

CALIFORNIA COASTAL COMMISSION  
 NORTH COAST AREA  
 3 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260

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Filed:	October 15, 1996
49th Day:	December 3, 1996
180th Day:	April 13, 1997
Staff:	Jo Ginsberg
Staff Report:	October 25, 1996
Hearing Date:	November 12, 1996
Commission Action:	

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **1-87-167-A5**

APPLICANT: **BARBARA AND MONTE REED**

PROJECT LOCATION: 43700 Little Lake Street, Town of Mendocino, Mendocino County, APN 119-140-09

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a two-story single-family residence and five unit bed and breakfast inn.

DESCRIPTION OF AMENDMENT: Delete Special Condition No. 1 of Coastal Permit No. 1-87-167, which requires recordation of a deed restriction limiting the subject parcel to five visitor-serving inn units.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP, Town Segment; Coastal Development Permit No. 1-95-74 (Lockey Ryan).

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1. PROCEDURAL AND BACKGROUND NOTE: Pursuant to Section 13166 of the California Code of Regulations, the Executive Director has determined that this amendment is material and therefore is bringing it to the Commission for their review. If the applicants or objector so request, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code Reg. 13166.

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Section 13166 of the Regulations also states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

Coastal Permit No. 1-87-167 (Reed) was approved by the Commission on October 14, 1987 with a number of special conditions intended to address visual and hydrologic concerns, and to ensure that the site not be developed with more than five visitor-serving units, as allowed by the Town Plan. Specifically, Special Condition No. 1 requires that prior to issuance of the coastal permit, the applicant shall record a deed restriction stating that the subject property will be limited to five visitor-serving units. Special Condition No. 2 requires that the applicant submit additional hydrologic information required by the Mendocino County Department of Environmental Health. Special Condition No. 3 requires that the applicant submit a water conservation plan, lighting plan, and landscaping plan. Special Condition No. 4 requires that certain County Use Permit conditions be incorporated by reference.

The conditions of the permit were met, and remain in effect. The coastal permit was issued on March 27, 1989, and the development was subsequently completed.

This amendment request seeks to delete Special Condition No. 1, which requires the recordation of a deed restriction limiting the site to five visitor-serving units. As noted above, Section 13166 of the Regulations states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted. While this amendment request seeks to remove a deed restriction limiting the maximum number of visitor-serving units on the site, the applicant has presented new material information regarding the project, as described below. The Executive Director, thus, accepts the amendment request for processing.

At the time the original permit application for construction of a residence with a five unit bed and breakfast facility was submitted, the LCP for the Town of Mendocino was not yet certified. However, Table 4.13-1 of the Town Plan, the certified Land Use Plan, listed the existing and potential overnight units on a parcel by parcel basis, and the project site was identified as the potential location for five overnight units and an existing location for a vacation home rental (which existed on the site at the time). The Commission thus approved the coastal permit for the five-unit facility, but required the applicant to record a deed restriction limiting the site to five units so that the number of visitor-serving units would be consistent with the certified Town Plan.

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Since the time of the original permit approval, the Commission has approved other visitor-serving facilities within the Town of Mendocino that did not include deed restrictions (e.g., Coastal Permit No. 1-95-74, Lockey Ryan), even though the sites in question were limited to a certain number of units in the certified Town Plan. This information was presented to the Executive Director, who determined that due to the submittal by the applicant of new material information, the proposed amendment should be processed.

2. STANDARD OF REVIEW: The Mendocino County LCP, Town Segment, is not yet effectively certified. Therefore, the standard of review for this amended project is still the Coastal Act, not the Town LCP.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions of the original permit noted below, on the grounds that the proposed development with the proposed amendment is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

Special Conditions 2, 3, and 4 of the original permit, as previously amended, remain in effect.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project and Site Description:

The original project approved by the Commission was for the construction of a two-story residence and five unit bed and breakfast inn on a 1.2 acre parcel in the Town of Mendocino. The site was previously developed with a 775-square-foot guest residence that was used as a vacation home rental. New

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development proposed by the applicant included an 8,317-square-foot residence/inn building, pump house, water reservoir, and a ten-space parking area. Water was provided by an off-site well.

Subsequent amendments to the original project included approval of (1) construction of a garage; (2) a boundary line adjustment, and (3) relocation of the water storage tank and the continuing use of the existing well for the cottage.

The subject site is located on the north side of Little Lake Street. The site, which is visible from Highway One, slopes moderately from an elevation of approximately 75 feet at street level to 100 feet at the building site. The site is designated Multiple Family Residential (RM) with an asterisk allowing a five unit visitor-serving facility.

2. Local Coastal Program:

The Mendocino Town Plan was originally certified by the Coastal Commission on November 20, 1985 as part of the Mendocino County LUP. In June of 1990, the Town Plan was segmented from the Coastal Element for the balance of the County's coastal zone. The segmented Mendocino Town LCP consists of the Mendocino Town Plan; the Land Use Map for the Mendocino Town Plan; the Mendocino Town Zoning Code; and the Mendocino Town Zoning Map.

The amended Mendocino Town Plan (LUP) was certified by the Commission on June 10, 1992. However, the Town does not have a fully certified Local Coastal Program. The resubmitted Mendocino Town Zoning Code (Implementation Program) was approved by the Commission on April 12, 1995 with suggested modifications, but has not yet been effectively certified. Until such time as the Town LCP is effectively certified, consistent with Section 13544 of the Commission's regulations, the Coastal Act is the standard of review for coastal projects.

