

NOTES:  
 1. ALL DIMENSIONS ARE IN FEET.  
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
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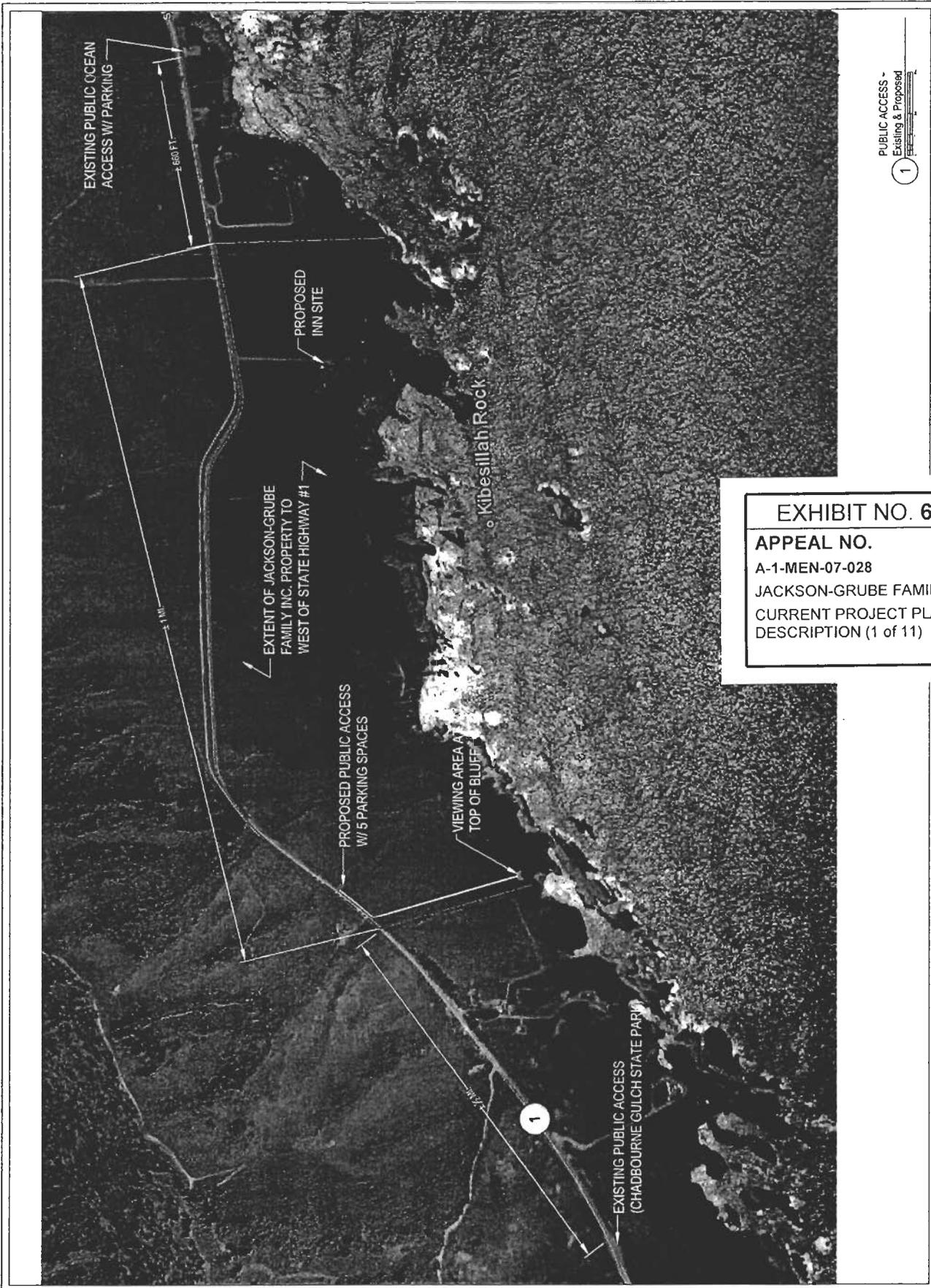
INN AT NEWPORT RANCH  
 Fort Bragg, California  
 SEILERS & COMPANY ARCHITECTS  
 SANFORD STRAUSS ARCHITECTS

DATE: 04.07.10  
 REVISIONS:



TITLE: PUBLIC ACCESS

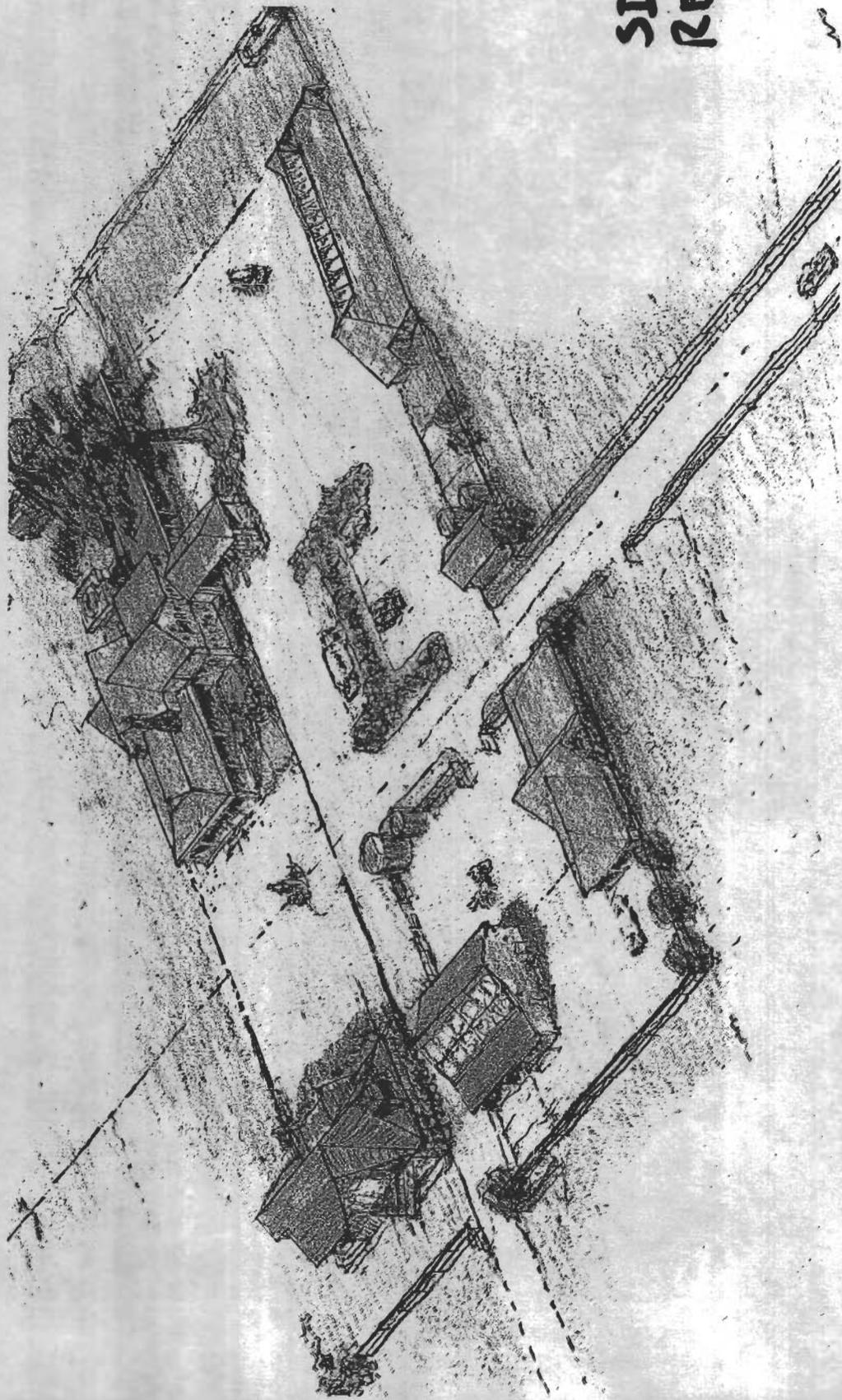
SHEET NO.: PA-2



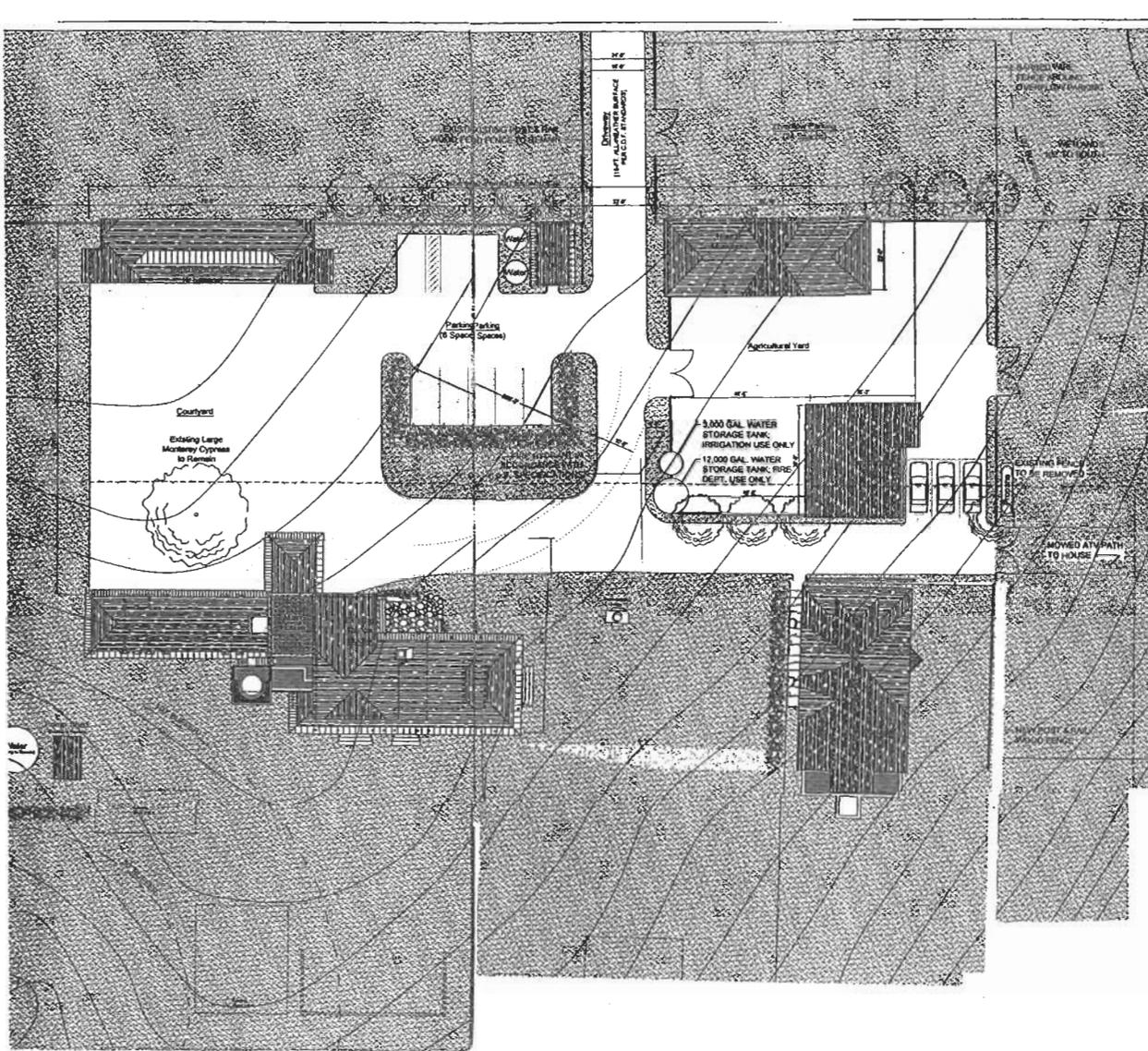
PUBLIC ACCESS -  
 Existing & Proposed  
 1

**EXHIBIT NO. 6**  
**APPEAL NO.**  
 A-1-MEN-07-028  
 JACKSON-GRUBE FAMILY, INC.  
 CURRENT PROJECT PLANS  
 DESCRIPTION (1 of 11)

