

## CALIFORNIA COASTAL COMMISSION

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Filed: June 4, 1996  
 49th Day: July 23, 1996  
 Staff: Jo Ginsberg  
 Staff Report: June 21, 1996  
 Hearing Date: July 10, 1996  
 Commission Action:

STAFF REPORT: APPEAL

LOCAL GOVERNMENT: Mendocino County

DECISION: Approval with Conditions

APPEAL NO.: **A-1-MEN-96-28**

APPLICANT: **JACKSON-GRUBE FAMILY, INC.**

PROJECT LOCATION: 31502 North Highway One, approximately four miles south of Westport, Mendocino County, APN 15-380-05.

PROJECT DESCRIPTION: Development of a ten-unit inn including (1) remodeling the former (unpermitted) Orca Inn into two guest units, manager's quarters, two kitchens, dining and reception areas, and bathrooms; (2) constructing eight new individual guest cottages; (3) removing five existing structures; (4) remodeling two existing buildings into a laundry and an employee lunchroom; (5) constructing two 18-foot-high observation towers; (6) developing 16 parking spaces; (7) installing new fencing; and (8) placing two new signs at the entrance.

APPELLANTS: **(A) Sierra Club Mendocino/Lake Group and Mendocino Coast Watch Group;**  
**(B) Jackson-Grube Family, Inc.**

SUBSTANTIVE FILE DOCUMENTS: Mendocino County Local Coastal Program; Mendocino County CDU #9-95; Coastal Permit Appeal No. A-1-MEN-96-16.

STAFF NOTE:

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

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed inn is located between the sea and the first public road paralleling the sea.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. Since the staff is recommending No Substantial Issue, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would proceed to a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the permit application, because the proposed development is between the first road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

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SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeals have been filed.

Two appeals have been filed in this matter. In the first appeal (A), the appellants contend that the development does not conform to the policies of the LCP regarding visual resources, location of new development, and traffic impacts. However, the project as approved by the County does not raise a substantial issue with the requirements of the LCP regarding visual resources in that (a) public views will be protected, (b) adverse impacts to visual resources will be minimized, and (c) new development in highly scenic areas will be subordinate to the character of the area due to landscape screening and clustering of buildings.

Second, the development as approved by the County does not raise a substantial issue with the requirements of the LCP regarding location of new development in that (a) the project is sited where there are services able to accommodate it (water and septic capacity) and where it will not have a significant adverse impact on coastal resources, and (b) the certified LCP already designates the site for inn use.

Third, the development as approved by the County does not raise a substantial issue with the requirements of the LCP regarding traffic impacts in that the Level of Service for the nearby road segment will be B under the 75/50 development scenario for the year 2020, which is considered acceptable.

In the second appeal (B), the project applicant claims that the County did not proceed in a manner required by law and Section 30212(a) of the Coastal Act. All but one of this appellant's contentions regarding public access are invalid grounds for appeal, however, as they do not contend that the project is not consistent with the LCP's public access policies, but, rather, that the findings supporting the special condition regarding public access attached by the County to the permit are improper. Finally, the development as approved by the County does not raise a substantial issue with Section 30212 of the Coastal Act because the County's application of Section 30212, consistent with its certified access policies, is not unreasonable.

The Motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 4.

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I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeals have been filed. Staff recommends a YES vote on the following motion:

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-96-28 raises NO substantial issue with respect to the grounds on which the appeals have been filed.

To pass the motion, a majority of the Commissioners present is required. Approval of the motion means that the County permit is valid.

II. Findings and Declarations.

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS

The Commission received an appeal for this project from the Sierra Club Mendocino/Lake Group and Mendocino Coast Watch Group (Appellants A) and from the applicant, Jackson-Grube Family, Inc. (Appellant B). The Sierra Club and Mendocino Coast Watch Group (Appellants A) raise the issues of protection of visual resources, location of new development, and traffic impacts while the applicant (Appellant B) objects to the public access condition and a portion of the design restriction condition attached by the County to the permit. The two groups of appellants submitted lengthy attachments to their appeal forms, discussing their concerns. These attachments are included as Exhibits No. 9 and 10, and the concerns raised in the attachments are summarized below.

The appellants contentions involve the following issue areas:

1. Visual Resources.

Appellants A contend that the project will result in significant adverse impacts on visual resources, is out of character with surrounding development, and will block public views of the ocean, inconsistent with LUP Policies 3.5-1, 3.5-3, and 3.5-4.

2. Locating New Development.

Appellants A contend that the proposed development is not sited in a suitable location, and is inconsistent with LUP Policy 3.9-1, which states that new development should be located in or in close proximity to existing areas able to accommodate it.

3. Traffic Impacts

Appellants A contend that the proposed project will have significant adverse impacts on Highway One traffic. They ask the Commission to consider the failure of Mendocino County to accomplish either of the required 5-year updates of its Coastal Plan since certification in 1985, in light of new traffic, certificate of compliance, and resource depletion problems, especially water supply and highway capacity depletions.

4. Public Access.

Appellant B objects to the public access condition attached to the permit by the County, which requires recordation of an offer to dedicate to a public agency or private association an easement for public access and passive recreational use along the blufftop above the shoreline, and also requires vertical access from Highway One to the lateral access. Appellant B states:

1. Imposition of a public access condition in the circumstances of this case is an impermissible taking because it violates the holdings in the Nolan [sic], Dollan [sic], and Ehrlich cases.
2. Imposition of the access condition on the entire parcel is disproportionate to the development.
3. The County did not proceed in a manner required by law and the language of Section 30212(a) of the California Coastal Act.
4. The evidence does not support the decision.

5. Design Restrictions.

Appellant B indicates an objection to the portion of County Special Condition No. 9 that states "Buildings and improvements shall have the exterior colors of wood or earth tones to the satisfaction of the Planning and Building Director." The reasons included by the appellant for objecting to this condition concern public access policies and findings, rather than visual resource policies, and are not relevant to the special condition to which the appellant objects.

B. LOCAL GOVERNMENT ACTION

The project was initially approved by the Mendocino County Planning Commission on February 1, 1996 with a number of special conditions, including two special conditions added by the Planning Commission to those conditions recommended by

staff. Those two added conditions concern landscape screening and a more tightly clustered building envelope for the structures. The Planning Commission deleted a special condition recommended by staff concerning dedication of a lateral public access easement. The project was then appealed to the Board of Supervisors, and on February 26, 1996, the Board denied the appeal and approved the coastal development use permit for the project, subject to special conditions, including a condition requiring an offer to dedicate a lateral and vertical public access easement. Notice of the County's final action was received by the Coastal Commission on March 8, 1996, and the project was then appealed to the Coastal Commission (Appeal No. A-1-MEN-96-16) by three different groups of appellants.

However, due to the inadvertent omission of the two special conditions that had been added by the Planning Commission, on April 16, 1996, the Board of Supervisors voted to reconsider its action of February 26 in order to add conditions requiring landscaping and clustering that had been adopted by the Planning Commission and add additional findings supporting the requirement to offer to dedicate vertical and lateral access. After its decision to reconsider the permit, the County withdrew its Notice of Final Local Action. Based on the County's withdrawal of final local notice, the appeals to the Commission were suspended pending further County action. On May 13, 1996, the Board of Supervisors reconsidered the project and approved it with special conditions, including the two special conditions that had been added by the Planning Commission and inadvertently omitted by the Board in its previous approval. The Board also added additional findings on public access.

In approving the project, the County imposed 18 special conditions. Special conditions attached to the local permit addressed such issues as revegetation of disturbed areas, drainage, water quality, sewage, exterior lighting, undergrounding of utilities, signage, archaeological resources, public access, highway encroachment, forestry clearance, reduction of observation tower height, landscape screening, and building envelope. The County's final conditions of approval are included as Exhibit No. 8.

The North Coast Area office of the Commission received notice of the County's final action on the reconsidered coastal development use permit on June 3, 1996. Two of the three original appellants chose to proceed on an appeal of the reconsidered permit. The local decision was appealed to this Commission by the Sierra Club Mendocino/Lake Group and Mendocino Coast Watch Group on June 4, 1996 and by the applicant, Jackson-Grube Family, Inc., on June 7, 1996. Both appeals were received within the 10 working day appeal period. The current appeal, renumbered as Appeal No. A-1-MEN-96-28, is scheduled for the Commission meeting of July 10, 1996.

C. PROJECT SETTING AND DESCRIPTION.

The proposed project consists of the development of a ten-unit inn including (1) remodeling the former (unpermitted) Orca Inn into two guest units with private bathrooms (upstairs), manager's quarters, two kitchens, dining and reception areas, and bathrooms (downstairs); (2) constructing eight new individual guest cottages, each approximately 500 square feet in size and 18 feet high; (3) removing five existing unsound structures; (4) remodeling two existing buildings into a laundry and an employee lunchroom and restroom; (5) constructing two 18-foot-high observation towers; (6) developing 16 parking spaces; (7) installing 752 feet of new picket fencing; and (8) placing two new signs at the entrances. Water is to be supplied from wells on the portion of the parcel east of Highway One. Sewage disposal is to be by septic tank and leach field. Effluent will be pumped to the leach field located between the inn and Highway One, north of the driveway to the site.

The site consists of a portion of a 400-acre parcel that extends on both sides of Highway One (see Exhibit No. 3). The development proposal is for a portion of the property located on the west side of Highway One. The 400-acre parcel has several different Assessor Parcel Numbers assigned to it, and is split-zoned with two different designations (RMR-20 for most of the western portion, and Rangeland for the eastern portion and a small bit of the western portion). It is, however, one legal parcel.

The portion of the property on which the development is proposed is zoned in the County's LCP as Remote Residential-20 acre minimum: Planned Development \*1C (RMR-20:PD \*1C), meaning that there may be one parcel for every 20 acres, and that the parcel is designated for small-scale farming and low density agricultural/residential uses. The asterisk designation indicates that a 10-unit inn or 4-unit Bed and Breakfast facility is allowed on the site with a conditional use permit. According to the County, the Planned Unit Development designation was added with the objective that development on the property would be clustered. The Planned Unit Development regulations require that new development be subject to review of a site plan to ensure maximum preservation of open space, protection of views from public roads, and resource protection while allowing development provided for by the Coastal Plan. The portion of the 400-acre parcel that is east of Highway One, as well as a small portion of the parcel on the west side of Highway One, is designated Rangeland (RL).