Mendocino Town Plan Policy 4.13-4(3) states that:

...Existing visitor serving facilities listed on Table 4.13-1 that propose to expand beyond the maximum number of units listed on Table 4.13-1 shall require a General Plan Amendment...The total number of units allowable (234) on Table 4.13-1 shall remain fixed until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.

Section 20.684.025 (Maximum Density for \* Districts) of the Town Zoning Code includes the maximum visitor accommodations per site for a number of sites within the Town containing inns, motels, or hotels. The subject parcel (APN 119-140-09) is listed in this section as having five allowable visitor accommodation units.

The proposed amendment seeks only to remove the condition from the original permit which required recordation of a deed restriction limiting the site to five visitor-serving units. The amendment request does not seek to increase the number of units on the site. The project is still limited to the number of units originally proposed. Pursuant to Town Plan Policy 4.13-4(3) and to Zoning Code Section 20.684.025, an LCP Amendment would be necessary before any additional units could be allowed on the subject site. Furthermore, a new coastal permit would also be required to allow any additional units on the site. Therefore, the proposed development with the proposed amendment is consistent with the requirements of Chapter 3 of the Coastal Act.

The Commission notes that approval of the proposed amendment request to delete Special Condition No. 1 from the permit in no way constitutes an approval of any additional units on the site. Furthermore, approval of the proposed amendment is not indicative, one way or another, of the Commission's position toward any future LCP amendment requesting redesignation of the site to allow additional visitor-serving units on the site. The Commission will consider the merits of such an LCP Amendment at such time as an amendment is before it, and will examine such issues as density, community character, water supply, visual resources, etc.

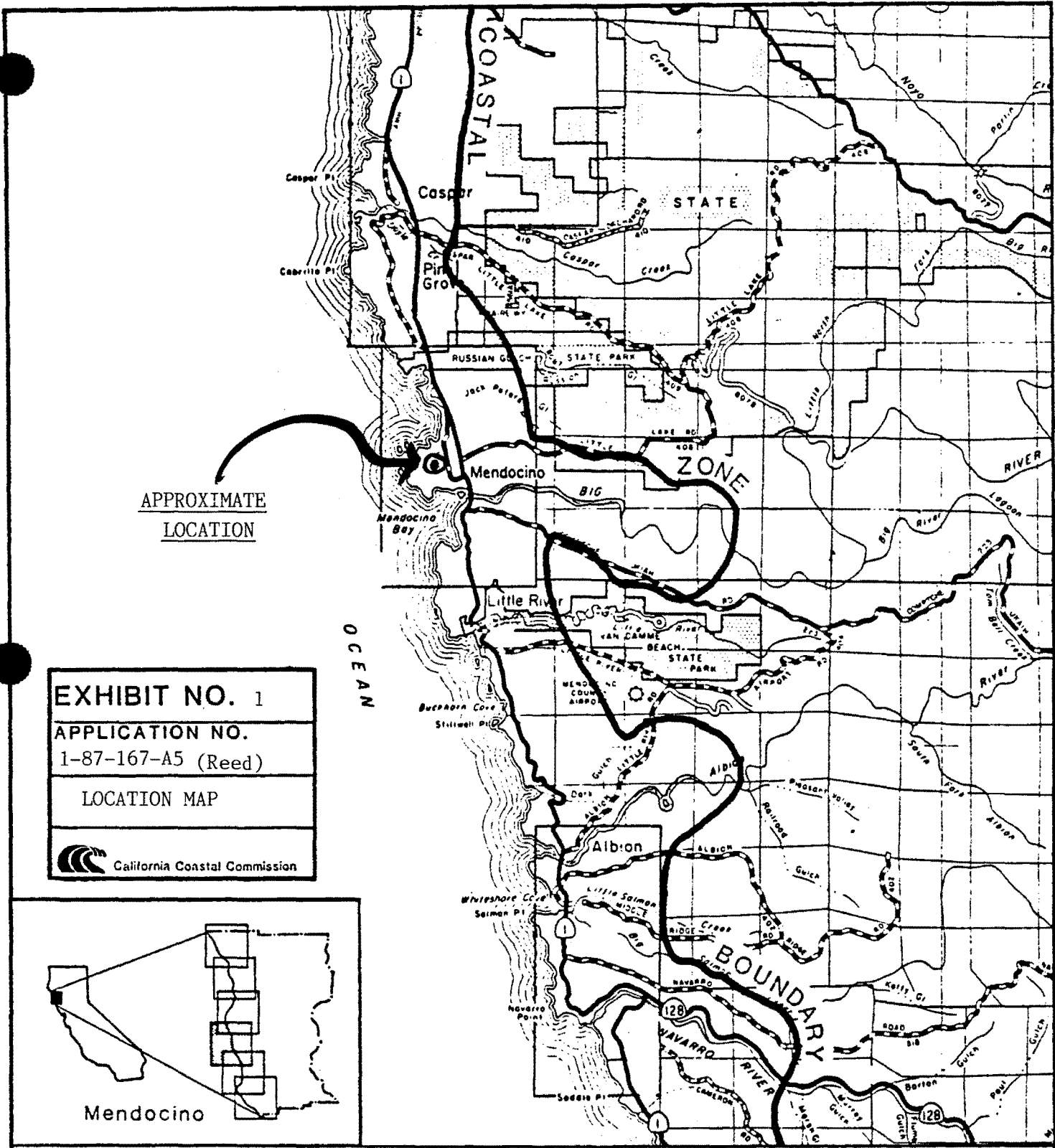
4. CEQA:

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. As discussed above, the project will not have a significant adverse effect on the environment, within the meaning of CEQA. The Commission finds that there are no feasible alternatives of mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment.

