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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT- CDP\_STANDARD**

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**AUGUST 25, 2016  
CDP\_2015-0029**

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**SUMMARY**

**OWNERS:** ERNEST & CORINNE EGGER LIVING TRUST  
PO BOX 1033  
MENDOCINO, CA 95460

ISHVI BENZVI AND NANCY SUSAN LEBRUM  
PO BOX 1033  
MENDOCINO, CA 95460

**APPLICANT:** EGGER & AUM  
PO BOX 1033  
MENDOCINO, CA 95460

**AGENT:** ERNEST EGGER

**REQUEST:** A Coastal Development Standard Permit to convert an existing 340-square-foot storage building to retail and office uses; renovate the exterior of existing buildings on-site; construct two 180-square-foot arbors, BBQ area with clay oven and sink, and conduct retail sales in an existing storage-yard area.

**DATE DEEMED COMPLETE:** 02/18/2016

**LOCATION:** The site is located on the west side of Lansing Street between the intersections of Little Lake Road and Calpella Street. 10550 Lansing St, Mendocino Area (APN 119-160-31).

**TOTAL ACREAGE:** 0.367 acres or 16,000 square feet

**GENERAL PLAN:** C:U

**ZONING:** MC:12K

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Pursuant with Section 15331, a Class 31 Categorical Exemption from CEQA for projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995), Weeks and Grimmer.

**RECOMMENDATION:** Approve with conditions

**STAFF PLANNER:** JULIANA CHERRY

**BACKGROUND**

**PROJECT DESCRIPTION:** A Coastal Development Standard Permit to convert an existing 340-square-foot storage building to retail and office uses; renovate the exterior of existing buildings on-site; construct two 180-square-foot arbors, personal-use barbeque-area with clay oven and sink, and conduct retail sales in a storage-yard area that has long been associated with retail lumber sales.

**APPLICANT’S STATEMENT:** The detailed applicant’s project description is attached to the staff report. In summary, the applicant proposes to convert an existing 340-square-foot storage building to a retail and office uses. The business will also use an existing storage yard to display garden merchandise. A bathroom will be added to an existing commercial building. Improvements in the yard area are proposed to include new arbors, decking, barbeque (for personal use), and landscaping.

**RELATED APPLICATIONS ON-SITE:** The applicant has filed MHRB 2015-0029, which is an application requesting Review Board approval of on-site renovation and architectural changes to existing historical structures. The Review Board has approved several previous sign permits and site renovation permits, including MHRB 85-29 to remodel and paint, MHRB 93-23 demolish a garage, establish parking, allow for commercial uses on the first floor of a residential structure; 99-31 to add an accessible ramp; and MHRB 01-28 install a water storage tank. LCP-94-06 and U-23-93 allowed for the conversion of an existing residence to commercial uses.

**SITE CHARACTERISTICS:** This approximate 0.367 acre lot fronts three streets: Little Lake, Lansing, and Calpella. The site includes three historically important buildings, two areas designated for storage, and smaller out buildings. About one-third of the lot is currently used as an outdoor storage area for wood and other materials associated with retail lumber sales. The applicant has prepared and filed a catalogue of each building, including Anderson Alternatives, Village Liquors, Tarot Reading, and the existing historical residence that has mixed commercial and residential uses.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Commercial Mixed Use	Mendocino Commercial Mendocino Mixed Use	±0.18-acres	Commercial
<b>EAST</b>	Commercial	Mendocino Commercial	±0.18-acres	Commercial
<b>SOUTH</b>	Commercial	Mendocino Commercial	±0.18-acres	Commercial
<b>WEST</b>	Commercial Mixed Use	Mendocino Commercial Mendocino Mixed Use	±0.18-acres	Commercial

**PUBLIC SERVICES:**

Fire District: Mendocino Fire Protection District  
 Water District: Mendocino City Community Services District  
 Sewer District: Mendocino City Community Services District  
 School District: Mendocino School District

**AGENCY COMMENTS:** On February 22, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Planning - Ukiah		No response	
Environmental Health - Fort Bragg		Comment	03-04-2016
Department of Transportation	Encroachment Permit	Comment	02-26-2016
Building Inspection - Fort Bragg		No Comment	03-01-2016
Assessor		No Comment	02-22-2016
Mendocino Historical Review Board		No response	
State Clearinghouse		No response	
CalFire		No response	
Coastal Commission		No response	
County Assessor		No response	
Mendocino Fire District		No response	
Mendocino City Community Services		Comment	02-25-2016

### KEY ISSUES

#### **1. General Plan and Mendocino Town Local Coastal Program:**

The subject parcel is classified as Commercial (C) in *Chapter 4.13 Mendocino Town Plan* of the Coastal Element of the Mendocino County General Plan, which is intended “to provide an area within the town suitable for commercial development compatible with existing commercial uses.” Principal Permitted Uses in the C Land Use Classification include single-family and multi-family residential; and administrative and business offices, specialty shops, and retail stores with less than 1,000-square-feet of floor area per parcel.

The parcel has several existing land uses on-site. Commercial land uses include tarot reading, small grocery store/liquor store, and specialty wood sales including a 5,900-square-foot outdoor storage area. The ground floor of an existing historic residence is occupied by a commercial business and residential units are on the second floor. Many of these land uses are principally permitted, including residential, specialty shops, personal services, and retail stores. Village Liquor, which is a *Food and Beverage Retail Sales* land use, is a nonconforming land use and intensification of this land use would be subject to a minor use permit. All of the buildings on site have been locally identified in the general plan as historic resources situated within the Mendocino Headlands Historic District.

#### **2. Zoning Consistency:**

The site may be nonconforming in regards to some development standards (for example, off-street parking, lot coverage, or total retail sales area). The site consists of six buildings with a variety of land uses that were established prior to the adoption of the current zoning code. The proposal includes converting an existing 340-square-foot storage building, which faces Calpella Street, from its existing storage use to retail and office uses. *Limited Retail Sales* are principally permitted land uses in the MC District. The proposed retail use will include the display and sale of custom-made outdoor furniture and other garden art in the area currently used to store lumber and other construction materials. Staff finds that there is no increase in retail floor area or lot coverage, and therefore, there is no intensification of nonconforming retail uses. Further, the proposed retail sales of garden furniture would be a less intensive use than the existing lumber sales storage yard. The site is not consistent with current parking requirements; the property owner proposes to establish three new on-site parking spaces and to install up to 16 diagonal curbs along street frontages. The diagonal curbs could reinforce the location of on-street parking spaces. Mendocino County Department of Transportation recommends two conditions of project approval:

**Recommended Condition:** The property owner shall secure a miscellaneous encroachment permit for diagonally oriented wheel stops within the public-right-of-way.

**Recommended Condition:** The property owner shall secure a miscellaneous encroachment permit when partial land closures are needed due to construction.

The existing development on-site is consistent with the development requirements for building height and yards (setbacks).

### 3. Eating and drinking establishments in MC Districts:

The applicant proposes to construct a deck, barbeque, clay oven, and landscape features. The food preparation area is for personal use only. (*Eating and drinking establishments* require a major use permit, business license, and Environmental Health food facility permit). Mendocino County Department of Environmental Health recommends two conditions for project approval to establish boundaries for personal and public consumption of food on-site. Planning and Building Services recommend one condition for project approval.

**Recommended Condition:** The use of the proposed barbeque is limited to personal use only.

**Recommended Condition:** The barbeque shall not be used for the service of food to the public without being permitted as a food facility, or without a permit for a temporary or community event. These permits must be received through the Mendocino County Department of Environmental Health. Private events, where the general public may have access for a price or by invite to food prepared or sold on-site, may require permitting as a temporary food facility.

**Recommended Condition:** *Eating and drinking establishments*, for example, use of food preparation areas for other than personal use, is subject to the requirements of MCC Chapter 20.684 *Mendocino Commercial* land use regulations.

### 4. Environmental Protection:

Pursuant with Section 15331, a Class 31 Categorical Exemption from CEQA is recommended for this project which is limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995), Weeks and Grimmer.