SITE PLAN  
RENDERING



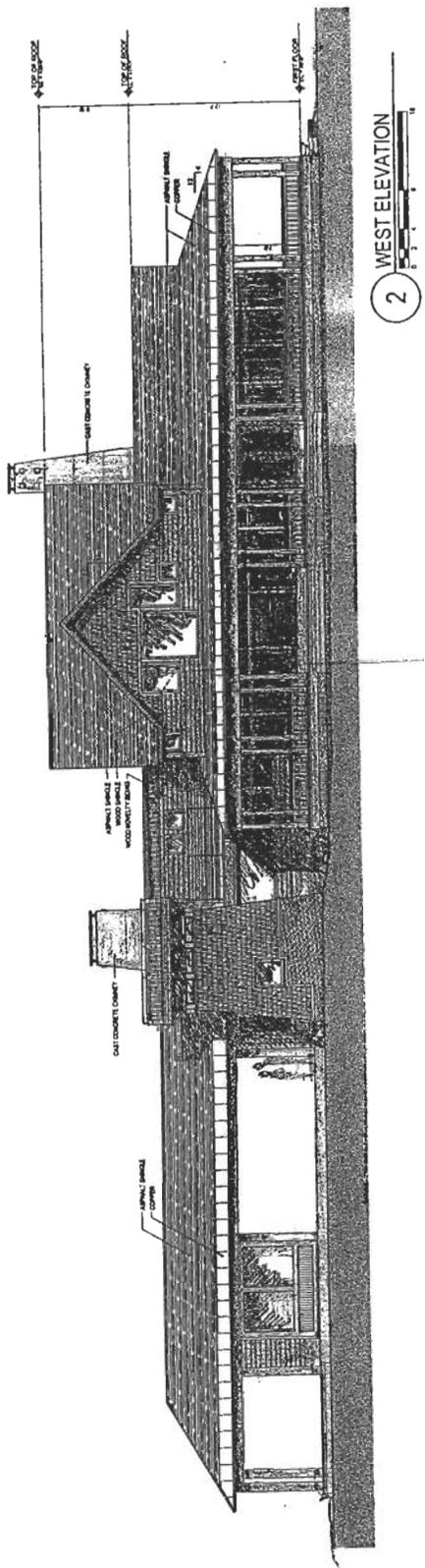
2011



# SITE PLAN

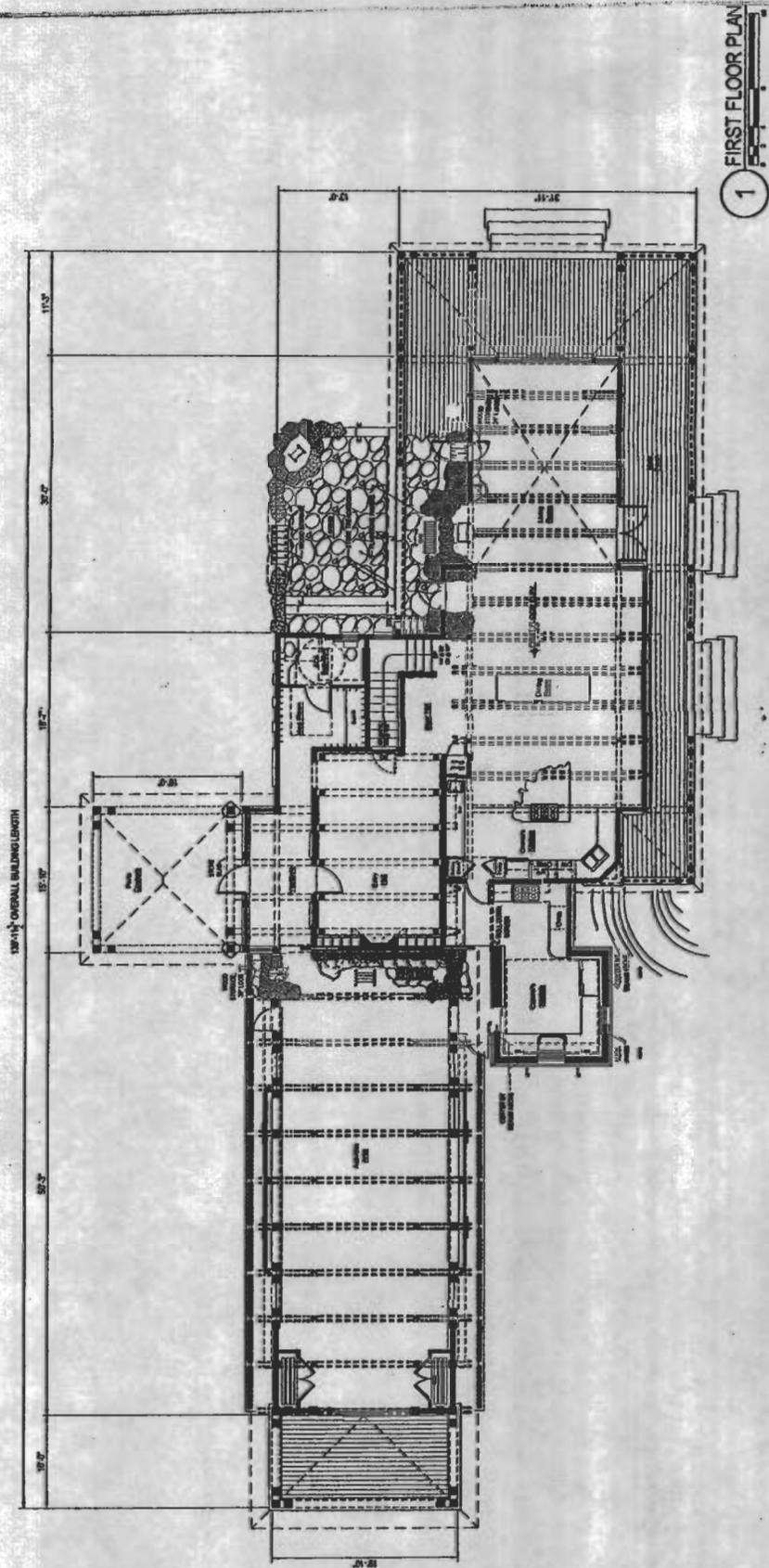
3 of 11





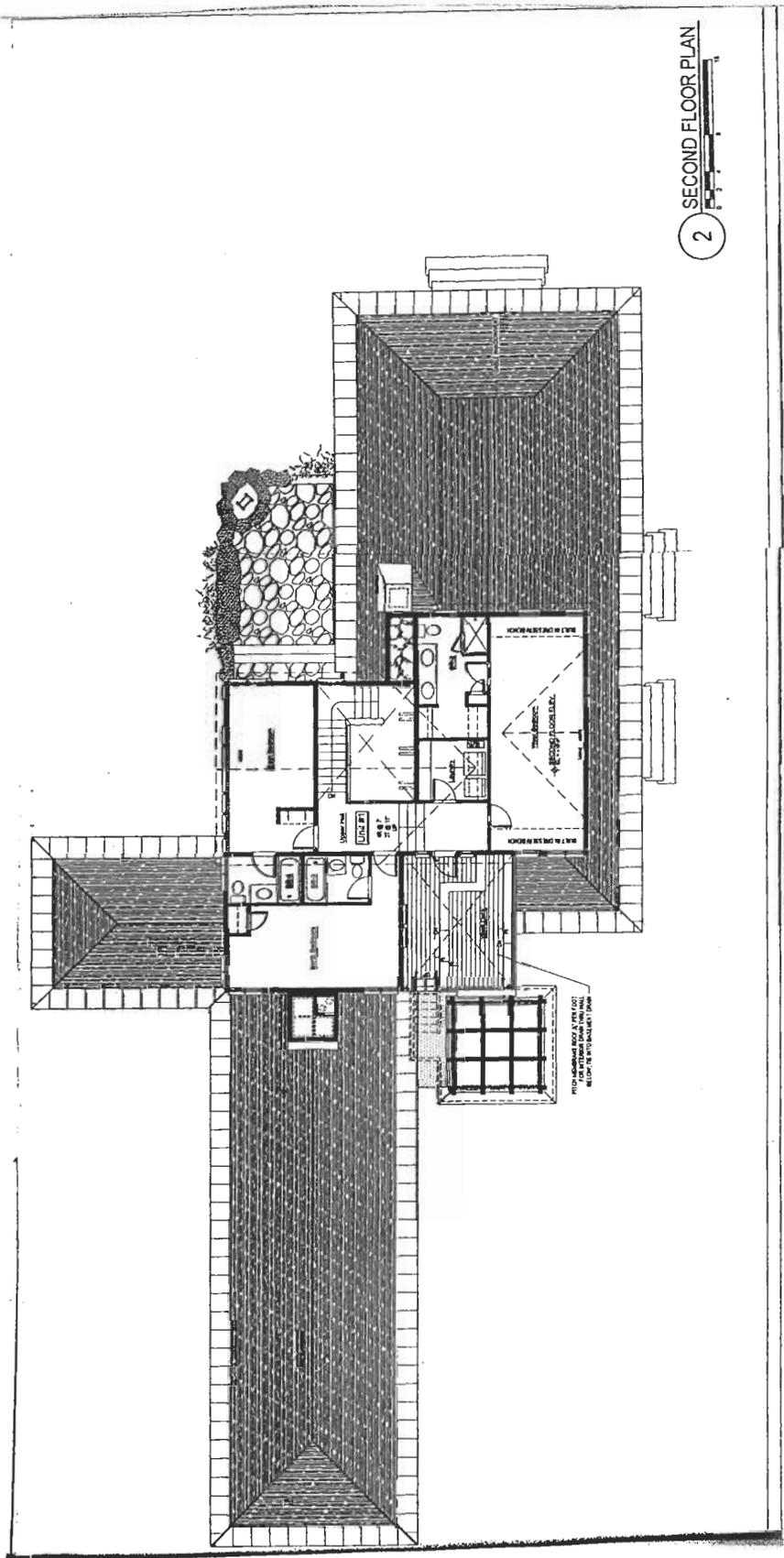
**MAIN BUILDING**

5911



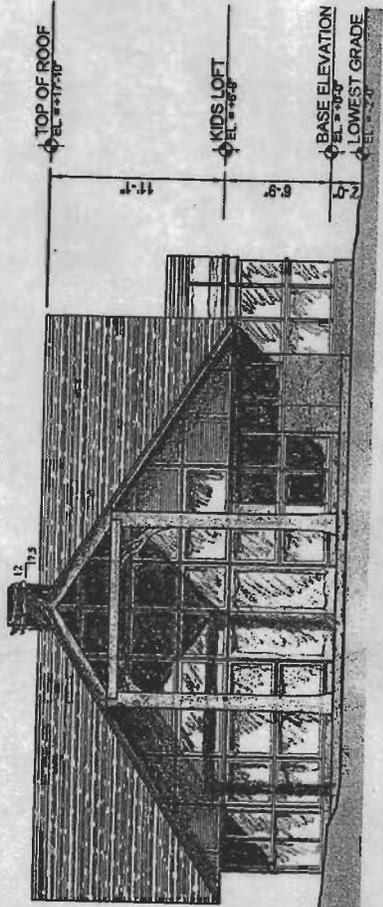
**MAIN BLDG.**

6 of 11

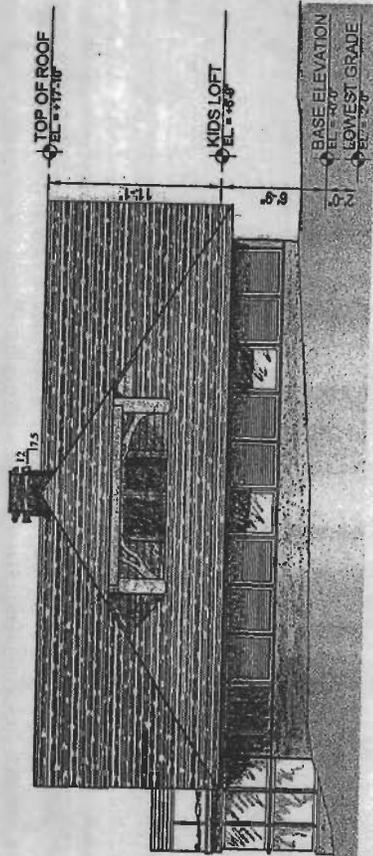


**MAIN DLD.**

7 of 11



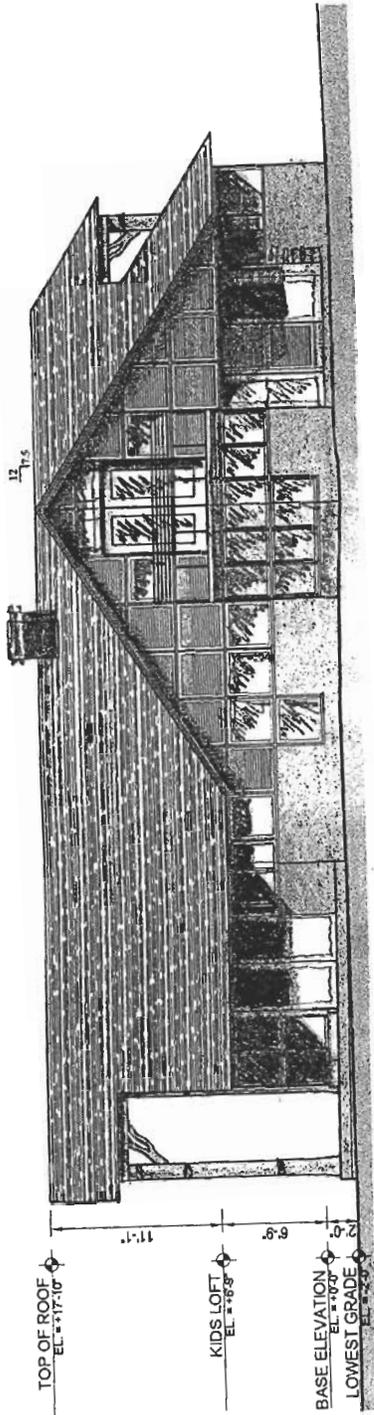
5 WEST ELEVATION



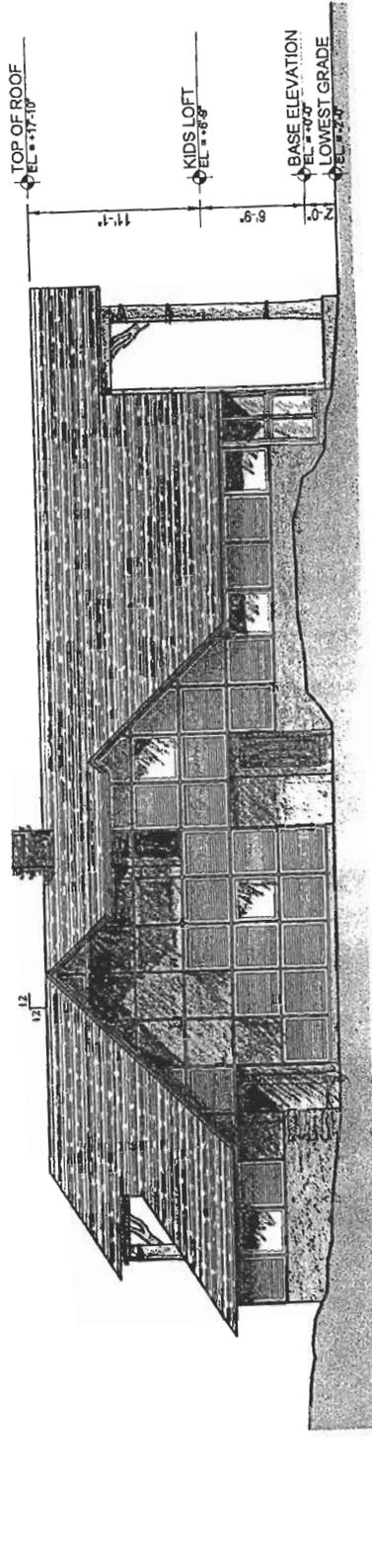
7 EAST ELEVATION

COTTAGE SLO6.

