August 12 to provide testimony and answer questions. Issues regarding jurisdiction and other policy questions raised in the Commission staff report will be addressed under separate cover.

Sincerely,

ORIGINAL SIGNED BY
Megan Ayres

ORIGINAL SIGNED BY
Jed Ayres

ORIGINAL SIGNED BY
Noah Sheppard

CC: Bob Merrill/CCC-Eureka



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Appeal No. A-1-MEN-05-032
SUMMARY RESPONSE AND CORRECTIONS
CCC STAFF REPORT DATED JULY 29, 2005

Note: These written responses memorialize Applicant's representative's comments to Bob Merrill on Tuesday, August 9, 2005.

Responses and Corrections follow the sequence contained in the Staff Report. Corrections are marked as follows: deletions are in ~~strikeouts~~ and new language is underlined.

Page 1: PROJECT DESCRIPTION

Correction: PROJECT DESCRIPTION: Revise to read:

Conversion of portion of existing storage shed into a catering kitchen,
~~and use of the lawn to place tents and hold outdoor~~
~~temporary wedding gatherings.~~

Discussion: Both the Commission meeting notice and staff report misstate the description of the project approved by Mendocino County. CDP # 02-04 approved ONLY the conversion of approximately 70 square feet of the existing 350 square foot storage shed for food preparation fixtures. Storage will remain the primary use in the rest of the existing structure.

Although included in the original application, CDP # 02-04 expressly does not approve, nor does it take any action with respect to, tents and outdoor events, as clarified on Page 4 of the County Staff Report (Exhibit 4, Page 6 to the Commission Staff Report). Staff misrepresents the County's declining to review that component of the application, its reasons for doing so, AND the certified LCP procedure that requires temporary tents to receive Mendocino Historical Review Board review and approval for each use.

Under the LCP, the Coastal Permit Administrator has no cdp jurisdiction over, and therefore no authority to approve or disapprove, temporary tents. Under the LCP, the only body with authority to approve temporary tents is the Mendocino Historical Review Board.

Therefore, temporary tents are not before the Commission in the appeal of CDP #02-04 and reference to them should be stricken. (See discussion of PRC §30603(b), below).

Page 2, Paragraphs 1 and 5: STAFF RECOMMENDATION

Discussion: Applicants respectfully disagree with Staff's recommendations for the reasons set forth in our letter to the Commission dated August 8, 2005, and discussed in greater detail below.

Page 2, Paragraph 2: PROJECT DESCRIPTION

Correction:

The development, as approved by the County consists of the conversion of a portion of an existing storage shed into a catering kitchen, ~~and use of the lawn to place tents and hold outdoor temporary wedding gatherings.~~

Discussion: CDP # 02-04 approved ONLY the conversion of approximately 70 square feet of the existing 350 square foot storage shed for food preparation fixtures. Storage will remain the primary use in the rest of the existing structure.

Although included in our original application, CDP # 02-04 expressly does not approve, nor does it take any action with respect to, tents and outdoor events, as clarified on Page 4 of the County Staff Report (Exhibit 4, Page 6 to the Commission Staff Report).

Staff misrepresents the County's declining to review that component of the application, its reasons for doing so, AND the certified LCP procedure that requires temporary tents to receive Mendocino Historical Review Board review and approval for each use.

Under the LCP, the Coastal Permit Administrator has no cdp jurisdiction over, and therefore no authority to approve or disapprove temporary tents. Under the LCP, the only body with authority to approve temporary tents is the Mendocino Historical Review Board.

Therefore, temporary tents are not before the Commission in the appeal of CDP #02-04 and reference to them should be stricken. (See discussion of PRC §30603(b), below).

Page 2, "Staff Notes." Paragraph 2: GROUNDS FOR APPEAL

Discussion: The Staff paraphrase of PRC §30603 incorrectly suggests that any *action* is appealable to the Commission. However, PRC §§30603(b)(1) limits the grounds of appeal to local *approvals* that do not comply with the certified LCP, and PRC §30603(b)((2) allows appeal of denied projects ONLY for public works projects and energy facilities.

Where the Commission otherwise would have appellate jurisdiction, PRC §30603 would allow appeal of the County approval of the partial storage shed conversion.

Appeal No. A-1-MEN-05-032 (MacCallum House)

Friday, August 12, 2005

Page 2

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However, it emphatically DOES NOT allow appeal of any project components not considered or otherwise not approved by the County.

Page 2, Paragraph 5: Validity of Appeal Grounds

- Discussion: Although staff's summary asserts that Appellant raises six contentions and that all six grounds are valid, a review of the actual appeal demonstrates that:
- staff was required to take significant editorial license in order to salvage any coastal program issues from the text of the appeal at all,
 - Appellant's objections largely reference the Countywide LCP that does not apply within the Town boundary, rather than the applicable provisions of the Town LCP that the Commission itself imposed as "suggested" modifications, and
 - Appellant's objections fail altogether to address the County-approved "change in use" -- the only development approved in CDP #02=04.

The staff report itself also fails to address or analyze any substantive issues relating to the change in use, limiting its analysis to only whether the purported project is an "accessory" or "temporary" use.

Page 3, Paragraph 1: APPELLATE JURISDICTION

- Discussion: The Commission lacks appellate jurisdiction over the County-approved permit because the project:
- is physically located *outside* the Commission's statutory appellate jurisdiction pursuant to PRC §30603(a)(1)-(2);
 - is *not* located in a Sensitive Coastal Resource Area designated by the Commission and approved by the Legislature pursuant to PRC §§30502 and 30502.5 (see 7/12/05 Dall & Associates Memorandum re Commission appellate jurisdiction over Appeal No. A-1-MEN-05-24 (Reed), attached); and,
 - is a "Principal Permitted Use" that is not appealable pursuant to PRC§30603(a)(4) because, by being accessory to the Town Plan-designated "Civil Assembly" principal permitted use, it is also encompassed in the principal permitted use, as reiterated in Zoning Code Section 20.704.010.

The Commission also lacks jurisdiction over the temporary uses on which the County declined to act, even if otherwise appealable, because PRC §30603(b)(1) limits.

As discussed below, even if the change of use were deemed appealable, AND even if the Commission were to have appellate authority over the temporary uses on which the County declined to act, both the change in use and the temporary uses raise no substantial issue with the certified Town LCP.

Pages 3 & 4: TOWN PLAN & ZONING

Discussion: Applicants note that Staff correctly provides (although generally without citation) portions of the certified Town Plan and Zoning Ordinance, which specify civic uses that are a "Principal Permitted Use" in the Commercial District in which the MacCallum House and grounds are located.

Page 4, Last Paragraph, Lines 1-3: "Commercial Uses" basis of Appellate Jurisdiction

Correction:

The property affected by the ~~(1)~~ approved conversion of a portion of the storage shed to a kitchen at the MacCallum House Inn and ~~(2) the approved use of the lawn to place tents and hold outdoor wedding gatherings~~ is designated Commercial under the...

Discussion: CDP # 02-04 approved ONLY the conversion of approximately 70 square feet of the existing 350 square foot storage shed for food preparation fixtures. Storage will remain the primary use in the rest of the existing structure.

Although included in our original application, CDP # 02-04 expressly does not approve, nor does it take any action with respect to, tents and outdoor events, as clarified on Page 4 of the County Staff Report (Exhibit 4, Page 6 to the Commission Staff Report).

Staff misrepresents the County's declining to review that component of the application, its reasons for doing so, AND the certified LCP procedure that requires temporary tents to receive Mendocino Historical Review Board review and approval for each use.

Under the LCP, the Coastal Permit Administrator has no cdp jurisdiction over, and therefore no authority to approve or disapprove temporary tents. Under the LCP, the only body with authority to approve temporary tents is the Mendocino Historical Review Board.

Therefore, temporary tents are not before the Commission in the appeal of CDP #02-04 and reference to them must be stricken.

Page 4, Last Paragraph: "Commercial Uses" basis of Appellate Jurisdiction

Discussion: Staff erroneously asserts that the County-approved change in use is a "commercial" one, and therefore appealable. As previously stated, the community and wedding events to be served by the minor change in use constitute "Civic Assembly" which is a principal permitted use in the "Commercial" district in which the project is located, making it a principal permitted use by virtue of being

Appeal No. A-1-MEN-05-032 (MacCallum House)

Friday, August 12, 2005

Page 4

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accessory to one (Town Zoning Code Section 20.704.010), that is not appealable to the Commission.

Page 4, Last Paragraph, Lines 14-15: "Commercial Uses" basis of Appellate Jurisdiction

Correction:

development permit application for ~~(1) approved conversion of a portion of the storage shed to a kitchen and (2) the approved use of the lawn to place tents and hold outdoor temporary wedding gatherings~~ involves

Discussion: CDP # 02-04 approved ONLY the conversion of approximately 70 square feet of the existing 350 square foot storage shed for food preparation fixtures. Storage will remain the primary use in the rest of the existing structure.

Although included in our original application, CDP # 02-04 expressly does not approve, nor does it take any action with respect to, tents and outdoor events, as clarified on Page 4 of the County Staff Report (Exhibit 4, Page 6 to the Commission Staff Report).

Staff misrepresents the County's declining to review that component of the application, its reasons for doing so, AND the certified LCP procedure that requires temporary tents to receive Mendocino Historical Review Board review and approval for each use.

Under the LCP, the Coastal Permit Administrator has no cdp jurisdiction over, and therefore no authority to approve or disapprove temporary tents. Under the LCP, the only body with authority to approve temporary tents is the Mendocino Historical Review Board.

Therefore, temporary tents are not before the Commission in the appeal of CDP #02-04 and reference to them must be stricken.

Page 5, Paragraph 1: SCRA basis of Appellate Jurisdiction

Discussion: Staff erroneously asserts that the Commission has appellate jurisdiction pursuant to PRC §30603(a)(3). Although the LCP incorporates a slightly modified version of PRC §30116's definition of SCRA's in its own definitions, it does not designate any portion of Mendocino, including the project site, as an SCRA; nor does it otherwise designate the property as appealable. The Mendocino Town Plan declares that it is "a special community and a significant coastal resource as defined in Coastal Act Section 30251," and alternately in PRC §30253(5), but expressly does *not* do so pursuant to the definition of SCRA in PRC Section 30116, as erroneously alleged by staff. Neither the Mendocino Town segment nor the countywide LCP designates or maps the Town of Mendocino as "highly scenic" pursuant to either §30251 or §30116. Moreover, neither the Commission nor the Legislature has approved designation of SCRA in Mendocino or anywhere else in the coastal zone, a necessary precursor to expansion of Commission appellate jurisdiction pursuant to

Appeal No. A-1-MEN-05-032 (MacCallum House)

Friday, August 12, 2005

Page 5

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PRC §30603(a)(3). (see 7/12/05 Dall & Associates Memorandum re Commission appellate jurisdiction over Appeal No. A-1-MEN-05-24 (Reed), attached.)

Page 5, Paragraph 4: Qualifications to testify

Correction:

On the question of substantial issue, the Commission may ask questions of the applicant, any aggrieved person, the Attorney General, or the executive director prior to determining whether or not to hear an appeal. (Regs. §13115(c).)

The only persons qualified to testify before the Commission ~~on the substantial issue question at any stage of the appeal process~~ are the applicant, ~~the appellants, and~~ persons who ~~made their views known to opposed the application before~~ the local government (or their representatives), ~~and the local government itself.~~ Testimony from other persons ~~regarding substantial issue~~ must be submitted in writing and distributed to the Commission by staff. (Regs. §13117.)

Discussion: Staff's discussion of qualifications inaccurately cites the applicable adopted regulations and should be corrected so as not to misinform the public.

Page 5, Paragraph 6: 2. Filing of Appeal

Discussion: The appellant failed to comply with the requirement of Reg. §13111(c), and provided no notice or other information regarding the appeal to Applicants, which is grounds for dismissal of the appeal by the Commission. In fact, Applicants did not receive notification from the Commission itself until one week following the filing of the appeal.

Pages 5- 6: I. Motion

Discussion: The procedure laid out in this section is contrary to the Commission practice and interpretation of Regs. §13115, dating back to its adoption. If this is now the proposed procedure on appeals, the Commission may wish to amend its regulation appropriately, or at a minimum, notify the public of the change.

Page 6: RESOLUTION TO FIND SUBSTANTIAL ISSUE

Correction:

The Commission hereby finds that Appeal No. A-1-MEN-05-032 presents 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 Program ~~Plan and/or the public access and recreation policies of the Coastal Act.~~

Discussion: Staff incorrectly cites the standard of review. The Certified Local Coastal Program (not "Plan") is the sole standard of review for the project, pursuant to

Appeal No. A-1-MEN-05-032 (MacCallum House)

Friday, August 12, 2005

Page 6

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§30603(b)(1). Because the site is not between the first public road and the sea, the public access and recreation policies of the Coastal Act are not applicable. Use of language that does not apply to the project site can confuse members of the public, applicants, and perhaps even Commissioners who are unfamiliar with the area, as to the actual basis for the appeal.

Page 6, Paragraph 5, Lines 3-4: A. Appellant's Contentions

Correction:

involves the conversion of a portion of an existing storage shed into a catering kitchen, and the use of the lawn to place tents and hold outdoor temporary wedding gatherings.

Discussion: CDP # 02-04 approved ONLY the conversion of approximately 70 square feet of the existing 350 square foot storage shed for food preparation fixtures. Storage will remain the primary use in the rest of the existing structure.

Although included in our original application, CDP # 02-04 expressly does not approve, nor does it take any action with respect to, tents and outdoor events, as clarified on Page 4 of the County Staff Report (Exhibit 4, Page 6 to the Commission Staff Report).

Staff misrepresents the County's declining to review that component of the application, its reasons for doing so, AND the certified LCP procedure that requires temporary tents to receive Mendocino Historical Review Board review and approval for each use.

Under the LCP, the Coastal Permit Administrator has no cdp jurisdiction over, and therefore no authority to approve or disapprove temporary tents. Under the LCP, the only body with authority to approve temporary tents is the Mendocino Historical Review Board.

Therefore, those uses are not before the Commission in the appeal of CDP #02-04 and reference to them must be stricken or reworded to accurately reflect their status.