The subject property is located approximately four miles south of Westport and one mile north of Abalobadiah Creek. The subject parcel is in a designated "Highly Scenic Area," subject to additional protection of visual resources. Three small unnamed watercourses flow westerly across the parcel. No sensitive habitat was found on the parcel.

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In September 1984, the Coastal Commission approved an application for conversion of a single-family residence into a four-unit bed and breakfast inn, subject to conditions including an offer of dedication of public access. Since prior to issuance conditions were never met, the permit was never issued and expired. Although no valid coastal development permit ever issued, apparently an inn was operated at the subject site for several years without a coastal permit and was known as the Orca Inn (no longer in operation).

**D. SUBSTANTIAL ISSUE ANALYSIS.**

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

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

**1. Appellants' Contentions That Are Not Valid Grounds for Appeal:**

Several of the contentions raised in this appeal are not valid grounds for appeal because they are not supported by any allegation that the development is not consistent with the County's certified LCP or with the public access policies of the Coastal Act. These are listed and discussed below.

**a. Public Access.**

Appellant B (the applicant) objects to Special Condition No. 13 of the County's coastal permit, which requires recordation of an offer to dedicate public access. The appellant gives several reasons for why this condition should not be imposed, as described below:

1. Imposition of a public access condition in the circumstances of this case is an impermissible taking because it violates the dual holdings of the United States Supreme Court in Nolan v. California Coastal Commission (1987) 483 U.S. 825, and Dollan v. City of Tigard (1994) 114 S.Ct., as well as the recent holding of the California Supreme Court in Ehrlich v. City of Culver City (1996) 96 Daily Journal D.A.R. 2558. [sic]

**Discussion:** This contention is not a valid ground for appeal. The Commission's appellate jurisdiction is limited to the types of development described in Public Resources Code Section 30603(a) and the grounds described in Section 30603(b). Consequently, on appeal, the Commission considers the substantive compliance of the development with the certified Local Coastal Program and the access policies of the Coastal Act. These are not the grounds asserted by the applicant. The appellant's attorney himself states:



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This appeal, while sincere, is precautionary in the sense that there appears to be no clear basis upon which the commission can act with respect to the issue presented...Here applicant is not appealing either the approval or the denial of the project, but rather the imposition of an access dedication as a condition of approval. Hence, there appears to be no clear-cut basis for a simple appeal of the access condition as a result of which the commission may lack jurisdiction in the matter.

Thus, the Commission finds that the applicant/appellant's above-referenced contention does not constitute a valid basis for appeal of the project.

2. Imposition of the access condition on the entire parcel, when less than ten percent (10%) of the entire parcel is actually committed to the development, is unreasonable, burdensome, and unnecessary to effectuate any applicable policies.

Discussion: This contention does not allege that the development does not conform with the certified LCP or Coastal Act access policies, and is outside the scope of the Commission's appellate review authority.

3. The County did not proceed in a manner required by law and the evidence does not support the decision.

Discussion: These contentions are not valid grounds for appeal of the local decision, as the appellant does not allege that the development does not conform with the certified LCP or public access policies of the Coastal Act.

b. Coastal Plan Review.

Appellants A (Sierra Club and Mendocino Coast Watch) contend that the Coastal Plan review and update has not taken place on a comprehensive, cumulative basis. They state:

Important new problems are traffic, the proliferation of Certificate of Compliance and Coastal Plan Amendment applications, and the existing problem of a cumulative impact analysis of designated visitor serving facilities never having taken place. All of these coastal plan problems should be thoroughly reviewed in a project EIR.

Discussion: This contention does not qualify as a valid ground for an appeal because it is not an allegation that the development does not conform to the certified LCP or the public access policies of the Coastal Act. The issue of whether the County properly conducted its five-year review of the Coastal Plan is not relevant to the consistency of the project with the provisions of the LCP.

c. Visual Resources.

1. Appellant B objects to a portion of County special condition No. 9, which states that "Buildings and improvements shall have the exterior colors of wood or earth tones to the satisfaction of the Planning and Building Director." The appellant's reasons for objecting to this condition refer to public access policies and findings.

Discussion: As stated above, on appeal, the Commission may only consider whether the development conforms to the standards set forth in the certified Local Coastal Program and the Chapter 3 access policies. Appellant B, here the project applicant, is instead challenging Special Condition 9. Such a challenge is outside the scope of the Commission's appellate review.

2. Appellants' Contentions That Are Related to LCP or Public Access Policies (Valid Grounds for Appeal):

Several of the contentions raised in the appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP or with the public access policies of the Coastal Act. Upon further review, however, the Commission finds that these contentions do not raise a substantial issue.

Public Resources Code section 30625(b) states that the Commission shall hear an appeal unless it determines:

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

As discussed above, the grounds for an appeal identified in section 30603 concern whether the challenged development conforms to the standards in the LCP and the public access policies found in the Coastal Act. The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal.Code Regs., tit. 14, section 13115(b).) In the absence of more detailed standards in the Coastal Act or the accompanying regulations for determining whether an appeal raises a substantial issue, there is good reason to determine the Coastal Act affords the Commission considerable discretion to determine when to exercise its appellate jurisdiction over local coastal permit decisions.

First, the Commission's broad discretion to accept appeals is inherent in the structure of an LCP process that depends for its success on a cooperative sharing of authority between the Commission and local governments. After the

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adoption of their local coastal programs, local governments become the chief permitting authority. The Commission's appellate authority is restricted to certain types of developments and certain geographical areas. Even in these situations, Section 30603 of the Coastal Act makes the Commission's exercise of appellate authority discretionary, not mandatory. If the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's underlying coastal permit decision. (See Code Civ. Proc., section 1094.5.)

Moreover, it also is significant that the Coastal Act sets out "minimum" standards and policies with which local governments must comply. (Yost v. Thomas (1984) 36 Cal.3d 561, 572.) Local governments also have the discretion to adopt LCP provisions of local interest that are more restrictive than, but not in conflict with, the Act. (Ibid.) Where these local interest provisions are the only ones implicated by an appeal there is no compelling reason for the Commission to exercise its appellate authority. A rule requiring that the Commission hear an appeal merely because there is a dispute over an LCP provision might require the Commission to intervene in the permitting process even where both of the conflicting LCP interpretations satisfied Coastal Act policies.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County presents no substantial issue.

a. Public Access.

1. Appellant B (applicant) objects to the imposition of County Special Condition No. 13, which requires dedication of a public access offer. The appellant gives a number of reasons why this condition should not be imposed. The Commission determined that most of those reasons do not constitute grounds for appeal, but one reason, while not raising a substantial issue, does constitute potential grounds for appeal in that the appellant argues that the County did not proceed in a manner consistent with Coastal Act Policy 30212(a). Regarding the access condition, the appellant states:

The evidence does not support the decision...The staff report containing recommendation of the access condition is devoid of any justification for a required access dedication, containing only a recital of Coastal Plan policies and the conclusion that "the proposed development satisfied the criteria for which an offer of access dedication is required." No facts were introduced at either the Planning Commission or on the other hand, Supervisorial level to support the foregoing conclusion. The applicant submitted evidence substantially supporting exemption from an access dedication on each

of the three grounds set forth in California Public Resources Code 30212(a).

In addition, at the County Planning Commission hearing, the applicant (Appellant B) expressed concern with impacts to agricultural operations from public access and discussed availability of nearby public access.

Discussion: Coastal Act Section 30212(a) states as follows:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The Planning Commission did not require public access because of the existing cattle operation, the fragility of the bluff retreat, access to the north and south of the site, and the lack of evidence of a nexus. In contrast, the Board of Supervisors required the applicant to provide lateral and vertical access. The County's findings explicitly require access in response to numerous LUP access policies and specifically find that the proposed development is consistent with the Chapter 3 access policies of the Coastal Act. Although the County's findings do not explicitly address section 30212(a), the arguments and evidence in the record regarding access include:

Availability of mitigating measures to manage the type, character, intensity, hours, season, or location of such use so that agricultural resources, fragile coastal resources, and public safety are protected.

Policy 3.6-6, which calls for access points to be at frequent rather than infrequent intervals along the coast.

Policy 3.6-1, which requires that visitor accommodations and services provide access.

The Coastal Plan Map, which shows a proposed trail along the bluff top on the applicant's property.

Policy 3.2-12, which states: Where the lands west of Highway 1 are designated Rangeland or Agriculture, no vertical or lateral blufftop access shall be required at this time if it is found that the effects of the proposed access could not be mitigated and therefore would adversely affect the agricultural operation. Should the Agricultural use of the land be changed or augmented by use or uses other than Agriculture then offers for vertical and lateral a access shall be obtained consistent with Policy 3.6-5.

The portion of the applicant's parcel subject to the proposed trail shown on the Coastal Plan Map is not designated Rangeland or Agriculture, and therefore is not subject to the relief from access dedication provided by Policy 3.2-14.

The Commission finds that contrary to Appellant B's assertion, the proposed development does not raise a substantial issue with Section 30212(a) of the Coastal Act. The "fragile coastal resources" to which the appellant refers apparently is the bluff, which is apparently eroding. Special Condition No. 13 requires that the access easement to be offered for dedication "shall be 25 feet wide located along the blufftop as measured inland from the daily blufftop edge. As the daily blufftop edge may vary and move inland, the location of the easement will change over time with the bluff edge."

The Commission finds that the County's decision that the required access easement will not adversely affect protection of the fragile bluff does not raise a substantial issue for many reasons. First, pursuant to the condition, the easement will move as the bluff edge moves, so there will always be a 25-foot-wide easement within which pedestrians may walk. Twenty-five feet is an adequate width to allow pedestrians to remain back from the fragile bluff edge. In addition, at such time as a responsible agency accepts the easement for management, measures may be taken to ensure protection of the bluff, such as erection of a fence or signage.