8211



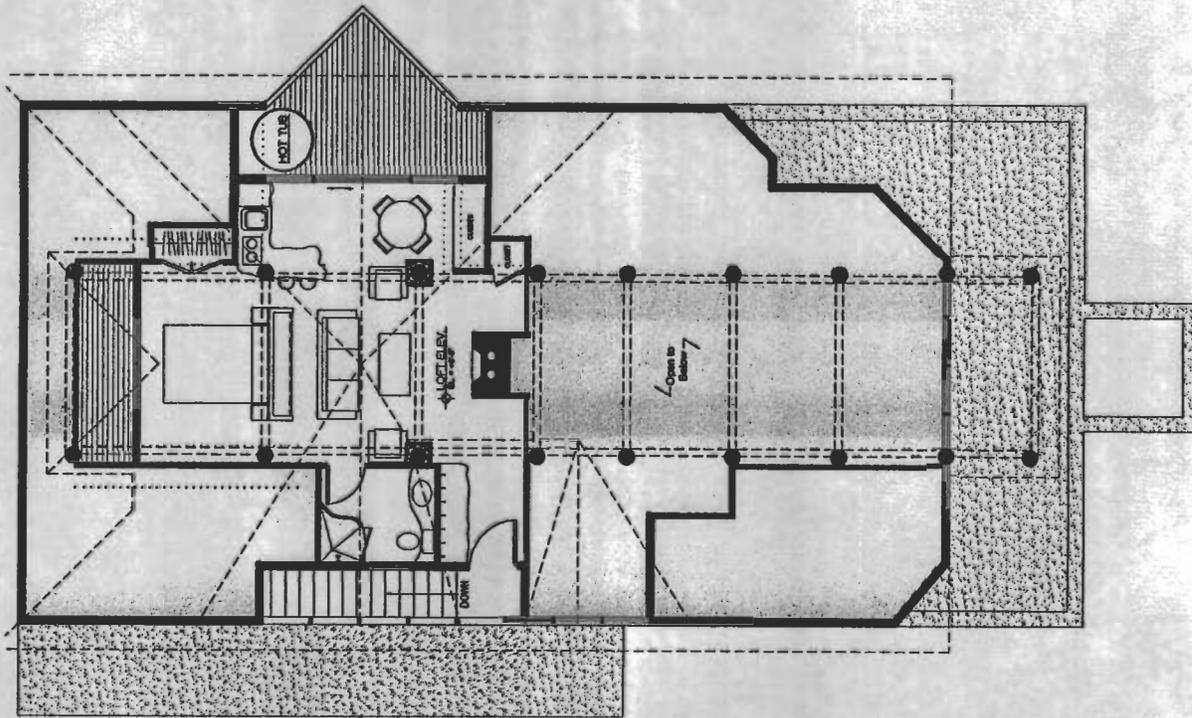
4 SOUTH ELEVATION



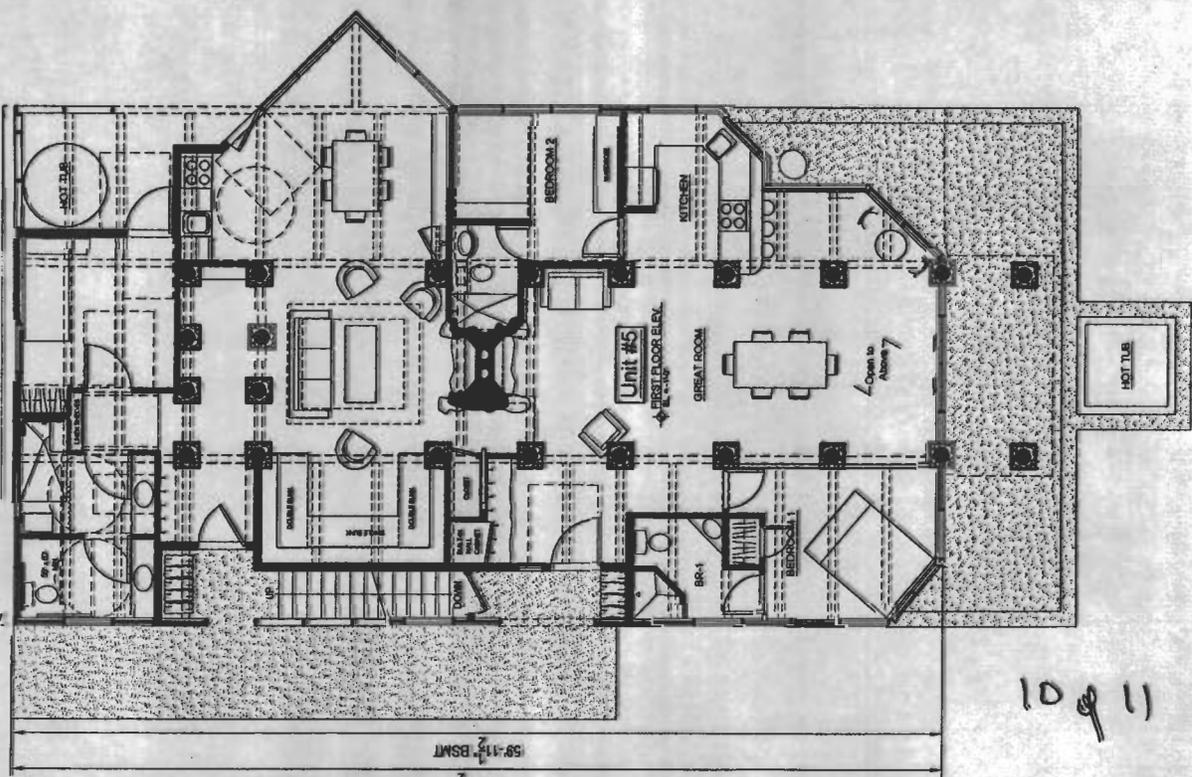
6 NORTH ELEVATION

COTTAGE DWG.

9911



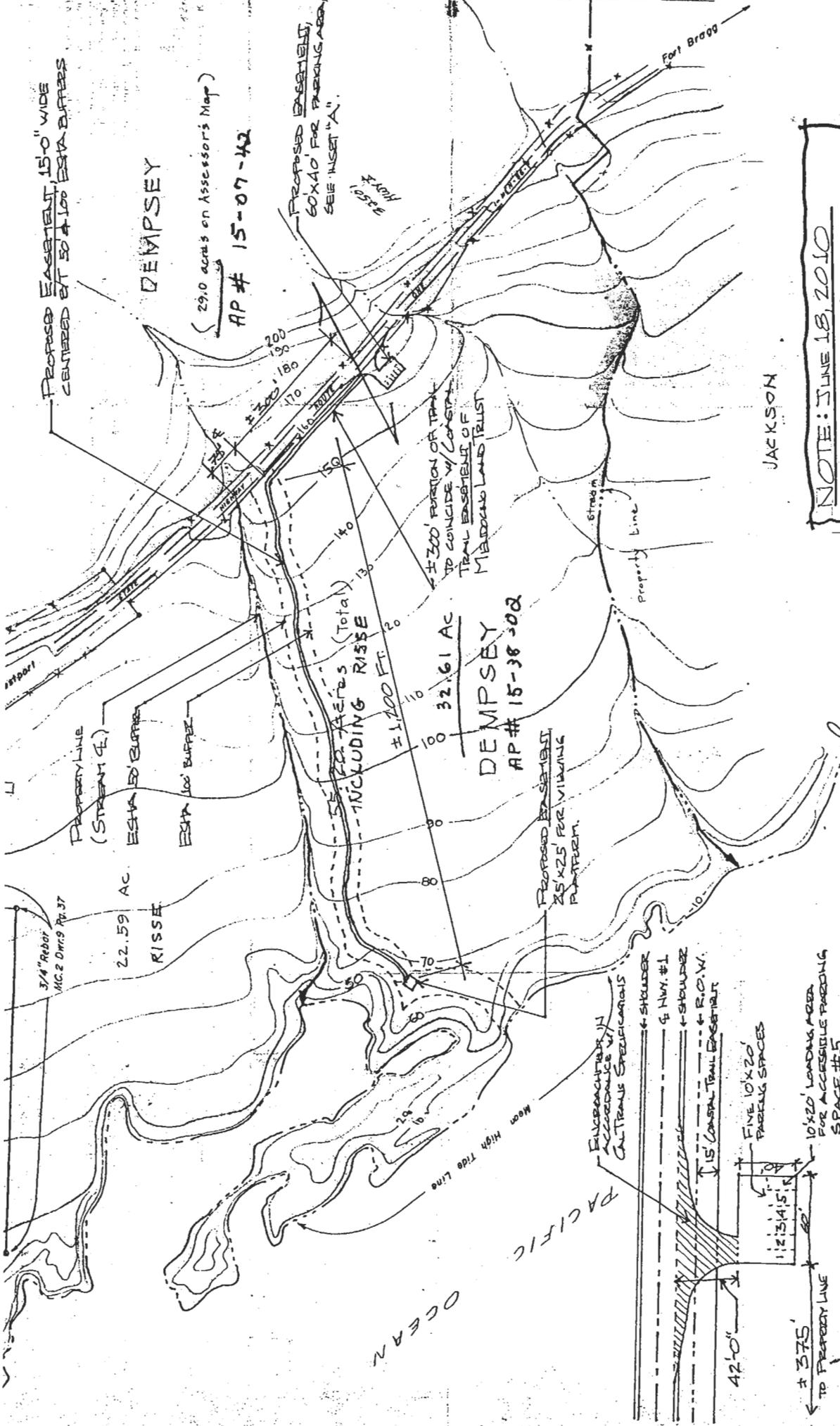
2 LOFT PLAN



1 FIRST FLOOR PLAN

1101

59-112 BSMT  
59-112



PROPOSED EASEMENT, 15'-0" WIDE  
CENTERED BT 50' & 100' ESHA BUFFERS

DEMPSEY

(29.0 acres on Assessor's Map)