Pages 6-7: 1. Visual Resources/Special Communities

Discussion: Because the appellant fails to identify any impacts to either resource from the APPROVED "change of use" development, the contention is invalid.

Appellant -- and staff -- do not address the visual effects of the internal change in use, the only development approved by the County in CDP # 02-04. Pursuant to the certified LCP, the Mendocino Historical Review Board (MHRB) has already determined that the existing structure that will house the change in use meets all standards of the Historic Zone A in which it is located.

The appellant's contention is limited to the effects of tents and crowds. As noted above, CDP # 02-04 does not approve, nor does it take any action with respect to, use of tents or outdoor events.

Staff misrepresents the County's declining to review that component of the application, its reasons for doing so, AND the certified LCP procedure that requires temporary tents to receive Mendocino Historical Review Board review and approval for each use.

Under the LCP, the Coastal Permit Administrator has no cdp jurisdiction over, and therefore no authority to approve or disapprove temporary tents. Under the LCP, the only body with authority to approve temporary tents is the Mendocino Historical Review Board.

Because temporary tents are not part of the approval, they are not before the Commission on appeal, and the discussion should be deleted.

Please note that the MHRB, pursuant to the certified LCP, reviews and authorizes all uses of tents for outdoor events, and has repeatedly determined that those on the MacCallum House grounds meet the mandated standards that would be binding on the Commission if these uses WERE before it. In addition, community members have substantiated (1) that tents have been used for outdoor events within the town since the 19th Century, and (2) continue in use today at other locations throughout the town and on State Parks property.

Page 7: 2. Duration of Temporary Events

Discussion: Because the change in use approved by the County in CDP # 02-04 -- the only development approved, and, therefore, the only development before the Commission on appeal -- is not treated as a temporary use in that approval, this contention is invalid as applied to this appeal.

Moreover, appellant errs in asserting that the Countywide zoning ordinance section addressing temporary events should apply within the Town. Certified Town Zoning Code Section 20.704 that addresses temporary uses was a Commission "suggested" modification to the County's Zoning Code submittal that was accepted by the County, and as such, takes precedence over other standards that apply outside of the town boundaries, pursuant to the terms of the ordinance itself.

Although outside the purview of the Commission's review of CDP # 02-04, Appellant also errs in her interpretation of the Town code sections, as applied to the MacCallum site, since each event (not just wedding gatherings) is a unique, principally permitted, civil assembly that is not repeated in one month, let alone 4.

Page 7: 3. Cumulative Effects

Discussion: Because the appellant fails to identify any cumulative impacts from the from the APPROVED development -- a 70 square foot change in use, the contention is invalid.

As noted above, community members have substantiated (1) that tents have been used for outdoor events within the town since the 19th Century, and (2) continue in use today at other locations throughout the town and on State Parks property without adverse effect.

Page 7: 4. Maximum Lot Coverage

Discussion: The change of use approved by the County in CDP # 02-04 occurs within a portion of an existing structure and results in NO additional lot coverage. Therefore this contention is also invalid.

If the temporary tent use that the County declined to approve, and that is subject to approval by the MHRB when it is proposed, WERE before the Commission, however, it would not be in violation of the lot coverage restrictions in the Commercial Zone.

Page 7: Temporary Uses should be Subject to All Regulations

Discussion: Although the project description submitted to the County requested approval for use of tents for temporary events, the County declined to act on that portion of the application (County Staff Report, Page 4, contained at Page 6 of Commission Staff Report Exhibit 4), and that use is not before the Commission on appeal. Because the "change in use" approved by the County that is now before the Commission on appeal was subject CDP requirements, therefore, this contention is also invalid.

The occasional principally permitted "civic assembly" events for which tents are used fully comply with the terms set forth in the certified Town Zoning Code for "temporary events," language that was imposed by the Commission on the County as a "suggested" modification, and that the Commission has found to be fully consistent with the Coastal Act. Pursuant to the certified LCP, the temporary use must be approved by the MHRB, which has consistently found the use on this site to be consistent with all Historic District A standards that would apply if processed as a cdp.

Pages 7-8: Accessory Uses/Structures and Public Services

Discussion: This is the only purported Appellant contention that comes close to addressing the change in use approved by the County. However, that is the doing of Commission staff editors, and does not accurately reflect the Appellant's own words, which focus solely on the impact of (unapproved) temporary outdoor events. not change in use.

The existing storage shed has no toilet or restroom facilities, none has been approved by the County, and none is proposed, thus precluding the the shed from being "habitable," after the food preparation fixtures are installed

However, no change has been approved to the structure in CDP # 02-04, so the test is not whether it constitutes an accessory structure, but rather whether the food preparation fixtures are an accessory USE, which is defined in the certified LCP without reference to kitchens, and with which the approved change in use is consistent.

The health and safety issues have been appropriately addressed in the County review.

Appellant's concerns about transportation, parking, circulation, etc. are entirely focused on the impacts of outdoor events, and not the 70 square foot change in use that staff represents. The fact that such events have occurred on this site and in the vicinity, in and out of tents, dating back to the 19th Century, belies the alleged fear of "enormous negative impact" from either the approved installation of food preparation fixtures (not discussed by the Appellant) or such future outdoor events as the Mendocino Historical Review Board may see fit to approve.

Page 8: B. LOCAL GOVERNMENT ACTION, First Paragraph, Lines 4-5: Permit Contents

Correction:

storage shed into a catering kitchen ~~as well as the use of the lawn to place tents and hold outdoor temporary wedding gatherings.~~

Discussion: CDP # 02-04 approved ONLY the conversion of approximately 70 square feet of the existing 350 square foot storage shed for food preparation fixtures. Storage will remain the primary use in the rest of the existing structure.

Although included in our original application, CDP # 02-04 expressly does not approve, nor does it take any action with respect to, tents and outdoor events, as clarified on Page 4 of the County Staff Report (Exhibit 4, Page 6 to the Commission Staff Report).

Staff misrepresents the County's declining to review that component of the application, its reasons for doing so, AND the certified LCP procedure that requires temporary tents to receive Mendocino Historical Review Board review and approval for each use.

Under the LCP, the Coastal Permit Administrator has no cdp jurisdiction over, and therefore no authority to approve or disapprove temporary tents. Under the LCP, the only body with authority to approve temporary tents is the Mendocino Historical Review Board.

Therefore, temporary tents are not before the Commission in the appeal of CDP #02-04 and reference to them must be stricken or reworded to accurately reflect their status.

Page 8: B. LOCAL GOVERNMENT ACTION, Second Paragraph: Use

Discussion: While it is correct that the MacCallum House uses (including the storage shed) predate the Coastal Act, the Commission itself has approved several permits authorizing minor expansions since 1977.

In addition, the LCP designates MacCallum House as a permitted visitor-serving overnight accommodation on the certified Land Use and Zoning Map. The Inn is not a conditional use, although any increase in number of overnight lodging units would be considered a conditional use requiring a permit under the certified LCP.

Page 8: B. LOCAL GOVERNMENT ACTION, Last Paragraph: Outdoor Tents

Discussion: CDP # 02-04 approved ONLY the conversion of approximately 70 square feet of the existing 350 square foot storage shed for food preparation fixtures. Storage will remain the primary use in the rest of the existing structure.

Although included in our original application, CDP # 02-04 expressly does not approve, nor does it take any action with respect to, tents and outdoor events, as clarified on Page 4 of the County Staff Report (Exhibit 4, Page 6 to the Commission Staff Report). Therefore, those uses are not before the Commission in the appeal of CDP #02-04 and reference to them must be stricken or reworded to accurately reflect their status.

Staff misrepresents the County's declining to review that component of the application, its reasons for doing so, AND the certified LCP procedure that requires temporary tents to receive Mendocino Historical Review Board review and approval for each use.

Under the LCP, the Coastal Permit Administrator has no cdp jurisdiction over, and therefore no authority to approve or disapprove temporary tents. Under the LCP, the only body with authority to approve temporary tents is the Mendocino Historical Review Board.

Page 9, Second Paragraph:

Discussion: Although the appeal may have been timely filed, the appellant failed to notify the applicants or other parties supporting their project, as required by §13111 of the Commission's regulations, which, pursuant to Subsection (c), may be grounds for dismissal of the appeal, even if it were otherwise valid.

In addition, the applicants received no notice from the Commission itself until a week after it was reportedly filed.

Page 9: C. PROJECT DESCRIPTION

Discussion: In addition to weddings, the food preparation fixtures will serve myriad community events that occur on the lawn, subject to Mendocino Historical Review Board approval.

The walk-in refrigerator located inside the storage shed constitutes storage, and was approved pursuant to a prior application, as noted in the County staff report.

No dishwasher will be installed.

Page 10: D. SUBSTANTIAL ISSUE ANALYSIS

Discussion: The Coastal Act (§§30603 and 30625 precisely specify the criterion to be applied by the Commission in determining whether this appeal raises a "substantial issue:" whether the development conforms to the standards set forth in the certified LCP.

The extent and scope, precedent-setting potential, resource significance, and greater than local significance criteria set forth by staff appear to lack statutory and regulatory authority, EXCEPT in so far as they are incorporated in the LCP standards that are the statutory standard.

Page 10: 1. Appellant's Contentions are Valid Grounds for Appeal

Discussion: Appellant's contentions (as redrafted by staff) may pose "potentially valid grounds" because they allege inconsistency with the LCP, but those allegations are easily put to rest by independently comparing the project to the LCP policies cited. Exercise of the Commission's discretion in determining whether the County approval actually raises a substantial issue should be based on such an independent evaluation, rather than on speculation that it might.

Page 10: a. Accessory Uses

Discussion: Staff and the appellant incorrectly reference the LCP definition of "accessory building" (Town Zoning Code Section 20.608.020(F)), which disallows kitchens to assure that new structures intended for habitation meet code requirements, instead of the applicable use"(Town Zoning Code Section 20.608.020(H) definition.

(The existing storage shed is an "accessory building," as referenced in the County Staff Report. This structure apparently predates the Coastal Act, the Commission has treated other such structures on the property as accessory buildings, and this one is no different.)

The County approves an "accessory use," as defined in Zoning Code Section 20.608.20(H), which does not prohibit kitchens as an allowed accessory use, Town Zoning Code Section 20.704.010, which refers to both structures and uses, as well as Town Zoning Code Sections 20.704.015(N), and 20.704.020(b), none of which

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preclude a kitchen.

The "change in use" and installation of food preparation equipment will not make the existing structure habitable, in any event, because there are no bathroom facilities.

Page 11 - 16: LCP Policies

Discussion: As noted above, Staff incorrectly cites Town Zoning Code Section 20.608.020(F). The appropriate standard is Town Zoning Code Section 20.608.020(H).

In emphasizing portions of Town Zoning Code Sections 20.608.020(F) and 20.704.010, Staff also misleads the Commission by failing to point out that the certified LCP distinguishes between (1) "*principal permitted uses*," a Coastal Program term of art for purposes of establishing appealable uses that is defined in Town Zoning Code Section 20.608.035(I), and "*principal uses*" defined in Town Zoning Code Section 20.608.035(J) to mean the "*primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.*" (emphasis added.)

Pursuant to the certified LCP, whether a use is accessory hinges on the nature of the primary structure itself, and not whether that structure is a permitted, principal permitted, conditional, or legal non-conforming use.

Page 17: Discussion

Discussion: Staff's conclusion on LCP consistency in this section is not supported by the LCP itself.

By misquoting Town Zoning Section 20.704.020(B), staff erroneously concludes that only principal permitted uses can have accessory structures or uses, and by ignoring other pertinent LCP sections altogether, staff erroneously concludes that a kitchen is not an allowed "accessory use."

The difference between new "accessory building" approval standards (not applicable to this permit, but cited by staff nonetheless) and new "accessory use" approval standards (which staff ignores altogether) is discussed in the previous section.

The LCP distinction between "principal permitted use" and "principal use" is likewise discussed above, and should be known to staff more familiar with the LCP than applicants.

Section 20.704.02220(B) states:

"Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic or commercial uses shall be permitted where those use types are permitted."

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The LCP wording is "*principal civic or commercial uses*," which means "*primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.*"

However, at line 3, staff erroneously (and egregiously) asserts that the section applies instead only to "*principal permitted uses*," then forms its conclusion based on that misrepresentation.

The minor County-approved change in use is accessory both to the existing¹ MacCallum House Inn and Restaurant and grounds, which also includes the existing civic assembly (a principal permitted use in the certified Town Plan) uses on the lawn.

That one of these uses is not a "principal permitted use" is irrelevant, pursuant to the requirements of the LCP. By altering the wording, however, staff seeks to limit accessory uses in a manner that does not exist in the documents certified by the Coastal Commission.

It is worth repeating that this purported contention of inconsistency is largely staff's enhancement of appellant's objection to the effects of the temporary events that are not part of the County approval.

Page 18. Paragraph 1

Discussion: CDP # 02-04 approved ONLY the conversion of approximately 70 square feet of the existing 350 square foot storage shed for food preparation fixtures. Storage will remain the primary use in the rest of the existing structure.

Although included in our original application, CDP # 02-04 expressly does not approve, nor does it take any action with respect to, tents and outdoor events, as clarified on Page 4 of the County Staff Report (Exhibit 4, Page 6 to the Commission Staff Report). Therefore, those uses are not before the Commission in the appeal of CDP #02-04 and reference to them must be stricken or reworded to accurately reflect their status.

¹ MacCallum House and associated outdoor uses predate the Coastal Act, and several improvements undertaken since 1977 have required -- and received -- Commission permits. §13540(c) of the Commission regulations requires LCP's to be consistent with previous Commission permit approvals within the jurisdiction, pursuant to PRC § 30625(c). The certified Mendocino Town Plan is clear that the existing overnight accommodations on the MacCallum and other sites in the "Commercial" district are a permitted use (Table 14.13-1, certified Land Use & Zoning Map), and that only expansion of existing overnight units to the maximum allowable units requires a conditional use permit (anything over the maximum requires an LCP amendment). Moreover, Town Plan Policy 14.13-5(A) states that "All existing legal uses shall be deemed consistent with the Town Plan."

Staff misrepresents the County's declining to review that component of the application, its reasons for doing so, AND the certified LCP procedure that requires temporary tents to receive Mendocino Historical Review Board review and approval for each use.