## ATTACHMENT A

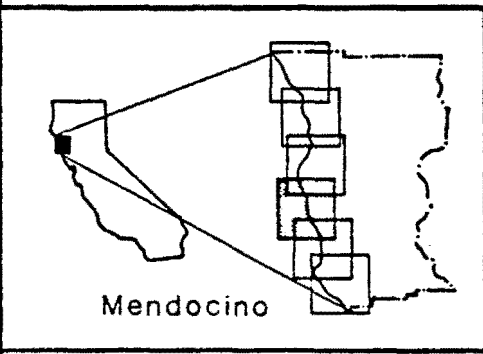
### Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

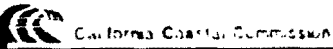


APPROXIMATE  
LOCATION

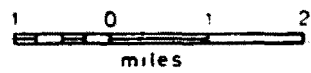
**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 1-87-167-A5 (Reed)  
**LOCATION MAP**



Mendocino



**LOCATION MAP**



## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

631 HOWARD STREET, 4TH FLOOR

SAN FRANCISCO, CA 94105

(415) 543-8555



EXHIBIT NO. 2

APPLICATION NO.

1-87-167-A5 (Reed)

Original Staff Report

FILED 08/31/87

49th DAY: 10/19/87

180th DAY: 03/01/87

Staff: B. Saxon

Staff Report: 09/22/87

Hearing Date: 10/14/87

Document No.: 2094P /

STAFF REPORT: REGULAR CALENDAR  
AS REVISED AT THE COMMISSION MEETING OF OCTOBER 14, 1987

PROJECT DESCRIPTION

APPLICANT: MONTE &amp; BARBARA REED

PERMIT NO. 1-87-167

PROJECT LOCATION: 43700 Little Lake St., Mendocino Town, approximately 500 feet from Highway One, Mendocino County, APN: 119-140-09.

PROJECT DESCRIPTION: Residence with 5 unit bed and breakfast.

LOT AREA 53,845 sq.ft.

ZONING N/A

BLDG. COVERAGE 8,317. sq.ft.

(LCP) PLAN DESIGNATION Multiple Family Residence

PAVEMENT COVERAGE N/A

PROJECT DENSITY

LANDSCAPE COVERAGE 900 sq.ft.

HEIGHT ABV. FIN. GRADE 30 ft.

LOCAL APPROVALS RECEIVED: Mendocino County Use Permit #U23-86, Mendocino Historical Review Board #85-25

SUBSTANTIVE FILE DOCUMENTS: CDP 81-P-88 (Reed), A-80-81 (Reed)

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

PTT:



STANDARD CONDITIONS: see attached.

SPECIAL CONDITIONS:

1. Deed Restriction.

PRIOR TO ISSUANCE of the permit the applicants shall be required to record a deed restriction, in a form and content acceptable to the Executive Director, stating that APN 119-140-09 will be limited to five visitor serving units. The recorded document shall also state that the subject permit is acknowledged to allow only the development described in coastal development permit 1-87-167 and that future or additional development including well hookups shall require an amendment to 1-87-167 or an additional coastal development permit from the California Coastal Commission or its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

2. Hydrologic Information.

PRIOR TO ISSUANCE of the permit the applicant shall submit for review and approval, additional hydrologic information required by Mendocino County Environmental Health (Exhibit D). Information describing all development presently served by the well, and location of proposed and existing lines shall also be submitted.

(a) Should the hydrologic information reveal insufficient water capacity or impacts to neighboring wells, a water conservation plan will be required, detailing the methods to be used to limit water withdrawal and consumption.

(b) All aspects of the development shall be plumbed with water saving devices to conserve resources.

3. Landscaping Plan and Exterior Embellishments.

PRIOR TO ISSUANCE of the permit a water conservation plan shall be submitted for a review and approval. Prior to use and occupancy of the development, plans for exterior lighting signs, and the water reservoir shall also be submitted. The landscaping plan shall incorporate through tolerant, non-water intensive vegetation and provide for a drip irrigation watering system. The design plans for lighting, etc. shall be approved by the Mendocino Historical Review Board prior to submittal.

4. County Use Permit Conditions.

County Use Permit conditions #A(4), A(7), B(3), and B(5) are hereby incorporated by reference (See Attachment 1).

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<b>APPLICATION NO.</b> 1-87-167-A5 (Reed)
Original Staff Report

EXHIBIT NO. 2
APPLICATION NO. 1-87-176-A5 (Reed)
Original Staff Report

## FINDINGS AND DECLARATIONS

The Commission hereby finds and declares and follows:

### 1. Project Description:

The applicant proposes to construct a two-story residence and five unit bed and breakfast inn on a 1.2± acre parcel in the Town of Mendocino. The site is currently developed with a 775 square foot guest residence that is used as a vacation home rental. New development proposed by the applicant includes an 8,317 square foot residence/inn building, pump house, water reservoir, and a ten space parking area. Water will be provided by an off-site well.