Furthermore, the "fragile coastal resources" referred to in Section 30212(a)(1) have generally been taken to mean environmentally sensitive habitat areas, such as rare and endangered plants or riparian/wetland habitat, rather than eroding bluffs. The subject parcel does not contain any sensitive habitat in the area of the required access trail that will be adversely affected by the trail. The botanist who surveyed the site found specimens of the rare and endangered plant species Castilleja mendocinensis (Mendocino coast paintbrush) on the top and face of the ocean bluff, but these specimens are located on a separate parcel unaffected by the proposed development or required access trail (see Exhibit No. 3).

Appellant B further contends that there is adequate access nearby the site, so access need not be provided on the site. In fact, the County when it prepared its LCP, and the Commission when it certified it, found that there was not adequate access in this area. The LUP map for this area indicates a public access trail should be located along the blufftop on the subject parcel.

In regards to the adequacy of nearby access, the County specifically found that:

The applicant proposes to develop a 10 unit visitor facility on an oceanfront parcel between the first public road and the sea. . . . Development of a visitor facility at Newport will provide overnight accommodations in an area where no overnight accommodations now exist. The opportunity for visitors to stay overnight in the area will result in the increased use of nearby public beaches. The required offer of dedication, once developed, will provide additional coastal access, thereby reducing the impact to existing public beaches in the area.

The applicant has not pointed to any new evidence that contradicts these earlier decisions by the County and the Commission. Staff review of recent development activity in this area reveals there is still no public access area along a two-mile stretch of the shoreline which includes the project site. Consequently, the Commission finds that it was reasonable for County to find adequate access did not exist nearby.

Appellant B also contends that the provision of public access on the subject site would adversely affect agriculture. Although there is no agricultural use of the portion of the site on which the inn is proposed, there is apparently some cattle grazing on the portion of the parcel to the north of the inn site. However, as the County specifically states in their findings of approval, the portion of the applicant's parcel subject to the access condition is not designated Rangeland or Agriculture, and so is not prime agricultural land reserved for just those uses and with which public access use would conflict. Further, should the offer of dedication be accepted by a responsible agency, measures could be taken to ensure that public use of the trail would not adversely affect agriculture, such as erection of a fence to separate access use from cattle grazing.

In these circumstances, the County's interpretation of Section 30212(a) is not unreasonable. The Commission therefore finds that substantial issue with Section 30212(a) of the Coastal Act is not raised by the proposed development.

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b. Visual Resources

1. Appellants A contend that the proposed development is inconsistent with several LUP policies regarding visual resources, including Policies 3.5-1, 3.5-3, and 3.5-4. The appellants state that the development fails to protect public views from Highway One across a spectacular ocean terrace to the sea, and is not compatible with the established physical scale of this remote, agricultural area, now free of commercial development. The appellants further state that the project site is visible for miles, from public roads and public lands; that the approximately doubling of the scale will further degrade and block an already degraded viewshed; that glare from cars will be highly visible as will be exterior and interior lights at night; that such a major commercial complex will be totally out of character with the rural setting; that no amount of screening or clustering will conceal its incompatible scale, and that it will stand out for miles on the open bluff.

The project site is located on a broad, open coastal terrace, is in a designated Highly Scenic Area, and is visible from a considerable stretch of Highway One. With the exception of a single tree near the existing residence, there is almost no vegetation in the area other than coastal grasses. The existing structures are grouped approximately 500 feet from the highway. The proposed development includes remodeling the main existing structure and two other existing structures, removing five existing unsound structures, and constructing eight new cottages, two observation towers, 16 parking spaces, fencing, and signs.

Recognizing the potential for significant adverse impacts to visual resources, the County conditioned the coastal permit to minimize such impacts to the public viewshed.

Special Condition No. 18 requires that the applicant submit a revised site plan which clusters the cabin units within a smaller building envelope (see Exhibit No. 4). Specifically, the northeastern cabin unit and the two southeastern units shall be relocated to within this building envelope. This condition will ensure that the development is consistent with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(7)(b), which require that visual impacts on terraces be minimized by clustering structures.

Special Condition No. 9 imposes design restrictions, requiring lighting fixtures, both interior and exterior, to be designed and/or located so that only reflected light is visible beyond the applicant's parcel boundaries, and requiring that buildings and improvements have the exterior colors of wood or earth tones. This condition ensures that the project is consistent with LUP Policy 3.5-3, which requires new development in highly scenic areas to be

subordinate to natural setting and minimize reflective surfaces; with Zoning Code Section 20.504.015(C)(3), which requires in highly scenic areas building materials including siding and roof materials to be selected to blend in hue and brightness with their surroundings; and with Policy 3.5-1, which requires new development in highly scenic areas to be visually compatible with the character of surrounding areas.

Special Condition No. 10 requires that all utility lines on the site, including the existing overhead utility lines from the east side of Highway 1 to the inn site, be placed underground, and existing poles removed. This condition ensures that the project is consistent with LUP Policy 3.5-8, which requires transmission lines to be placed underground west of Highway One in highly scenic areas where overhead transmission lines cannot be located along established corridors, and with Zoning Code Section 20.504.015(C)(12), which requires power distribution lines to be placed underground in designated "highly scenic areas" west of Highway One.

As originally proposed, the two 4' by 8' lighted signs at Highway One on either side of the driveway leading to the site exceeded the maximum sign area allowed by the County Code and did not meet required setbacks. Special Condition No. 11 requires that proposed on-site signs shall conform to area and setback requirements of the Mendocino County Code. Zoning Code Section 20.476.025(I) requires that signs conform to setbacks, which in this case are 50 feet from the property line or 90 feet from the Highway 1 centerline, whichever is greater. Section 20.476.025(J) limits total sign area to 40 square feet. Special Condition No. 11 will ensure consistency with these Zoning Code provisions.

As originally proposed, the two observation towers would be 28 feet in height, which is inconsistent with the LCP. Special Condition No. 16 requires that the two observation towers shall be limited to a maximum height of 18 feet, consistent with LUP Policy 3.5-3, which requires new development in highly scenic areas to be limited to one story and to be subordinate to natural setting, and with Zoning Code Section 20.504.015(C)(2), which states that new development in highly scenic areas west of Highway One shall be limited to 18 feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.

Special Condition No. 17 requires that the applicant submit a landscaping plan prepared by a qualified landscape architect to partially screen the existing and proposed buildings and parking areas from view from Highway 1 and neighboring parcels to break up the views of the structures rather than to provide a totally impenetrable screen which would adversely affect views of the ocean. This condition will ensure that the proposed development is consistent with LUP Policy 3.5-5, which states that tree planting to screen buildings shall be encouraged, providing that trees will not block coastal



**A-1-MEN-96-28**  
**JACKSON-GRUBE FAMILY, INC.**  
Page Seventeen

views from public areas such as roads, parks and trails, and with Zoning Code Section 20.504.015(C)(10), which states that tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas.

The Commission thus finds that while the proposed development will be visible from Highway One and is located in a designated Highly Scenic Area, the numerous special conditions attached to the permit by the County and discussed in detail above minimize impacts to visual resources such that the project as approved and conditioned by the County of Mendocino raises no substantial issue with regard to the project's conformity with the LCP's policies on protecting visual resources.

c. Locating New Development.

1. Appellants A contend that the proposed development is inconsistent with LUP Policy 3.9-1, which states that new development should be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. The appellants further contend that the subject site is not suitable, that it is not in close proximity to existing developed areas, that there are no visitor serving uses for five miles in either direction, and that no commercial development exists in the 12 miles between Cleone and Westport, which is one of the longest stretches of uncommercialized coastline accessible in the County. Fort Bragg, the only source of vital services, is 10 miles south. County services would be stretched; emergency response time would be close to half an hour.

Discussion: The hydrological study done for the site concluded that there is an adequate supply of water available for the proposed inn, and that pumping underlying groundwaters will not deplete adjacent groundwater supplies. Sewage disposal for the proposed project will be by private septic tank and leach field, and a site evaluation report has been prepared, with a preliminary disposal system designed that must meet County standards. The County has conditioned the permit to ensure that potential adverse impacts upon water quality from the development of the septic system on the property are mitigated and that the disposal system is consistent with Coastal Plan policies.

The LUP designation of the project site is Remote Residential-20 acre minimum: Planned Development, with specific provision for a conditional 10-unit visitor serving facility. Chapter 4.2 of the LUP states that provision has been made for a proposed inn at Newport on the Hemenway Ranch (subject site). According to Planning Commission minutes during development of the Coastal Plan, the Planned Unit Development designation was added with the objective that development on the property would be clustered. As conditioned by the County,

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**JACKSON-GRUBE FAMILY, INC.**  
Page Eighteen

the proposed inn units are clustered in the area of the existing structures on the site and the project is consistent with the LUP designation for the site. The Commission therefore finds that no substantial issue exists with regard to locating new development.

d. Traffic Impacts.

1. Appellants A contend that Little Valley Road to Fort Bragg is at road Level of Service E, which is one step above gridlock, and that other projects in the area will add to traffic impacts on already strained Highway One, inconsistent with LUP Policy 3.5-1, which states that State Highway One in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road.

Discussion: The State Route 1 Corridor Study prepared for the County in 1994 found the existing level of service for the roadway segment north of Ten Mile River was LOS B at peak times, which is considered acceptable, with no change under the 75/50 development scenario through the year 2020. The section of Highway One to which the appellants refer is not the road segment closest to the subject site, but is located approximately five miles south of the subject site. Therefore, the Commission finds that no substantial issue exists with regard to traffic impacts.

G. CONCLUSION.

In summary, for the reasons stated above, the Commission finds that no substantial issue exists with respect to the grounds on which the appeals have been filed.