Under the LCP, the Coastal Permit Administrator has no cdp jurisdiction over, and therefore no authority to approve or disapprove temporary tents. Under the LCP, the only body with authority to approve temporary tents is the Mendocino Historical Review Board.

Page 20-21

Discussion: Staff erroneously concludes that the temporary uses (discussed below) raise a substantial issue.

Community and wedding-related temporary events are neither continuous ("marked by uninterrupted extension in space, time, or sequence") or ongoing ("being actually in process"), as staff asserts.

They are unique and disparate with respect to type, participants, kind, time of day, and length. The events are not repetitive (although some community charitable events may recur on an *annual* basis, they are neither continuous).

The events meet the certified LCP criteria for temporary events that are subject to Mendocino Historical Review Board approval, and are specifically excluded from cdp requirements by the certified LCP -- not by action of the County Permit Administrator.

As noted repeatedly above, although included in our original application, CDP # 02-04 expressly does not approve, nor does it take any action with respect to, tents and outdoor events, as clarified on Page 4 of the County Staff Report (Exhibit 4, Page 6 to the Commission Staff Report). Therefore, those uses are not before the Commission in the appeal of CDP #02-04 and reference to them must be stricken or reworded to accurately reflect their status.

Page 21: Conclusion

Discussion: An accurate reading of the certified LCP accessory and temporary use provisions dispels staff's and appellant's alleged contentions of County-approved permit consistency with that document, which is the sole statutory criterion for determination of substantial issue.

The County's approval is, in fact, in conformity with the applicable provisions of the certified LCP, and warrants a Commission finding of "No Substantial Issue."

F

Exhibit 3: Appeal Document - Transmittal letter

Discussion:

- (1 of 12): An attached letter is referenced but was not provided in the Exhibit (it was missing from the appeal notice provided to applicants.
- (3 of 12) All opponents are listed in Section III(b), but none of the 250+ supporters' letters on file is included, in violation of Reg. §13111(a)(5).
- (6 - 12) While rife with personal opinions, unsubstantiated allegations and speculation, extensive quoting from generally inapplicable and, therefore, misleading sections, the appeal attachment does not seem to contain either (1) the specific grounds for appeal as required by §13111(a)(7) or (2) a summary of the significant question (sic) raised by the appeal, as required by §13111(a)(9).

Exhibit 4: County Staff Report Attachments

Discussion: Staff has inexplicably omitted from the exhibit the floor plan depicting the Court approved change in use.

Attachment: Dall & Associates Jurisdiction Memorandum (Appeal No. A-1-MEN-05-02) without attachments

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DALL & ASSOCIATES

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Th 15a

MEMORANDUM

TO: California Coastal Commissioners
FROM: Stephanie Dall, Norbert Dall/DALL & ASSOCIATES
on behalf of Barbara and Monte Reed
RE: Appeal No. A-1-MEN-05-024 (Reed, Town of Mendocino):
REED PROJECT NOT WITHIN COMMISSION APPELLATE JURISDICTION

Applicants Barbara and Monte Reed previously objected to the County of Mendocino's determination of project "appealability" in correspondence dated March 18, 2005.¹

The County's appealability determination was based *solely* on a Commission staff letter dated November 8, 2001, advising that the entire Town of Mendocino ("Town") is within the Commission's appellate jurisdiction. Staff's contention is premised on a misapprehension that the Town is a designated Sensitive Coastal Resource Area ("SCRA") as defined in Coastal Act PRC §30116, and is therefore within the Commission's appellate jurisdiction pursuant to Coastal Act PRC §30603(a)(3).²

The Reeds now object to the Commission's pending "Substantial Issue" determination and "de novo" hearing because the Town is not an SCRA, and neither the project site nor the project itself is otherwise within the Commission's statutory appellate jurisdiction, based upon its location and project type, as readily confirmed by reference to the following documents, as discussed in greater detail below:

- (1) The certified Mendocino Town Plan and Zoning Ordinance segments of the certified County of Mendocino Local Coastal Program, and the handful of countywide Local Coastal Program provisions that are applicable within the Town boundaries;
- (2) The Commission's adopted Post LCP Certification Permit and Appeal Jurisdiction Map 32 ("Post-Cert Map") for the Town of Mendocino;
- (3) The County's and Commission's consistent treatment of the project area as non-appealable (except for specified land divisions, conditional uses, and public works/energy projects) following effective LCP certification;
- (4) Available historic Commission documents pertaining to permit requirements and appealable development within the Town of Mendocino; and,
- (5) Available historic Commission documents, and the Coastal Act itself, regarding designation of Sensitive Coastal Resource Areas and the limits of Commission appellate jurisdiction.

Our clients request the Commission to acknowledge that there is no statutorily designated SCRA within the Town of Mendocino, and that the Commission therefore lacks jurisdiction to hear Appeal No. A-1-MEN-05-024. Our clients further request that the Commission immediately notify the County of Mendocino that County approval of CDP #54-03 is final, and that the permit may issue.

¹ All documents referenced in this memorandum are in the files of the California Coastal Commission and are hereby incorporated by reference.

² The Reeds are unaware of any County effort to pursue the jurisdictional clarification procedures set forth in Commission regulations (§13569) in response to their objection.

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REED APPEAL JURISDICTION

July 12, 2005

Page 1

Reed Project Is Not Within Commission's Statutory Appellate Jurisdiction.

Commission staff erred in its November 2001 letter advising the County of Mendocino that all coastal development permit approvals within the Town of Mendocino were appealable, as well as in staying the County's Reed approval and bringing Appeal No. A-1-MEN-05-024 before the Commission for a "Substantial Issue" determination and *de novo* hearing, predicated on the fallacious assertion that the entire town, including the Reed property, is an SCRA.

(1) Certified LCP Appeal Criteria.

Commission-certified Mendocino Town Zoning Ordinance Section 20.728.020(b)(1)-(5) "Coastal Commission Appeals"³ sets forth the criteria for County permit decisions within the boundaries of the Town of Mendocino that are subject to the Commission's appellate jurisdiction, consistent with, but not identical to, the language in Coastal Act/PRC §30603(a).⁴ It incorporates the four types of development enumerated in §30603(a)(1), (2), (4), and (5). In addition, it specifies that land divisions shall also be appealable. However, it expressly does *not* incorporate §30603(a)(3) that pertains to SCRAs, nor does any other provision of either the Mendocino Town segment, or the countywide LCP.

The Reed project site and the project itself do not fall into any of the five categories certified by the Commission as constituting appealable development within the Mendocino Town segment.⁵

The site is more than two blocks inland of the first public road, and is not within 100 feet of a wetland, estuary, or stream, or within 300 feet of the beach, the mean high tide

³ Sec. 20.728.020 Coastal Commission Appeals...

(B) An action taken on a coastal development permit may be appealed to the Coastal Commission for only the following types of developments:

(1) Developments approved between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;

(2) Developments approved not included within Paragraph (1) of this section that are located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff;

(3) Any approved division of land;

(4) Any development approved that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) of the Coastal Act;

(5) Any development which constitutes a major public works project or a major energy facility.

(C) The grounds for an appeal pursuant to Section 20.728.020(B) shall be limited to those specified in Public Resources Code Section 30603(b).

⁴ PRC §30603. (a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government 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, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

⁵ In fact, the project would appear to qualify for statutory exemption from coastal permit requirements altogether pursuant to PRC §30610(a) and §13250 of the Commission's regulations.

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line, or the face of a coastal bluff. The project is a principal permitted use, and involves neither a land division nor a public works/energy facility.

To be sure, both the Mendocino Town segment and the countywide LCP incorporate the Coastal Act PRC §30116 definition of SCRA, but neither document designates any portion of Mendocino Town, including the Reed project site, as an SCRA; and neither document otherwise designates the Reed property as appealable. The Mendocino Town Plan declares that it is "a special community and a significant coastal resource as defined in Coastal Act Section 30251," but expressly does *not* do so pursuant to the definition of SCRA in PRC Section 30116. The Land Use Map likewise references "special community," consistent with the Town Plan, but without designating SCRA. Neither the Mendocino Town segment nor the countywide LCP designates or maps the Town of Mendocino as "highly scenic" pursuant to either §30251 or §30116.

Although the November 2001 Commission staff letter and current staff report rely on cited sections of the countywide LCP Zoning Ordinance, the cited sections, as noted above, do not designate the Town of Mendocino as either SCRA or appealable; and in any event, these sections are not applicable in the Town of Mendocino because Mendocino Town Zoning Ordinance Section 20.604.020 provides that "These [Town] regulations supersede the existing [countywide] zoning regulations, as amended, of the County of Mendocino, for land which lies within the unincorporated area of the Town of Mendocino."

As noted above, the certified Town Plan and Zoning confer no SCRA designations, nor does Commission staff assert that they do. Thus, even if the countywide LCP were to purport to confer such status (and it does not), its designations would not apply.

Moreover, assuming for the sake of argument that any of the certified LCP documents actually purported to, or could be construed to purport to, designate SCRA, such designation would not make the designated area appealable, since the Commission has never completed the required statutory process, as discussed further in Parts 4 and 5, below, in order to designate SCRA that would be appealable pursuant to Coastal Act PRC §30603(a)(3).

(2) Post-Cert Map.

The Commission adopted the Post-Cert Map for the unincorporated Town of Mendocino and surrounding unincorporated areas on May 14, 1992, and has subsequently made no changes to it.

The map depicts the geographic jurisdictional boundaries set forth in Coastal Act PRC §30603(a)(1) and (2), which do not encompass the Reed property, or most of the Town, for that matter.

The Town Post-Cert Map does contain boilerplate language in the legend that refers to §30603(a)(3), (4), and (5). This identical language appears to be on all Post-Cert Maps adopted by the Commission, from Del Norte to San Diego County, and is not, as Commission staff has apparently led Mendocino County staff to believe, evidence that any PRC §30603(a)(3) appeal jurisdiction exists in Mendocino County, or elsewhere in the state.

The Reed project is neither a conditional use appealable pursuant to PRC §30603(a)(4) nor a public works/energy facility appealable pursuant to PRC §30603(a)(5), referenced

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in the Map's boilerplate. (It is also not a land division appealable pursuant to Mendocino Town Zoning Ordinance Section 20.728.020(b)(3), that, on its face, appears to exceed the Commission's statutory appellate authority.)

In addition, the Reed project is expressly not appealable pursuant to the boilerplate reference to PRC §30603(a)(3) on the Post-Cert Map because, as discussed in Parts 4 and 5, below, the Commission determination in 1978 not to implement the cumbersome process necessary to designate SCRA's, has resulted in *no* SCRA's *anywhere* in the coastal zone that could be appealable pursuant to PRC §30603(a)(3), staff assertions notwithstanding.

(3) County-Commission History of Non-appealability.

Virtually from the date of effective certification of the Mendocino Town Plan and Zoning (December 1996), both the Coastal Commission and the County of Mendocino recognized that significant portions of the Town (including the subject site) were outside the Commission's appellate jurisdiction, except for divisions of land, public works, or conditional uses that are appealable throughout the coastal zone, none of which applies to the Reed project.

Starting with CD #64-96, issued three days after the County assumed permit jurisdiction for the Mendocino Town segment, and continuing until November 2001, the County handled applications in the vicinity of the Reed site for developments that were not otherwise appealable pursuant to §20.728.020(b)(3)-(5) as non-appealable administrative permits with the Commission's approval. Our records include CDP #35-98 and CDP #100-98, and Commission records are expected to contain numerous other determinations of non-appealability with which the Commission concurred, in that five-year period.

Since that time there have been no amendments to the certified Town Plan and Zoning, the Post-Cert Map, or the Coastal Act provisions pertaining to appealability that would place the entire Town of Mendocino, and specifically the Reed property, within the Commission's appellate jurisdiction, Commission staff assertions notwithstanding.

(4) Relevant Historic Commission Documentation and Actions Specific to Town of Mendocino Appealability.

The Commission staff's November 2001 letter to the County belatedly asserts that the entire Town of Mendocino is subject to the Commission's appellate jurisdiction because it is designated as SCRA. The June 30, 2005, staff report for the Reed appeal likewise asserts that the designation of "special community" on the certified Town Plan Land Use Map demonstrates that the entire Town is SCRA and therefore subject to Commission appellate jurisdiction.

However, the Commission's approval for Categorical Exclusion No. 96-1 on November 14, 1996 (the same day that it deemed the Mendocino Town segment effectively certified), clearly stated that even parts of the Town of Mendocino significantly seaward of the Reed site and within the very scenic Historic Zone A (from which the Reed site is specifically excepted and geographically separate) were eligible for categorical exclusion from coastal development permit requirements for residential and specified other development categories because they are *not* "...in areas where coastal development permits would be appealable to the Coastal Commission...". This determination was consistent with the findings certifying the Mendocino Town segment

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of the Mendocino County LCP, as well as with the language in the certified Town Plan and Zoning documents, and the Post-Cert Map. Needless to say, there was no mention of the entire Town being in the appeal zone or SCRA, which would have prevented the exclusion.

Moreover, as noted in Part 2 above, the Commission adhered to the appellate jurisdiction criteria contained in Town Zoning Ordinance Section 20.728.020(b)(1)-(5) for five years, recognizing that much of the Town, including the Reed property, was outside of its appellate jurisdiction, before determining to expand that jurisdiction without benefit of statutory basis through a letter from Commission staff.

(5) Documentation Regarding Designation of Sensitive Coastal Resource Areas.

Commission staff's contention that the Reed property, and in fact all of the Town of Mendocino, is appealable because it is in an SCRA is disingenuous, at best, in view of the fact that the Commission has not designated a single SCRA anywhere in the state, let alone in the Town of Mendocino; and the Coastal Act reserves to the Commission and the Legislature the ability to make such designations

Coastal Act Basis for Concluding that the Town of Mendocino is Not an SCRA. In its November 2001 letter and the recent staff report for the Reed appeal, Commission staff correctly cites the definition of SCRAs contained in PRC §30116, and the appealability of designated SCRAs contained in PRC §30603(a)(3).

However, Commission staff conveniently overlooks the very complicated procedure involved in designating SCRAs that is set forth in PRC §§30502⁶ and 30502.5,⁷ and that must, by statute, be completed in order for a particular area to qualify as an SCRA

⁶ PRC §30502. (a) The commission, in consultation with affected local governments and the appropriate regional commissions, shall, not later than September 1, 1977, after public hearing, designate sensitive coastal resource 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, and the review and approval by the regional commissions and commission of other implementing actions.