AP # 15-07-42

PROPOSED EASEMENT,  
60' X 10' FOR PARKING AREA  
SEE INSET "A"

± 100' 105' 110' 115' 120' 125'

± 300' PORTION OF TRAIL  
TO COINCIDE W/ CONSTRUCTION  
TRAIL EASEMENT OF  
MADDOCK LAND TRUST

± 20' Areas (Total)  
INCLUDING RISE

± 1,200 FT. 20' 10' 0' 80' 70' 60' 50'

DEMPSEY

AP # 15-38-02

PROPOSED EASEMENT,  
25' X 25' FOR VIOLING  
PARKING

ENCROACHING IN  
ACCORDANCE W/  
CALTRANS SPECIFICATIONS

← SHOULDER  
& HWY. #1  
← SHOULDER  
← R.O.W.  
← 15' CONSTRUCTION EASEMENT

FIVE 10' X 20'  
PARKING SPACES  
10' X 20' LOADING AREA  
FOR ACCESSIBLE PARKING  
SPACE #5.

← ± 375'  
TO PROPERTY LINE

**A** PROPOSED EASEMENT & ENCROACHMENT @ PARKING

JACKSON

NOTE: JUNE 18, 2010

PROPOSED EASEMENTS DEPICTED ON THIS  
SURVEY WERE DRAWN ON JUNE 18, 2010  
BY SELLERS AND COMPANY ARCHITECTS,  
PO Box 288, WARREN VT 05674.

11  
10  
9



Exhibit A  
 Plan Proposed at the California Coastal Commission Hearing on November 4, 2009

**EXHIBIT NO. 8**  
**APPEAL NO.**  
 A-1-MEN-07-028  
 JACKSON-GRUBE FAMILY, INC.  
 PROJECT COMPARISON  
 INFORMATION (1 of 3)

Gross Interior Area (Conditioned Interior)		Gross Exterior Area (Covered & Uncovered porches, Covered Parking)	
Category	Description	Area (SF)	Description
Inn Rental Units	Unit 1 (Main House - West)	412	Unit 1 (Main House - West)
	Unit 2 (Main House - North)	249	Unit 2 (Main House - North)
	Unit 3 (Main House - East)	240	Unit 3 (Main House - East)
	Unit 4 (Knuckle - 1st floor)	823	Unit 4 (Knuckle - 1st floor)
	Unit 5 (Knuckle - 2nd floor)	928	Unit 5 (Knuckle - 2nd floor)
	Unit 6 (Ell)	1,585	Unit 6 (Ell)
	Unit 7 (Cottage)	1,173	Unit 7 (Cottage)
Inn Common Areas	Total Rental Unit Interior Area	5,410	Total Rental Unit Exterior Area
	Vestibule, Mudroom, Bathroom	268	Main Porch
	Entry Hall, Stair Hall, Laundry	584	Terrace
	Kitchen, Living, Dining	1,099	Porte Cochere
	Activities Area	966	West Deck
	Conference Room	820	Ell Porch
	Massage Room	702	Massage Room Trellis
	Laundry/Acc Bathroom	199	
	Total Common Interior Area	4,638	Total Common Exterior Area
	Caterer Kitchen	255	Guest Garage - Parking
Inn Service Areas	Total Service Interior Area	255	Guest Garage - Storage
			Guest Garage - Trellis
			Total Service Exterior Area
Ranch Operations	Subtotal: Inn Operations	10,303	Subtotal: Inn Operations
	Ranch Mgr Unit	1,737	Ranch Mgr Unit
	Equipment Barn	1,145	Equipment Barn
	Pump House	240	Pump House
	Subtotal: Ranch Operations	3,122	Subtotal: Ranch Operations
TOTAL	Gross Interior Area	13,425	Gross Exterior Area
TOTAL	GROSS FLOOR AREA (Interior and Exterior)	19,506	

NOTE: The lot coverage would include all interior and exterior floor area of about 19,500 square feet less the second floor area of about 3,800 square feet. Thus the lot coverage is about 15,700 square feet. The guest garage (parking and storage) shown above, totaling 1,507 square feet is described more accurately as Inn/Ranch garage in Exhibit I with half the square footage shown under Inn Service area and half under Ranch Operations.

Exhibit I  
Revised Plan proposed in February 2010

Gross Interior Area (Conditioned Interior)		Gross Exterior Area (Covered & Uncovered porches, Covered Parking)			
Category	Description	Area (SF)	Category	Description	Area (SF)
Inn Rental Units	Unit 1 (Main House - West)	412	Inn Rental Units	Unit 1 (Main House - West)	0
	Unit 2 (Main House - North)	249		Unit 2 (Main House - North)	0
	Unit 3 (Main House - East)	240		Unit 3 (Main House - East)	0
	Unit 4 (Cottage 1st Floor - West)	915		Unit 4 (Cottage 1st Floor - West)	435
	Unit 5 (Cottage 1st Floor - East)	837		Unit 5 (Cottage 1st Floor - East)	94
	Unit 6 (Cottage 2nd Floor)	526		Unit 6 (Cottage 2nd Floor)	160
	Total Rental Unit Interior Area	3,179		Total Rental Unit Exterior Area	689
Inn Common Areas	Vestibule, Mudroom, Bathroom	268	Inn Common Areas	Main Porch	927
	Entry Hall, Stair Hall, Laundry	584		North Porch	200
	Kitchen, Living, Dining	1,099		Porte Cochere	248
	Activities Area	1,030		West Deck	319
	Total Common Interior Area	2,981		Total Common Exterior Area	894
Inn Service Areas	Caterer Kitchen	255	Inn Service Areas	Inn/Ranch Garage (1/2 of total)	754
	Total Service Interior Area	255		Total Service Exterior Area	754
	Subtotal: Inn Operations	6,415		Subtotal: Inn Operations	3,137
Ranch Operations	Ranch Manager's unit & shop	1,737	Ranch Operations	Ranch Manager's unit & shop	69
	Equipment Barn	1,145		Equipment Barn	0
	Generator/Pump Shed	240		Inn/Ranch Garage (1/2 of total)	753
	Tank	0		Generator/Pump Shed	0
	Pump House	0		Tank	189
	Subtotal: Ranch Operations	3,122		Pump House	134
TOTAL	Gross Interior Area	9,537	TOTAL	Gross Exterior Area	4,282
TOTAL	GROSS FLOOR AREA (Interior and Exterior)		13,819		

Note: The lot coverage would include all interior and exterior floor area of about 13,800 square feet less the second floor area of about 1,800 square feet. Thus the lot coverage is about 12,000 square feet.