PACIFIC OCEAN  
SITE  
I →

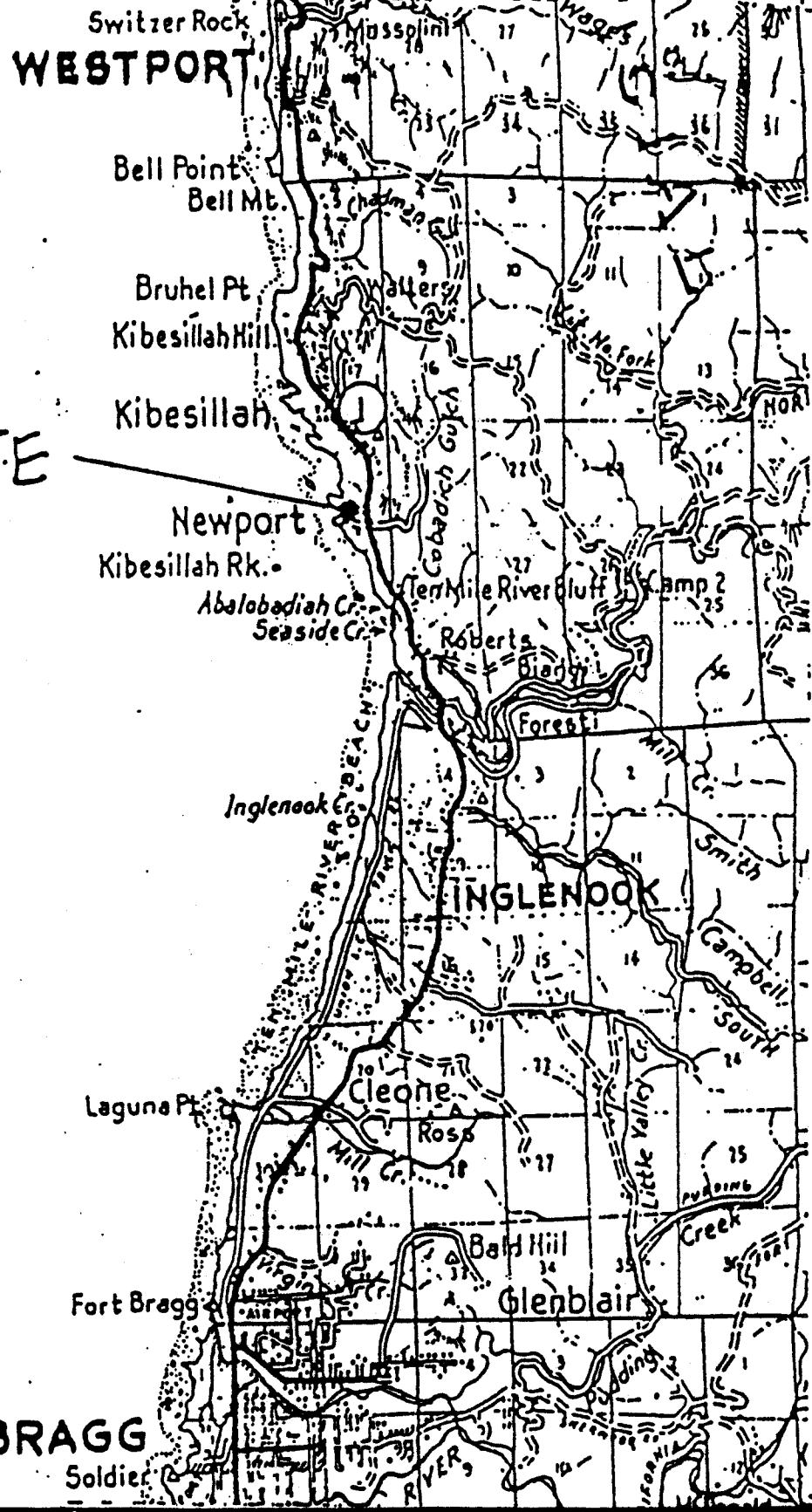


EXHIBIT NO. 2

APPLICATION NO.  
A-1-MEN-96-28

VICINITY MAP

OWNER:  
JACKSON GRUBE FAMILY, INC.