The applicant proposes minor alterations to an existing storage building facing Calpella Street. The Mendocino Historical Review Board was invited to comment on the proposal during their March 2016 regularly scheduled meeting. The Review Board made no comment. Staff recommends approval, of architectural changes, be subject to an approved MHRB Permit. The applicant has applied for such permit and the Review Board will consider it after CDP 2015-0029 is approved.

**Recommended Condition:** The property owner shall secure a Mendocino Historical Review Board Permit for architectural changes to structures on site (APN 119-160-31), including exterior alterations, construction of arbors, and proposed landscaping, with barbeque and decking.

### RECOMMENDATION

By resolution, adopt a Class 31 Categorical Exemption from CEQA and approve a Coastal Development Standard Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

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DATE

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JULIANA CHERRY  
PLANNER III

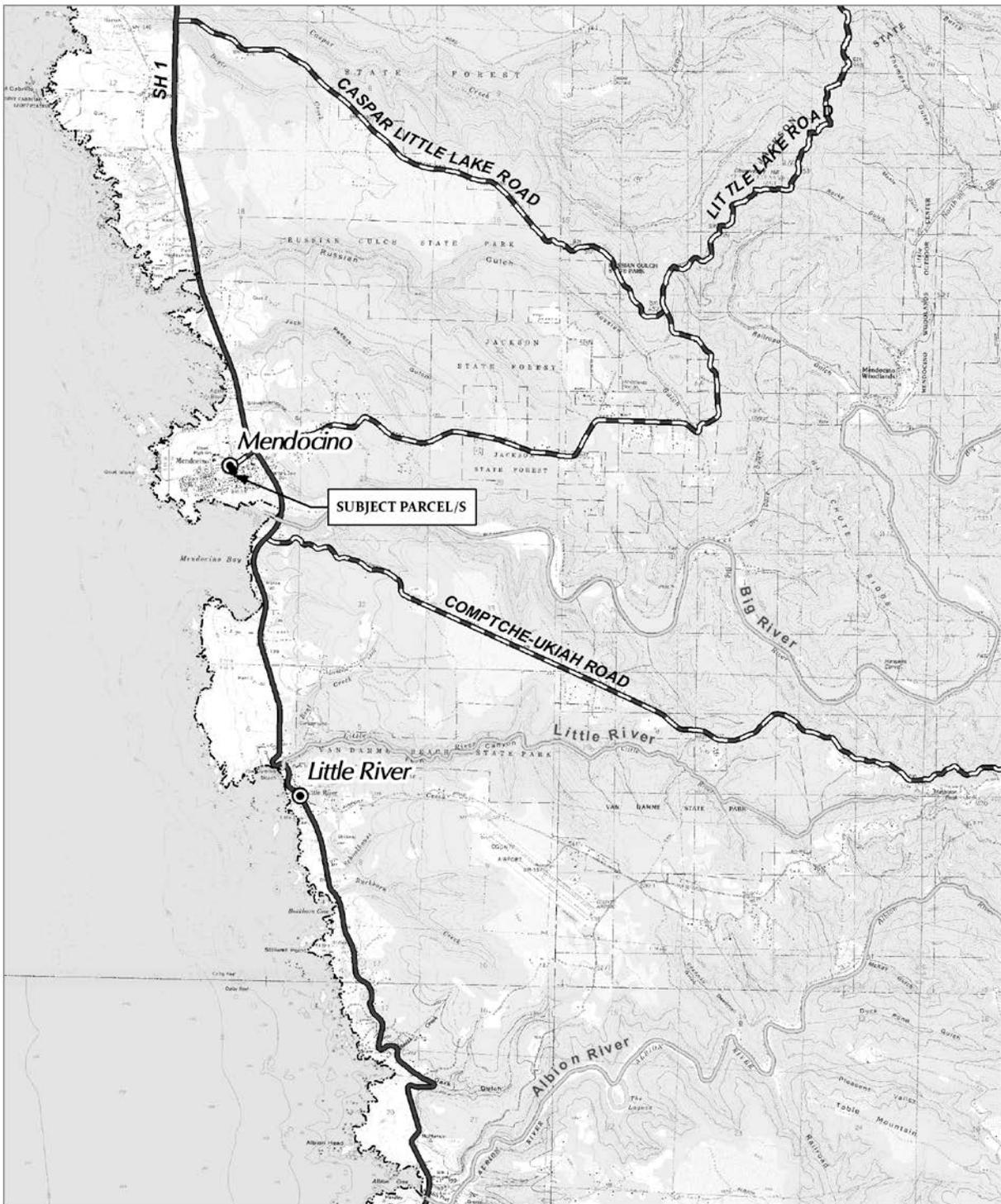
Appeal Period: 10 Days  
Appeal Fee: \$1100.00

**ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. General Plan Map
- D. Zoning Map
- E. ESRI Imagery
- F. Site Plan
- G. Exterior Elevations
- H. Plans & Details
- I. Plans and Elevations
- J. Adjacent Parcels
- K. Fire Hazards Map
- L. Estimated Slope Map
- M. Local Soils Map
- N. Ground Water Resource Area
- O. Water Districts
- P. LCP Land Capabilities

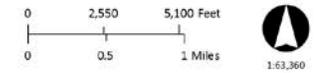
**COASTAL APPROVAL CHECKLIST**

**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**



CASE: CDP 2015-0029  
 OWNER: EGGER/AUM/LEBRUN  
 APN: 119-160-31  
 APLCT: Ernest Egger  
 ADDRESS: 10550 Lansing St., ME

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

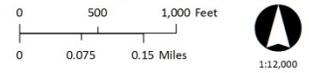


LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, February, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.