(b) The designation of each sensitive coastal resource area shall be based upon a separate report prepared and adopted by the commission which shall contain all of the following:

(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.

(c) In sensitive coastal resource areas designated pursuant to this section, a local coastal program shall include the implementing actions adequate to protect the coastal resources enumerated in the findings of the sensitive coastal resource area report in conformity with the policies of this division.

⁷ PRC §30502.5. The commission shall recommend to the Legislature for designation by statute those sensitive coastal resource areas designated by the commission pursuant to Section 30502. Recommendation by the commission to the Legislature shall place the described area in the sensitive coastal resource area category for no more than two years, or a shorter period if the Legislature specifically rejects the recommendation. If two years pass and a recommended area has not been designated by statute, it shall no longer be designated as a sensitive coastal resource area. A bill

proposing such a statute may not be held in committee, but shall be reported from committee to the floor of each respective house with its recommendation within 60 days of referral to committee.

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that is appealable pursuant to PRC §30603(a)(3) -- a procedure that the Commission expressly declined to undertake anywhere in the state in August 1978.

In order to designate an SCRA, the Commission must prepare, in consultation with the affected local government, a specific report describing the resource to be protected, the reason why the area has been designated as an SCRA requiring measures beyond a Land Use Plan and Zoning to protect the resource, a determination that the resource is of regional or statewide significance, a specific list of adverse impacts that could occur if regulation were limited to Land Use Plan and Zoning constraints, and a map of the designated SCRA. The LCP for the designated area must contain implementing measures *in addition to* a Land Use Plan and Zoning Ordinance to address the concerns raised in the Commission report. (Note that the effectively certified LCP segment for the Town of Mendocino consists solely of a Land Use Plan and Zoning Ordinance.)

Then the Commission must recommend the SCRA designation to the Legislature, and if no legislative action on the SCRA recommendation occurs within two years, or the Legislature rejects the recommendation, the area would no longer be designated an SCRA. Importantly, PRC §30502 required the Commission to make such designations *no later than September 1, 1977*.

As discussed below, the Commission undertook none of these steps with respect to the Town of Mendocino, or any other area within the Coastal Zone, for that matter. The Coastal Act makes no provision for local government to designate SCRA with or without following the process required in §§30502 and 30502.5; and Mendocino County itself made no attempt, authorized or otherwise, to fulfill the statutory requirements.

Even assuming for the sake of argument (noting that there is absolutely no evidence to support such a proposition) that the Commission and Mendocino County actually had somehow intended the mapping of the Town as a "special community" to constitute the functional equivalent of an SCRA, the designation (1) would have come almost two decades after the 1977 (extended to 1978, as discussed below) deadline for designating SCRAs, (2) would not have met the requirement to contain implementing measures beyond the Land Use Plan and Zoning, (3) would not have become operative because the Commission never submitted it to the Legislature, and, (4) assuming that it could have been construed to be operative during the two year period afforded for Legislative enactment, even without actual submittal to the Legislature, would have expired no later than November 14, 1998.

1977 NOAA/OCZM State of California Coastal Management Program and Final Environmental Impact Statement ("CCMP") Reiteration of SCRA Designation Process Requirements. The mandatory nature of the process set forth in PRC §§30502 and 30502.5 for designation of SCRAs, and their subsequent status as "appealable" is emphasized in the NOAA/OCZM (precursor to OCRM) document certifying the California Coastal Management Program pursuant to the Federal Coastal Zone Management Act, at pages 38 and 39. Compliance with the CCMP is the basis for Commission eligibility for federal funding.

Commission's Decision to NOT Designate SCRAs. Whether the Commission did or did not designate the Town of Mendocino as an SCRA is not a matter for conjecture. In 1977 the Commission extended the statutory September 1, 1977 deadline contained in PRC §30502 for one year. On September 1, 1978, following staff's recommendation that no such designations be made, the Commission allowed the extension to expire without making any SCRA designations. Several staff documents from 1977 and 1978

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address the issue. Staff's rationale for declining to designate SCRA's is set forth in memoranda from Executive Director Michael L. Fischer dated July 12 and August 7, 1978.

Conclusion.

Commission staff's sole asserted basis for determining that the Reed project is appealable is that the entire Town of Mendocino is a designated SCRA, and is therefore within the Commission's appellate jurisdiction pursuant to PRC §30603(a)(3).

The applicable LCP policies make no such designation, and would have no standing, in any event, unless adopted by the Commission pursuant to PRC §§30502 and 30502.5. The Commission never followed the statutory procedure for SCRA designation with respect to the Town of Mendocino, or any other coastal zone area, and determined in 1978 not to exercise the authority that would have allowed it to do so.

As a result, the Reed project is not within the Commission's appellate jurisdiction and is not properly before the Commission for disposition.⁸ The County CDP #54-03 should be allowed to issue.

cc: Bob Merrill/CCC-Eureka
Ruby Pap/CCC-SF
Ralph Faust, Esq./CCC-SF
Amy Roach, Esq.
Barbara and Monte Reed
James Jackson, Esq.

⁸ In addition to both the County and the Commission erroneously deeming the project appealable, both the County and the appellants appear to have failed to comply with statutory and regulatory rules governing appealable projects and appeals, thus depriving the Reeds of due process, equal treatment, and timely disposition of an erroneous appeal. Despite County action on May 6, requiring notification of final action to the Commission within seven days, the County's notice is dated May 16, some 10 days later. Only one (now reportedly deceased) of the two appellants signed the appeal form, and that appellant left the date of signature blank. The second purported appellant did not sign the appeal form, and the only correspondence from him that is contained in the documents provided to this firm is a submittal dated April 22, 2005, -- two weeks prior to the County action and four weeks prior to the commencement of the appeal period on May 20 -- leaving the pending appeal without a valid appellant. Neither purported appellant apparently complied with the requirements of §13111(c) of the Commission regulations, which may be grounds for dismissal of the appeal.

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Tent Supporters

F95

Name	Address	Phone Number
1 Tinley Kent	Albion	937-1733
2 Dephne Martin	Albion	937-1166
3 Krista Eiber	Albion	937-0177
4 Jason Brooke	Albion	
5 Mary Ferganchill	Albion	
6 Ishvi Aum	Albion	937-3624
7 Nancy Lebrun	Albion	937-3624
8 Loyd Sheppard	Albion	937-0034
9 Laura Caughey	Albion	937-0177
10 Rita Crane	Albion	937-2439
11 Maya Placido	Albion	937-2443
12 Bonni Whitney	Albion	937-4652
13 Frank Tocco	Albion	937-1919
14 Mary Anderson	Albion	937-3558
15 Justin Cook	Albion	937-5610
16 Christorpher Spazek	Albion	937-1198
17 Daniel Sitts	Albion	937-0915
18 Vicky Sitts	Albion	937-0915
19 Leah Miller	Albion	937-2205
20 Alanna Hernandez	Albion	937-3117
21 Marlene Palcido	Albion	937-2443
22 Rosa Wyglendowski	Albion	937-3322
23 Lavender Kent	Albion	937-0274
24 Marika Piscitelli	Albion	964-1152
25 Lena Elliott	Albion	937-3117
26 Sandy Nelson	Albion	937-4777
27 Mark Johnson	Albion	962-0813
28 Ron Stark	Albion	937-4315
29 Aiyana Martin	Albion	937-3538
30 Scott Zeramby	Albion	964-4211
31 Donna Feiner	Albion	937-0720
32 Darryl Hasten	Caspar	964-5378
33 Deagon Williams	Caspar	
34 Ben Patterson	Caspar	937-5426
35 Melinda Madden	Caspar	964-6722
36 Catherine Booth	Caspar	964-0181
37 Kelly Dickenson	Caspar	962-0534
38 Jacob Madden	Caspar	964-6722
39 Michael Dell'Ara	Caspar	964-6788
40 Ruth Dell'Ara	Caspar	964-6851
41 Ed Krose	Comptche	937-0893
42 Eva Welles	Comptche	937-2433
43 Patrice Kaohi	Elk	877-1848
44 Judy Minkus	Elk	877-3256
45 Ben Corey Maran	Elk	877-3443
46 Sharon Garner	Elk	877-3988
47 Joanna Cooper	Fort Bragg	962-0175
48 Tara Estes	Fort Bragg	961-5431
49 Julie Wood	Fort Bragg	964-2961
50 Tim Hagen	Fort Bragg	964-5774
51 Maia Garcia	Fort Bragg	964-0318

Tent Supporters

52 Richard Cooper	Fort Bragg	964-6196
53 Alan Kantor	Fort Bragg	964-9349
54 Kam Goodell	Fort Bragg	391-7531
55 Jo Murrell	Fort Bragg	964-0318
56 Cynthia Ariosta	Fort Bragg	964-6971
57 Kevin Walters	Fort Bragg	961-6170
58 David Smith	Fort Bragg	964-5652
59 Lari Shea	Fort Bragg	964-9669
60 Haun Patterson	Fort Bragg	
61 Anthony Crowell	Fort Bragg	964-3249
62 Linda Garge	Fort Bragg	962-0925
63 Rebeka Barth	Fort Bragg	961-1855
64 Sandy Glickfeld	Fort Bragg	961-0745
65 Jose Duran	Fort Bragg	962-0328
66 Angel Duran	Fort Bragg	
67 Andrew Sipla	Fort Bragg	530 902-7659
68 Kamala Mangini	Fort Bragg	964-3876
69 Louise Black	Fort Bragg	964-6976
70 Alana Stenberg	Fort Bragg	964-7177
71 Jenny Chua	Fort Bragg	962-9079
72 Gigi Cooper	Fort Bragg	964-6196
73 Fidel Hernandez	Fort Bragg	964-1592
74 Devan Hemmings	Fort Bragg	961-5486
75 Ginger Hagen	Fort Bragg	964-5774
76 Antonio Martinez	Fort Bragg	964-9267
77 Kelsey Desmond	Fort Bragg	964-9101
78 Norma Lopez	Fort Bragg	964-6126
79 Michelle Harbour	Fort Bragg	961-6191
80 Debbie Desmond	Fort Bragg	937-6720
81 Hermila Bueno Blanco	Fort Bragg	961-9659
82 Yesenia Nunez	Fort Bragg	962-9217
83 Norma Naal Avilez	Fort Bragg	962-0480
84 Cecilia Gaxtan	Fort Bragg	964-2793
85 Patricia Duran	Fort Bragg	962-0328
86 Arcelia Hernandez	Fort Bragg	813-7056
87 Venustiano May	Fort Bragg	961-0379
88 Nancy Lopez	Fort Bragg	964-6126
89 Russell Crawford	Fort Bragg	962-0206
90 James Muto	Fort Bragg	529-0584
91 Karen Newman	Fort Bragg	964-6999
92 William Lee	Fort Bragg	964-7476
93 Dan Melo	Fort Bragg	357-1551
94 Aurelia Bassidi Tocco	Fort Bragg	
95 Kei Velazquez	Fort Bragg	964-6392
96 Nancy Harris	Fort Bragg	964-4824
97 Tracy Wolfson	Fort Bragg	964-4211
98 Marcia Lotter	Gualala	884-4827
99 Lynn Stamfli	Little River	937-3099
100 Sandee Pell	Little River	937-1432
101 Selena Barnett	Little River	937-3099
102 Stacy Seitz	Little River	937-4274
103 Carl Moore	Little River	937-5709

Tent Supporters

104 Elaine Moore	Little River	937-5709
105 Leta Stampfli	Little River	937-3099
106 Edith Mclure	Little River	937-3352
107 Priscilla Samas	Little River	
108 Madrone Briziul	Little River	937-0240
109 Bon Goodell	Little River	937-0641
110 Azs McNeal	Little River	937-1529
111 Lucinda Clark	Little River	937-4596
112 Anna Rathbun	Little River	937-0634
113 Barbara Matheson	Little River	937-5164
114 Kenneth Matheson	Little River	937-5164
115 Nancy Freeze	Mendocino	937-0551
116 Dennis Freeze	Mendocino	937-0551
117 Bobby Burdick	Mendocino	961-0449
118 Sally Stuart	Mendocino	937-4436
119 John Adams	Mendocino	937-6012
120 Jannis Platt	Mendocino	937-6012
121 Jamie Placido	Mendocino	775 354-0581
122 Marcia Harter	Mendocino	937-4208
123 Josseline Black	Mendocino	
124 Susan Zahniser	Mendocino	937-1809
125 Brad Jonas	Mendocino	
126 Michael Gordan	Mendocino	937-3943
127 William Boise	Mendocino	
128 Mitch Clogg	Mendocino	
129 Bim Place	Mendocino	937-4547
130 Lenny Laks	Mendocino	937-1331
131 Sloan Sheppard	Mendocino	972-5099
132 Sharon Hunter	Mendocino	937-1055
133 Joan Palmer	Mendocino	937-2011
134 Anita McElroy	Mendocino	937-3105
135 Ann Dickson	Mendocino	937-4864
136 Larry Crother	Mendocino	937-2578
137 AJ Wells	Mendocino	937-0167
138 Kathleen Bennett	Mendocino	964-7957
139 Thierry Ludy	Mendocino	964-7957
140 Erich Schmid	Mendocino	937-0545
141 Lisa rambo	Mendocino	937-0545
142 Richard Karch	Mendocino	937-0334
143 Skip Taube	Mendocino	937-1437
144 Linda Friedman	Mendocino	937-1056
145 Patricia Karch	Mendocino	937-0334
146 Shanti Balse	Mendocino	937-0786
147 Eddie Arguelles	Mendocino	937-0545
148 Priscilla Comen	Mendocino	937-0823
149 Leslie Campbell	Mendocino	937-5248
150 Aron Yasskin	Mendocino	937-0788
151 Joan Carlson	Mendocino	937-4395
152 Jullie Higgins	Mendocino	937-4707
153 Alan Greenwood	Mendocino	937-1092
154 Penny Greenwood	Mendocino	937-1093
155 Susan Makovkin	Mendocino	937-5496