The site is located on the north side of Little Lake Street. The site, which is visible from Highway One, slopes moderately from an elevation of approximately 75 feet at street level to 100 feet at the proposed building site. Vehicle access is via a road easement from Little Lake Street. The surrounding neighborhood is composed of single family residences, the Joshua Grindle House, an historic structure used as an inn, open space, and the Hill House Inn, a large visitor serving facility also owned by the applicant.

### 2. Recreation and Visitor Serving Facilities:

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The project site is designated Multiple Family Residential (RM) on the certified Town Plan land use map. Although the RM designation does not allow overnight units as either permitted or conditional uses, existing and proposed overnight units in the Town are designated on a parcel by parcel basis by placement of an asterisk on appropriate sites, as noted in land use plan policy 4.13-4(1). This policy also states that overnight accommodations above and beyond those designated shall require a plan amendment. The applicants' parcel does not contain an asterisk and therefore appears to be inconsistent with both the RM classification and policy 4.13-4(1). Policy 4.13-4(1) states:

"The Mendocino Town Plan designates existing Visitor Serving Facilities providing overnight accommodations and reserves future sites for these uses on a parcel by parcel basis by placing the appropriate designation on the Town Plan Map. Any additional Visitor Serving Facilities for overnight accommodations above and beyond these designations shall require a plan amendment. Any legally existing Visitor Serving facility inadvertently omitted from the Town map shall be corrected as a mapping error. Bed and Breakfast rooms are identified with an asterisk "B" and all others with an asterisk. A listing of these rooms appear on Table 4.13-1 (emphasis added)."

Table 4.13-1 of the Town Plan lists the existing and potential overnight units on a parcel by parcel basis. The project site is identified on this table as a potential location for five overnight units and an existing location for a vacation home rental. In addition, Policy 4.13-4(3) states that new overnight accommodations shown in the "potential" column of this table shall be subject to a use permit rather than an amendment as discussed in Policy 4.13-4(1). Policy 4.13-4(3) states:

"All new visitor serving facilities or expansions of existing visitor serving facilities providing overnight accommodations shown on Table 4.13-1 in the two potential columns shall be designed in scale, architecture and materials to maintain existing character of the town consistent with the special community designation and shall be subject to a conditional use permit (emphasis added)."

Mendocino County granted the use permit, using the above rationale, on January 26, 1987. Consistent with Section 30222 of the Coastal Act, which states visitor serving facilities are a priority use, Commission staff accepts this rationale however does recommend that the County correct the mapping error and update Table 4.13-1 to reflect this action. Corrections must be made via a land use plan amendment. It is anticipated that the County will submit a "clean up" amendment to correct various minor problems in the future.

In addition, because the property is identified as a potential five unit accommodation on Table 4.13-1, the applicant will be required to limit the use of the property to a five unit inn. Use of the existing residence as a vacation home rental will no longer be permitted in keeping with the intent of the land use plan. The applicants will be required to record a deed restriction limiting the use of the property to five visitor serving units, so that the LUP will not be prejudiced.

The Mendocino County land use plan contains an additional land use plan policy which may be applicable to this project. Policy 4.13-4(2) requires that new visitor serving facilities be limited to 25 units or less. While it is true the subject proposal is a five unit accommodation, the applicants also own the nearby Hill House Inn, a 44 unit complex. The County use permit contains a condition which requires the bed and breakfast to be "permanently managed as a separate legal entity from the Hill House Inn, including separate parking, ingress and egress, registration and reservation facilities." The County condition will be incorporated by reference as a coastal permit condition, to remain consistent with the certified land use plan.

In addition to the above concerns Commission staff has just been notified of the County's approval of a boundary line adjustment, adjusting .62± acres of an adjacent parcel to the subject parcel (See Exhibit C). The area adjusted is part of a recorded open space easement dedicated to the California Coastal Conservancy. The terms of the scenic easement are that it remain undeveloped with the exception of native plant landscaping, as an open space buffer area, in order to protect visual resources consistent with Section 30251 of the Coastal Act.

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Permit 1-87-167 will therefore be conditioned to require the recordation of a document stating that the subject permit is only for the development described and any future development shall require an additional coastal development permit or an amendment to this permit. This condition is necessary to assure that consistency with Section 30251 of the Coastal Act is maintained as visual resources will be protected.

3. New Development/Water Resources:

Section 30250(a) of the Coastal Act states in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Mendocino County LUP policy 4.13-16 states:

"All new development shall be contingent upon proof of an adequate water supply during dry summer months which will accommodate the proposed development and will not deplete the ground water table of contiguous or surrounding uses. The findings of the Coastal Ground Water Study of June 1982 shall be incorporated in the Mendocino Town Plan."

The applicant has submitted preliminary water quantity testing. The consultant states that testing of a well on the project site was impossible due to sand intrusion. The site also includes a second well which is not being proposed for use at this time. Use of the well will require a permit amendment. An off-site well is being proposed for use. The well was tested and pump tests indicated a sustained yield of five gallons per

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Original Staff Report

However the County Environmental Health Department is requiring additional hydrological information to meet conformance with policy 4.13-16. (See Exhibit D). After the additional information is reviewed by the County the applicant shall submit the hydrological report to the Commission for review and approval, prior to issuance of the permit, in order to assure conformity with Sections 30250(a) and 30231 of the Coastal Act.