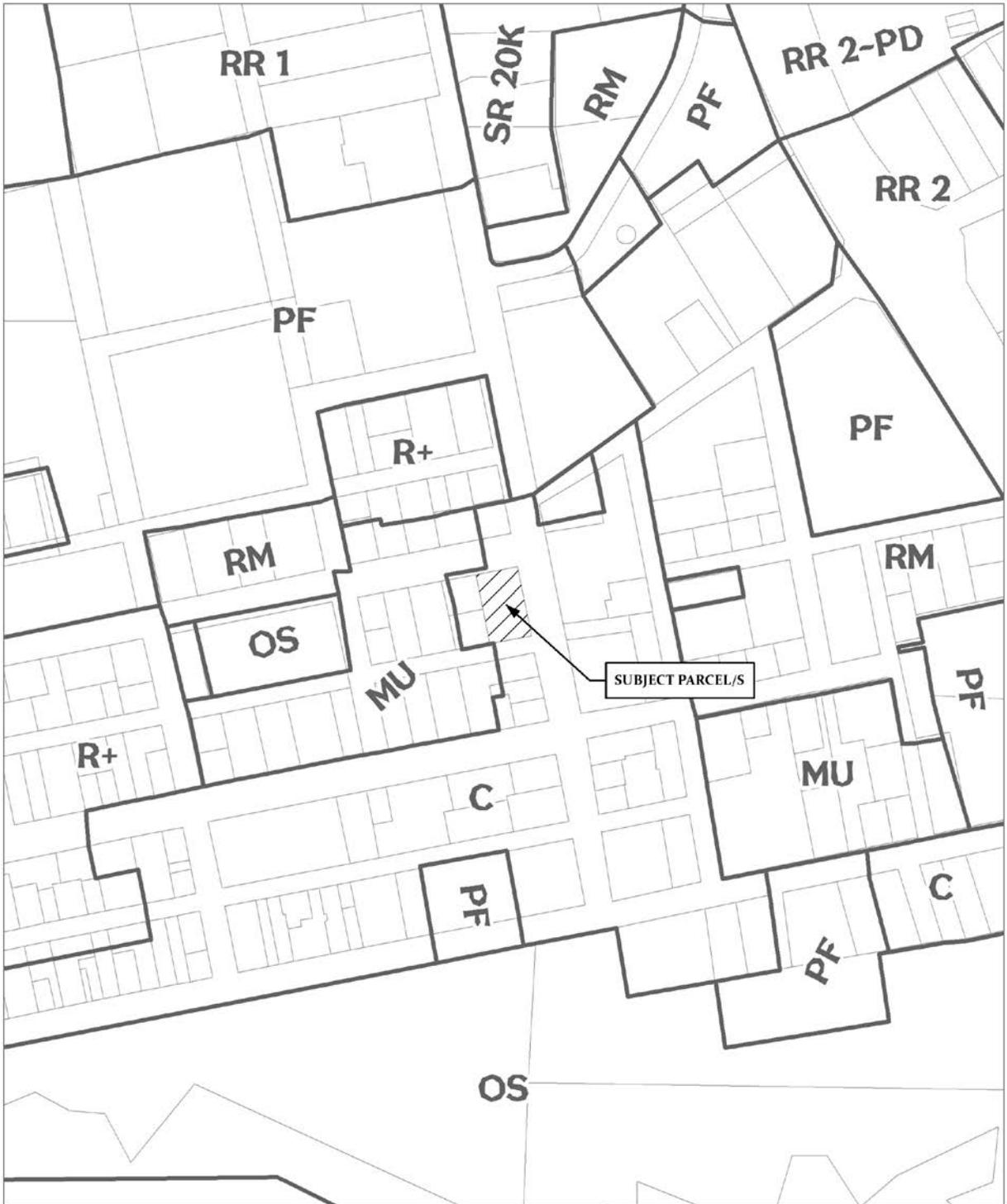


CASE: CDP 2015-0029  
OWNER: EGGER/AUM/LEBRUN  
APN: 119-160-31  
APLCT: Ernest Egger  
ADDRESS: 10550 Lansing St., ME



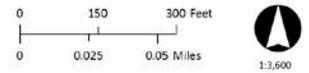
TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

Map produced by the Mendocino County Planning & Building Services, February, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2015-0029  
OWNER: EGGER/AUM/LEBRUN  
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 General Plan Master



GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, February, 2016  
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CASE: CDP 2015-0029  
OWNER: EGGER/AUM/LEBRUN  
APN: 119-160-31  
APLCT: Ernest Egger  
ADDRESS: 10550 Lansing St., ME

Assessors Parcels



ZONING DISPLAY MAP

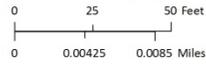
Map produced by the Mendocino County Planning & Building Services, July, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**CASE:** CDP 2015-0029  
**OWNER:** EGGER/AUM/LEBRUN  
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 Public Roads

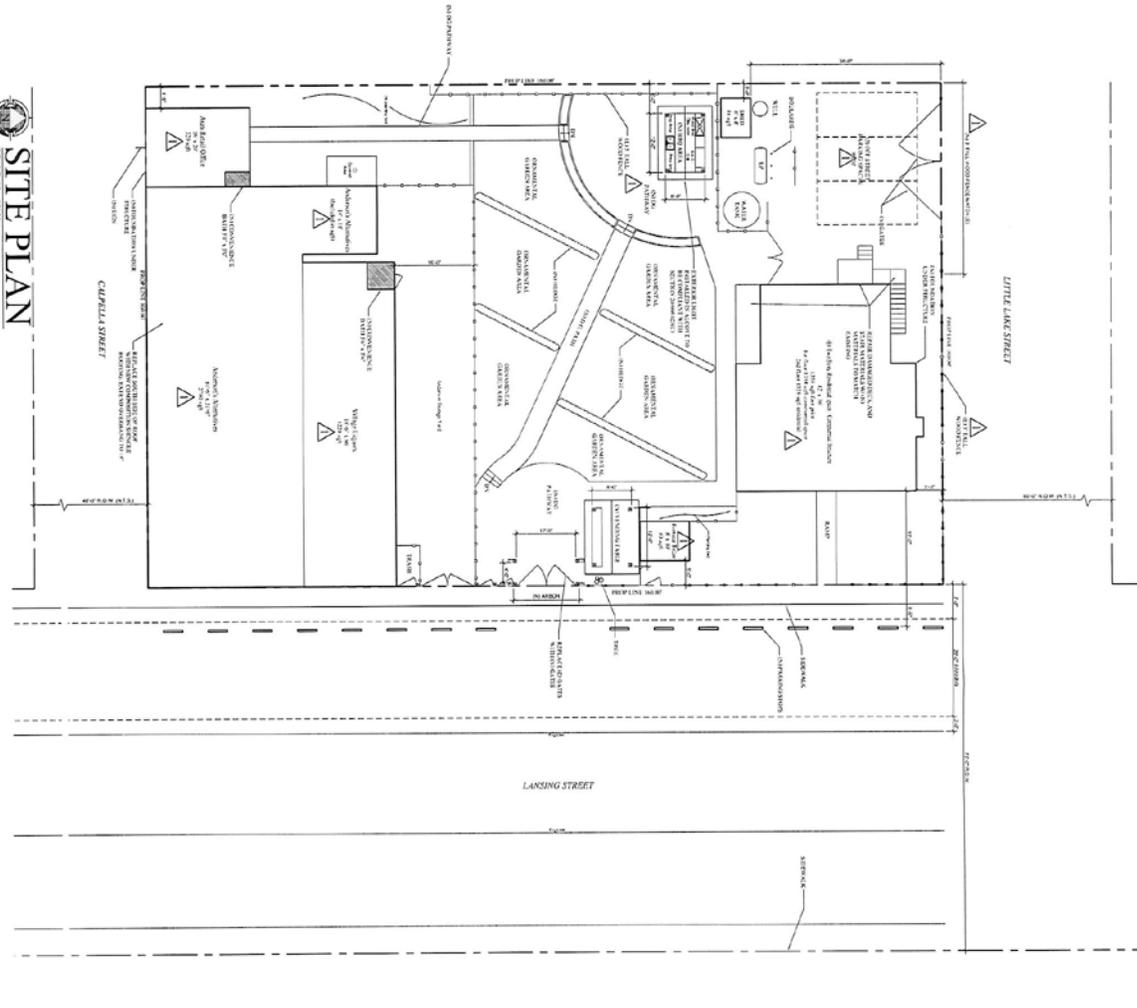


ESRI IMAGERY

Map produced by the Mendocino County Planning & Building Services, February, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

EXISTING LOT COVERAGE		
CONDITION	FOOT PRINT	HEIGHT
AUM	130 SQFT	25'-11"
ANDERSEN ALTERNATIVES	7780 SQFT	26'-7"
COVERED DECK	66 SQFT	
VILLAGE LOGGONS	1230 SQFT	14'-3"
FORTUNE TELLER	80 SQFT	8'-11"
3 STORY MIXED USE	1135 SQFT (FOOTPRINT)	28'-11"
COMMERCIAL	1135 SQFT	
RESIDENTIAL	1135 SQFT	
PLUMB SHED	48 SQFT	
WATER TANK	42 SQFT	
PROPANE TANK	8 SQFT	
WELL	7 SQFT	
EXISTING REPAIRABLE SURFACE		
CONDITION	FOOT PRINT	HEIGHT
3 STORY BRICKS / RAUP	249 SQFT	
PROPOSED REPAIRABLE SURFACE		
CONDITION	FOOT PRINT	HEIGHT
D.G. PAVI	2203 SQFT	12'-7"
BRQ AREA	96 SQFT (INCLUDES BRQ)	12'-7"
VENISING	96 SQFT (INCLUDES BRQ)	12'-7"

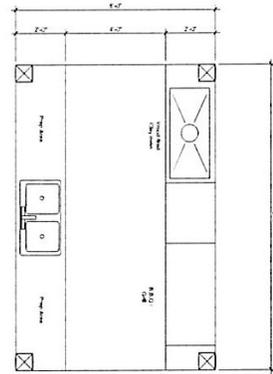
**RECEIVED**  
 DEC 2 2 2015  
 PLANNING & BUILDING SERV  
 FORT BRAGG CA



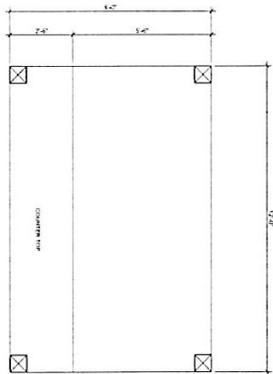
**SITE PLAN**  
 SCALE: 1" = 10'