Tent Supporters

156 Ward Ryan	Mendocino	937-6200
157 Michael Leventhal	Mendocino	937-1641
158 Scott Petterson	Mendocino	937-5375
159 Judith Beam	Mendocino	937-0299
160 Sharon Sverko	Mendocino	
161 Patricia Araiza	Mendocino	937-1647
162 Rachard Cruser	Mendocino	937-0801
163 Osha Dean	Mendocino	937-5345
164 Stephen Conway	Mendocino	937-3140
165 Karin Uphoff	Mendocino	937-2798
166 Anne Yount	Mendocino	937-2720
167 Nancy Gardner	Mendocino	937-0181
168 Kerry Lawrence	Mendocino	937-3901
169 Kevin Milligan	Mendocino	937-4960
170 Erina Reeves	Mendocino	937-3565
171 Jude Lutge	Mendocino	937-3719
172 Glenn Lutge	Mendocino	937-3719
173 William Rogers	Mendocino	813-7694
174 Stephanie Silva	Mendocino	937-3093
175 Barbara Lindquist	Mendocino	937-2602
176 Barbara Burkey	Mendocino	
177 Tai Leventhal	Mendocino	
178 Bruce Choder	Mendocino	937-4919
179 Gayle Ensign	Mendocino	937-2587
180 Ron Ensign	Mendocino	937-2587
181 Kathleen MacDonald	Mendocino	964-5744
182 Carol Joyce	Mendocino	937-0751
183 Nanettie Porter	Mendocino	937-2711
184 Sara Spring	Mendocino	937-0813
185 Shana Everhart	Mendocino	
186 Pedro Avilez	Mendocino	937-0289
187 Gerard Eisenberg	Mendocino	937-1665
188 Jose Ortega	Mendocino	622-0660
189 Daniel Cook	Mendocino	937-2751
190 Mike Evans	Mendocino	937-3663
191 Willie Boise	Mendocino	
192 Kauku Hakupa	Mendocino	
193 Tiffanie Csontos	Mendocino	962-0848
194 Jessica Norris	Mendocino	937-6010
195 Rachel Kradin	Mendocino	964-8948
196 Zoe Schulman	Mendocino	962-0391
197 Ann Birdsell	Mendocino	961-0344
198 Deena Zarin	Mendocino	937-0515
199 Barbara Reed	Mendocino	937-0354
200 Robert Savage	Mendocino	937-2024
201 Carolyn Savage	Mendocino	937-2024
202 Monte Reed	Mendocino	937-0354
203 Julia Calouro	Mendocino	937-0286
204 Nancy Puder	Mendocino	937-3899
205 Shona Friedman	Mendocino	937-0143
206 Michael Moreland	Mendocino	937-0227
207 Angela Kaiwi	Mendocino	937-6722

Tent Supporters

208 Andria Lundsford	Mendocino	937-2750
209 Deanna Pisaro	Mendocino	937-0289
210 Chelsea Strupp	Mendocino	937-3716
211 Stephen McWhorter	Mendocino	937-9984
212 Richard Strom	Mendocino	937-4892
213 Silver Mangini	Mendocino	937-0448
214 Keith Brandman	Mendocino	937-2021
215 Debra DeGraw	Mendocino	937-2588
216 Maryilyn Rose	Mendocino	937-3335
217 Harriet Bye	Mendocino	937-0448
218 Mina Cohen	Mendocino	937-1319
219 June Lemos	Mendocino	937-3154
220 Antoinette Lemos	Mendocino	937-5722
221 Eric Luna	Mendocino	937-2710
222 Jim Spence	Mendocino	937-4372
223 Ruth Spence	Mendocino	937-4372
224 Daniel Cook	Mendocino	937-2751
225 Saul McElroy	Mendocino	937-3511
226 Sandra McElroy	Mendocino	937-3511
227 Sarah Hassel	Mendocino	937-1952
228 Jed Hassel	Mendocino	937-1952
229 Jack Lemos	Mendocino	937-5722
230 Dee Lemos	Mendocino	937-5725
231 Rich Lemos	Mendocino	937-5725
232 Valari Steinbrecher	Mendocino	937-3330
233 Harold Ploucher	Mendocino	937-4343
234 Susie Ploucher	Mendocino	937-4343
235 Donald Kirkpatrick	Mendocino	937-2832
236 Joyce Perlman	Mendocino	937-0690
237 Randy Lutge	Mendocino	937-0690
238 Ray Alarcon	Mendocino	937-5050
239 Michael Bouris	Mendocino	962-0316
240 Don Roberts	Mendocino	
241 Wendy Roberts	Mendocino	
242 Tomas Birdsell	Mendocino	961-0344
243 Geraldine Pember	Mendocino	964-0724
244 Carol Ann Falk	Mendocino	962-9070
245 Lyles Pember	Mendocino	964-0724
246 Jennifer Kalvass	Mendocino	937-1730
247 Arthur Demarchis	Mendocino	937-2589
248 Deborah Moore	Mendocino	937-2589
249 Adam Strupp	Mendocino	937-3716
250 Markus Schnetgoeek	Mendocino	937-3800
251 Sage Sattham	Mendocino	964-9955
252 Dennis Morgan	Mendocino	414 617-0608
253 Allen Morgan	Mendocino	937-0248
254 Susie Carr	Mendocino	
255 John Porter	Mendocino	964-8884
256 Janice Porter	Mendocino	964-8884
257 Jim Miller	Mendocino	964-3224
258 Edna Miller	Mendocino	964-3224
259 Liz Helenchild	Mendocino	

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Tent Supporters

260 Robert Zvolensky	mendocino	
261 Carol Zvolensky	Mendocino	937-0351
262 Mary Stuart	Mendocino	
263 Jonathan Borah	Miranda	943-9723
264 David Burke	Petaluma	962-9325
265 Frances Burkey	Point Arena	884-9741
266 Ellyn Reed	San Jose	
267 Ron Reed	San Jose	
268 Ellen Bennett	San Rafael	415 454-2855
269 Robert Matson	Santa Rosa	522-0550
270 Raincrow Aum	Santa Rosa	543-0920
271 Tom Madden	Ukiah	937-5139
272 Colin Stevens	Westport	964-8617
273 Aaron Satauffer		
274 Eleanor Cooney		
275 Cynthia Copenhagen		

36 of 36

Mary Cesario Weaver
P.O. Box 1395
Mendocino, CA 95460
(707) 961-0937
maryinmendo@hotmail.com

7/20/05

California Coastal Commission
North Coast District Office
P.O. Box 4908
Eureka, CA 95502-4908

RE: Commission Appeal No. A-1-MEN-05-032

Enclosing photographs of the subject property without a tent up and with a tent up showing that Section 20.692.020(B) is not being addressed. "All applications for new development **shall** be reviewed for consideration of requiring dedicated scenic easements (4) to **protect public views to landmark structures** as described in the Inventory of Historic Structures in the Appendix of the Mendocino Town Plan." Two Category 1 Historic Landmarks are blocked from view, the MacCallum House Inn and water tower behind it and the Red Baptist Church, both mentioned in my appeal. All photos taken from the public view on Albion Street.

Sincerely,



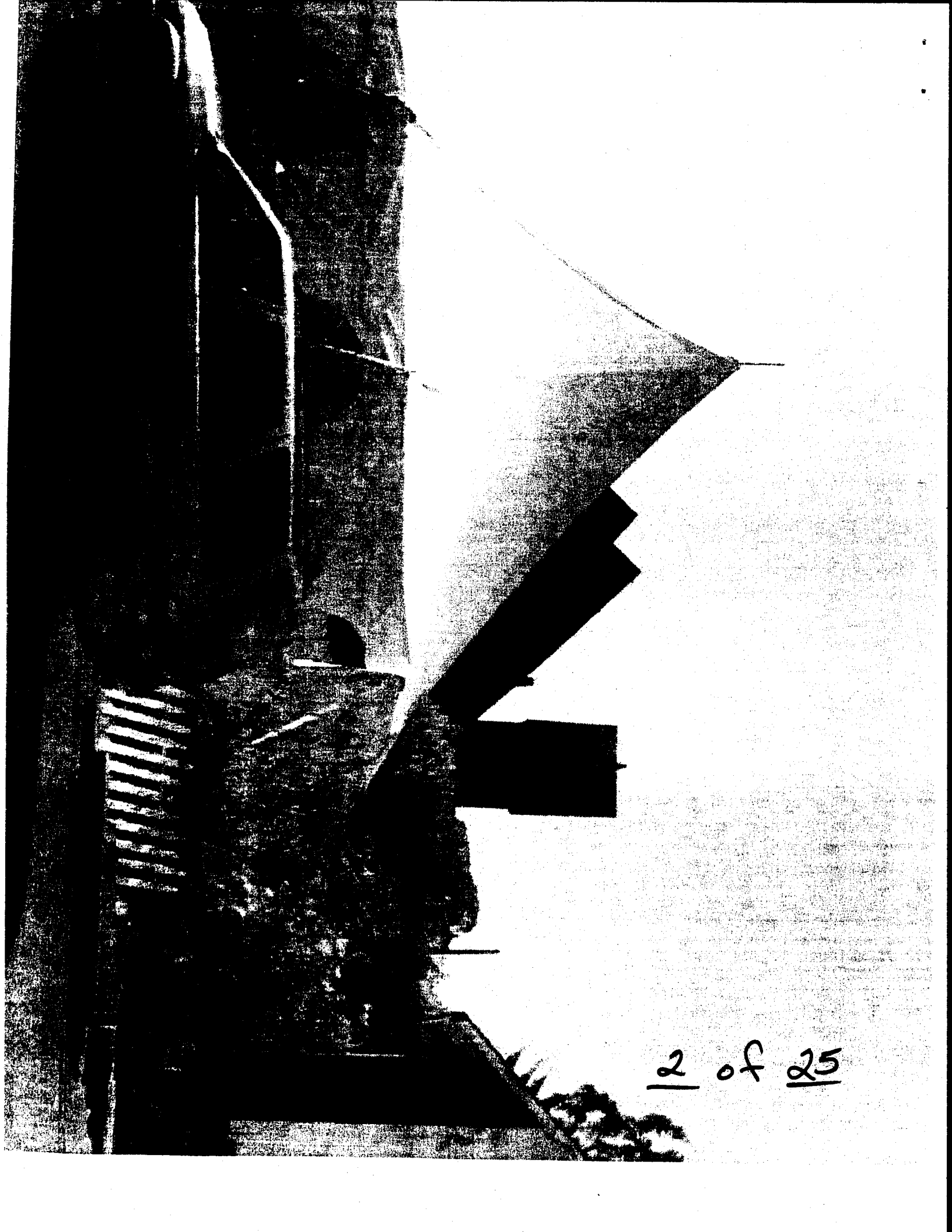
Mary Cesario Weaver

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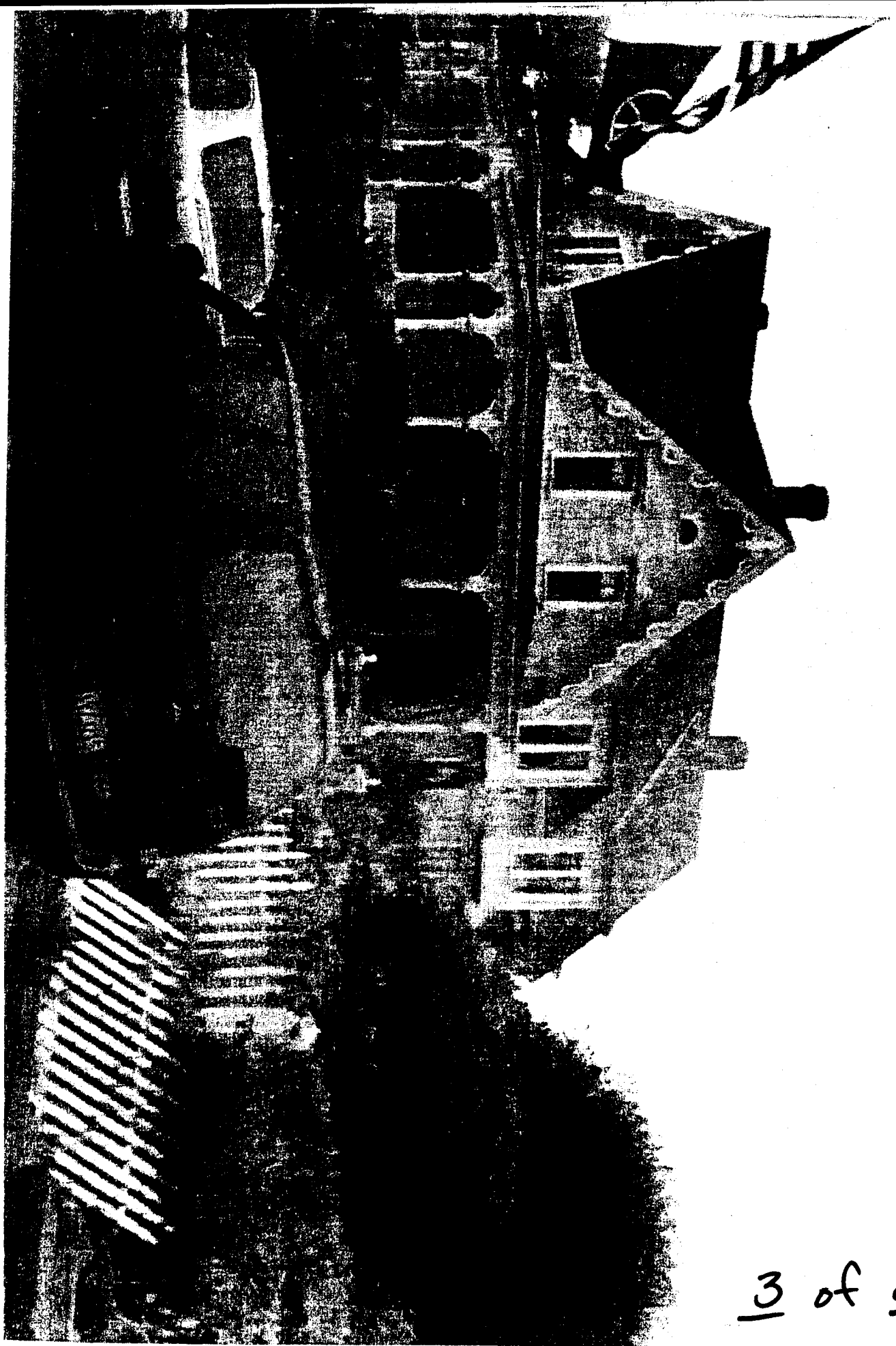
JUL 28 2005