AGENT:  
BUD KAMB

80-05

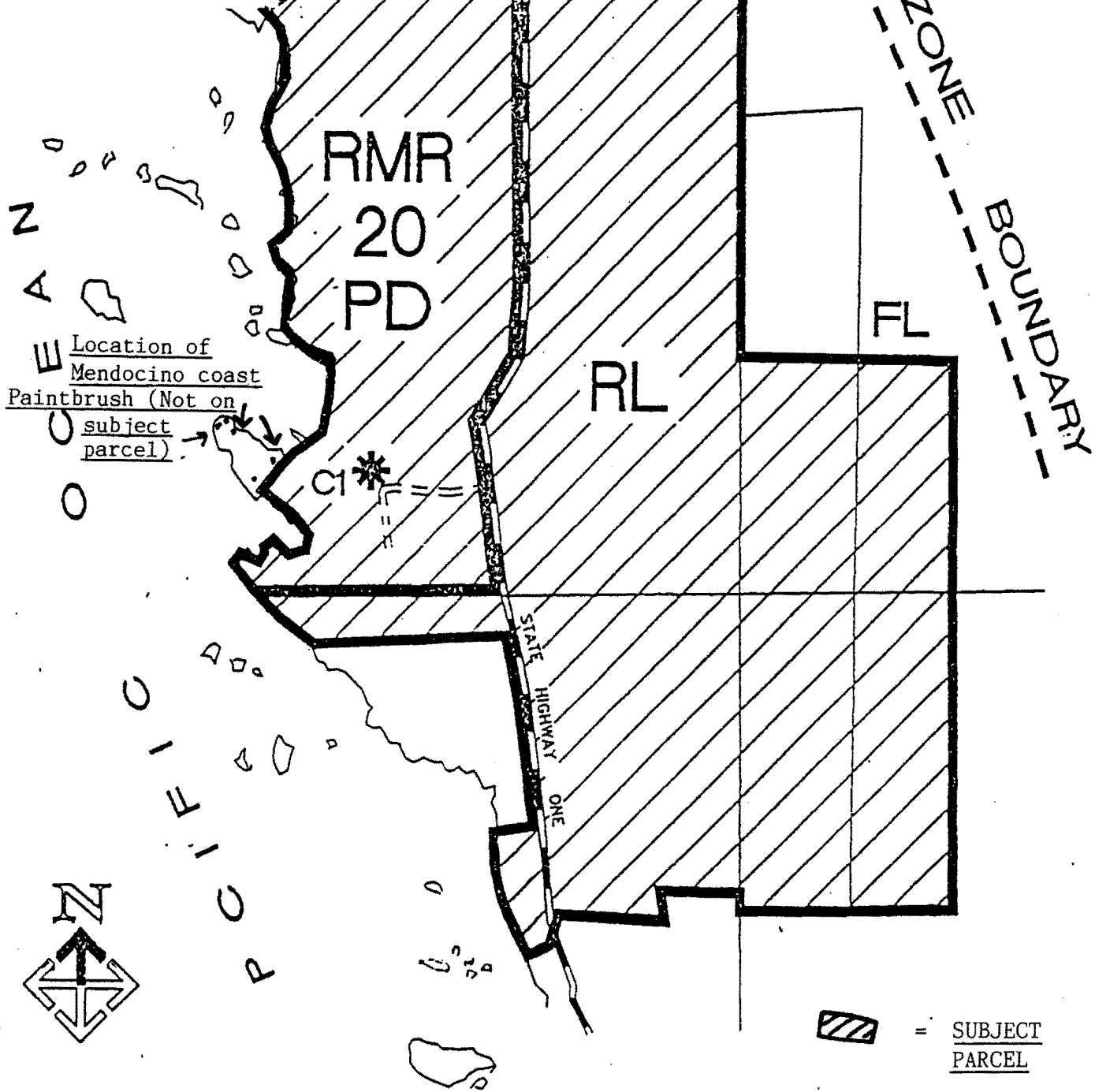
LOCATION MAP

SCALE:  
NONE




NORTH

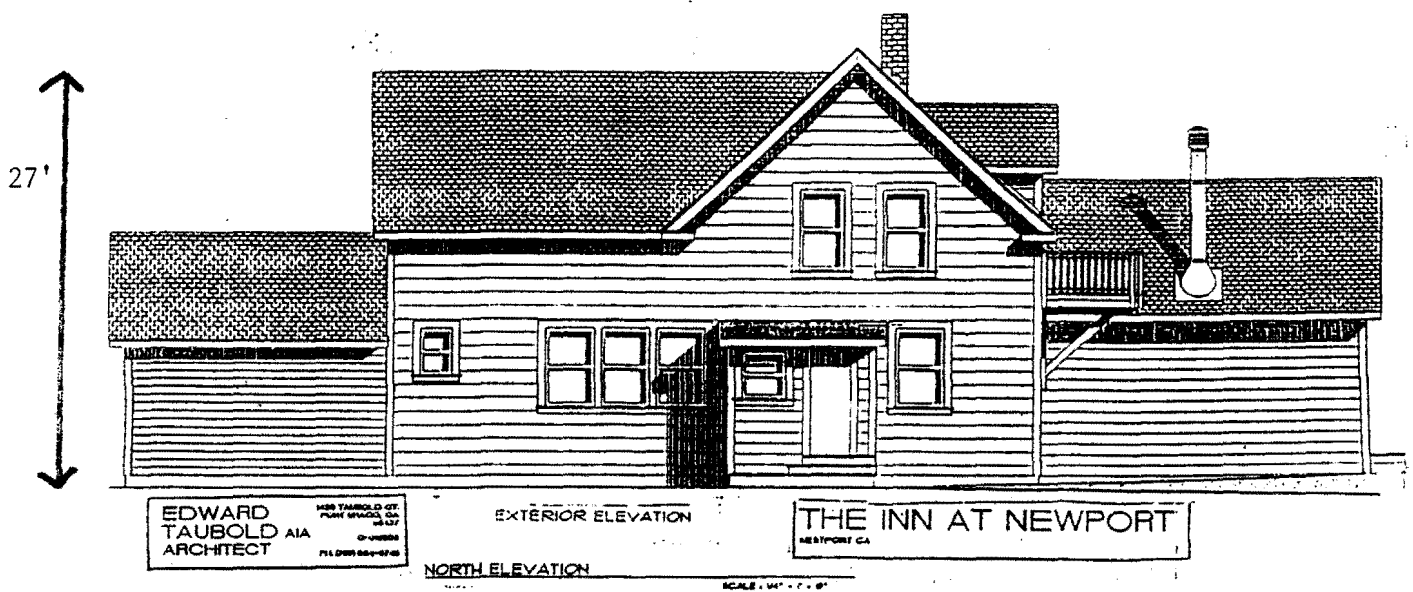
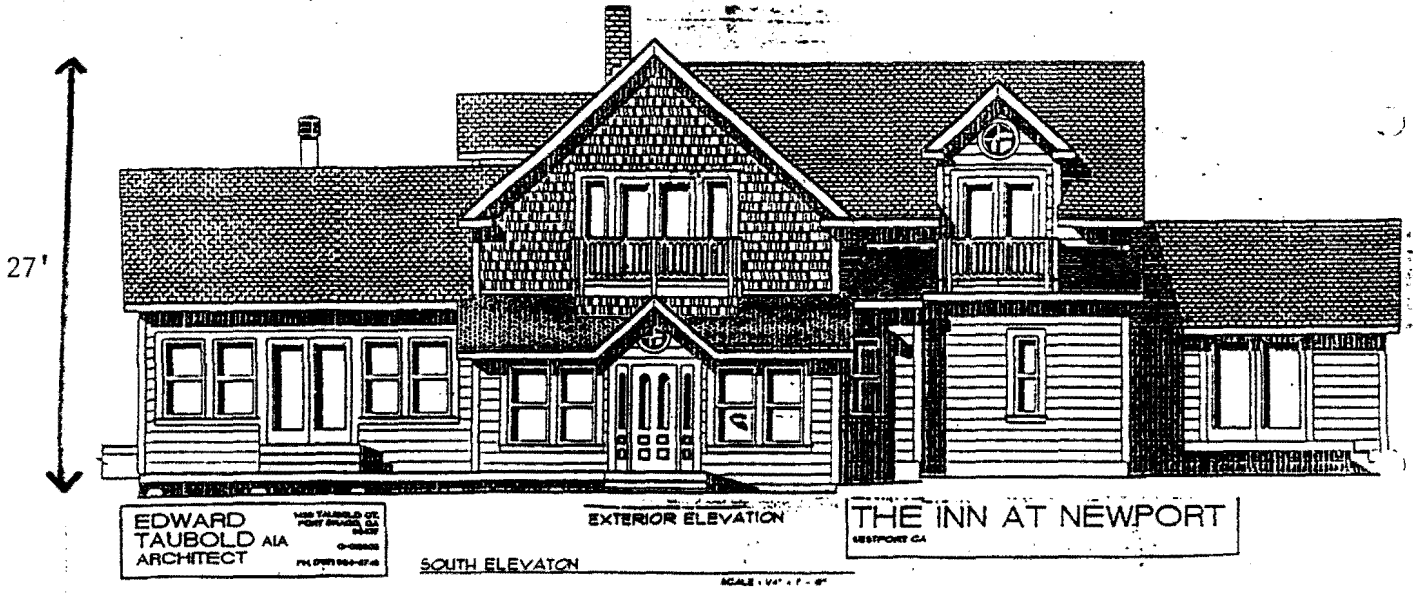
**EXHIBIT NO.** 3  
**APPLICATION NO.**  
 A-1-MEN-96-28  
**PARCEL CONFIGURATION**  
**LOCATION OF**  
**MENDOCINO PAINTBRUSH**



# PARCEL MAP

<b>CASE NUMBER:</b> CDU 9-95	<b>OWNER:</b> JACKSON GRUBE FAMILY, INC.	<b>AGENT:</b> BUD KAMB
<b>A/P NUMBER:</b> 15-380-05	<b>PARCEL CONFIGURATION</b>	<b>SCALE:</b> None
		 <b>NORTH</b>





<b>EXHIBIT NO.</b>	5
<b>APPLICATION NO.</b>	A-1-MEN-96-28
<b>INN ELEVATIONS</b>	

27'



WEST ELEVATION  
CONCRETE FILL  
**THE INN AT NEWPORT**  
WESTPORT CA  
EXTERIOR ELEVATION

SCALE: 1/4" = 1' - 0"

27'

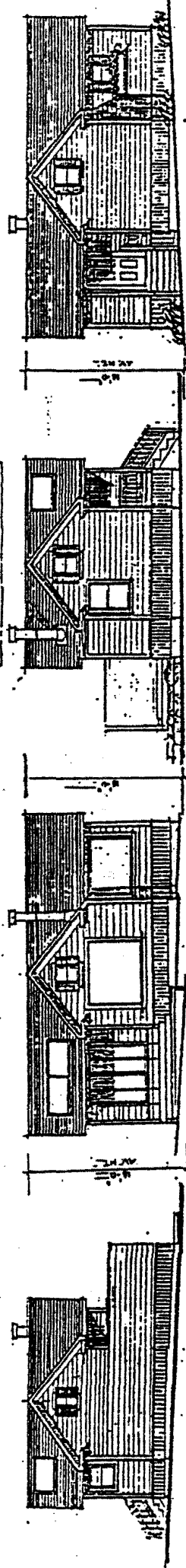


EXTERIOR ELEVATION  
**THE INN AT NEWPORT**  
WESTPORT CA  
EAST ELEVATION

SCALE: 1/4" = 1' - 0"

<b>EXHIBIT NO.</b>	6
<b>APPLICATION NO.</b>	A-1-MEN-96-28
<b>INN ELEVATIONS</b>	





EDWARD TAUBOLD ARCHITECT  
 1000 1/2 1/2  
 1000 1/2 1/2  
 1000 1/2 1/2

THE INN AT NEWPORT  
 WESTPORT, MA

N W S E

TYPICAL EXTERIOR ELEVATIONS SCALE 3/4" = 1'-0"

**EXHIBIT NO.** 7  
**APPLICATION NO.**  
 A-1-MEN-96-28  
**COTTAGE ELEVATIONS**

<b>EXHIBIT NO.</b>	8
<b>APPLICATION NO.</b>	A-1-MEN-96-28
<b>COUNTY FINAL FINDINGS AND</b>	
<b>CONDITIONS OF APPROVAL</b>	

FINAL FINDINGS AND CONDITIONS OF APPROVAL  
#CDU 9-95, JACKSON GRUBE FAMILY, INC.

**FINDINGS:**

**Environmental Finding:** The Board of Supervisors finds that no significant environmental impacts are anticipated which will not be adequately mitigated and therefore adopts a Negative Declaration.

**General Plan Findings:** The Board of Supervisors finds that the proposed visitor serving facility, subject to conditions of approval, is consistent with applicable goals and policies of the General Plan and the Coastal Element.

**Coastal Development Permit Findings:** The Board of Supervisors finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
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.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

**Findings Supporting the Requirement for an Offer of Dedication:**

1. The applicant proposes to develop a 10 unit visitor facility on an ocean front parcel between the first public road (Highway One) and the sea.

2. The County's Coastal Plan Land Use Map shows a proposed trail along the bluff top on the applicant's parcel.
3. Coastal Plan Policy 3.6-5 (and Code Section 20.528.010(A)) requires, as a condition of issuing a coastal development permit on a parcel on which access is delineated on the land use plan, that an offer to dedicate an easement for public access purposes be recorded. The policy also requires that an offer of dedication of vertical access be recorded in conjunction with development of visitor accommodations on oceanfront parcels.
4. Coastal Plan Policy 3.6-6 requires that shoreline access points be at frequent rather than infrequent intervals along the coast.
5. Coastal Plan Policy 3.6-9 (and Code Section 20.528.010(A)) requires that an offer to dedicate an easement shall be required for all areas designated on the land use plan maps.
6. Coastal Plan Policy 3.6-11 (and Code Section 20.528.010(B)) requires that visitor accommodations on shoreline parcels shall provide public access to the blufftop and/or shoreline.
7. Coastal Plan Policy 3.6-28 (and Code Section 20.528.035) requires that new development on parcels containing accessways identified on the land use maps shall include an offer to dedicate an access easement.
8. Coastal Plan Policy 4.2-12 calls for vertical access at Newport and lateral access along the bluff top.
9. Coastal Plan Policy 3.2-14 calls for access to be obtained on lands zoned Rangeland or Agriculture when the agricultural use of the land is changed or augmented by a use other than agriculture.
10. In 1984, as a condition of a previous application for a visitor facility at the same location, the Coastal Commission required that an offer of dedication be recorded. The Commission found that the development could limit the accessibility of viewing the shoreline and of utilizing a potential bluff top trail, and that an increase in intensity and density of use of the site could have an impact on access. The Commission found that the project was a priority visitor-serving use, but that it also had the potential for exclusivity as a private resort not permitting access to the general public. The Commission found that the requirement for an offer of dedication of access in exchange for the potential limits to access was a reasonable balance of public and private rights.
11. The project includes removal of 5 existing structures and construction of 8 cabins and two water tank/towers, for a net increase of 5 additional structures on the site. The new structures will be grouped with the existing structures that are to remain. The overall width of the group of structures will remain approximately the same when viewed from the east, however the density of the group will be increased, blocking views of the ocean that currently exist. The required offer of dedication, once developed, will provide alternative opportunity for ocean views compensating for opportunities lost to the proposed development.

**EXHIBIT NO. 8**

**APPLICATION NO.**

A-1-MEN-96-28

**CO. FINAL FINDINGS  
AND CONDITIONS**

12. Development of a visitor facility at Newport will provide overnight accommodations in an area where no overnight accommodations now exist. The opportunity for visitors to stay overnight in the area will result in increased use of nearby public beaches. The required offer of dedication, once developed, will provide additional coastal access, thereby reducing the impact to existing public beaches in the area.

**Project Findings:** The Board of Supervisors, after making the Environmental, General Plan, Coastal Development Permit findings, and the Findings Supporting the Requirement for an Offer of Dedication above, approves #CDU 9-95 subject to the following conditions of approval:

**CONDITIONS OF APPROVAL:**

**A. General Conditions:**

1. This permit shall not become effective until all applicable appeal periods have expired and appeal processes have been exhausted. Failure of the applicant to make use of this permit within 2 years shall result in the automatic expiration of this permit.
2. This entitlement shall not become effective and no work shall be commenced under this entitlement until a fee of \$25.00 is submitted to the Department of Planning and Building Services to cover the cost of filing the Notice of Determination with the County Clerk. The fee must be submitted to the Department of Planning and Building Services by March 1, 1996.
- \*\* 3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
- \*\* 4. The application, supplemental exhibits and related material, including locations, sizes materials and colors of structures shall be considered elements of this entitlement and compliance therewith shall be mandatory, except for changes or conditions approved by the Planning Commission.
5. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
  - a. That the permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which the 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.