<p><b>A1</b></p> <p>0-411-060          0-411-061          0-411-062          0-411-063          0-411-064          0-411-065          0-411-066          0-411-067          0-411-068          0-411-069          0-411-070          0-411-071          0-411-072          0-411-073          0-411-074          0-411-075          0-411-076          0-411-077          0-411-078          0-411-079          0-411-080          0-411-081          0-411-082          0-411-083          0-411-084          0-411-085          0-411-086          0-411-087          0-411-088          0-411-089          0-411-090          0-411-091          0-411-092          0-411-093          0-411-094          0-411-095          0-411-096          0-411-097          0-411-098          0-411-099          0-411-100          0-411-101          0-411-102          0-411-103          0-411-104          0-411-105          0-411-106          0-411-107          0-411-108          0-411-109          0-411-110          0-411-111   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0-411-164          0-411-165          0-411-166          0-411-167          0-411-168          0-411-169          0-411-170          0-411-171          0-411-172          0-411-173          0-411-174          0-411-175          0-411-176          0-411-177          0-411-178          0-411-179          0-411-180          0-411-181          0-411-182          0-411-183          0-411-184          0-411-185          0-411-186          0-411-187          0-411-188          0-411-189          0-411-190          0-411-191          0-411-192          0-411-193          0-411-194          0-411-195          0-411-196          0-411-197          0-411-198          0-411-199          0-411-200          0-411-201          0-411-202          0-411-203          0-411-204          0-411-205          0-411-206          0-411-207          0-411-208          0-411-209          0-411-210          0-411-211          0-411-212          0-411-213          0-411-214          0-411-215          0-411-216    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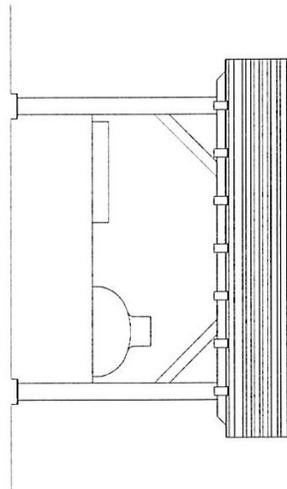




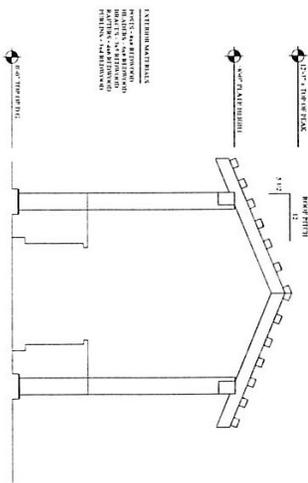
**BBO AREA PLAN**  
SCALE: 1/2" = 1'-0"



**VENDING AREA PLAN**  
SCALE: 1/2" = 1'-0"

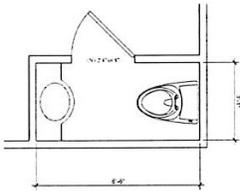


**NORTH / SOUTH ELEVATION**



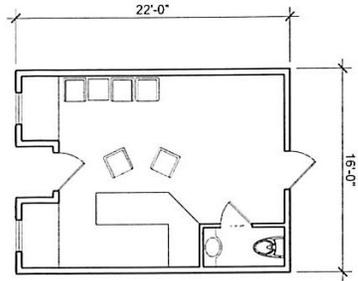
**EAST / WEST ELEVATION**

**BBO ELEVATION (VENDING SIMILAR)**  
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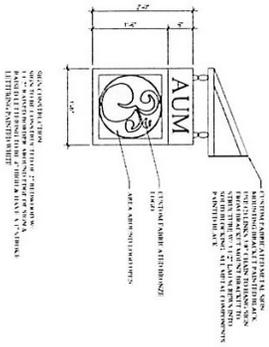


**CONVENIENCE BATH PLAN**  
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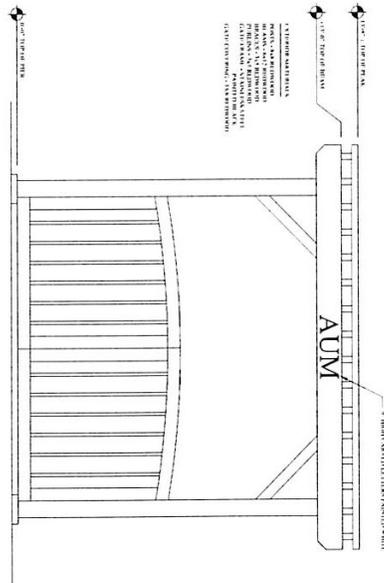
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DEC 2 2 2015  
PLANNING & BUILDING SERV  
FORT BRAGG CA



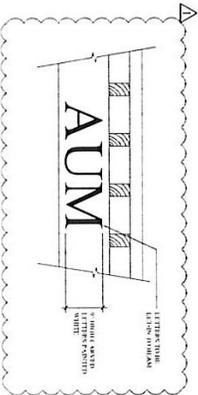
AUM RETAIL SPACE  
SCALE: 1/8" = 1'-0"



AUM SIGN DETAIL  
SCALE: 1" = 1'-0"



EAST ELEVATION  
ARBOR ELEVATION  
SCALE: 1/2" = 1'-0"



SIGN AT ARBOR  
SCALE: 1" = 1'-0"

**RECEIVED**

DEC 2 2 2015

PLANNING & BUILDING SERV  
FORT BRAGG CA

<p>REMODEL FOR: <b>EGGER - AUM PROPERTY</b> 1050 LAYENS STREET MERCED, CALIFORNIA 95340 A.P.N. # 175-103-1</p>	<p>PLANS AND DETAILS</p>	<p>Richard Angley Drafting 150 N Main St Fort Bragg, CA 95437 (707) 337-6405</p>	
			<p><b>A4</b></p>