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 7
A-1-MEN-05-032 (MacCallum House)
OTHER
CORRESPONDENCE
(Page 1 of 25)

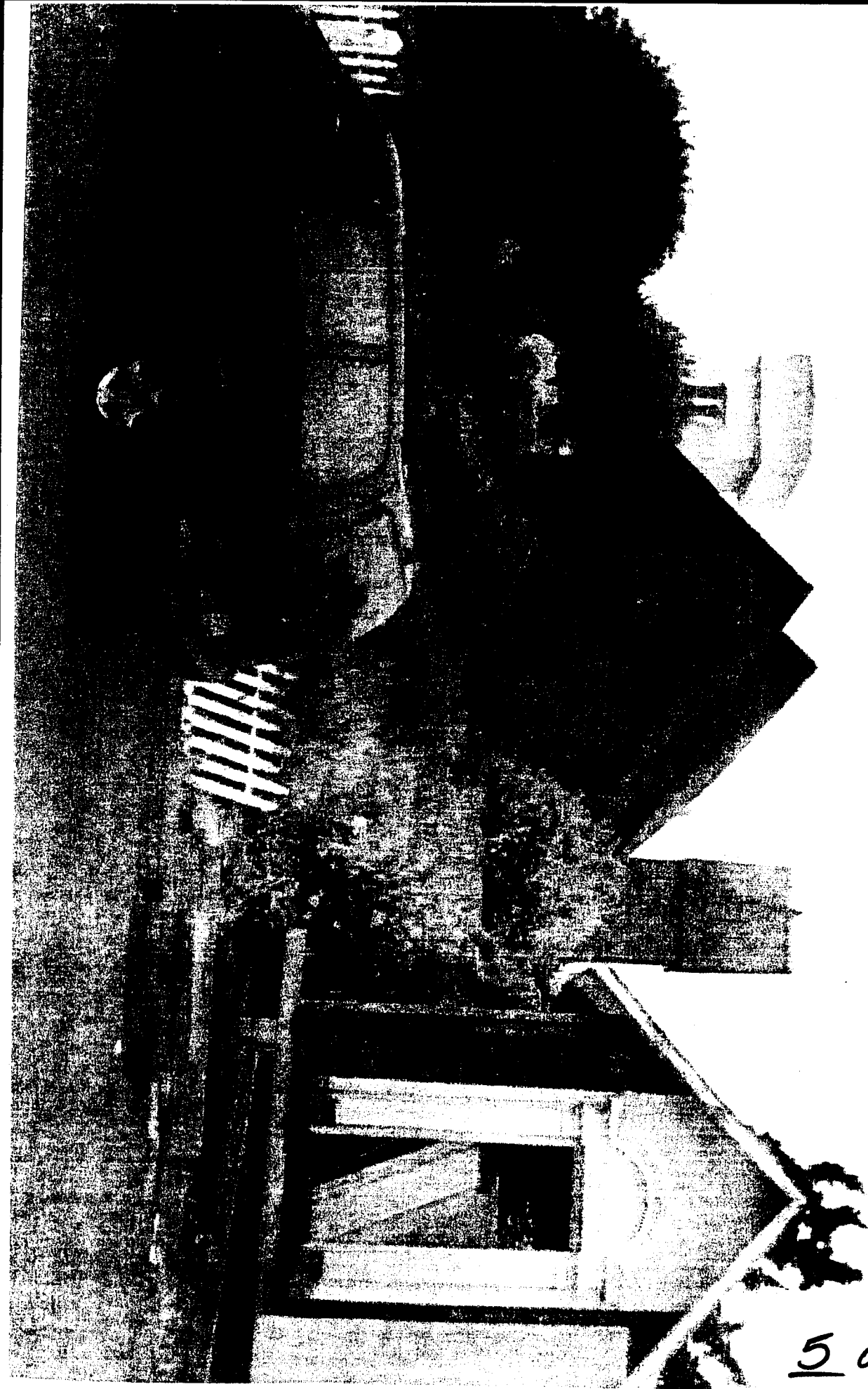


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4 of 25



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RACHEL BINAH

California Coastal Commission
North Coast District Office
Post Office Box 4908
Eureka, California 95502-4908

4 August 2005

Re: California Coastal Commission Appeal
No. A-1-MEN-05-032

*In support of
MacCallum House
opposed to appeal*

Dear Coastal Commissioners and staff

I am writing to add my support to the appeal for the applicants Jed and Megan Ayres and Noah Sheppard of the MacCallum House in Mendocino.

These are fine, decent, public spirited people whose generosity to our community is unparalleled. They have used their facility and property, at great personal expense, for local organizations to hold events, receptions and fund raisers and, in the process, supported many worthwhile causes.

They have held many community events to benefit, among others, the following organizations on their lawn and in their tent:

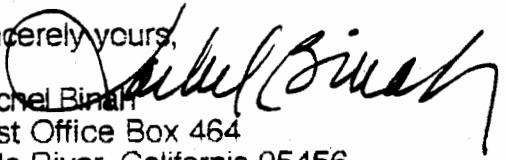
Mendocino Coast Clinics
Mendocino Cancer Resource Center
M.U.S.E. -- Mendocino Unified School Enrichment (a program to fund art & music in the public schools) annual community picnic/barbecue
Mendocino Coast Humane Society (dog show)
Mendocino Music Festival
Anderson Valley Unified Music Program (wine auction)
Kelley House Museum (garden dedication)
MCA -- the Mendocino Community Alliance

I organized a reception to honor our California United States Senator Barbara Boxer for her extraordinary efforts on our community's behalf to prevent the development of off shore oil along our coast. The reception was held in the MacCallum House tent on their lawn. They graciously hosted the event without charge.

Jed, Megan and Noah are some of our most generous, kind and civically oriented people. Their business is a welcome addition to our community. The tent that they use to provide space for events is also a welcome addition in a village which has few places suitable for public or private events. The fact that their hotel is located on a street with little traffic makes it a suitable use for the kinds of gatherings they create.

I urge you to uphold the Board of Supervisor's permit to allow the MacCallum House to continue to use it's lawn and tent and to finish the development of their catering kitchen.

Sincerely yours,


Rachel Binah
Post Office Box 464
Little River, California 95456
707/937-3227
rachel@mcn.org

RECEIVED

AUG 08 2005

CALIFORNIA
COASTAL COMMISSION

6 of 25

Rick's

Rick's of Mendocino, Inc.

The Restaurant at Hill House

10701 Palette Drive

P.O. Box 708

Mendocino CA 95460

(707) 937-0577

MENDOCINO

RECEIVED

AUG 08 2005

August 4, 2005

CALIFORNIA

California Coastal Commission COASTAL COMMISSION

Re: Use of tents at MacCallum House, Mendocino CA

Weddings and banquets have become a major economic factor on the Mendocino Coast and specifically in the Village of Mendocino. Weddings are a very desirable source of income for the Coast. Many people drive here (supporting transportation and oil companies) and stay in local hotels and inns (supporting hospitality companies) and eat in restaurants (supporting food companies) and buy goods and services in local shops (supporting merchant companies).

And best of all, they go back home. We do not have to increase our infrastructure or school systems for the visitors. We already have great weather and an incredible coastline. All we have to do is provide a facility and the expertise to manage a wedding and reception and be friendly. What a great business for the community!

The MacHouse has become a very important venue for weddings in the last few years. They have invested heavily in promoting the area through the Internet to the rest of the world. The combined promotions of MacHouse and other wedding suppliers have made Mendocino one of the most preferred wedding locations in California.

The owners of MacHouse have been among the most active people on the Coast in supporting charity and non-profit causes and working to develop a viable economic structure for the community.

We encourage you to continue to allow MacHouse to use tents to support weddings.

Sincerely,

Richard McDonald *LaDonna McDonald*

Richard and LaDonna McDonald
Rick's of Mendocino

7 of 25

MacCALLUM HOUSE INN & RESTAURANT

GREY WHALE BAR & CAFÉ

RECEIVED

F9b

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

AUG 08 2005

August 8, 2005

RE: Appeal No. A-1-MEN-05-032 (MacCallum House, Mendocino)
REQUEST FOR "NO SUBSTANTIAL ISSUE" FINDING

Dear Commissioners:

On Friday, August 12, your Commission will consider whether Appeal No. A-1-MEN-05-032 (MacCallum House) raises a substantial issue. We, the undersigned MacCallum House owners and applicants, respectfully request that you hold a hearing and determine that the appeal raises "No Substantial Issue" of conformance with the certified Mendocino Town Local Coastal Program.

The historic MacCallum House and grounds are enjoyed not only by visitors from all over the world, but also by the very special Mendocino community that three generations of the Ayres and Madden families, and four generations of Sheppards, call home. As Mendocino natives, we are honored to continue a long tradition of outdoor civic events, with the ongoing review and approval of the Mendocino Historical Review Board, as required by the certified Local Coastal Program.

The Mendocino County permit before you on appeal allows us to use just under 70 square feet of an existing storage shed for food preparation in conjunction with these functions, that include a long list of charitable and cultural events, in addition to the weddings referenced in the staff report. Commission files contain over 250 letters from Mendocino residents, supporting both the minor conversion and continued availability of the grounds for these outdoor events, that were not included in the staff report.

It is important for the Commission to understand that:

- The appeal before you is limited only to a minor change in use. The County permit addresses and approves *only* a change in use. Thus, no other "development" is before the Commission on appeal.
- Temporary Event Tents are not before the Commission as part of this appeal. The County expressly deleted them from County review and approval for CDP 2-04, (Mendocino County Staff Report, Page 4, attached as Exhibit 4 to the Commission Staff Report), and are not before the Commission on appeal.
- "Civic Uses" are a permitted use in the "Commercial" zone (Town Plan, Town Zoning Code Sections 20.620.005 and 20.664.010[2]). The outdoor events hosted at MacCallum House are permitted civic uses, and would raise no LCP use issues if they were before the Commission.
- The outdoor events are "Temporary" (Town Zoning Code Sections 20.708.010[A], 20.708.015, 20.708.020, 20.760.045, and 20.760.050), as determined by the County and the Mendocino Historical Review Board, and would raise no LCP consistency issues if they were before the Commission.
- "Food Preparation" is an allowed accessory use for "Civic Uses" (Town Zoning Code Sections 20.704.010[a] and 20.704.020), Converting <70 square feet of an existing 350 square foot storage shed to allow food preparation for permitted civic uses raises no LCP issues. (Because the shed does not contain,



8 of 25

MacCALLUM HOUSE INN & RESTAURANT

GREY WHALE BAR & CAFÉ

F9b

and has no room for, a toilet or other restroom facilities, it is also consistent with Town Zoning Code Section 20.704.010(b).)

The Mendocino Town Plan and Zoning Code certified by the Coastal Commission contain numerous constraints to protect the unique character of our community, while also affording the public the opportunity to enjoy our historic and natural resources. The Mendocino Historical Review Board is charged with assuring that all uses, including temporary ones, comply with the Town standards.

Special events using temporary tents, as allowed in the certified LCP, are a part of the history of Mendocino, dating back to the early 20th Century, and possibly before. Today they provide an opportunity for community events that Mendocino simply has no permanent buildings of sufficient size to accommodate.

Although the primary use of the grounds is not part of the permit pending before you on appeal, a few details might assist in understanding how a small outdoor food preparation area within an existing storage shed in the "Commercial" zone will serve the intent of the LCP-approved land use and zoning.

During our ownership, temporary tents have been permitted by the MHRB and erected for these gatherings on 18 occasions (3 in 2003, 11 in 2004, and 4 so far in 2005), for a total of 33 days over a three-year period. Community groups also have access to the temporary tents erected for wedding receptions (also a permitted civic use), and the MHRB has occasionally allowed the tent to remain in place for 2-3 days to facilitate such events.

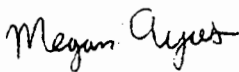
Having the ability to prepare refreshments for these events on site, without having to cart them from another location, or even from within the MacCallum House restaurant, will enhance enjoyment of these facilities by guests and community members alike. Among the community groups that benefit from MacCallum House outdoor events are: (partial list)

- Anderson Valley Music Program
- Cancer Resource Center
- Kelley House - Mendocino Historical Research, Inc.
- Mendocino Coast Clinic
- Mendocino Humane Society
- Mendocino Music Festival
- M.U.S.E
- Mendocino Easter Egg Hunt

Because our County-approved conversion of storage space for food preparation is an allowed accessory use to LCP-permitted civic uses that benefit Mendocino residents and the public, and is consistent with all other applicable LCP policies, as demonstrated above, we ask you to find that the County permit approval raises "No Substantial Issue."

Thank you for your consideration. We will be present on August 12 to provide testimony and answer questions. Issues regarding jurisdiction and other policy questions raised in the Commission staff report will be addressed under separate cover.

Sincerely,



Megan Ayres



Jed Ayres



Noah Sheppard

CC: Bob Merrill/CCC-Eureka



9 of 25

Wanda Traber & Ian Mayeno
45080 Calpella Street
Mendocino, CA 95460
(707) 937-2560

August 9, 2005

California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, CA 95501

RECEIVED

AUG 10 2005

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners,


As residents of the Mendocino Historical District for fourteen years, the recent increased pace of development in our Town causes us concern about the continued preservation of our special community. The MacCallum House Inn & Restaurant is at the forefront of commercial development in our Town. The addition of their accessory kitchen, and the frequent events being held on the MacCallum House lawn over the last two years has contributed greatly to an increase of congestion & noise, and has created a great visual impact on our Town.

We believe that substantial issues exist with this development. We brought these issues before the County of Mendocino's Planning Department in the form of a letter when the MacCallum House owners applied for a Coastal Development Permit (#2-04). We enclose a copy of our letter here for your review. In the letter, we address issues in the areas of Growth Management, Visual Resources, Groundwater Resources, Transportation & Circulation, and Public Health & Safety, as well as the unfolding of the permit process itself.