293

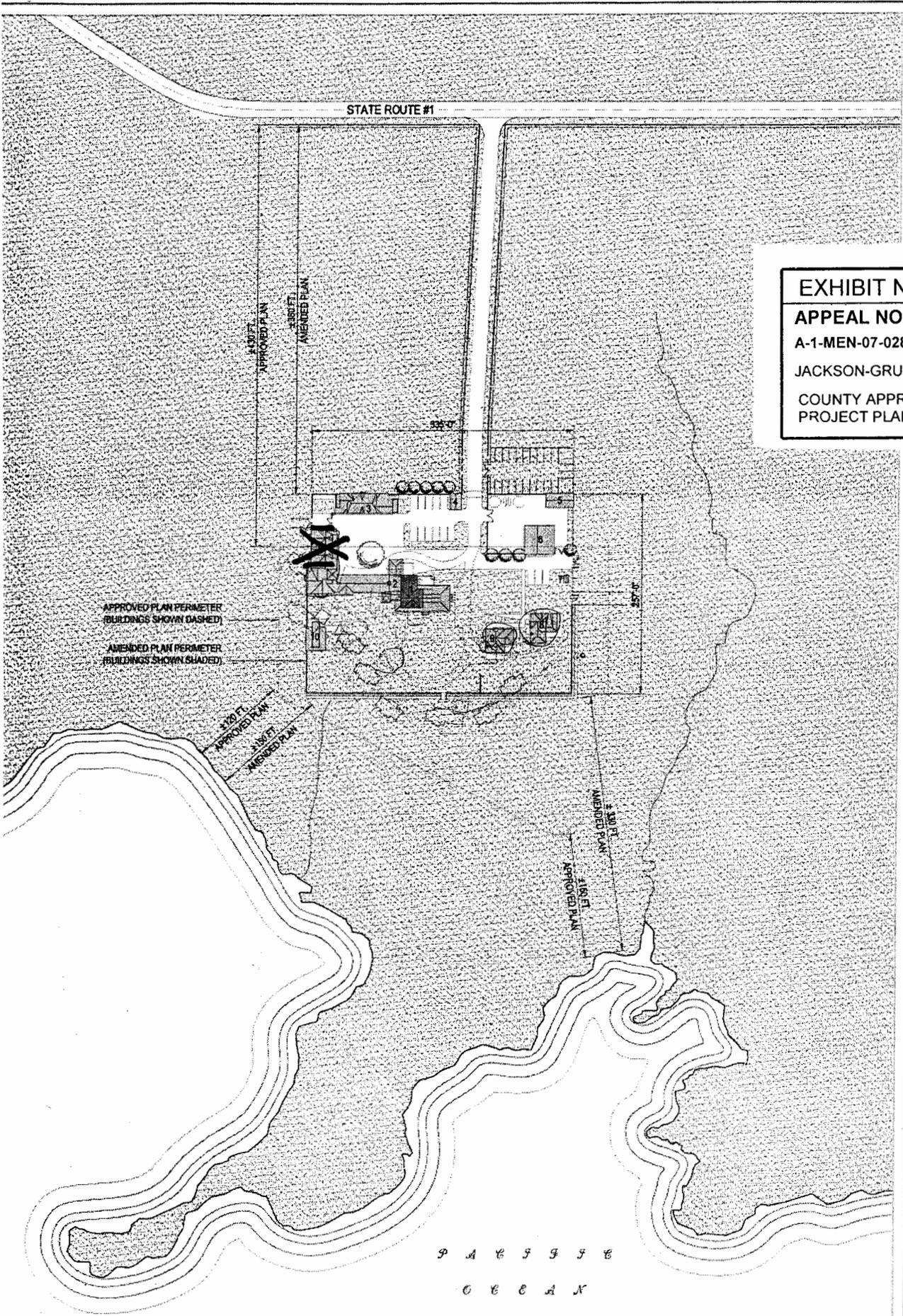
Exhibit II

Existing Ranch Buildings

Gross Interior Area (Conditioned Interior)			Gross Exterior Area (Unconditioned Outbuildings, Porches, Decks)		
Category	Description	Area (SF)	Category	Description	Area (SF)
Residential	Main House	2,049	Residential	Main House	0
	Deck	0		Deck	124
	Laundry	0		Laundry	313
	Cottage	1,122		Cottage	0
	Total Residential Interior Area	3,171		Total Residential Exterior Area	437
Ranch Operations	Barn	0	Ranch Operations	Barn	1,113
	Shop	0		Shop	503
	Shed	0		Shed	126
	Pump House	0		Pump House	134
	Tank	0		Tank	189
	Total Ranch Operations Area	0		Total Ranch Operations Area	2,065
	Gross Interior Area	3,171		Gross Exterior Area	2,502
TOTAL	GROSS FLOOR AREA (Interior and Exterior)				5,673

NOTE  
 THE ABOVE DRAWINGS, IDEAS  
 AND DESIGN ARE THE PROPERTY  
 OF BELLENS AND COMPANY ARCH  
 ITECTS. ALL RIGHTS ARE RESERVED.  
 NO PART SHALL BE COPIED, RE  
 PRODUCED, OR USED IN CON  
 JUNCTION WITH ANY WORK OTHER  
 THAN FOR THE SPECIFIC PROJECT  
 FOR WHICH THEY HAVE BEEN PRE  
 PARED WITHOUT THE WRITTEN  
 CONSENT OF THE ARCHITECTS

**EXHIBIT NO. 9**  
**APPEAL NO.**  
 A-1-MEN-07-028  
 JACKSON-GRUBE FAMILY  
 COUNTY APPROVED  
 PROJECT PLANS (1 of 5)



**INN AT NEWPORT RANCH**  
**Mendocino, California**

**SELLERS & COMPANY ARCHITECTS**  
 2 Brook Road, Warren, VT 05674 | 802.486.2707 | P. 802.486.6601 | www.sellerscompany.com  
**SANFORD STRAUSS ARCHITECTS**  
 71 A Nash Street, Middlebury, VT 05753 | 802.249.9400 | P. 802.249.9495

DATE  
**08.28.06**  
 REVISIONS



TITLE  
**LOCATION  
 MAP**

SHEET NO.

**LM**

**LEGEND**

1. Existing Ranch House	4. Generator/ Pump Shed	7. Refurbished 3-Holer
2. Main House	5. Ranch Maintenance Shop	8. South Cottage
3. Annex	6. Ranch Equipment Barn	9. North Cottage
		10. Spa

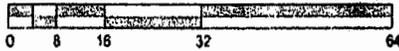
**AMENDED LOCATION MAP - PHASES-1&2**  
 Overlaid on Approved Location Map

2

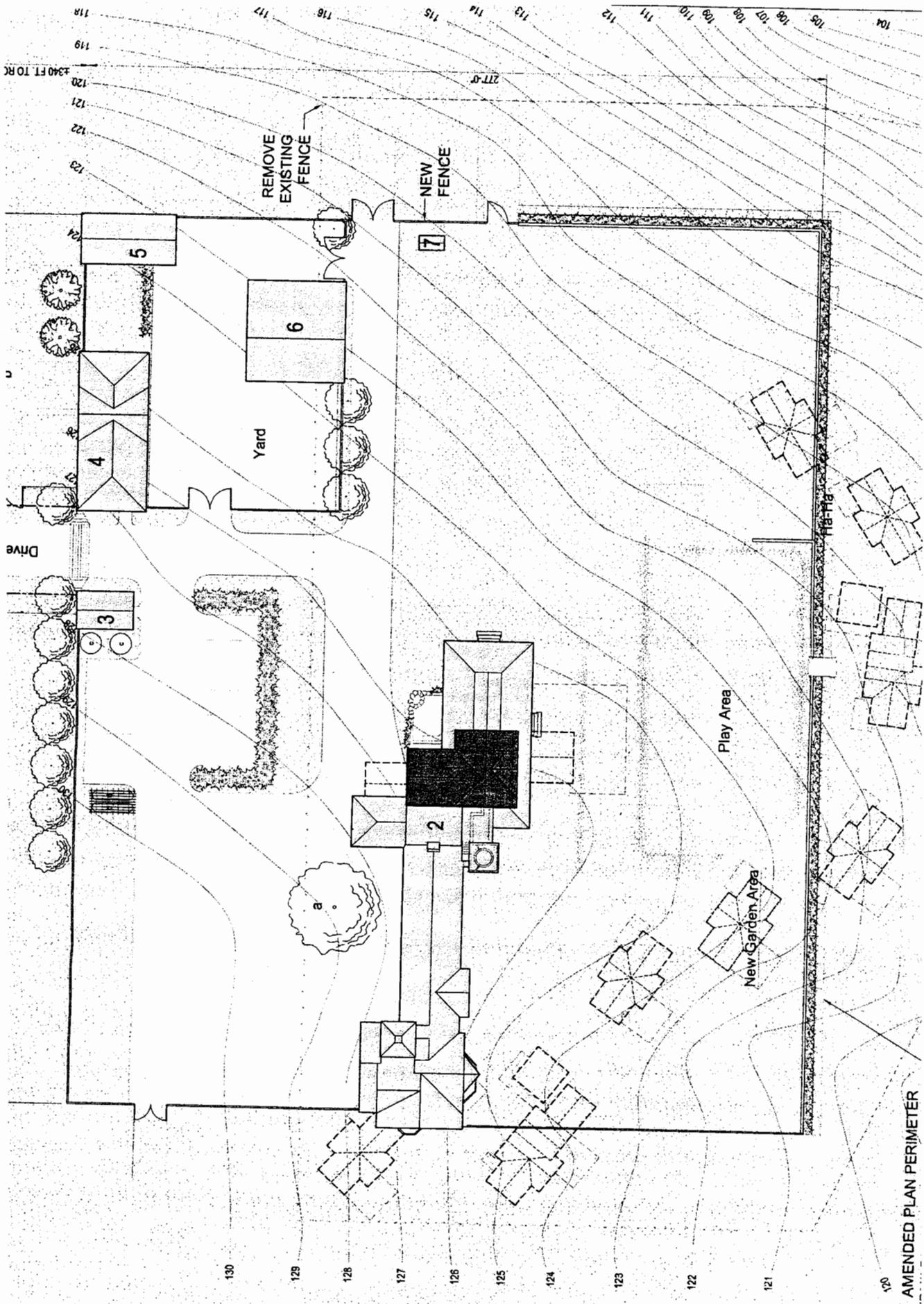
L E G E N D

- |                           |                                    |   |
|---------------------------|------------------------------------|---|
| 1. Existing Ranch House   | a. Existing Large Monterey Cypress |  Grass/ Field/ Garden |
| 2. Main House             | b. Overflow Parking (22 spaces)    |  Hedge/ Planting      |
| 3. Bunkhouse              | c. New Water Tank                  |  New Tree             |
| 4. Generator/ Pump Shed   | d. New Propane Tank                |  Rocks                |
| 5. Ranch Manager Unit     | e. Plunge                          |   |
| 6. Ranch Maintenance Shop |                                    |   |
| 7. Ranch Equipment Barn   |                                    |   |
| 8. Refurbished 3-Holer    |                                    |   |
| 9. South Cottage          |                                    |   |
| 10. North Cottage         |                                    |   |
| 11. Spa                   |                                    |   |

PROPOSED SITE MAP (AMENDED) ~ PHASES-1&2  
Overlaid on Approved Site Map (#CDU 9-95)