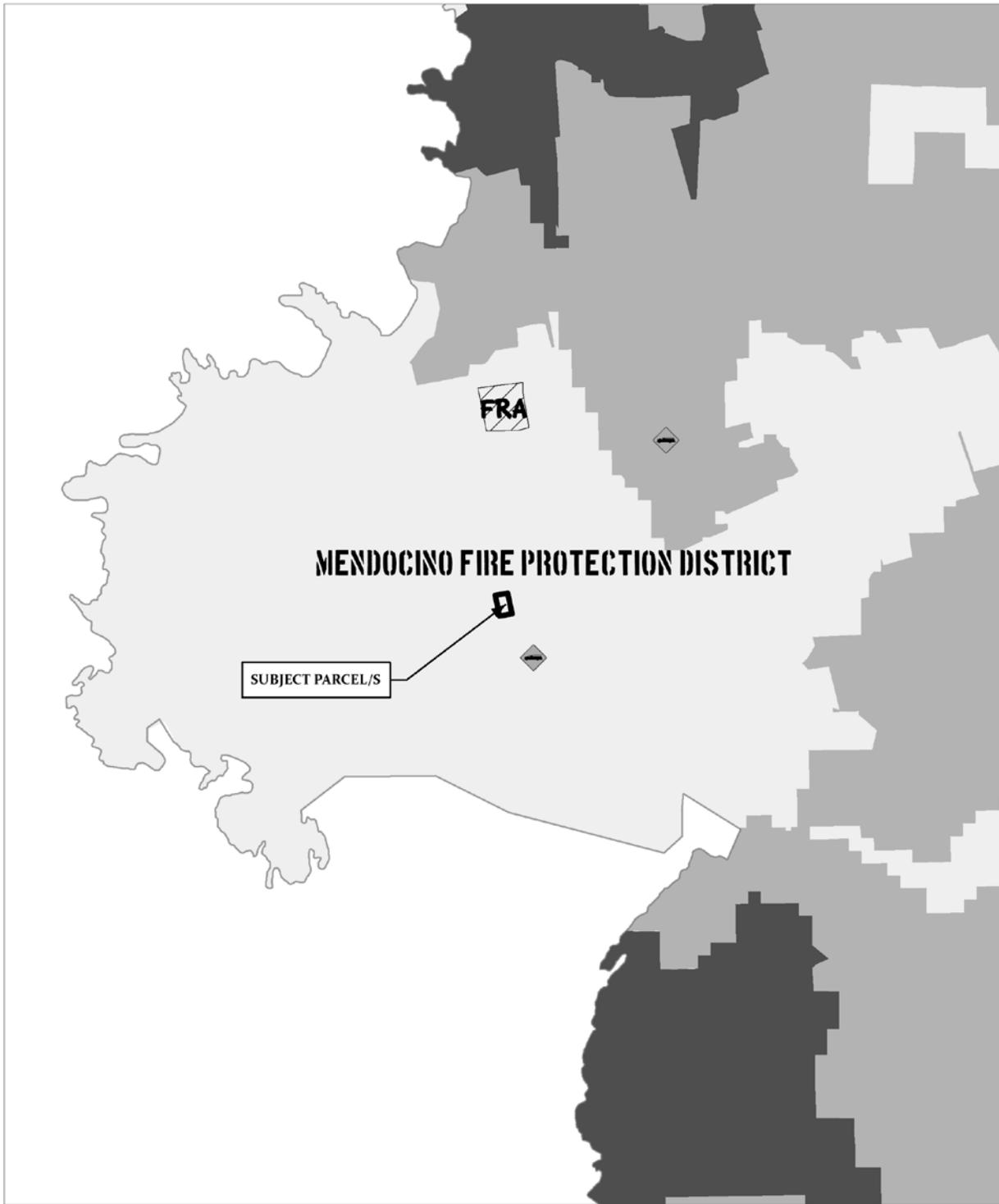


CASE: CDP 2015-0029  
 OWNER: EGGER/AUM/LEBRUN  
 APN: 119-160-31  
 APLCT: Ernest Egger  
 ADDRESS: 10550 Lansing St., ME



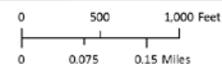
ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, February, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2015-0029  
OWNER: EGGER/AUM/LEBRUN  
APN: 119-160-31  
APLCT: Ernest Egger  
ADDRESS: 10550 Lansing St., ME

-  Fire Stations
-  County Fire Districts
-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard

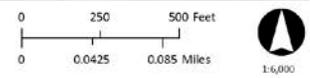
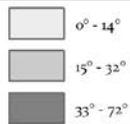


**FIRE HAZARD ZONES**

Map produced by the Mendocino County Planning & Building Services, February, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2015-0029  
OWNER: EGGER/AUM/LEBRUN  
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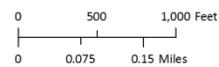
ESTIMATED SLOPE

Map produced by the Mendocino County Planning & Building Services, February, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



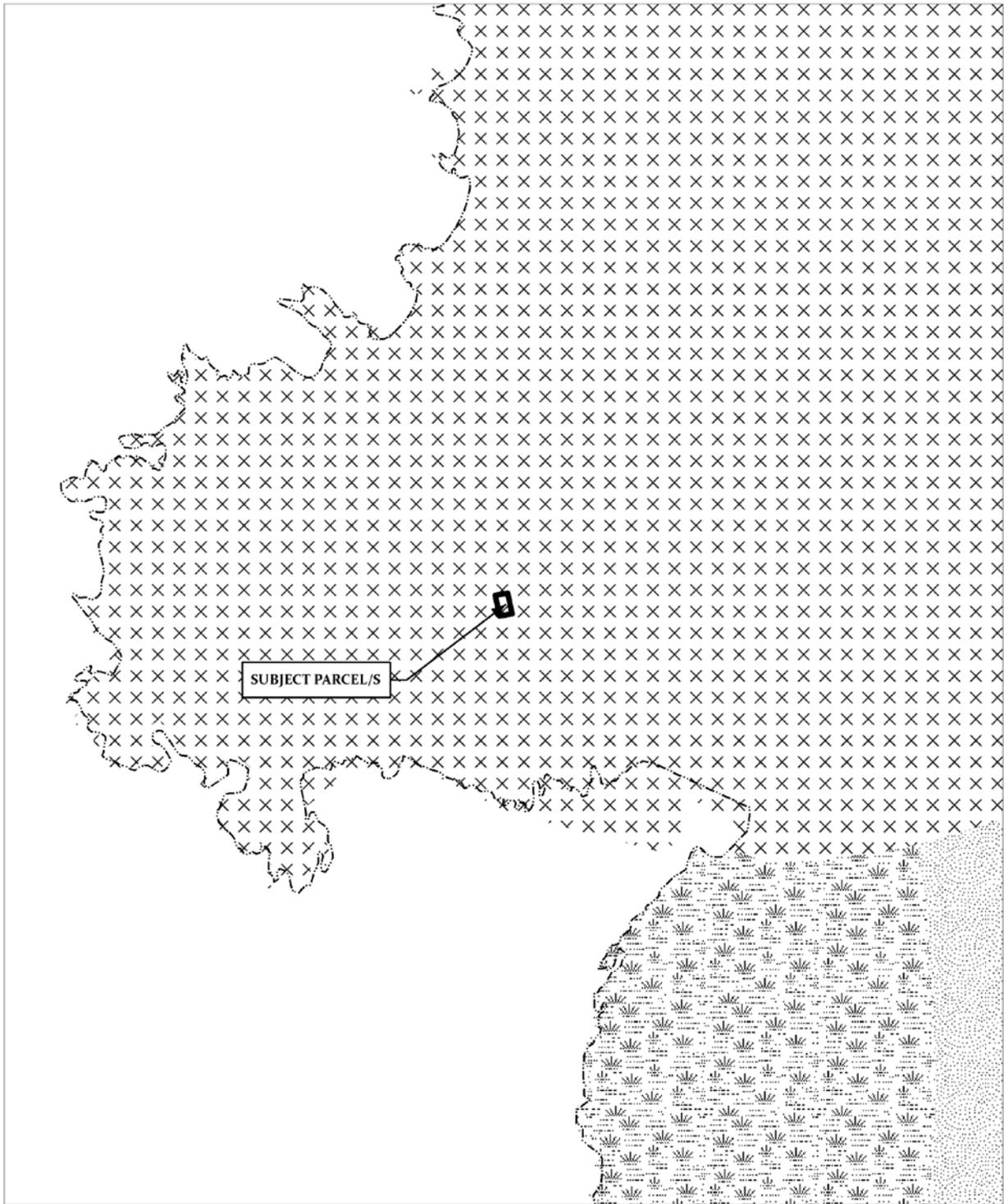
CASE: CDP 2015-0029  
OWNER: EGGER/AUM/LEBRUN  
APN: 119-160-31  
APLCT: Ernest Egger  
ADDRESS: 10550 Lansing St., ME

 Western Soils  
 S-G Complex



LOCAL SOILS

Map produced by the Mendocino County Planning & Building Services, February, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



**CASE:** CDP 2015-0029  
**OWNER:** EGGER/AUM/LEBRUN  
**APN:** 119-160-31  
**APLCT:** Ernest Egger  
**ADDRESS:** 10550 Lansing St., ME

- < X > Critical Water Areas
- Sufficient Water Resources
- 🌳 Marginal Water Resources



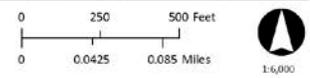
**GROUND WATER RESOURCES**

Map produced by the Mendocino County Planning & Building Services, February, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