Additionally, this is an area designated as having "Critical Water Resources." We do not feel that the increased water usage that will result from the additional kitchen, and the frequent large events it is intended to support, has been adequately addressed.

The MacCallum House owners have made many changes and additions to their property and business operations during the last few years. The frequent events held outdoors, made possible by the accessory kitchen and placement of large tents, are having an especially profound effect on our Town and are effectually increasing the capacity of the MacCallum House.

Thank you,


Wanda Traber


Ian Mayeno

10 of 25

Wanda Traber & Ian Mayeno
P. O. Box 813
Mendocino, CA 95460

June 22, 2005

RECEIVED

AUG 10 2005

CALIFORNIA
COASTAL COMMISSION

Department of Planning and Building Services
County of Mendocino
790 South Franklin Street
Fort Bragg, CA 95437

Re: MacCallum House Coastal Development Permit Application #2-04

Dear Planners,

We have been Mendocino Village residents for thirteen years. We have two young sons, and we have owned a business within the historical district of Mendocino for twelve years. We live two blocks north of the MacCallum House property.

We have read the staff report on the MacCallum House's Coastal Development Permit application for a catering kitchen and the installation of tents. A number of the statements in the report have raised questions for us:

It states in the report that **temporary events and temporary structures are exempt from coastal development permit requirements**. If tents are exempt from being permitted, then should a new application be submitted with the request for tents excluded? If the Coastal Development Permit does not apply to tents, then Coastal Development Permits should not be issued for tents.

In the section entitled **Growth Management**, it states "The project will not add any new visitor units to the site and will not alter the balance between residential, visitor, and commercial uses in the Town." We disagree.

When asked, at the October 4, 2004 MHRB meeting, if these events couldn't be held inside one of the MacCallum House buildings, rather than in a tent that offers no sound protection, Sheppard and Ayres responded that they did not have the facilities within any of their properties to accommodate the number of people that would be attending these events. In addition, the second kitchen and the additional space provided by the tent allows them to keep their restaurant open to the public while these events are happening. In the past, the restaurant would be closed due to the "private party." Therefore, the tents and the additional kitchen are effectually increasing the capacity of the MacCallum House, quite substantially.

In the section entitled **Visual Resources**, it states "The exteriors of the remodeled sheds have not changed appreciably." This is not true.

There is a large vent housing "box" which has been constructed on top of the shed, well exceeding the height of the roof that was previously found unacceptable. We estimate its size to be at least seventy-five cubic feet, and it sticks out like a "sore

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thumb." This construction was not in accordance with the spirit of what the MHRB had permitted.

Exhibit D, which is attached to the staff report, is not a complete drawing. It does not show the large structure that is built upon the roof.

In the section entitled **Groundwater Resources**, it states "The MCCSD has determined that the catering kitchen is an expansion of the existing kitchen facilities, and the District believes that the use of an outside catering kitchen for special events would not increase the applicant's existing groundwater extraction allotment established for current use." How can this be?

As previously stated, this catering kitchen allows the MacCallum House to operate their restaurant in their normal fashion, while simultaneously holding a large "special event." When taking into consideration the frequency of these events, we find it hard to believe that such additional activity will not surpass their current groundwater extraction allotment.

In the section entitled **Transportation/Circulation** it states "The auxiliary kitchen for providing food service to outdoor gatherings will not result in any change in traffic to the site and will have no impact on transportation or circulation." How can this be?

Here we will state it again: The catering kitchen allows the MacCallum House to operate their restaurant in their normal fashion, while simultaneously holding a large "special event." There is a definite impact on transportation and circulation. There are more guests, more employees, and more cars. We witness it with each event. This is an area that has no pedestrian sidewalks and is adversely affected by the increased traffic and shortage of parking.

Also in the **Transportation/Circulation** section it states "Weddings and similar gatherings...could occur with or without the proposed kitchen and tent." Historically they have not occurred with anywhere near the frequency, or continued until as late into the evening, as they currently do. We do not believe that these events would occur as they currently are, in the absence of the tent or the kitchen.

In the section entitled **Public Health and Safety** it states Thomas Worley of REHS found the plans for the kitchen to be acceptable, but he requested that the applicant contact him two weeks prior to operation of the kitchen for a pre-opening inspection. It also states the standard condition that all required permits from other agencies having jurisdiction be obtained.

It is stated earlier in the report that the MacCallum House has already been determined to be operating the kitchen without the proper permits. Has Thomas Worley been alerted to this, and has that had an effect on how "acceptable" he finds the kitchen?

Additionally, for every event held in a tent, a portable toilet is brought to the premises. This toilet is delivered and picked up through the same access as the Corners of the Mouth grocery store receives their shipments of food. The toilet is positioned for use close to the catering kitchen, the tent, and the side entrance of the grocery store. Has this been permitted?

Under **Standard Conditions**, it states the permit will be subject to revocation or modification if "The use for which the permit was granted is conducted so as...to be a nuisance."

A substantial percentage of the MacCallum House's residential neighbors have stated that the activities at the MacCallum House have generated enough commotion, noise, and visual impact as to be a nuisance.


Many of the events held in these tents are wedding receptions—or "parties." These are large groups of people, who are listening and dancing to well-amplified music, drinking alcohol, and expressing themselves boisterously. The noise continues until at least ten o'clock in the evening. These events bring many additional cars to an area that has no pedestrian sidewalks and is adversely affected by the increased traffic and shortage of parking.

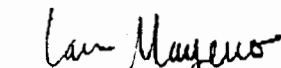
The tent is very large, definitely altering the "look" of the Village. It is also very white, and highly reflective. There are times of the day, while the tent is present, that we cannot comfortably look out the front windows of our home due to the intense glare from the tent. The shed that contains the kitchen has been substantially altered, including in height, in a manner that is visually distracting.

Under **Standard Conditions**, it states the permit will be subject to revocation or modification if "One or more of the conditions upon which the permit was granted have been violated." Conditions of the permit have already been violated.

In conclusion, the kitchen and the tents are effectually increasing the capacity of the MacCallum House, and altering the historical district in numerous ways. We believe that the cumulative effect caused by the frequency and the nature of the events being held due to this additional capacity, as well as the numerous changes (i.e., the installation of concrete pathways after being approved only for "decomposed granite," the installation of outdoor hot tubs, a very large "SUV" stretch limousine that is usually double-parked, a shuttle van that runs guests between their various properties around town) that have recently been made to the MacCallum House property and operations needs to be considered in its entirety.

Thank you,


Wanda Traber


Ian Mayeno

August 11, 2005

RECEIVED

AUG 15 2005

TO: The California Coastal Commission
North Coast District Office
P.O. Box 4908
Eureka, California 95502-4908

CALIFORNIA
COASTAL COMMISSION

RE: Appeal No A-1-MEN-05-032

Dear Commissioners,

Please allow the MacCallum House to continue to provide tents and events on their lawn.

In addition to the private parties and weddings that they host, the MacCallum House holds community events and fundraisers for the schools, clinics, humane society and other local organizations. Just last month the MacCallum House hosted an event to support the local public school, and the money raised will support the band and chorus programs at our small school. Without these efforts those programs may not exist.

Events that are hosted by the MacCallum House are enjoyed by a great many people in the community. We look forward to the MacCallum House outdoor fund raisers and celebrations – joyful events for our small town that would be greatly missed if they are discontinued. Please allow them to continue to provide tents and events.

Sincerely,



Sally Swan
10450 Nichols Lane
Mendocino, CA 95460

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TOTAL P.02

August 11, 2005

CA Coastal Commission
North Coast District Office
P.O. Box 4908
Eureka, CA 95502-4908

RECEIVED

AUG 15 2005

RE: Appeal No A-1-MEN-05-032

CALIFORNIA
COASTAL COMMISSION

Coastal Commissioners,

I am writing to express my strong support for the MacCullum House Inn and Restaurant in Mendocino, California. My husband and I have owned property on the Mendocino coast for 35 years and have seen many changes during that time. During the last ten years, we have been actively involved in the town of Mendocino, assisting in the establishment of the Mendocino Business Association, passing a drinking ordinance for the town of Mendocino and currently working on a film ordinance for the town.

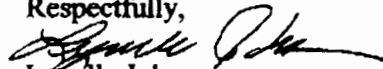
Jed and Megan Ayres and Noah Sheppard have done much to improve the quality of life for the town of Mendocino and its residents. Since purchasing the MacCullum House Inn, they have taken great pride in improving the inn and the grounds surrounding the building. The MacCullum House is a wonderful gathering place and attracts both locals and visitors.

Most importantly, during these tough economic times, the MacCullum House is keeping many people on the coast employed and consequently doing much to keep our local economy healthy. This could not happen without the incredible improvements they have made to the facility and to their efforts to cultivate business both locally and from other areas.

I currently serve on the Board of the Mendocino Coast Botanical Gardens and our non-profit public garden could not survive without the support and help of our local businesses and residents. Not only do Mr. and Mrs. Ayres and Mr. Sheppard support our fundraising efforts, but guests of the MacCullum House are frequent visitors to our gardens. The health of our Botanical Gardens is dependent on a healthy local economy and the MacCullum House Inn helps to make that happen.

They have done a beautiful job of improving our community and they have done it tastefully. The MacCullum House Inn and Restaurant is a shining jewel in the town of Mendocino. I urge you to support their request for a catering kitchen and tents in their garden. We all benefit from their efforts in ways too many to count.

Respectfully,


Lynelle Johnson
Little River, CA

15 of 25

Deena Zarlin
PO Box 267
Comptche, CA 95427

RECEIVED

AUG 15 2005

CALIFORNIA
COASTAL COMMISSION

August 12, 2005

Dear Coastal Commissioners,


I write in support of The MacCallum House (No A-1-MEN-05-032) as they once again are required to seek approval to hold private and community events on their lawn and to use their converted storage shed as a catering kitchen. The MacCallum received unanimous approval for these uses from the Mendocino Historical Review Board and the Mendocino County Planning Administrator and now must travel to Southern California to speak before you in support of these permitted uses again.

Please, once and for all, deny the appeal of those decisions and let these generous folks go on with their events business and continue to support the community through fundraisers for many organizations.

I have lived on the North Coast since 1974, have been a teacher in the Mendocino School District since 1977 and have worked with hundreds of students on local history projects. I am on the board of the Kelley House Museum, an organization that has as its mission "Collecting, Preserving, Protecting and Sharing the Rich History of the Mendocino Coast." Jed and Meghan Ayres, and Noah Shepard have always been superb stewards of Mendocino's history. They lovingly restored and maintain Inn and gardens as a place for community connection as it was in Daisy MacCallum's days. Their wedding business, under the tent, continues the spirit of Mendocino's past as a gathering place for celebration and festivities. Their support of community organizations has enabled many to do better work. They have shown over and over again that Mendocino's welfare is at the heart of what they do. These three business owners grew up in the Mendocino area, went to school in town and have returned to run a business that is helping the town to thrive.

Please deny the appeal to their permit (No A-1-MEN-05-032) and support the use of tents and their catering kitchen.

Deena Zarlin



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RECEIVED

AUG 11 2005

CALIFORNIA
COASTAL COMMISSION

To Whom It May Concern:

I am writing to you to urge you to support the MacCallum House Inn owners in their petition for the continued allowance of temporary tents on their lawn on Albion Street in Mendocino. In the past few years, the MacCallum House Inn has hosted numerous weddings and public events on their property, benefiting our small community in many ways.

The main complaint, at least that I've heard, is regarding the tent's USAGE for weddings, not the tent itself, as well as parking and some amplified music. Yet no one seems to stand up in protest about the Mendocino Music Festival tent, which guards the headlands for an entire month in the summer, blocking the view of the ocean for a good portion of Main St. And what about the amplified music there? As a matter of fact, many people "bootleg" the music, sit outside of the tent and listen to what other folks have paid good money for. As for parking, what could displace Mendocino more than the parking for the Music Festival? Wedding parking? I could name several other hotel locations, one in particular, on Main Street, that also produces large weddings. Their guests also need parking. Yet no one seems to be protesting events at that hotel.

As a Mendocino Coast business owner, I believe that by limiting or doing away with the MacCallum House's wedding business and community events, you are effectively reducing the bottom line's of many of the coast's local businesses. Folks from out of the area need hotel rooms, for one thing, and not all visitors to the area will reside at the MacCallum House. Visitors to the area also dine in local restaurants, participate in local activities, visit local attractions, and spend money in our shops and galleries. Curtailing the MacCallum House's wedding business by disallowing tents is a sure way to reduce the number of visitors spending money in Mendocino and the surrounding towns. It is also a sure way to reduce the job opportunities for many local vendors, musicians, stylists, ministers and service staff, which I will revisit later in this letter.

The community events and fundraisers that have been held in the MacCallum House tents are also a wonderful and effective way to bring people together, giving us all an opportunity to meet our neighbors, and fostering a sense of community. I have met many interesting people at the MacCallum House during events, many of whom I may not have met otherwise. Some were introduced to my business for the first time, and have since become regular customers. Others have become friends and associates. My business and my life have been directly effected in a tangible way due to the community events hosted by the MacCallum House.



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Putting all of that aside, however, I think there is no better justification for allowing the MacCallum House tents to continue to be erected than citing numbers. My husband and I hosted our wedding at the MacCallum House last year, and I think it is important to take some time to mention some of the details that pertain to this issue.

Our wedding, until recently, was the largest wedding that the MacCallum House produced to date. Sunday afternoon, October 10th. As written in our contract, amplified music had to cease at 8:30 pm, following local noise ordinances.

120 guests attended our wedding, 75 of them were from out of town, many of whom would have NEVER come here without the reason of attending our wedding. Those people stayed at the following hotels, many of them for three or more nights.

The Mendocino Hotel	10 rooms
Brewery Gulch Inn	4 rooms
Alegria Inn	3 rooms
Stanford Inn	2 rooms
Beachcomber	11 rooms
Holiday Inn	3 rooms

We had pre-wedding parties at local restaurants, including Chapter and Moon, Mendo Bistro and Piaci Pub & Pizzeria. Guests also hosted their own dinner parties at the local restaurants, including Ledford House, the Mendocino Hotel and Sharon's by the Sea.

