





**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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## MEMORANDUM

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

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

### **CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

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

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.

- d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. In order to provide for the protection of natural resources on the site, the following is required:
  - a. All project impacts, including materials and equipment storage, and ground disturbing impacts, shall be limited to areas at least 100 feet from the Northern Bishop Pine Forest.
  - b. Invasive English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), periwinkle (*Vinca major*) and cotoneaster (*Cotoneaster franchetii*) shall be removed from all portions of the property to the greatest extent practicable.
  - c. During construction, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.
  - d. New landscaping on the property shall not include any invasive plants and shall ideally consist of native plants compatible with the existing native plant communities.
10. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete, to the satisfaction of the Department of Transportation, a commercial driveway approach onto Albion-Little River Road (CR 403). The approach shall have a minimum width of eighteen (18) feet, and length of twenty (20) feet measured perpendicular to the edge of the County road, and be paved with asphalt concrete.
11. Prior to issuance of the Coastal Development Permit, a revised site plan demonstrating compliance with the required yard setbacks for the parking area and compliance with the corridor preservation setback from the roadway for the proposed fencing shall be submitted to the Planning Division for review and approval.
12. The proposed parking area shall be surfaced, at minimum, with light gravel. Light gravel is defined as a scattering of gravel, covering approximately twenty-five (25) percent of the surface of a designated area, with no minimum depth specified.

13. The applicant shall adhere to the Exterior Noise Limit Standards contained in Appendix B of Division II of Title 20 of the Mendocino County Code. No amplified sound shall be permitted outside the structure. Failure to comply with the Exterior Noise Limit Standards may lead to revocation of this Coastal Development Permit.
14. Prior to use of the structure for temporary events, the applicant shall obtain a Building Permit for the necessary occupancy change of the structure, to the satisfaction of the Mendocino County Building Division. A California licensed architect or engineer shall prepare the plans addressing the (1) accessibility, (2) exiting, and (3) structural issues. ~~The maximum number of occupants at the site shall be determined during review of the occupancy change.~~ The maximum occupancy of the structure shall be limited to one-hundred and six (106) persons (including staff) in attendance. Failure to limit the number of occupants on the site, in conformance with the maximum occupancy permitted according to the ~~Uniform Building Code~~, may lead to revocation of this Coastal Development Permit.
15. Prior to issuance of the Coastal Development Permit, a detailed parking plan shall be submitted for the proposed parking area which shall be located as far from Albion-Little River Road as possible. The parking plan shall, at minimum, demonstrate compliance with the required parking space size standards, number of required spaces, circulation, emergency vehicle access, ~~and~~ ADA accessible parking spaces, and stormwater drainage.
16. There shall be no event parking along Highway 1, Albion-Little River Road, or along the driveway. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
17. Prior to issuance of the Building Permit for the occupancy change, the applicant shall demonstrate, to the satisfaction of the Mendocino County Division of Environmental Health, the following:
  - a. A qualified site evaluator shall be hired by the owner/applicant to determine whether the existing septic system is in proper working order and will be able to accept the additional effluent.
  - b. If food is to be prepared on-site, a permit to operate a food facility shall be required from Environmental Health.
  - c. The owner/applicant shall conform to required state drinking water requirements, if applicable.
18. A valid Mendocino County Business License for the subject property shall be issued and kept current by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
19. Up to fourteen (14) events per year and no more than two (2) events per month may be held within the structure at APN 123-050-11. ~~Parking shall occur at APN 123-050-32, and shall be limited to the designated areas shown on the site plan dated July 23, 2015.~~ The maximum number of attendees shall not exceed one-hundred and six (106) persons during the period of May 15 through October 31, as can be accommodated by on-site

parking on the vacant lot. During the period of November 1 through May 14 attendance shall be limited to fourteen (14) passenger vehicles, as can be accommodated by the fourteen (14) on-site parking spaces on the same parcel as the structure. Events shall be limited to one (1) day in duration, where amplified music, event parking, etc. may occur. Set-up and clean-up and other activities may occur on the days before and after the actual event day, but shall not include amplified music, etc. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.

20. Event operation hours shall be limited to between 10 AM to 10 PM daily. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
21. ~~Lighting for events shall be~~ Prior to issuance of the Coastal Development Permit, Planning Staff shall perform a site visit and verify that all exterior lighting is downcast and shielded, and shall be limited in illumination power to only the amount required for nighttime navigation and safety of the immediate area surrounding the event area.
22. Should the use of the structure for temporary events cease for any reason for a period of one (1) year or more, this Coastal Development Permit shall become null and void and a new Coastal Development Permit shall be required.
23. Prior to any ground disturbing activities, the applicant shall obtain all necessary permits from the Mendocino County Air Quality Management District.
24. Prior to issuance of the Coastal Development Permit, the applicant shall submit a landscaping plan which will minimize the visibility of the structure and associated improvements from adjacent properties on the south and west sides. Specifically the plan shall shield the parking area from view and prevent impact of vehicles leaving at night. Prior to use of the parking area (allowable beginning on May 15), the applicant shall install all landscaping approved under the landscaping plan.
25. The applicant shall adhere to the recommendations from the Division of Environmental Health, as follows:
  - a. Events shall be limited to one per week, not to exceed four events per month.
  - b. Portable toilets shall be provided for events that exceed fifty (50) attendees.
  - c. A 2,500-gallon water storage tank shall be installed to provide sufficient water reserves.
26. The use of the parking area shall be limited to the dry season, specifically May 15 through October 31. Failure to comply with this condition may lead to revocation of this Coastal Development Permit.
27. This permit shall be valid for a period of three (3) years after issuance and may be renewed at the expiration of three (3) years if it is determined that the special event use have not adversely affected the Rural Village designated community. The applicant has the sole responsibility of renewing this permit within the specified time-frame. Notice will not be provided prior to expiration.