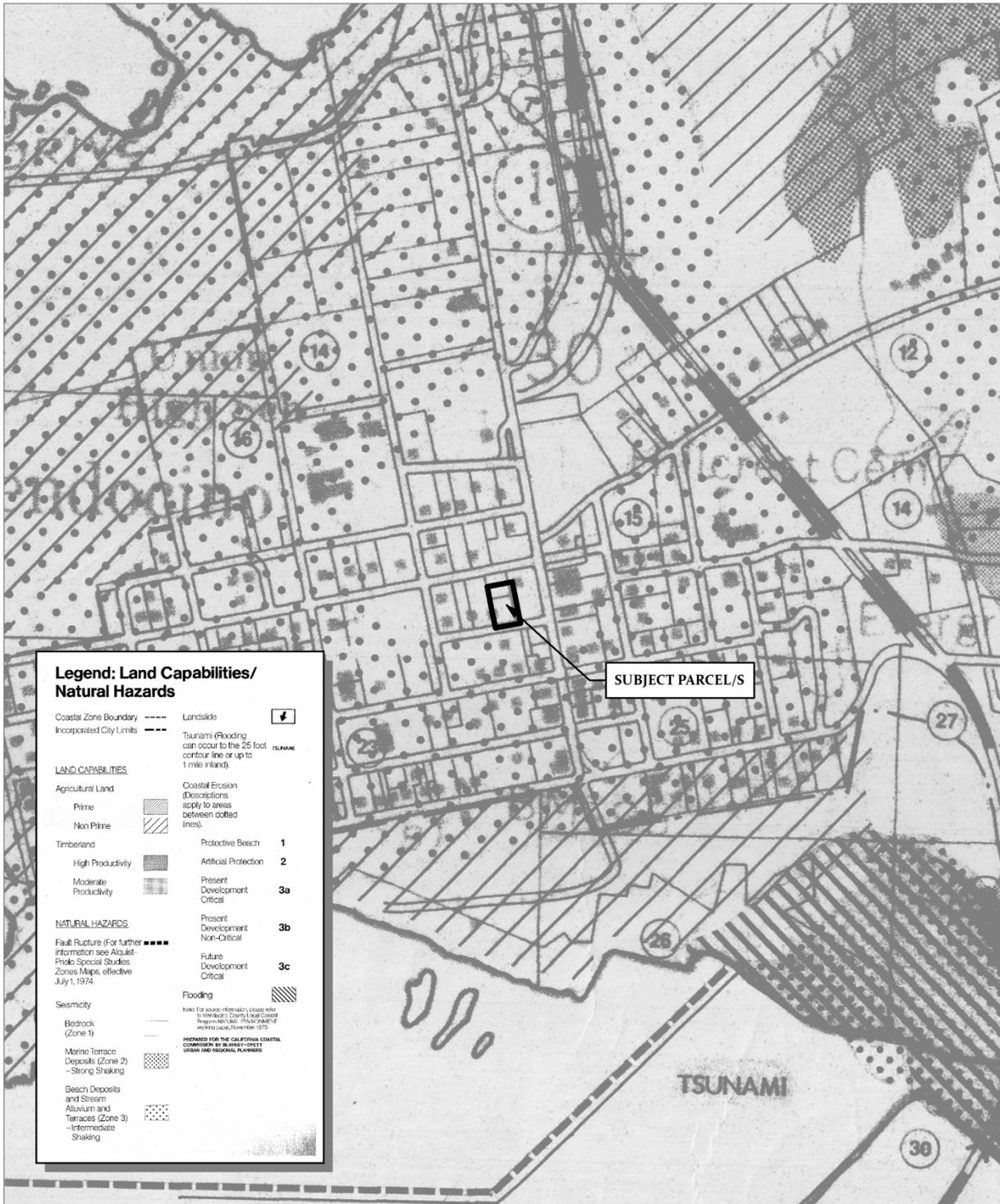
CASE: CDP 2015-0029  
OWNER: EGGER/AUM/LEBRUN  
APN: 119-160-31  
APLCT: Ernest Egger  
ADDRESS: 10550 Lansing St., ME

 County Water Districts



WATER DISTRICTS

Map produced by the Mendocino County Planning & Building Services, February, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



**CASE: CDP 2015-0029**  
**OWNER: EGGER/AUM/LEBRUN**  
**APN: 119-160-31**  
**APLCT: Ernest Egger**  
**ADDRESS: 10550 Lansing St., ME**

LCP LAND CAPABILITIES

Map produced by the Mendocino County Planning & Building Services, February, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.

**COASTAL PERMIT APPROVAL CHECKLIST  
AUGUST 25, 2016**

**PROJECT TITLE:** CDP\_2015-0029

**PROJECT LOCATION:** 10550 Lansing St  
Mendocino, California 95460  
APN: 119-160-31

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

**GENERAL PLAN DESIGNATION:** Mendocino County General Plan – Coastal Element  
Commercial (C:U)

**ZONING DISTRICT** Mendocino County Code – Division II  
Mendocino Commercial (MC:12K)

**DESCRIPTION OF PROJECT:** A Coastal Development Standard Permit to convert an existing 340-square-foot storage building to retail and office uses; renovate the exterior of existing buildings on-site; construct two 180-square-foot arbors, BBQ area with clay oven and sink, and conduct retail sales in an existing storage-yard area.

**SITE DESCRIPTION AND SETTING:** The 0.367-acre site is located on Lansing Street between Little Lake and Calpella Streets in the Town of Mendocino. The site and surrounding lands are designated Commercial (C) and Mixed Use (MU). There are a variety of commercial businesses on-site (liquor store, palm-reading, office, retail) and a second-floor residential use in the house on the corner of Little Lake and Lansing Streets.

**DETERMINATION:** The proposed project can satisfy all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.720.035 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

The following tables list required findings based on Section 20.720.035 *et seq*, Section 20.504.025; and Section 20.532.100. Findings are separately enumerated in each table and discussion follows with recommendations.

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

20.720.035 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(7) That the proposed development is in conformance with the design standards of Section 20.760.050.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(C) Where a proposed development must also comply with the provisions of Chapter 20.420 (Flood Plain Combining District), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500(Hazard Areas), and Section 20.504.025(B), approving authority shall make the applicable findings of Section 20.532.100 of Division II of this Title.</b>				
See Section 20.532.100 Table	These findings are addressed below. See following the table and discussion regarding Section 20.532.100.			

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

*Consistent (without conditions of approval)*

The segmented Mendocino Town Local Coastal Program (LCP) sets goals and policies for coastal access, coastal dependent resources, preservation of historic resources, and maintaining the balance of residential, commercial, and visitor serving land uses within the Town of Mendocino. This is designated as a historic district because much the area’s development as a lumber town on the headlands of California’s coast has been preserved for more than one hundred-years. The LCP addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluff tops; environmentally sensitive habitat areas; cultural and historical resources; transportation; public services; and establishes guidelines for development within this historical setting. The Mendocino Town Plan is Chapter 4.13 of the Coastal Element, which is incorporated into the County’s General Plan and includes the Mendocino County Code (MCC). Its policies were certified consistent with the goals of the California Coastal Act in 1995.

Various aspects of the Mendocino Town LCP are specifically addressed by separate *Required and Supplemental Findings* for Coastal Development Permits, including utilities, transportation, zoning, California Environmental Quality Act (CEQA) consistency, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Mendocino Town LCP not specifically addressed elsewhere in this checklist.

**General Plan Land Use – Commercial**

The subject parcel is classified as Commercial (C) by Chapter 4.13 *Mendocino Town Plan* of the Coastal Element, which is intended “to provide an area within the town suitable for commercial development compatible with existing commercial uses.”<sup>1</sup> Principal Permitted Uses in the Commercial land use classification include *single-family* and *multi-family residential*; and *administrative and business offices*, *specialty shops*, and *retail stores* with less than 1,000-square-feet of floor area per parcel.<sup>2</sup>

The parcel has several existing land uses on-site. Commercial land uses include tarot reading, small grocery store/liquor store, and specialty wood sales including a 5,900-square-foot outdoor storage area. The ground floor of an existing historic residence is occupied by a commercial business and residential units are on the second floor. Many of these land uses are principally permitted, including residential, specialty shops, personal services, and retail stores. Village Liquor, which is a *Food and Beverage Retail Sales* land use, is a nonconforming land use and intensification of this land use would be subject to a minor use permit. No change in *Food and Beverage Retail Sales* is proposed. All of the buildings on site have been locally identified in the general plan as historic resources situated within the Mendocino Headlands Historic District.<sup>3</sup>

**Hazards**

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, fire hazard or flood hazard.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.<sup>4</sup> The San Andreas fault is located approximately four (4) miles to the west of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

Flooding: There are no mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.<sup>5</sup>

Fire: The parcel is located in an area characterized by a moderate fire-hazard severity rating.<sup>6</sup> The project application was referred to the California Department of Forestry and Fire Protection (CalFire) and the Mendocino Fire Protection District for input. A response has not been received from California Department of Forestry and Fire Prevention or the Mendocino Fire Protection District.