17 people rode horses on the beach at Ricochet Ridge Ranch.
15 people rented canoes or kayaks from Catch-a-Canoe
22 people rode the Skunk Train.
10 people joined a Mendo Wine Tour
5 people went deep sea fishing with All Aboard Adventures.
24 folks visited the Fetzer Wine Tasting Room.

150 people attended a rehearsal dinner/barbecue (held on private property), with food provided by the Westport Fire Department (a fundraiser for this volunteer fire department), and music provided by local DJ Larry Hacken.

In addition to the MacCallum House, the following local individuals were involved in producing our wedding.

Sharon Robinson	Cake
Rosa at L&R Farms	Flowers
Joyce Perlman & Randy Ludge	Photographers
Zida Borich Studio	Invitations, Menu's, Placecards
Surprise Valley Carriage Co.	Horse and Carriage transport for Bride
Red Burke	Classic Car transport for groom
Kathy O'Grady	Videographer

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Ernie Fischbach	Ceremony and Cocktail Hour music
Chad Swimmer/Georgianne Gregory	Dance Instructors
Carla Leach	Children's Entertainer
Matt Roland	Tent and ceremony site set-up
Fabric Indulgence	Fabrics for centerpieces
State Parks	Permits and Fees for hosting headlands wedding
Golden Goose	Bridesmaids Gifts
Whistlestop Antiques	Parents Gifts
Indulgence	Parents Gifts
Reynold's Men's Ware	Tuxedos for Groomsmen
Old Gold	Engagement Ring and Two Wedding Bands
Dozen's of service staff for the MacCallum House	

We received monetary gifts which so far have been spent at:

Flo Beds
 Fittings for Home and Garden
 Multiple N. Coast Nurseries
 Birian Fales Site Prep

We received gift certificates to be spent at:

Little River Inn
 Mendo Cinemas
 Fittings for Home and Garden
 Rossi's

Over \$ 40,000.00 was spent on the wedding alone, and with the exception of the bridal gown, bridesmaid's dresses and the band, all of this money was spent here on the Mendocino Coast. That does not include the money that was spent locally by all of those visiting for our wedding, or all of the gifts that were purchased for us locally, or all of the gift money we spent locally. That's ONE Wedding! As a community we can only benefit from the exposure our coast is receiving from the MacCallum House's continued efforts to advertise and produce these exceptional weddings. We are in essence "shooting ourselves in the foot" by limiting or eliminating the MacCallum House's ability to erect tents for events.

Whatever the gripes are against MacCallum House, personal, historical and otherwise, I'd like to point out that they are in the business of making dreams come true for many men and women who choose to have their wedding ceremonies and receptions here. It is disappointing that a few locals can't put aside their personal feelings about music, parking, temporary tents, for a few hours a weekend, a few times a year, in order for someone's dreams to come true, and that their protests have even reached this level. We are talking about temporary structures, erected a few times a year. I implore you all to keep that in mind as you move ahead with your proceedings. Every time the MacCallum

House produces a wedding, some little girl's dream of marrying her Prince Charming, of a big white dress, a horse and carriage, a limo, beautiful flowers, food, wine, music, dancing, and of course, being surrounded by the love of family and friends, is coming true. Isn't that worth it?

Thank you.

Best Regards,

A handwritten signature in cursive script, appearing to read 'Cynthia Ariosta-Duerr'.

Cynthia Ariosta-Duerr
Fort Bragg, California
(707) 964-6971
cynthiaariosta@earthlink.net



Mendocino Coast Clinics, Inc.

205 South Street, Fort Bragg, CA 95437
707-964-1251 ~ www.mendocinocoastclinics.org

August 11, 2005

California Coastal Commission
North Coast District Office
PO Box 4908
Eureka, CA 95502

RECEIVED

AUG 11 2005

CALIFORNIA
COASTAL COMMISSION

RE: Appeal NO A-1-MEN-05-032

Dear California Coastal Commissioners:

I was disappointed to hear the approval for the MacCallum House Inn & Restaurant to convert their storage shed into a catering kitchen and to hold tented events on their lawn has been appealed to the California Coastal Commission.

Over the last three years, the MacCallum House Inn & Restaurant has become an important partner to the many Mendocino coast not for profit organizations, who struggle to achieve their missions on shoestring budgets. There are few venues for fundraising events and none have the ambiance and versatility of the tent, which is expensive to rent. The marriage of renting the tent for weddings and then making it available for organizations to hold benefits has been a perfect fit for the community.

Mendocino Coast Clinics is a not for profit organization providing quality medical, dental and behavioral health care services to coastal residents, regardless of their ability to pay. During Fiscal Year 2004/05 we provided almost 32,000 visits to over 5100 patients, which is about 25% of the population in our service area. As the coast transitions from a forestry and fishing based economy to tourism services industries, people have found themselves either without insurance or underinsured. Having our services available is integral to building a healthy workforce, which is vital to the economic development efforts underway on the coast.

The MacCallum House Project has passed a very stringent local approval process with the Mendocino Historical Review Board and the Mendocino County Planning Department. It is an appropriate use of space in a commercial district and the impact on the community of time limited use of a tent is minimal. Please uphold the decisions of these groups and allow the generosity of Jed & Megan Ayers and Noah Shepard to continue to provide these events for the community.

Sincerely,

Paula Cohen, Executive Director
Mendocino Coast Clinics

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Mission Statement

To provide quality medical, dental and behavioral health care services to all coastal residents regardless of their ability to pay.

RECEIVED

August 12, 2005

AUG 17 2005

Dear Coastal Commissioners,

CALIFORNIA
COASTAL COMMISSION

I write in support of The MacCallum House (No A-1-MEN-05-032) as they are required to seek approval to hold private and community events on their lawn and to use their converted storage shed as a catering kitchen. The MacCallum House received unanimous approval for these uses from the Mendocino Historical Review Board and the Mendocino County Planning Administrator. Due to appeals of these approvals, they must now travel to Southern California to speak before you in support of these permitted uses again.

Please, once and for all, deny the appeal of those decisions and let these generous, community minded business owners go on with their events and continue to support the community through fundraisers for many organizations.

I have lived on the North Coast only since 2000. I am Executive Director of Kelley House Museum. I have viewed the many improvements that Jed and Meghan Ayres, and Noah Shepard have made to the town. They have been always appreciative of Mendocino's history. As local boys who grew up in Mendocino they have a deep and abiding respect for the village and its history.

The work they have done to the MacCallum House Inn and the lovely surrounding gardens has once again become a place for community connection much as it was in Daisy MacCallum's days. People sit in the lawn and enjoy the sunset. They play croquet. They laugh. Weddings, under the tent, continue the spirit of Mendocino's past as a gathering place for celebration and festivities. Their support of community organizations is outstanding. They continue to "give back" to Mendocino at every given chance. Whatever endeavors they take on, they do with a loving heart towards the community

Please deny the appeal to their permit (No A-1-MEN-05-032) and support the use of tents and their catering kitchen.

Carolyn Cooper

P/S As a member of Kelley House Board of Directors, I whole-heartedly agree with the sentiments stated above. I am disappointed that the good works these fine people – Jed and Megan Ayers and Noah Shepard – do has to be filtered through so much controversy. They truly care about Mendocino and its history.

Martin Simpson

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RECEIVED

August 11, 2005

CA Coastal Commission
North Coast District Office
P.O. Box 4908
Eureka, CA 95502-4908

AUG 18 2005

CALIFORNIA
COASTAL COMMISSION

dated 8-10-05

RE: Appeal No A-1-MEN-05-032

Coastal Commissioners,

I am writing to express my strong support for the MacCullum House Inn and Restaurant in Mendocino, California. My husband and I have owned property on the Mendocino coast for 35 years and have seen many changes during that time. During the last ten years, we have been actively involved in the town of Mendocino, assisting in the establishment of the Mendocino Business Association, passing a drinking ordinance for the town of Mendocino and currently working on a film ordinance for the town.

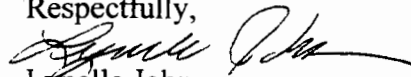
Jed and Megan Ayres and Noah Sheppard have done much to improve the quality of life for the town of Mendocino and its residents. Since purchasing the MacCullum House Inn, they have taken great pride in improving the inn and the grounds surrounding the building. The MacCullum House is a wonderful gathering place and attracts both locals and visitors.

Most importantly, during these tough economic times, the MacCullum House is keeping many people on the coast employed and consequently doing much to keep our local economy healthy. This could not happen without the incredible improvements they have made to the facility and to their efforts to cultivate business both locally and from other areas.

I currently serve on the Board of the Mendocino Coast Botanical Gardens and our non-profit public garden could not survive without the support and help of our local businesses and residents. Not only do Mr. and Mrs. Ayres and Mr. Sheppard support our fundraising efforts, but guests of the MacCullum House are frequent visitors to our gardens. The health of our Botanical Gardens is dependent on a healthy local economy and the MacCullum House Inn helps to make that happen.

They have done a beautiful job of improving our community and they have done it tastefully. The MacCullum House Inn and Restaurant is a shining jewel in the town of Mendocino. I urge you to support their request for a catering kitchen and tents in their garden. We all benefit from their efforts in ways too many to count.

Respectfully,


Lynelle Johnson
Little River, CA

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Sharon Hansen

707-937-1113, fax -5602, email: tw@mcn.org 31901 Middle Ridge Road, Albion CA 95410

Saturday, August 13, 2005

Re: Appeal A-1-MEN-05032-- MacCallum House Inn in Mendocino

Dear Coastal Commission Members,

My husband and I are writing as long time residents and retired business owners in the larger Mendocino Town area. We also write as appreciators of the Coastal Commission and the important role it plays in controlling growth on our spectacular ocean-bordering land. This letter is in reference to the issues regarding the MacCallum House Inn in Mendocino.

The owners of the Mac House {as we locally refer to it} grew up in this area and are dedicated community supporters. Many local charities-- such as music in our schools, cancer resource center, the kids ball park-- survive only because local business people offer their facilities and energies for fund raisers. Jed Ayres and Noah Sheppard, owners of the MacCallum House Inn, have out done themselves in this realm, conducting a good dozen large scale community fund raisers on the Inn property in the last three years. They do a great job of each one, and I've seen them out there helping with the actual cooking, etc. and having a good time with their appreciative friends and neighbors. It would mean a loss of many thousands of essential dollars for our struggling schools, Art Center, Humane Society, etc. to disallow these events. They are also critically important in pulling our local people together and lending a huge sense of support to groups that suffer from Fund-Raiser exhaustion. Having the events on the Inn's beautiful lawn, surrounded by a flower garden, and run by enthusiastic volunteers, guarantees general enjoyment and generous donating.

When I moved to this area, nearly 40 years ago, there was a local depression going on. Many buildings in town were boarded up and people scraped by in a variety of ways. The dwindling timber and fishing industries were the main support of the local economy. Now the local mills have all closed, and few are left from a once thriving fishing industry. Tourism is our mainstay at this point, and people wanting to get married in this beautiful place have created new ways for locals to make a decent living helping them do that. The weddings held at the MacCallum House are lovely affairs where noise levels are kept down and stopped at a very reasonable hour. I've walked by them a number of times and seen no sign of people wandering the streets with alcohol or any other problems. The list of people earning their livings from these affairs is long-- caterers, cake makers, flower suppliers, photographers, tent renters and raisers, etc.-- and they would all be hurt by stopping this from happening.

It appears that the person complaining about these events is conducting a personal vendetta which will do harm to a lot of people and a lot of our local charities. I don't think that is quite what she has in mind, but that will be the result if you decide to shut down events being held on the lawn at the MacCallum House. I know numerous others who feel this way, who won't take the time to write a letter. Please allow the decisions of our local Historical Board and County Planning Administrator approving these tented events to stand. Thank you for your time.

signed: **Sharon Hansen**

Sharon Hansen
RECEIVED

AUG 17 2005

CALIFORNIA
COASTAL COMMISSION

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JANE W. LAMB 30727 Digger Creek Drive, Fort Bragg, CA 95437

707-961-1099

jwlamb@mcn.org

RECEIVED

August 15, 2005

To: The California Coastal Commission
Re: MacCallum House Inn and Restaurant

AUG 17 2005

Dear Coastal Commission:

CALIFORNIA
COASTAL COMMISSION

I am writing with the deepest concern on behalf of the MacCallum House Inn in Mendocino. It has come to my attention that the owners of this exemplary establishment are being challenged for their plan to convert a storage shed into a catering kitchen and to hold tented events on their lawn, which has received unanimous approval from the Mendocino Historical Review Board and the Mendocino County Planning Administrator.

While I not familiar with all the rules of the California Coastal Commission, I am truly puzzled why your office would have any reason to contradict the decisions of the above two agencies.

The owners of the MacCallum House Inn have done a beautiful job of preserving and maintaining a Mendocino historical treasure. The inn and its grounds are enjoyed by the local community and attract the kind of tourist business that contributes materially to the economy of this unique coastal village, as well as representing the traditional culture of California's early settlers.

Most important, however, is the contribution the owners make to the local and the wider county community of today. They regularly host fund-raisers for the Anderson Valley (school) Music Program, the Aquatic Center (Fort Bragg), the Cancer Resource Center, Friendship Park (athletic fields for the Mendocino Recreation program), the Kelley House Museum, KZYX&Z (Mendocino County Community Public Radio), the Mendocino Art Center, the Mendocino Coast Clinics, the Mendocino Coast Humane Society, the Mendocino County Alliance, the Mendocino High School Lacrosse Club and MUSE (Mendocino Unified School Enrichment), which supports all kinds of programs for students beyond the limits of the school budget.

In addition, co-owners Jed and Megan Ayers and Noah Sheppard contribute many, many volunteer hours to these and other projects as well as significant financial support.

The events that take place in the beautiful MacCallum House gardens are tastefully presented with the full cooperation of the community, are appropriately staffed and supervised and are in compliance with all official regulations. They are always a pleasure to attend. Cleanup follows promptly and picturesque little Albion Street, briefly the scene of joyous festivity, returns to its normal state.

I cannot imagine why there would be any objections to the attractive, well-planned MacCallum House events in a village that is bustling with tourists most of the year and depends so much on them for its livelihood, to say nothing of the outstanding contribution the events and the innkeepers make to the well-being of the town and the surrounding coastal community.

Please do not prevent them from contributing.

Sincerely yours,

Jane Lamb
Jane Lamb

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