295



PHASE 1

AMENDED PLAN PERIMETER

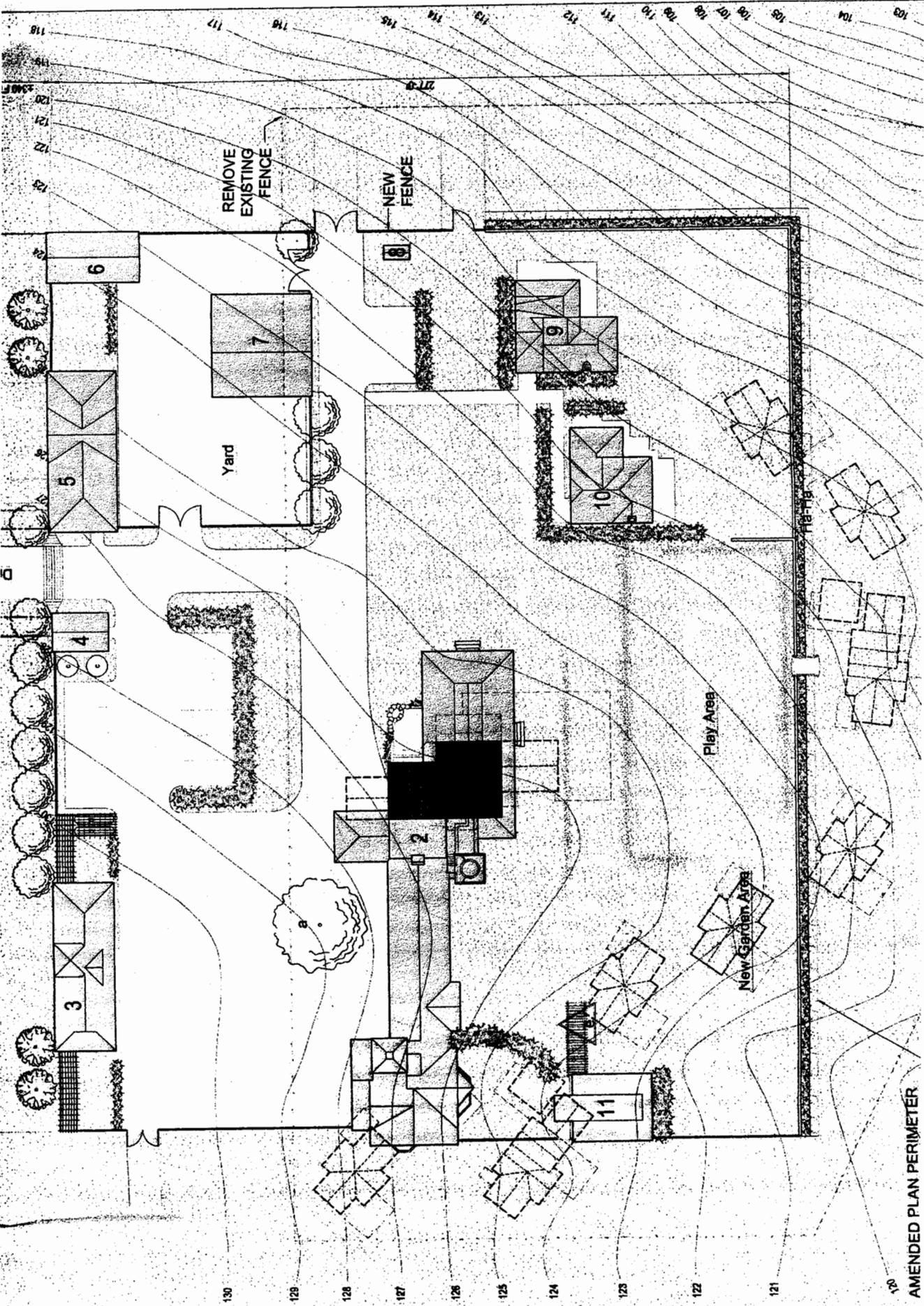
395

# WPORT RANCH

California

THE ARCHITECT AND DESIGNER'S NOTE

SEAL



PHASE 2

AMENDED PLAN PERIMETER

495

NOTES:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
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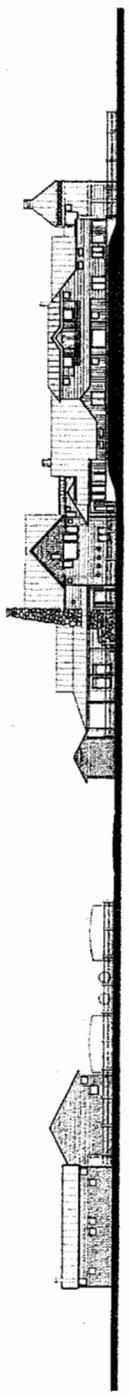
**INN AT NEWPORT RANCH**  
 Mendocino, California  
 SELLENS & COMPANY ARCHITECTS  
 SANFORD STRAUSS ARCHITECTS

DATE: 08.28.06  
 TELEPHONE:

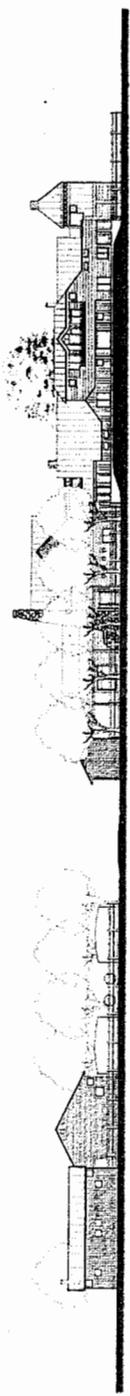


FILE NO: SE  
 SITE ELEVATIONS  
 SHEET NO:

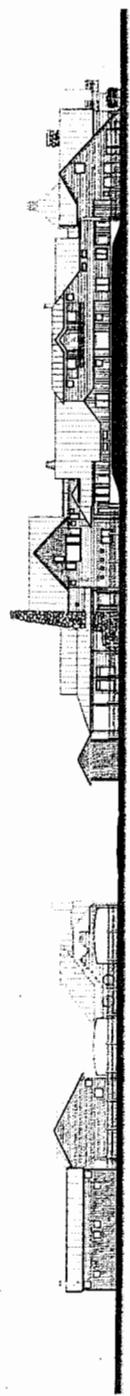
**1 EAST ELEVATION (View from Route #1)**  
 Phase-1 - Trees not shown



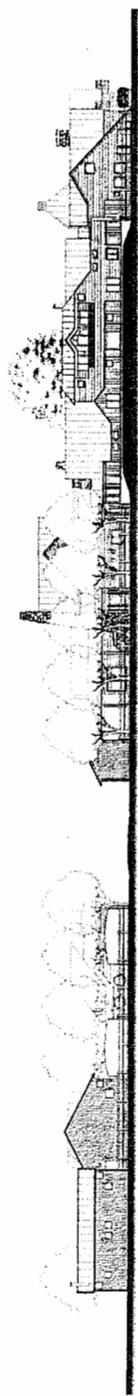
**2 EAST ELEVATION (View from Route #1)**  
 Phase-1 - Trees shown



**3 EAST ELEVATION (View from Route #1)**  
 Phases-1&2 - Trees not shown



**4 EAST ELEVATION (View from Route #1)**  
 Phases-1&2 - Trees shown



5 of 5

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95501  
VOICE (707) 445-7833 FAX (707) 445-7877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

**SECTION I. Appellant(s)**

Name: Molly Warner & Britt Bailey, Mendocino Planning Commissioners

Mailing Address:

21251 So. Petaluma Ave.

City: Fort Bragg

Zip Code: 95437

Phone: 707- 9964-5472

**EXHIBIT NO. 10**

**APPEAL NO.**

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

APPEAL NO. 1 (MOLLY WARNER  
& BRIT BAILEY) (1 of 6)

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Mendocino County, Planning Commission

2. Brief description of development being appealed:

Coastal Development Use Permit to establish a \*1C., Visitor Accommodations and Services. In two phases, total lot coverage of 17,186 square feet would include a bunkhouse, main house, guest rooms each having a bath per bedroom and a kitchen, and some of 3 bedrooms/baths plus kitchen and reception rooms. Also a conference center and a spa, and out buildings for tractors, ATV's, and mechanic/maintenance barn, and a 1200 square foot caretaker unit.

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

In Mendocino County within the Coastal Zone, 4+or- miles south of Westport, 1+or- mile north of Abalobadiah Creek, approx. 700 feet west of Highway 1; various AP numbers, a 3.7 acre portion of a 407 acre parcel.

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

- Approval; no special conditions
- Approval with special conditions:
- Denial

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

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-1-MEN-07-028

**RECEIVED**

JUL 23 2007

CALIFORNIA  
COASTAL COMMISSION

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95601  
VOICE (707) 445-7833 FAX (707) 445-7877



DATE FILED: 7/23/07

DISTRICT: North Coast

2092

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

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

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

6. Date of local government's decision: June 21, 2007

7. Local government's file number (if any): CDU 6-2006

**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:

Owner/Applicant: Willard T. Jackson, President, Jackson-Grube Family, Inc.  
PO Box 430, Middlebury, VT 05753

Agent: Bud Kamb  
101 Boatyard Drive, STE. D, Fort Bragg, CA 95437

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)

(2)

(3)

(4)

3 of 6

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

**Reasons for Appeal**

**1. \*1C Zoning Designation**

**Ms. Warner's comments:**

One major issue is the interpretation of the size and intensity of use that is appropriate for a \*1C designation. As per pages 21 and 22 of Mendocino County General Plan Coastal Element, this designation is for one of the least intensive uses of the visitor serving categories, from 5 to 10 units. Page 21 indicates that a health spa is an example of a use in the far more intensive "resort" category. Page 22 uses only the word "unit" where maximum unit size is listed. Although the word "suites" is used in the Mendocino County Zoning Code, Coastal Zone, in Sec. 20.436.015, the most common understanding of a "suite" is a bedroom with a sitting room. The proposal from Jackson-Grube is far, far beyond that. There was a total of 18 bedrooms proposed, each bedroom with it's own bathroom (18 BATHROOMS!). One "unit" includes 3 bedrooms, 3 bathrooms, kitchen, dining room, sitting room and porch totalling 2,961 square feet. Even the manager's unit is too big, with 3 bathrooms.