<b>EXHIBIT NO.</b>	8
<b>APPLICATION NO.</b>	A-1-MEN-96-28
<b>COUNTY FINAL FINDINGS AND</b>	
<b>CONDITIONS</b>	

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

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.

B. Specific Conditions - Evidence of compliance shall be provided prior to issuance of building permits unless otherwise noted, and compliance shall be maintained for the term of the permit:

- \*\* 1. Construction activities shall be limited to the minimum land area necessary at each individual building site, and care shall be taken to preserve as much natural vegetation as feasible, to reduce impacts on vegetation within the project area. All appropriate measures shall be taken to suppress dust and prevent erosion during and following construction. Revegetation of disturbed areas shall be accomplished as soon as practical after construction activities are completed. If vegetation cannot be established prior to winter rains, other measures shall be employed as necessary to prevent erosion.
- \*\* 2. Drainage ditches and culverts of adequate size or other facilities shall be provided and maintained as necessary to dispose of any runoff from the site without erosion or other adverse water quality impacts. Where possible, runoff should be dissipated onto suitable areas of the site rather than collected in drainage ditches. Adequate drainage facilities shall be in place each year prior to winter rains.
- \*\* 3. Submit acceptable water quality test results and water system design details to the State of California, Department of Health Services, Public Water Supply Branch and the Mendocino County Division of Environmental Health.
- \*\* 4. Submit an acceptable application to operate a public water system to the State of California, Department of Health Services, Public Water Supply Branch and the Mendocino County Division of Environmental Health.
- \*\* 5. Submit an acceptable site evaluation report prepared by a qualified consultant demonstrating acceptable areas for the primary and replacement sewage disposal systems that meet the North Coast Regional Water Quality Control Board's requirements for on-site sewage disposal. The report shall include identifying replacement areas for existing systems.
- \*\* 6. Submit acceptable plans prepared by a qualified consultant for the sewage disposal system to the Mendocino County Division of Environmental Health. The plans shall include, as a minimum, the

<b>EXHIBIT NO.</b>	8
<b>APPLICATION NO.</b>	A-1-MEN-96-28
<b>CO. FINAL FINDINGS AND CONDITIONS</b>	

size and location of disposal fields, specifications for all components of the disposal systems, soil application rates, and other pertinent information.

- \*\* 7. Submit the site evaluation report to the North Coast Regional Water Quality Control Board and obtain their approval, if required.
- \*\* 8. Obtain a sewage disposal system permit from the Division of Environmental Health.
- \*\* 9. All exterior lighting shall be consistent with Mendocino County Code Section 20.504.035. Lighting fixtures, both interior and exterior, shall be designed and/or located so that only reflected light is visible beyond the applicant's parcel boundaries. Buildings and improvements shall have the exterior colors of wood or earth tones to the satisfaction of the Planning and Building Director.
- \*\* 10. All utility lines on the site, including the existing overhead utility lines from the east side of Highway 1 to the inn site, shall be placed underground, and existing poles removed.
- \*\* 11. Proposed on-site signs shall conform to area and setback requirements of the Mendocino County Code.
- \*\* 12. In the event that archaeological resources are encountered during construction of the project, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
- \*\* 13. Prior to this use permit being deemed effective, the applicant shall execute and record a document in form and content approved in writing by the Director of Planning and Building Services irrevocably offering to dedicate to a public agency or a private association approved by the Director, an easement for public access and passive recreational use along the blufftop above the shoreline. The easement shall be 25 feet wide located along the blufftop as measured inland from the daily blufftop edge. As the daily blufftop edge may vary and move inland, the location of this easement will change over time with the bluff edge.

The document shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, beginning on the date of recording.

The offer of dedication shall be prepared and recorded in conformance with the provisions of Section 20.528.049 of the Coastal Zoning Code.

<b>EXHIBIT NO. 8</b>
<b>APPLICATION NO.</b> A-1-MEN-96-28
<b>COUNTY FINAL FINDINGS AND CONDITIONS</b>

Vertical access from Highway One to the lateral access required above, shall be required in accordance with the pertinent policies of the Coastal Element and the Coastal Zoning Code.

- \*\* 14. Prior to use of the facility, the applicant shall submit to the Department of Planning and Building Services documentation from Caltrans that an encroachment permit was obtained for any work within the Highway 1 right of way, and that all conditions of the encroachment permit have been completed.
- \*\* 15. The applicant shall comply with those recommendations in the California Department of Forestry Preliminary Clearance #113-95, dated April 11, 1995, or other alternatives as acceptable to the Department of Forestry. Prior to use of the facility, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
- \*\* 16. The two observation towers shall be limited to a maximum height of 18 feet in conformance with Coastal Plan and Zoning Code requirements.
- 17. Prior to commencing any construction on the project, the applicant shall submit to Planning and Building Services, a landscaping plan prepared by a qualified landscape architect to partially screen the existing and proposed buildings and parking areas from views from Highway 1 and neighboring parcels. The intent of this requirement would be to break up the views of the structures not to provide a totally impenetrable screen which would adversely affect views of the ocean. The landscaping plan shall utilize native vegetation or vegetation characteristically used in the area and shall include specifications for any irrigation system to be used. Prior to occupancy of any structure, the landscaping and appurtenant irrigation system for the structures shall be established.
- 18. The applicant shall submit a revised site plan for the review and approval of the Director of Planning and Building Services which clusters the cabin units within the area presently developed on the site as shown on Exhibit A. Specifically, the northeastern cabin unit and the two southeastern units shall be relocated to within this building envelope.

<b>EXHIBIT NO.</b> 8
<b>APPLICATION NO.</b> A-1-MEN-96-28
<b>COUNTY FINAL FINDINGS AND CONDITIONS</b>

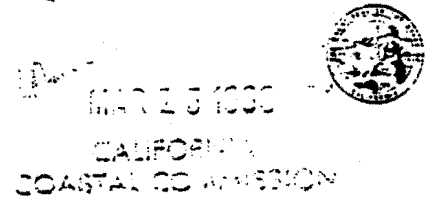
## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

5 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Sierra Club Mendocino Lake Group / Mendocino Coast Watch Group  
Box 2330 Fort Bragg CA 95437 / PCR 195 FB (A 95437) / Kenning  
Ron Guenther, Judith Vidner 964-2342 / (707) 967-1957  
 Zip Area Code Phone No.

SECTION II. Decision Being Appealed

- Name of local/port government: MENDOCINO COUNTY
- Brief description of development being appealed: TIC - 10 UNIT INN 10 MILES NORTH OF FORT BRAGG. Remodel & expand Farm house consist of cabins + service Bldg + 16 parking spaces + 2 observation towers
- Development's location (street address, assessor's parcel no., cross street, etc.): IN COASTAL ZONE 4+ S. OF WESTPORT, 2+ M. N. of ABALOBADIAN CREEK, ON W. SIDE HWY 1; AP # 15-380-05 (part of larger parcel).
- Description of decision being appealed:
  - Approval; no special conditions: \_\_\_\_\_
  - Approval with special conditions: \_\_\_\_\_
  - Denial: \_\_\_\_\_

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

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-1-MED-96-016DATE FILED: 3/18/96DISTRICT: North Coast

H5: 4/88

<b>EXHIBIT NO.</b> 9
<b>APPLICATION NO.</b> A-1-MEN-96-28
<b>APPELLANTS</b> A
<b>APPEAL</b>



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

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

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: Feb 26, 1996

7. Local government's file number (if any): CDU 9-95

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

WILLARD T. JACKSON, PRES. JACKSONGRUBE FARM, INC.  
POB 430  
MIDDLEBURY VT 05753

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

- (1) To Follow  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(3) \_\_\_\_\_  
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(4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are variety of factors and requirements of the Coastal review the appeal information sheet for assistance of this section, which continues on the next page.

<b>EXHIBIT NO.</b> 9
<b>APPLICATION NO.</b> A-1-MEN-96-28
<b>APPELLANTS "A"</b>
<b>APPEAL</b>

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

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

See previously submitted appeal dated Feb 28, 1996 by Sierra Club/Menocino CoastWatch. CDV 9-95 is inconsistent w/ Menocino's LCP policies re:  
pg 28 - criteria for approval of development; 3.9-1 locating new development in areas able to accommodate it. pg 117 lists areas able to accommodate development.  
pg 41 discusses LOS F traffic on ~~State~~ Hwy segment to Ft. Bragg.  
3.5-1 Scenic protection - coastal view shed; 3.5-3 Identify Highly Scenic Areas  
3.5-4 Siting development in HSA; pg 2. "where policies w/in LUP overlap, the policy which is the most protective of coastal resources shall take precedence. See attachments.

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

SECTION V. Certification

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

*Judith Kilborn*  
*Ronnie Wilkins*

Signature of Appellant(s) or Authorized Agent

Date 3/12/96

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

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this

Signature of Appellant(s)

Date \_\_\_\_\_

<b>EXHIBIT NO.</b> 9
<b>APPLICATION NO.</b> A-1-MEN-96-28
<b>APPELLANTS "A"</b>
<b>APPEAL</b>

EXHIBIT NO. 9

APPLICATION NO.

A-1-MEN-96-28

APPELLANTS "A"

APPEAL



SIERRA CLUB MENDOCINO/LAKE GROUP  
BOX 2330 FORT BRAGG, CA 95437  
707-964-2742

**Mendocino CoastWatch Group**

P.O. Box 198  
Fort Bragg, Ca 95437  
707-961-1953

May 28, 1996

Attn.: Jo Ginsberg  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, California 94105-2219

RECEIVED

MAY 29 1996

CALIFORNIA  
COASTAL COMMISSION

RE: Appeal from local government decision Mendocino County #CDU 9-95  
(Jackson/Grube).