**Visual Resources**

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan’s Coastal Element and implemented by Chapter 20.504 of the MCC. Mendocino Town LCP Policy 4.13-13 states, *In addition to any design review related to protection of the character of the town, all development shall conform to Section 30251 of the Coastal Act, and any specifically designated scenic and view areas as adopted on the map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals.* The subject parcel is not located within a mapped Highly Scenic Area (HSA), but is identified in the general plan as a location with several historical resources (buildings).<sup>7</sup>

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<sup>1</sup> Coastal Element Chapter 4.13 *Mendocino Town Plan*, of the Mendocino County General Plan. 1992. Pages 242-245. See also, Staff Report Attachment “General Plan Classifications.”

<sup>2</sup> *ibid*

<sup>3</sup> *ibid*

<sup>4</sup> State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

<sup>5</sup> *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1200F, Number 06045C1200F. Federal Emergency Management Agency.

<sup>6</sup> *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection. See also Staff Report Attachment “Fire Hazard Zones”.

<sup>7</sup> *Mendocino Town Plan Land Use Map*. 1995.

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

*Consistent (with conditions of approval)*

#### Utilities

Development on this site began as early as 1899, with new structures added during the 1960's and 1970's. There are established sewer connections to the Mendocino City Community Services District. The Mendocino City Community Services District was invited comment on the application and responded on February 22, 2016 and March 31, 2016 that Mendocino City Community Services District (MCCSD) Board of Directors approved the request to convert an existing retail storage area to a retail sales and office uses.

Mendocino County Department of Environmental Health responded to a request for comments on March 4, 2016 and specified that the use of the proposed barbeque is limited to personal use only. "It shall not be used for the service of food to the public without being permitted as a food facility, or without a permit for a temporary or community event." Planning and Building Services recommend one condition for project approval that clarifies the limited use of the food preparation area (barbeque, clay oven, et al).

**Recommended Condition:** The use of the proposed barbeque is limited to personal use only.

**Recommended Condition:** The barbeque shall not be used for the service of food to the public without being permitted as a food facility, or without a permit for a temporary or community event. These permits must be received through the Mendocino County Department of Environmental Health. Private events, where the general public may have access for a price or by invite to food prepared or sold on-site, may require permitting as a temporary food facility.

**Recommended Condition:** *Eating and drinking establishments*, for example, use of food preparation areas for other than personal use, is subject to the requirements of MCC Chapter 20.684 *Mendocino Commercial* land use regulations.

#### Access Roads

The parcel includes an existing ingress, egress point along Little Lake Street. This location is proposed for three off-street parking spaces. Mendocino County Department of Transportation was invited to comment on the proposed project, including the proposal to install 16 wheel stops along Lansing Street and possible work-related road closures along Calpella and Little Lake Streets. MDOT recommends two conditions of project approval:

**Recommended Condition:** The property owner shall secure a miscellaneous encroachment permit for diagonally oriented wheel stops within the public-right-of-way.

**Recommended Condition:** The property owner shall secure a miscellaneous encroachment permit when partial land closures are needed due to construction.

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

*Consistent (without conditions of approval)*

Intent: The subject parcel is zoned Mendocino Commercial (MC). The intent of the MC zoning district is "to provide an area within the Town suitable for commercial development compatible with existing commercial uses."<sup>8</sup> The proposed project includes the conversion of an existing 340-square-foot storage building, which faces Calpella Street, from its existing storage use to retail and office uses. *Limited Retail*

<sup>8</sup> Mendocino County Coastal Zoning Code, § III-20.664.005-20.664.075 (1995).

Sales are principally permitted land uses in the MC District. The proposed retail use will include the display and sale of custom-made outdoor furniture and other garden art shown outside and within the area previously used as a lumber storage yard.

Use: The parcel is developed with six buildings. The storage building would be repurposed as retail and office space. The existing outdoor storage yard will be redesigned as a garden and display area. The garden and display area would be a less intensive use than the lumber storage yard. Existing commercial uses include Anderson's Alternatives (specialty wood retail business), Village Liquors, a fortuneteller, and a residential structure with 1,358 square feet of ground-floor commercial uses and 1,358 square feet of second-story residential use. These uses are long established and many continue to conform to the most recently adopted Mendocino Commercial listed commercial uses (1995).

Yards: Sections 20.664.035 and 20.664.040 state that there are no minimum front, rear, and side yards in the MC District.

Height: The maximum permitted building height in the MC zoning district is twenty-eight feet. The existing buildings conform to this standard and the proposed improvements to the storage shed are proposed to include a new 23-foot 11-inches tall roof with a parapet.

Vehicle Parking: One and one-half (1.5) parking spaces are required for each dwelling unit and one (1) parking space for each four-hundred square feet of commercial floor area. The site is nonconforming with the off-street parking requirements of Section 20.664.055, but the applicant proposed to add three on-site parking spaces that could be accessed from Little Lake Street. This would improve the off-street parking; but would not meet current requirements. Off-street parking remains nonconforming. The applicant also proposes to install diagonal parking curbs in the public right-of-way to clarify the location of existing on-street parking along Little Lake, Lansing, and Capella Streets contiguous with their property. This should result in a more efficient use of the space available for parking. Parking curbs, or wheel stops, could establish the location and orientation of existing parking spaces. Public parking spaces are currently underutilized, because the orientation of parked vehicles to the sidewalk is inconsistent (parallel, perpendicular, and diagonal parking is evident along Calpella, Lansing, and Little Lake streets).

Lot Coverage: The maximum permitted lot coverage in the MC zoning district is twenty-five percent. Existing lot coverage exceeds this allowance. The applicant proposes to construct a barbeque area and a 96-square-foot gabled awning over a proposed vending table. The proposed location for the barbeque and vending area is within an existing storage yard that is used for commercial purposes. The proposal does not increase the lot coverage; the existing yard is used by on-site retail business for storage and display of inventory (lumber storage). The applicant is proposing to use this storage area for a garden and display of garden sculptures and furniture. The net effect will be a reduction in the overall lot coverage, when consideration is given for the reduction in the intensity of use as a lumber storage area.

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

*Consistent (with conditions of approval)*

Pursuant with Section 15331, a Class 31 Categorical Exemption from CEQA for projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995), Weeks and Grimmer.

The applicant proposes minor alterations to an existing storage building facing Calpella Street and to repurpose an existing retail storage area for retail sales of garden furniture and sculptures. The Mendocino Historical Review Board was invited to comment on the proposal during their March 2016 regularly scheduled meeting. The Review Board made no comment. Staff recommends approval of architectural and landscape changes are subject to an approved MHRB Permit. The applicant has applied for such permit and the Review Board will consider it after CDP 2015-0029 is approved.

**Recommended Condition:** The property owner shall secure a Mendocino Historical Review Board Permit for architectural changes to structures on site (APN 119-160-31), including exterior alterations, construction of arbors, and proposed landscaping with barbeque with decking.

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

*Consistent (with conditions of approval)*

The applicant has prepared standard forms that catalogue existing and historic development and land uses for the property located at 10550 Lansing Street (APN 119-160-31).<sup>9</sup> The project proposes architectural changes to an existing building (changes in roofline and location of doors or windows). The proposed project includes nominal earthwork, no road-building and no leach fields; as such it is PBS practice to not refer a project of this scope to the Northwest Information Center; therefore, staff recommends a standard condition of project approval for the property owner to give notice to PBS whenever any archaeological site or artifacts are discovered during site excavation or construction activities.

**Standard Condition:** If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

- **20.720.035(A)(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.**

*Consistent (without conditions of approval)*

Solid Waste: The Caspar Transfer Station is located approximately six miles from the project site, providing for the disposal of solid waste. Additionally, curbside pickup is available, should the owner choose to purchase the service. Solid waste disposal is adequate to serve the proposed development.