According to the applicant the well was drilled several years ago (between 1974 and 1978) and is not being used for water service; however it is not clear whether the well has been used in the past or whether the well is equipped to service development other than that presently proposed. Therefore, the applicant will be required to submit information describing all development presently served by the well, and location of proposed and existing water lines. This permit authorizes the sole use of the proposed well for the bed and breakfast property so that additional future hookups will require an amendment to this permit or another coastal development permit.

In addition, to avoid potential negative impact, should the hydrology report reveal insufficient water capacity or impacts to neighboring wells, the applicants shall be required to submit a water conservation plan which will detail the methods to be used to limit the amount of water usage. Regardless of the findings of the hydrology report, the development will be further conditioned to require water saving plumbing fixtures in order to conserve resources.

Water conservation shall be additionally reinforced with the requirement that the applicants submit a landscaping plan for Commission staff review which incorporates drought tolerant, non-water intensive vegetation and a drip irrigation system for watering purposes. The development of large lawn areas and extensive plantings of water intensive vegetation cannot be found to be consistent with the intent of Section 30231, nor with the community character of Mendocino which is known for its lack of traditional, water consumptive landscaping.

As conditioned, the project is consistent with sections 30250(a) and 30231 of the Coastal Act as potential significant adverse impact to coastal and water resources will be mitigated with the requirement of an hydrologic report, and a water conservation plan if necessary, the utilization of water saving features and non-water intensive landscaping.

4. Visual Resources and Special Communities:

Section 30253(5) of the Coastal Act states:

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

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Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project site appears vacant from Little Lake Street and other parts of Mendocino Town because the existing residence is located at the northern portion of the site beyond the break in slope. The proposed structure will be located above the break in slope and will become a dominant feature of Little Lake Street between Highway One and Lansing Street (See Exhibit E). (The applicant estimates the two-story structure will be 57 feet high, as measured from the centerline of Little Lake Street).

The Mendocino Historic Review Board denied the design of the proposed inn, however the Board of Supervisors determined that the design of the structure is in harmony with the design of existing structures. The County use permit does contain several conditions which address additional aesthetic concerns of the project (e.g. fence materials) and those will be incorporated by reference as conditions to permit 1-87-167.

As Mendocino is an historic or special community, special consideration is given not only to the structural design of new buildings but also proportion and placement of buildings, as evidenced by land use plan policy 4.13-9 which discusses design criteria considered when approving new projects.

While the proposed structure is larger than nearby buildings, it is in conformance with land use plan development requirements, which limit total building coverage to 25 percent or less in the RM classification. The proposed siting of the structure has taken into account topographic features, thus limiting the amount of required grading, and minimized, to the extent possible, visual impacts to passersby, consistent with the Coastal Act.

In addition to the inn structure, the site plan indicates locations for a sign, exterior light poles, and a water reservoir, but detailed plans or drawings have not been submitted. Prior to issuance of the permit, the applicants will be required to submit those plans, after obtaining Mendocino Historical Review Board approval, to ensure consistency with community character and existing visual characteristics. As conditioned the project is consistent with section 30251 and 30253(5) of the Coastal Act and the Mendocino Town land use plan.

5. Prejudice to LCP/Mendocino County Land Use Plan:

Section 30604 of the Coastal Act requires permit issuance if the project is consistent with Chapter 3 of the Act. Approval of the project, as conditioned, is consistent with Chapter 3 policies and thus will not prejudice local government's ability to prepare an LCP that is in conformity with Chapter 3. Although approval will not prejudice the County's plan, attention is called to the fact that the plan does need an LUP amendment to reflect this action.

6. CEQA

The project, as conditioned, will not have a significant adverse effect within the meaning of CEQA. The project has been mitigated to require a deed restriction limiting development to five units with any additional or future development requiring a permit amendment or additional permit; additional hydrologic information has been required to ensure that no negative impact will occur to coastal water resources with a conservation plan required should the hydrologic information reveal insufficient capacity. In addition the development shall utilize water saving devices and maintain non-water intensive landscaping to avoid negative impacts to scarce groundwater supplies. Finally, various County use permit conditions are also incorporated by reference to avoid prejudicing development of the LUP and ensure Coastal Act consistency. As mitigated the project will be consistent with Sections 30250(a), 30231, 30222, 30253(5), and 30251 of the Coastal Act.

**EXHIBIT NO.** 2

**APPLICATION NO.**  
1-87-167-A5 (Reed)

Original Staff  
Report

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If construction has commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**EXHIBIT NO.** 2

**APPLICATION NO.**

1-87-167-A5 (Reed)

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<b>EXHIBIT NO.</b> 2
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Original Staff Report



TELEPHONE  
707-463-4281

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

MAILING ADDRESS: COURTHOUSE  
UKIAH, CALIFORNIA 95482

LAND USE PERMIT

Major Use Permit #U 23-86

OWNER/APPLICANT

Monte & Barbara Reed  
P.O. Box 625  
Mendocino, CA 95460

REQUEST:

Use permit to construct a combined two-story residence and five-unit bed and breakfast inn.

LOCATION:

In the Town of Mendocino, lying on the north side of Little Lake Street (CR# 408), approximately 500 feet southwest of its intersection with Highway 1

ASSESSOR'S PARCEL NUMBER: 119-140-09

BOARD OF SUPERVISORS ACTION: Approved

CONDITIONS OF APPROVAL:

A. Conditions which must be met prior to use and/or occupancy:

1. This permit shall be effective on or after September 10, 1986. Failure of the permittee to make use of this permit within one (1) year shall result in its expiration on September 10, 1987.
2. That this permit shall not be valid until such time as a Land Use Permit form is signed by the owner (or authorized agent) and the Zoning Administrator.
3. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies or special districts having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. These permits include a right of use permit from the Mendocino City Community Services District, a permit from the Environmental Health Division and a Coastal Development Permit from the California Coastal Commission.
4. That a detailed parking and circulation plan be prepared, which provides adequate area for both parking and circulation movements outside public rights of way and private ways not intended for that purpose or use.