Members of the Commission:

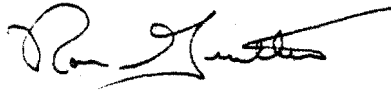
Finding none of our concerns for the Jackson/Grube development proposal dealt with adequately under the Coastal Act by Mendocino County on May 13, 1996, we herewith re-submit our February 28, 1996, Appeal from Local Government Decision for Mendocino County #CDU-9-95(Jackson/Grube), together with our Supplement to Appeal of March 12, 1996.

We ask the Commission to consider, in light of Coastal Act Sections 30001 and 30001.5(a), and to act upon the following Coastal and California Environmental Quality Act problems inherent in Jackson/Grube:

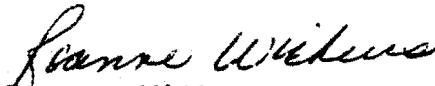
- 1) Precedents set for large-scale commercial development of this remote agricultural area;
- 2) Cumulative developmental impacts following any approval of Jackson/Grube;
- 3) Possible invalidation of the Mendocino County Coastal Plan due to existing Certificates of Compliance certifications, and the potential for massive developmental density increases in the future due to same;
- 4) Failure of Mendocino County to accomplish either of the required 5-year updates of its Coastal Plan since certification in 1985, in light of new traffic, certificate of compliance, and resource depletion problems, especially water supply and highway capacity depletions.

- 5) Lack of compatibility of the proposed development with either historical architectural precedent or with the established physical scale of development in the remote agricultural area involved;
- 6) Lack of conformity with even the present, inadequate Mendocino County Local Coastal Program. The proposed Jackson/Grube development is not the principal permitted use under the adopted coastal zoning ordinance. A Use Permit is required with full environmental review. Such full environmental review has not taken place, resulting in required conditions for use permit issuance not being met by Mendocino County, and any Coastal Development Use Permit issuance being invalid.

We also include, for the record, parts of the public record for Jackson/Grube which may, or may not, be submitted to the Commission by Mendocino County.



Ron Guenther  
For the Sierra Club Mendocino-Lake Group



Roanne Withers  
For the Mendocino Coast Watch Group



Ron Guenther  
For the Mendocino Coast Watch Group

<b>EXHIBIT NO.</b> 9
<b>APPLICATION NO.</b> A-1-MEN-96-28
<b>APPELLANTS "A"</b>
<b>APPEAL</b>



SIERRA CLUB MENDOCINO/LAKE GROUP  
 BOX 2330 FORT BRAGG, CA 95437  
 707-964-2742

1-MEN-95-273  
**RECEIVED**  
 MAR 06 1996  
 CALIFORNIA  
 COASTAL COMMISSION

**Mendocino CoastWatch Group**  
 P.O. Box 198  
 Fort Bragg, Ca 95437  
 707-961-1953

February 28, 1996

Attn.: Jo Ginsburg  
 California Coastal Commission  
 45 Fremont, Suite 2000  
 San Francisco, CA 94105-2219

**APPEAL FROM LOCAL GOVERNMENT DECISION**

**Identification:** Mendocino County Board of Supervisors; Appeal From  
 Planning Commission #CDU 9-95 (Jackson)

**Date of Local Government Decision:** February 26, 1996

**Date of Appeal:** February 28, 1996

**Appellants:** Sierra Club, Mendocino-Lake Group; and Mendocino  
 CoastWatch Group, an independent entity jointly  
 appealing.

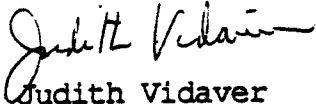
**Grounds for Appeal:**

- 1) The development is between the sea and the first public road paralleling the sea, and:
  - (a) Fails to protect public views from Highway One across a spectacular ocean terrace to the sea;
  - (b) Is not compatible with the established physical scale of this remote, agricultural area, now free of commercial development as exemplified by #CDU 9-95.
  
- 2) The development is located in a sensitive coastal resource area, and:
  - (a) Does not conform to the certified local coastal program in many respects, not the least of which is the total lack of cumulative environmental impact analysis for the proliferation of such commercialization, and other induced development, in this remote agricultural area. This analysis has not occurred - either "through the permit process", as the public was guaranteed during the coastal plan public hearings, or as a result of required coastal plan update.

<b>EXHIBIT NO.</b> 9
<b>APPLICATION NO.</b> A-1-MEN-96-28
<b>APPELLANTS "A"</b>
<b>APPEAL</b>

- 3) The development is not the principal permitted use under the adopted coastal zoning ordinance, and:
- (a) Does not conform to the certified local coastal program. The development requires a use permit. Conditions for issuance of a use permit have not been met by Mendocino County.

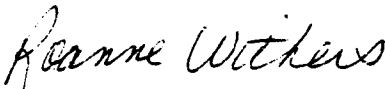
Formal appeal to follow.



Judith Vidaver  
For the Sierra Club



Ron Guenther  
For the Sierra Club



Roanne Withers  
For Mendocino CoastWatch Group

<b>EXHIBIT NO.</b> 9
<b>APPLICATION NO.</b> A-1-MEN-96-28
<b>APPELLANTS</b> "A"
<b>APPEAL</b>

LCP Policies and Conflicts Pertaining to CDU9-95

Pg. 22 Criteria for approval of a specific development proposal shall include the suitability of the specific site, Coastal Plan policies and the number of visitor serving uses in the immediate vicinity and in the planning area.

*The site is not suitable. The proposed project conflicts with the listed LCP policies. There are no visitor serving uses for five miles in either direction; There are a total of 5 in the entire planning area, all at Westport & north--nearly 5 miles away.*

3.9-1 ...new development be [located] in or in close proximity to existing areas able to accommodate it...

pg. 117 Areas that can accommodate additional development such as...Cleone, Noyo, South Fort Bragg..would be in "close proximity to existing developed areas..."

*No commercial development exists from Cleone to Westport-- 12 miles. This is one of the longest stretches of uncommercialized coastline accessible in the County. Fort Bragg, the only source of vital services, is 10 miles south. County services would be stretched; emergency response time close to half an hour.*

Pg. 141 Rockport to Little Valley Planning area, traffic Ten Mile River North: Most traffic on this segment of the highway will also use the section between Little Valley Road and Fort Bragg, where no additional capacity will be available.

*Little Valley Road to Fort Bragg is at LOS "E"-- one step above gridlock. Other projects proposed in the area will add to traffic impacts on already strained Highway One.*

3.5-1 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 be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas...shall be subordinate to the character of its setting.

3.5-3 Identifies highly scenic areas, including site of proposed project. Reiterates above. Includes, " protection of ocean and coastal view from public areas..."

**EXHIBIT NO.** 9

**APPLICATION NO.**

A-1-MEN-96-28

APPELLANTS "A"

APPEAL

3.5-4 Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists...design development to be in scale with rural character of the area.

*The project site is visible for miles, from public roads and public lands. The approximately doubling of the scale will further degrade and block an already degraded viewshed. Glare from cars will be highly visible as will be exterior and interior lights at night. Such a major commercial complex will be totally out of character with the rural setting. No amount of screening or clustering will conceal its incompatible scale. It will stand out for miles on the open bluff. Restoration of this visually degraded site is appropriate. Does an alternative site exist?*

Pg. 2 Where policies within the LUP overlap, the policy which...is the most protective of coastal resources shall take precedence.

*Proposed project is in conflict with goals, intent and policies of the Coastal Act & LCP. Additional conflict in that the site has been designated \*1C. Denial of proposal provides most protection.*

The site and nearly 2000 acres of surrounding coastline are in the hands of the applicant, president of a real estate corporation headquartered in NYNY. Recent Certificates of Compliance have increased potential density of these holdings. The Public needs to know what is planned for this unique and spectacular area of the coast which is intended to be protected by the LCP.

The above issues along with site-specific concerns and concerns re the project's potential to induce growth in this undeveloped area were presented by the public to the Board of Supervisors at their hearing on this matter, yet were never adequately addressed. They were only barely touched upon by the one Supervisor, who voted to deny the project based on these issues, *and whose district the project is located.*

<b>EXHIBIT NO.</b> 9
<b>APPLICATION NO.</b> A-1-MEN-96-28
APPELLANTS "A"
APPEAL



## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



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

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Jackson-Grube Family, Inc.

c/o Bud Kamb, P. O. Box 247, Mendocino, CA 95460

(707) 937-1085

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Mendocino County Board of Supervisors

2. Brief description of development being appealed: Renovation and construction to create a 10-unit inn and outbuildings.

3. Development's location (street address, assessor's parcel no., cross street, etc.): AP #15-380-05; 4 miles south of Westport on the west side of State Highway One.

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_ as to the following portion of
- b. Approval with special conditions: Condition #9: "Buildings and improvements shall have the exterior colors of wood or earth tones to the satisfaction of the Planning and Building Director."
- ~~xxxxxx Denial:~~ \_\_\_\_\_
- As to all of Condition #13.

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

**EXHIBIT NO. 10**

**APPLICATION NO.**  
A-1-MEN-96-28

APPELLANT B

APPEAL

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

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

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  ~~City Council~~ /Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: 5-29-96

7. Local government's file number (if any): CDU 9-95

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
Jackson-Grube Family, Inc.  
c/o Bud Kamb, P. O. Box 247  
Mendocino, CA 95460

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

- (1) Allan Cone  
P. O. Box 1090  
Mendocino, CA 95460
- (2) Mr. and Mrs. Peter Whiting  
31448 N. Highway One  
Fort Bragg, CA 95437
- (3) Margery S. Cahn  
31400 N. Highway One  
Fort Bragg, CA 95437
- (5) Deborah S. Cahn  
Box 47  
5601 Highway 128  
Philo, CA 95466
- (4) County of Mendocino, Department of Building and Planning Services  
Courthouse  
Ukiah, CA 95482

**SECTION IV. Reasons Supporting This Appeal**

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

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APPLICATION NO.	A-1-MEN-96-28
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

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

AS TO CONDITION NO. 13:

1. The County did not proceed in the manner required by law and §30212(a) of the California Coastal Act.
2. Imposition of a public access condition in the circumstances in this case is an impermissible taking under the Nolan, Dollan, and Ehrlich cases (findings #s 3, 4, 5, 6, 7, 8, 9, and 10.)
3. Imposition of the access condition on the entire parcel is disproportionate to the proposed development.
4. There is insufficient evidence to support the findings (findings #s 11 and 12.)
5. The findings do not support the decision.