Roadway Capacity: The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located at 10550 Lansing Street, which is approximately 0.2 miles east of the intersection of Highway 1 and Little Lake Road. Repurposing the existing storage building and yard to *Limited Retail Sales*, a permitted land use in the MC District, would generate few additional vehicle trips per day.

The nearest data breakpoint in the study is located at the intersection of Highway 1 and Little Lake Road. The existing level of service at peak hour conditions at this location is considered Level of Service C.<sup>10</sup> No change in service levels is anticipated.

- **20.720.035(A)(7) That the proposed development is in conformance with the design standards of Section 20.760.050.**

*Consistent (with conditions of approval)*

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<sup>9</sup> See Department of Parks and Recreation (DPR) Form 523.

<sup>10</sup> *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Print. URL <http://www.mendocinocog.org/pdf/SR%201%20Corridor%20Study%20Update.9-18-08.pdf>

The applicant proposes alterations to an existing storage building facing Calpella Street, which are subject to Mendocino Historical Review Board consideration. The Review Board was invited to comment on CDP 2014-0029 during their March 2016 regularly scheduled meeting and made no comment at that time. Staff recommends that the applicant seek Review Board's determination that the proposal complies with the standards stated in Section 20.760.050 *et seq.* The applicant has applied for a MHRB permit and, the Review Board, following the approval of CDP 2015-0029, will consider it.

**Recommended Condition:** The property owner shall secure a Mendocino Historical Review Board Permit for architectural changes to structures on site (APN 119-160-31), including exterior alterations, construction of arbors, and proposed landscaping, with barbeque and decking.

- **20.720.035(B)(1) If the proposed Development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made: The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

*Consistent (without conditions of approval)*

The project site is located west of Highway 1, but is not designated as a potential public access trail location on the *Mendocino* LCP Map. Coastal access is provided along the shoreline within the Mendocino Headlands State Park. The project would have no effect on public access to the coast.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:</b>				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:</b>				
(a) The proposed use is compatible with the long-term protection of resource lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- **20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made...**

*Not Applicable*

The Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Review of the California Natural Diversity Data Base showed little potential for sensitive habitat on site. No biological assessment was requested because the proposal does not include changing the existing locations of the structures.

- **20.532.100(A)(2)(a) Impact Finding for Resource Lands Designated AG, RL, and FL. No permit shall be granted in these zoning districts until the following finding is made: The proposed use is compatible with the long-term protection of resource lands.**

*Not Applicable*

The project is proposed on land classified in the General Plan as *Commercial* and designated as MC Zoning District. Findings relating to impacts on resource lands are not applicable to this application.

Resolution Number \_\_\_\_\_

COUNTY OF MENDOCINO  
UKIAH, CALIFORNIA  
AUGUST 25, 2016

CDP\_2015-0029 - ERNEST & CORINNE EGGER LIVING TRUST

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CLASS 31 CATEGORICAL EXEMPTION FROM CEQA AND GRANTING A COASTAL DEVELOPMENT STANDARD PERMIT FOR A THE CONVERSION OF AN EXISTING 340 SQUARE FOOT STORAGE BUILDING AND OTHER SITE IMPROVEMENTS.

WHEREAS, the applicant, Ernest & Corinne Egger Living Trust AND Ishvi Benzvi Aum and Nancy Susan Lebrun, filed an application for Coastal Development STANDARD Permit with the Mendocino County Department of Planning and Building Services to convert an existing 340-square-foot storage building to retail and office uses; renovate the exterior of existing buildings on-site; construct two 180-square-foot arbors, BBQ area with clay oven and sink, and conduct retail sales in an existing storage-yard area. The site is located on the west side of Lansing Street between the intersections of Little Lake Road and Calpella Street. 10550 LANSING ST, MENDOCINO AREA; 11916031; General Plan C:U; Zoning MC:12K; Supervisorial District 5; (the "Project"); and

WHEREAS, a CATEGORICAL EXEMPTION was prepared for the Project and noticed and made available for agency and public review on July 22, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, August 25, 2016, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding a Class 31 Categorical Exemption from CEQA for projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995), Weeks and Grimmer; and the Project. All interested persons were given an opportunity to hear and be heard regarding the Categorical Exemption from CEQA and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board of Supervisors regarding the Class 31 Categorical Exemption from CEQA and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator make the following findings:

1. The proposed development is in conformity with the certified local coastal program. The proposed development and retail sales land use is consistent with the adopted policies of the Mendocino Town Local Coastal Program. The proposed and existing land uses are principally permitted in the land use classification *Commercial* of Coastal Element Chapter 4.13 *Mendocino Town Plan* of Mendocino County General Plan. The land uses include single-family, administrative and business offices, specialty shops, and retail stores. Specific project conditions limit the use of the barbeque to personal use. On-site food preparation for public consumption requires an approved Use Permit.
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.

3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district. The proposed site improvements satisfy all development regulations of Division III of Title 20 the Mendocino County Codes, including building height, vehicle parking, and lot coverage. The proposed on-street curbs require a miscellaneous encroachment permit for work in the public-right-of-way.
4. The proposed development will not have any significant adverse impact on the environment within the meaning of the California Environmental Quality Act. The Mendocino Historical Review Board has had the opportunity to comment on the proposed project and no significant impact on a historical resource has been noted. Specific project conditions require the property owner to secure a MHRB for any architectural changes to on-site structures or the addition of structures to the site.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. Specific project conditions give notice to the property owner of County regulations when archaeological or paleontological resources are uncovered.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The site has existing sewer connections, groundwater extraction permit, and no change in the level of service is anticipated at the intersection of Highway 1 and Little Lake Road.
7. The proposed development is subject to specific project conditions that require the property owner to secure a MHRB for any architectural changes to on-site structures or the addition of structures to the site. Review Board approval would establish that the proposed development is in conformance with the design standards of Section 20.760.050.
8. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan. Public access to the shore and public recreation are available nearby in the Mendocino Headlands State Park.
9. No development is proposed adjacent to an Environmentally Sensitive Habitat Area. The location of the proposed project is not mapped as land designated for agriculture or other resources.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 31 Categorical Exemption from CEQA. The Coastal Permit Administrator certifies that the pursuant with Section 15331, a Class 31 Categorical Exemption from CEQA for projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. A Categorical Exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the categorical exemption reflects the independent judgment and analysis of the Coastal Permit Administrator.

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

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

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: ADRIENNE THOMPSON  
Commission Services Supervisor

By: \_\_\_\_\_

BY: STEVE DUNNICLIFF  
Director

ANDY GUSTAVSON  
Coastal Permit Administrator

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## EXHIBIT A

### CONDITIONS OF APPROVAL

CDP\_2015-0029 - EGGER  
AUGUST 25, 2016

A Coastal Development Standard Permit to convert an existing 340 square foot storage building to retail and office uses; renovate the exterior of existing buildings on-site; construct two 180 square foot arbors, BBQ area with clay oven and sink, and conduct retail sales in an existing storage yard area.

**APPROVED PROJECT DESCRIPTION:** A Coastal Development Standard Permit to convert an existing 340 square foot storage building to retail and office uses; renovate the exterior of existing buildings on-site; construct two 180 square foot arbors, BBQ area with clay oven and sink, and conduct retail sales in an existing storage-yard area.

#### **CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. 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. That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. The property owner shall secure a miscellaneous encroachment permit for diagonally oriented wheel stops within the public-right-of-way.
10. The property owner shall secure a miscellaneous encroachment permit when partial land closures are needed due to construction.
11. The use of the proposed barbeque is limited to personal use only.
12. The barbeque shall not be used for the service of food to the public without being permitted as a food facility, or without a permit for a temporary or community event. These permits must be received through the Mendocino County Department of Environmental Health. Private events, where the general public may have access for a price or by invite to food prepared or sold on-site, may require permitting as a temporary food facility.
13. *Eating and drinking establishments*, for example, use of food preparation areas for other than personal use, is subject to the requirements of MCC Chapter 20.684 *Mendocino Commercial* land use regulations.
14. The property owner shall secure a Mendocino Historical Review Board Permit for architectural changes to structures on site (APN 119-160-31), including exterior alterations, construction of arbors, and proposed landscaping, with barbeque and decking.