*Attachment 1*

5. That elevation drawings of all signs, exterior light poles, and water reservoir be prepared or caused to be prepared by the applicant. Said drawings shall include visual appearance and method of illumination. They shall be submitted to the Mendocino Historic Review Board for review and approval.
6. That additional hydrological information shall be submitted to the Environmental Health Division for review and approval to verify compliance with Local Coastal Plan water policies.
7. That revised plans shall be submitted showing that the materials for the perimeter fence shall be wood.
8. That the access road and/or parking areas be surfaced with gravel or turfstone. Prior to the installation of the surfacing material, the natural grade shall be prepared in accordance with good engineering practices to insure long surface life.
9. That traffic patterns and parking spaces be delineated on access routes and in parking areas.
10. That the applicant provide proof to the Planning Department that the proposed well used to provide groundwater to this site is legally attached to the property of the proposed bed and breakfast inn.

B. Conditions which must be complied with for the duration of this permit:

1. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Chapter 20 of the Mendocino County Code unless modified by conditions of the Use Permit.
2. That the application along with the supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
3. Approved landscaping shall be established and maintained.
4. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
  - 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.

<b>EXHIBIT NO.</b> 2
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- 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.

Any such revocation shall proceed as specified in Section F 20-78(a), Mendocino County Code (Use Permits) or as subsequently amended.

- 5. The bed and breakfast inn established pursuant to this use permit shall be permanently managed as a separate legal entity from the Hill House Inn, including separate parking, ingress and egress, registration and reservation facilities.
- 6. 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.

Owner's Statement: I am the owner of the property subject to this permit (or his authorized agent) and I hereby certify that I have reviewed the conditions of approval and will establish and continue the use in compliance with the specified conditions and applicable sections of Mendocino County Code. I further grant permission for County Staff to enter upon the premises for which the permit is issued to verify compliance with the required conditions.

*Barbara Reed*  
Signed

*2-19-87*  
Date

Planning Department Statement: I hereby certify that all conditions which must be met prior to use or occupancy of this permit have been met and that this permit is deemed by the Planning and Building Services Department to be a valid permit subject to all the conditions of approval.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

Planning Department Statement: I hereby certify that all conditions of approval of this permit have been met and that this permit is deemed by the Planning and Building Services Department to be a valid permit subject to all the conditions of approval attached.

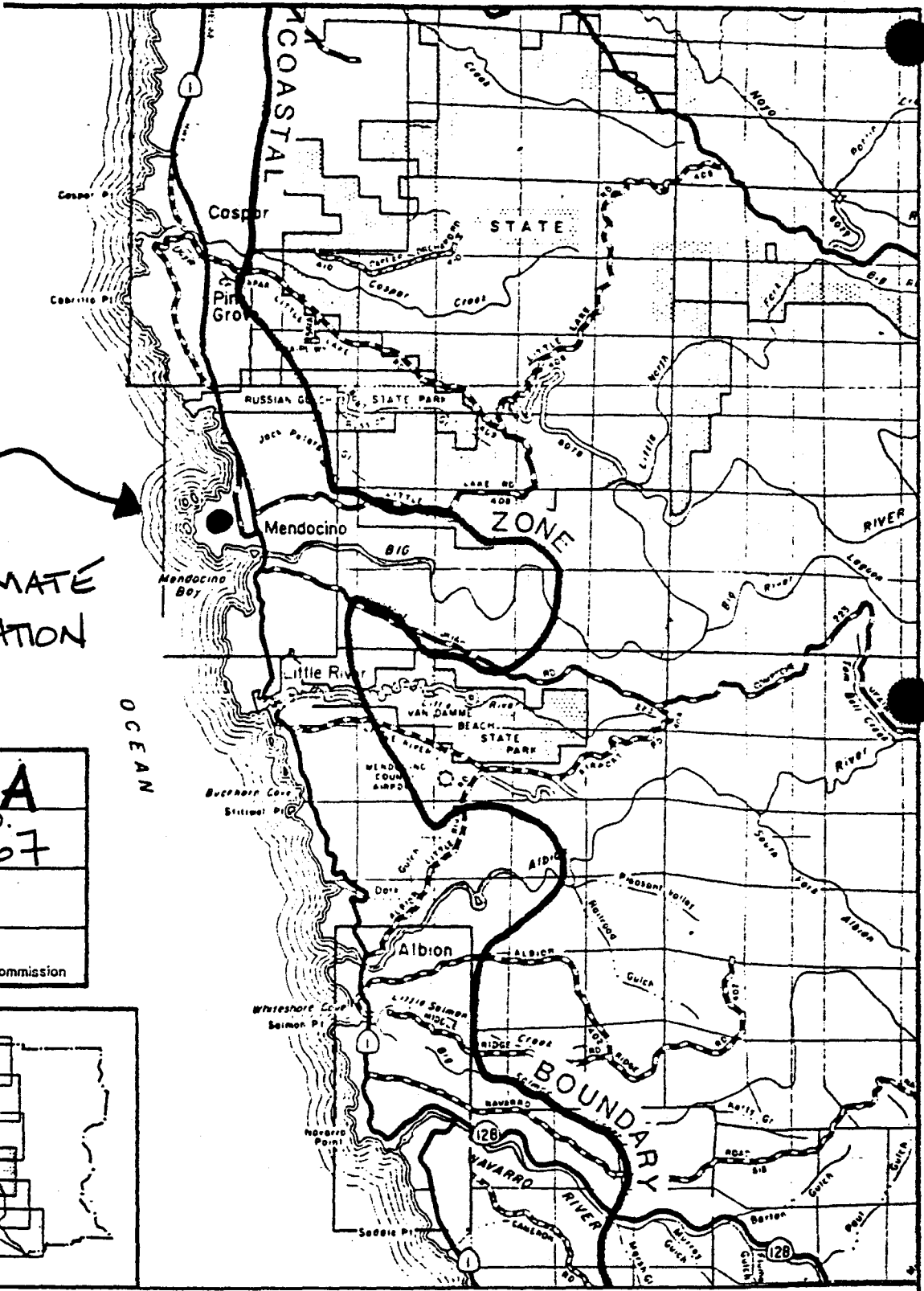
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Signed