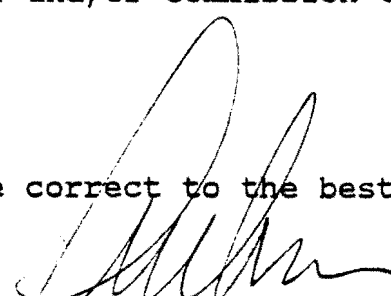
(This appeal is subject to the qualifying comments contained in counsel's letter dated March 19, 1996, a copy of which is Exhibit A to this appeal.)

CONTINUED ON THE ATTACHMENT

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

SECTION V. Certification

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


  
\_\_\_\_\_  
Signature of Appellant(s) or  
Authorized Agent

Date June 7, 1996

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

Section VI. Agent Authorization

I/We hereby authorize ALLAN CONE to act as my/our representative and to bind me/us in all matters concerning this appeal.

  
\_\_\_\_\_  
Signature of Appellant(s)

Date June 7, 1996

EXHIBIT NO.	10
APPLICATION NO.	A-1-MEN-96-28
APPELLANT B	
APPEAL	

Continuation of Reasons for Appeal

AS TO THE FOREGOING QUOTED PORTION OF CONDITION NO. 9:

1. The County did not proceed in the manner required by law and §30212(a) of the California Coastal Act.
2. There is insufficient evidence to support the findings (findings #s 11 and 12.)
3. The findings do not support the decision.

<b>EXHIBIT NO.</b>	10
<b>APPLICATION NO.</b>	A-1-MEN-96-28
<b>APPELLANT B</b>	
<b>APPEAL</b>	

ANTHONY E. GRAHAM  
ALLAN CONE  
HARVEY L. ROBERTS, JR.  
MEREDITH J. LINTOTT

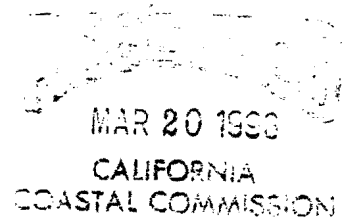
LAW OFFICES OF  
**GRAHAM, CONE & ROBERTS**

45060 UKIAH STREET  
MENDOCINO, CALIFORNIA

Reply to:  
P.O. BOX 1090  
MENDOCINO, CA 95460

Telephone (707) 937-0503  
FAX (707) 937-2916

March 19, 1996



**CERTIFIED MAIL, RETURN-RECEIPT REQUESTED**

California Coastal Commission  
North Coast Area  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Re: County of Mendocino  
Local Permit No.: CDU 9-95  
Applicant: Jackson-Grube Family, Inc.  
Commission Ref. No.: 1-MEN-95-243

Gentlepersons:

On February 26, 1996, the Board of Supervisors for the County of Mendocino approved issuance of a Coastal Development Use Permit in the above numbered case, coupled with the imposition of numerous conditions.

Subject to the following remarks on the issue of jurisdiction, this letter constitutes notice that the applicant appeals from imposition of Condition Number 13. That condition, recommended in the staff report before the County Planning Commission on February 1, 1996, read in pertinent part as follows:

"Prior to this use permit being deemed effective, the applicant shall execute and record a document in form and content approved in writing by the Director of Planning and Building Services irrevocably offering to dedicate to a public agency or a private association approved by the Director, an easement for public access and passive recreational use along the blufftop above the shoreline. The easement shall be 25 feet wide located along the blufftop as measured inland from the daily blufftop edge. As the daily blufftop edge may vary and move inland, the location of this easement will change over time with the bluff edge."

**EXHIBIT NO. 10**

**APPLICATION NO.**

A-1-MEN-96-28

**APPELLANT B**

**APPEAL**

The foregoing condition was augmented by the Board of Supervisors by adding the following:

"Vertical access from Highway One to the lateral access required above, shall be required in accordance with the pertinent policies of the Coastal Element and the Coastal Zoning Code."

The proposed development is of a 10-unit inn including remodeling of the former Orca Inn into two guest units, manager quarters, two kitchens, dining room and reception areas, and bathrooms, construction of eight new individual guest cottages, removal of five existing structures, remodeling of two existing buildings into laundry facility and employee lunchroom, construction of two observation towers, development of 16 parking spaces, installation of new fencing, and placement of signs at entrance to the property.

The property is located in the coastal zone approximately four miles south of the town of Westport on the west side of Highway One and is parcel number 15-380-05. However, as noted in the staff report dated December 26, 1995, the project site involves only 34 acres. The conditions imposed are against a larger parcel of approximately 400 acres.

Attached to this letter and incorporated herein by reference is a copy of the County of Mendocino Notice of Final Action dated March 5, 1996.

Applicants' appeal is upon four fundamental grounds which are:

A. Imposition of a public access condition in the circumstances of this case is an impermissible taking because it violates the dual holdings of the United States Supreme Court in Nolan v. California Coastal Commission (1987) 483 U.S. 825, and Dollan v. City of Tigard (1994) 114 S.Ct., as well as the recent holding of the California Supreme Court in Ehrlich v. City of Culver City (1996) 96 Daily Journal D.A.R. 2558.

EXHIBIT NO.	10
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California Coastal Commission  
Ref. No. 1-MEN-95-243  
March 19, 1996  
Page 3

EXHIBIT NO. 10

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A-1-MEN-96-28

APPELLANT B

APPEAL

B. Imposition of the access condition on the entire parcel, when less than ten percent (10%) of the entire parcel is actually committed to the development, is unreasonable, burdensome, and unnecessary to effectuate any applicable policies.

C. The County did not proceed in a manner required by law.

D. The evidence does not support the decision.

The staff report containing recommendation of the access condition is devoid of any justification for a required access dedication, containing only a recital of Coastal Plan policies and the conclusion that "the proposed development satisfies the criteria for which an offer of access dedication is required." No facts were introduced at either the Planning Commission or on the other hand, Supervisorial level to support the foregoing conclusion. The applicant submitted evidence substantially supporting exemption from an access dedication on each of the three grounds set forth in California Public Resources Code §30212(a).

The appeal presents the question of whether, in light of Nolan, Dollan, and Ehrlich, State coastal access policies are valid and, if so, whether an access dedication can be imposed absent factual justification. In addition, there is a question concerning the extent to which such a condition can be imposed upon property which neither affects nor is affected by the proposed development:

This appeal, while sincere, is precautionary in the sense that there appears to be no clear basis upon which the commission can act with respect to the issue presented. So far as pertinent, California Public Resources Code §30603(b) provides as follows:

"(1) The grounds for an appeal pursuant to Subdivision (a) shall be limited to an allegation that the development does not conform to the standard set forth in the certified local coastal program or the public access policies set forth in this division.

California Coastal Commission  
Ref. No. 1-MEN-95-243  
March 19, 1996  
Page 4

"(2) The grounds for an appeal of a denial of a permit pursuant to Paragraph (5) of Subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division." (Emphasis added)

Here applicant is not appealing either the approval or the denial of the project, but rather the imposition of an access dedication as a condition of approval. Hence, there appears to be no clear-cut basis for a simple appeal of the access condition as a result of which the commission may lack jurisdiction in the matter.

Very truly yours,



ALLAN CONE

AC/mt  
enc.

cc: Bud Kamb  
Will Jackson

EXHIBIT NO.	10
APPLICATION NO.	A-1-MEN-96-28
APPELLANT B	
APPEAL	



N - Coast

Patricia Lawrence  
PO Box 2432  
Fort Bragg, CA 95437  
(707) 961-0559

RECEIVED  
APR 02 1996  
CALIFORNIA  
COASTAL COMMISSION

March 28, 1996

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

re: tourist facilities outside of developed areas on the northern coast of California.

Dear Commissioners,

Please help us to keep this coast as beautiful and undeveloped as it now is. Let's keep our tourist facilities in towns such as Fort Bragg and Mendocino. I am speaking specifically about three projects that have come before the Coastal Commission. They are (1.) the Ten Mile River motel project, (2.) the Newport motel project two miles north of Ten Mile River and (3.) a motel south of Cleone, three miles from Fort Bragg and bordering MacKerricher State Park.

I would like to present to you three arguments again these projects:

1. Wildlife - we are loosing our coastal wildlife habitats to human encroachment.
2. Scenic beauty - tourists come to Mendocino County for the beauty of nature that surrounds us not to look at motels dotting our shoreline and headlands.
3. And because there is so little of both of the above left for all of us to enjoy.

The natural beauty of Mendocino county is a precious treasure. Humans should be caretakers of these treasures, not destroyers. Please base your decisions on the needs of nature not the wants of a few landowners. I implore you to save and preserve our unique coastline and I invite to you come up to visit, have a walk on the beach, through the sand dunes. or drive to Ten Mile River. Feel the peace and quiet, listen to the animals and observe the night sky without development lights to block the stars and planets from your view. It is truly a magnificent place.

Thank you for reading my letter and considering my thoughts.

Sincerely,

*Patricia Lawrence*  
Patricia Lawrence

<b>EXHIBIT NO.</b> 11
<b>APPLICATION NO.</b> A-1-MEN-96-28
CORRESPONDENCE

RECEIVED  
MAR 26 1996  
CALIFORNIA  
COASTAL COMMISSION

March 15, 1996  
10 Mile Ranch

Dear Coastal Commissioners,

Would like to voice my distinct dis-approval of any and all commercial development between Clime and Westport. Specifically would like to address the proposed Newport Inn COU 9-95, this area in question is already suffering visual degradation; any increase in negative visual impact is contradictory to local coastal plan mandates. Please protect our beautiful coastline from utter destruction, would like to, in closing remind you on behalf of the children who stand to inherit our beloved north coast, we owe it to them to preserve the pristine-ness. Many thanks,

Sincerely,  
Lucia A. van Dierpe

EXHIBIT NO.	12
APPLICATION NO.	A-1-MEN-96-28
CORRESPONDENCE	