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1dp  
2-4-87

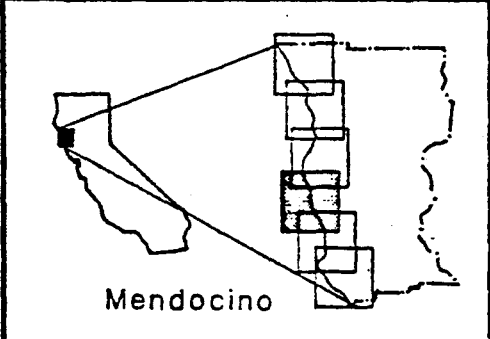
<b>EXHIBIT NO.</b> 2
<b>APPLICATION NO.</b> 1-87-167-A5 (Reed)
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**EXHIBIT NO.** 2  
**APPLICATION NO.**  
 1-87-167-A5 (Reed)  
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APPROXIMATE  
 LOCATION

**EXHIBIT NO. A**  
**APPLICATION NO.**  
 1-87-167  
**REED**  
 California Coastal Commission



Well Site

Fr. Mendocino & Hills Tract.

104-006

C-L

C-2-R

R-3

R-R

R-1-A:B-15

Z

N  
1" = 200'

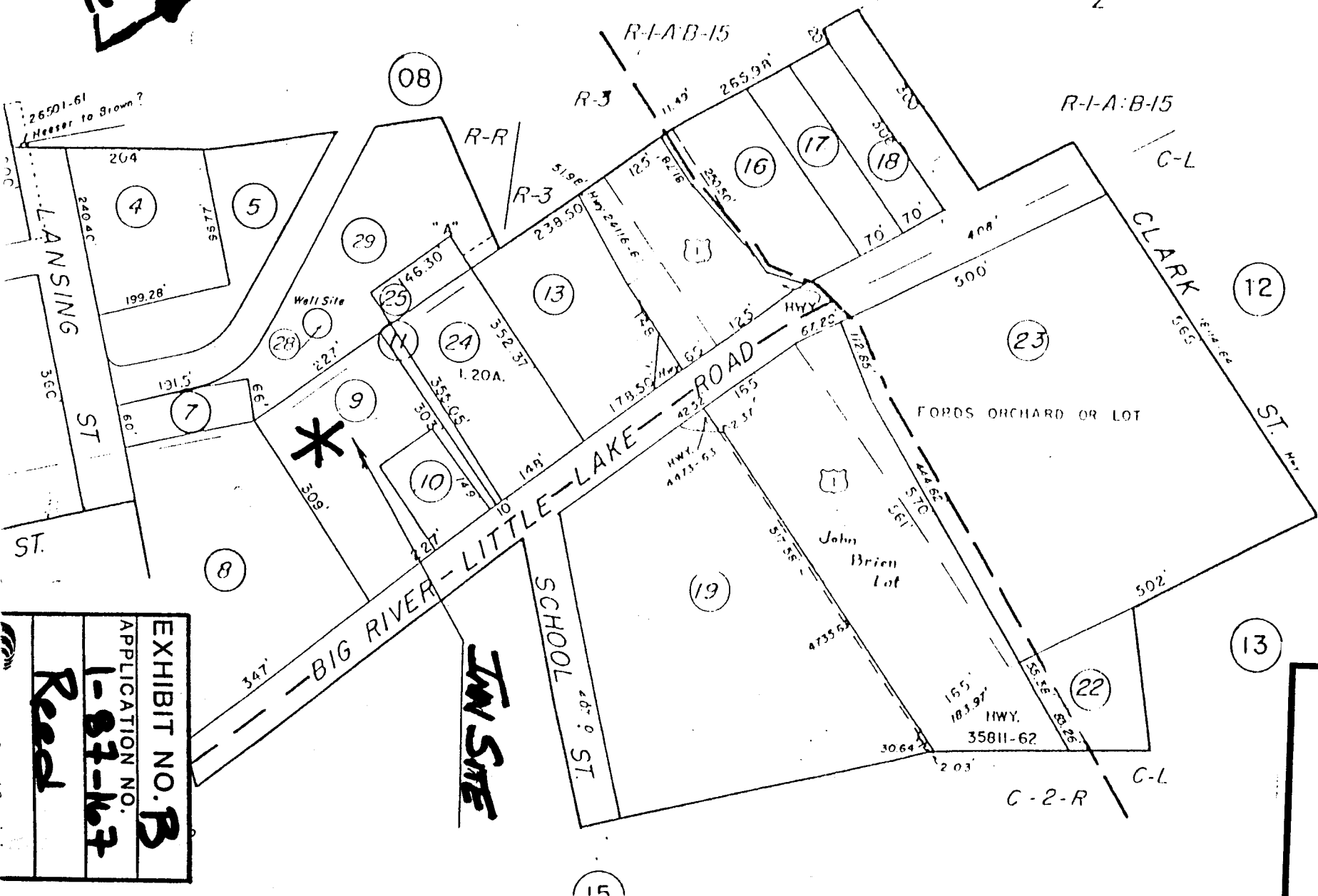


EXHIBIT NO. B
APPLICATION NO. 1-87-163
Reed

EXHIBIT NO. 2
APPLICATION NO. 1-87-167-A5 (Reed)
Original Staff Report



OWNERS: h Mo

Tentative  
of a proposed  
Adjustment in  
A.P. 11-190-07,  
11-190-08 and  
of McClellan,  
C.P. 17 B

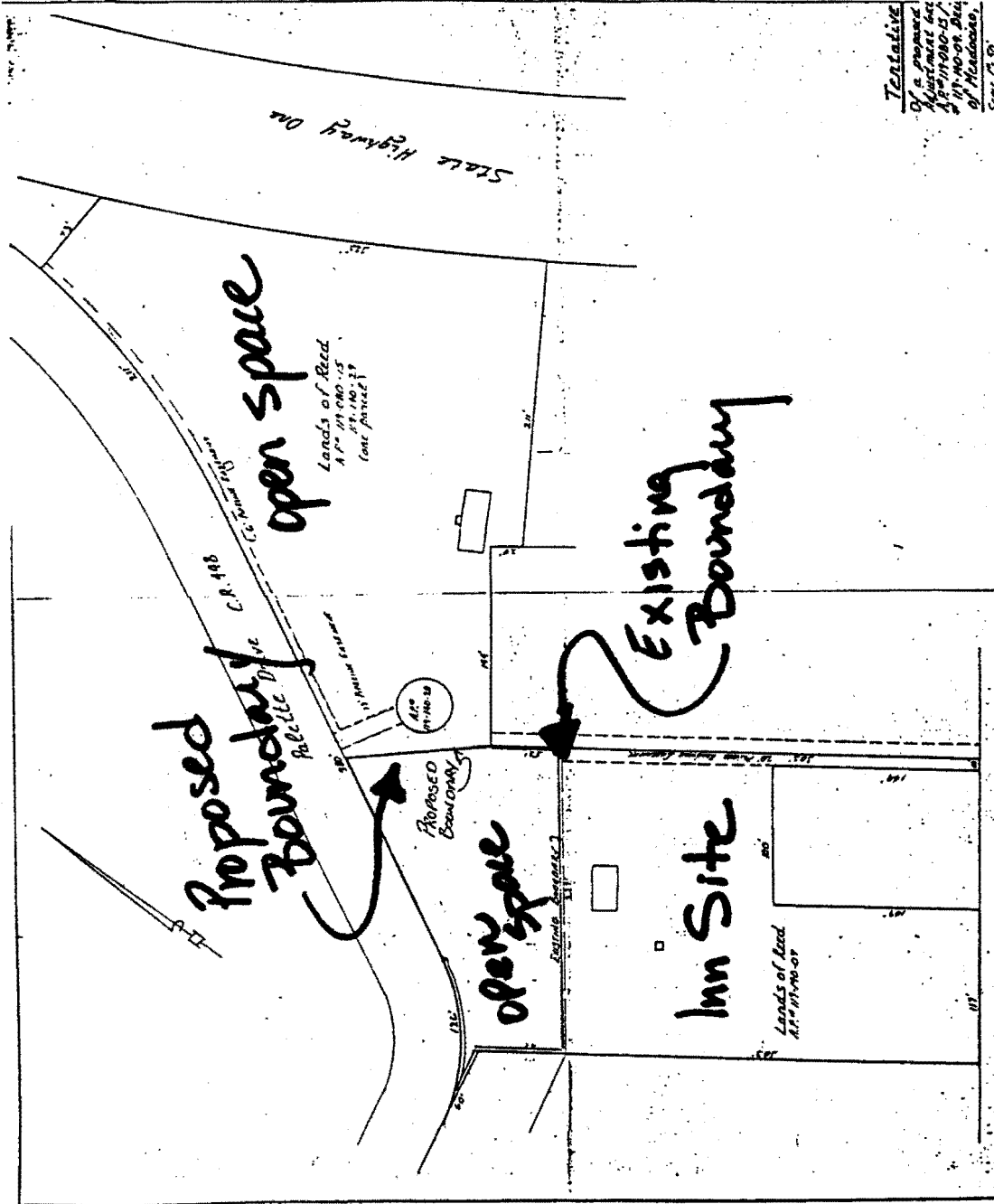


EXHIBIT NO. 2

APPLICATION NO.  
1-87-167-A5 (Reed)

Original Staff  
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EXHIBIT NO. C

APPLICATION NO.  
1-87-167

Reed

California Coastal Commission