Accordingly, Ms. Bailey includes the following comments:

The zoning for the Jackson-Grube project allows for Inns and Bed & Breakfasts. Both the Mendocino County Local Coastal Plan and the Coastal Zoning Code are consistent in defining the uses within this zoning in a more diminutive rather than substantial way. \*1C represents the least intensive use for visiting serving facilities. Both the adopted Plan and Ordinance define limitations for guest rooms or suites. Bed & Breakfasts are allowed a maximum of 4 rooms or suites. Inns are allowed a maximum of 10 rooms or suites. In addition, the Inn designation limits food vending. The dining facilities should not accommodate more than three people per room/suite.

**Sec. 20.436.015 Coastal Zoning Code**

(a) Inn - \*1 or \*1C: 10 guest rooms or suites. Note: A bed and breakfast accommodation is limited to four (4) guest rooms or suites. Dining facilities for guests shall not exceed three (3) chairs per guest room or suite.

**Definitions According to Section 20.308 of the Coastal Zoning Code**

**\*1C Bed & Breakfast/Inn**

**Bed and Breakfast Accommodations:** Any building or portion thereof or group of buildings containing two but no more than four guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit wherein breakfast may be provided for compensation or profit. A use permit shall be required for the establishment of bed and breakfast accommodations.

4 of 6

Inn: Any building or portion thereof or group of buildings containing five or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and where regular meals may be provided for compensation or profit.

I am of the opinion that in the case of the Jackson-Grube project, the intent of the \*1C zoning regulations has been seriously misinterpreted. I doubt that the drafters of the \*1C designation considered 3 bedroom, 3 bathroom, kitchen, living room, dining room (total sq.' 2600) one "suite." The Jackson-Grube project, while architecturally outstanding, should be considered to be more of a resort than an Inn and as such should carry the proper zoning. As a neighboring Commissioner, I am very concerned that the project as approved by the Mendocino Planning Commission, would do a great disservice to nearby communities with identical zoning within coastal scenic and highly scenic areas. In my district alone, I know of 2 undeveloped coastal properties with the \*1C zoning designation.

## 2. Intensity of Use

Above and beyond the concern about size and densities of these units, is the added intensity of uses such as the large maintenance barn, spa, conference room, and the applicant's intention to frequently hold weddings of up to 99 people. This project needs to be scaled back to fit the intent of a \*1C, especially given that it is in one of the few remaining relatively remote sections of our coastline where there are NO services, not even a fire district, and that is designated highly scenic and, as page 141 of the Mendocino Coastal Element informs us, "no additional traffic capacity on Highway 1 will be available". Weddings and conferences are not appropriate here. It is not a precedent to set for a \*1C in a resource area.

## 3. Visual Effects

Another issue regarding the Jackson-Grube project is the visuals of the project as proposed, even with the removal of the 3 single bedroom units on the north. Because there are so many buildings in the cluster, closed off from all ocean views toward the west by a fence, it gives the appearance of a faux Fort Ross. While the architecture of each building is well done, the total is not compatible with the open character of the surrounding area, as called for in Sec.30251 of the Coastal Act. Were it smaller, with a view corridor, it might fit the area.

## 4. Outdated hydrological and botanical studies

The project was considered and approved despite the outdated hydrological and botanical studies. For example, the botanical study submitted was over 13 years old. Especially in view of the proposed wedding and conference events where parking would need to occur in the fields surrounding the compound, it is imperative to have up to date knowledge of what the fields and drainages now contain.

5. Both the Local Coastal Plan and the Coastal Act stress the importance of providing low-cost visitor facilities. The Jackson-Grube project is a high-end facility and as such fails to address these requirements to encourage and provide low-cost accommodations. When asked to address this failure, Mr. Jackson could not identify a way to create an economically scaled range of facilities for the proposed project.

Chapter 3.7 County Coastal Element, Section 30213

Recreation and Visitor Serving Facilities

Section 30213 (Part). Lower cost visitor and recreational facilities...shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

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**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

Signature on File                      Signature on File  
Signature of Appellant(s) or Authorized Agent  
Date: July 19, 2007

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

**Section VI. Agent Authorization**

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

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

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## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95501  
VOICE (707) 445-7833 FAX (707) 445-7877



### 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: SEE ATTACHMENT 1

City:

Zip Code:

Phone:

RECEIVED

JUL 25 2007

CALIFORNIA  
COASTAL COMMISSION

#### SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Mendocino

2. Brief description of development being appealed:

Coastal Development Use Permit to build a 10-unit inn in 2 phases. Phase I to consist of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 square feet (3 bedrooms / 3 bathrooms / downstairs area including kitchen, dining and reception rooms). The north end of the structure would include an upstairs unit of 1,089 square feet (2 bedrooms / 2 bathrooms / kitchen) and downstairs unit of 833 square feet (1 bathroom / kitchen). In addition, a 1,276 square foot two floored managers unit (2 bedrooms / 3 bathroom / kitchen); 1,269 square foot equipment barn; 648 square foot maintenance shop; and a 240 square foot generator/pump shed are proposed as part of the first phase. Phase II would consist of 7 units with 3 added to the main building in two storied units of 954 square feet (1 bedroom / 1 bathroom / kitchen); 951 square feet (1 bedroom / 1 bathroom / kitchen); and 820 square feet (1 bedroom / 1 bathroom / kitchen); 2 units within a detached bunkhouse of 531 square feet (1 bedroom / 1 bathroom / kitchen) and 757 square feet (2 bedrooms / 1 bathroom / kitchen); and 2 separate cottages of 835 square feet (2 bedrooms / 1 bathroom) and 915 square feet (2 bedrooms / 1 bathroom), respectively. A 778 square foot spa, wells, septic system, roads and underground utilities are also proposed within the approximate 3.7-acre area of development.

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

Approximately four miles south of Westport on the west side of Highway 1 at 31502 North Highway One, Mendocino County, (APN 015-380-03, -4, -05, 015-330-13, -19-27, a portion of 015-330-28, 015-070-45, -49,-51, portions of 015-070-47, -52).

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

- Approval; no special conditions
- Approval with special conditions:
- Denial

EXHIBIT NO. 11

APPEAL NO.

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

APPEAL NO. 2 (COMMISSIONERS  
KRUER & WAN) (1 of 10)

**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-MEN-07-028

DATE FILED: 7/25/07

DISTRICT: North Coast

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

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

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

6. Date of local government's decision: June 21, 2007

7. Local government's file number (if any): CDU #6-2006

**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.  
Willard T. Jackson, President  
P.O. Box 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)

(2)

(3)

(4)

2 of 10

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See ATTACHMENT 2

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 4

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 Attachment 2

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.

Signed: (      Signature on File \_\_\_\_\_  
Appellant or Agent

Date: July 25, 2007

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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ATTACHMENT 1

SECTION I. Appellant(s)

1. Patrick Kruer  
The Monarch Group  
7727 Herschel Avenue  
LaJolla, CA 92037

Phone: (858) 551-4390

2. Sara J. Wan  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Phone: (415) 904-5201

## ATTACHMENT 2

### REASONS FOR APPEAL

The approval of Coastal Development Permit Application No. 6-2006 by Mendocino County is inconsistent with the certified Local Coastal Program (LCP), including LCP provisions regarding the protection of visual resources.

### VISUAL RESOURCES

The approval of the coastal development permit by Mendocino County encompasses property within a highly scenic area designation, and is in conflict with visual resource policies and standards contained in the Mendocino LCP, including, but not limited to, LUP Policies 3.5-1 and 3.5-3, and Coastal Zoning Ordinance Section 20.504.015(C)(3).

#### Policies

Policy 3.5-1 states in applicable part:

*"The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a protected resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting." (emphasis added)*

Policy 3.5-3 states in applicable part:

*"The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. The entire coastal zone from the Ten Mile River estuary (including its wooded slopes, wetlands, dunes and ocean vistas visible from Highway 1) north to the Hardy Creek Bridge, except Westport Beach Subdivision which is a recognized subdivision... In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to the natural setting and minimize reflective surfaces..." (emphasis added)*

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Coastal Zoning Ordinance Section 20.504.015 states in applicable part:

*(C) Development Criteria.*

- (1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.*
- (2) In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps, new development shall be limited to eighteen (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.*
- (3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings."*

Discussion

The County of Mendocino approved Coastal Development Permit # 6-2006 for the construction of a 10-unit Inn in two Phases. Phase I consists of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 square feet (3 bedrooms / 3 bathrooms / downstairs area including kitchen, dining and reception rooms). The north end of the structure would include an upstairs unit of 1,089 square feet (2 bedrooms / 2 bathrooms / kitchen) and downstairs unit of 833 square feet (1 bathroom / kitchen). In addition, a 1,276-square-foot, two-story manager's unit (2 bedrooms / 3 bathroom / kitchen); 1,269-square-foot equipment barn; 648-square-foot maintenance shop; and a 240-square-foot generator/pump shed. Phase II would consist of the construction of 7 units with 3 added to the main building in two-story units of 954 square feet (1 bedroom / 1 bathroom / kitchen); 951 square feet (1 bedroom / 1 bathroom / kitchen); and 820 square feet (1 bedroom / 1 bathroom / kitchen); 2 units within a detached bunkhouse of 531 square feet (1 bedroom / 1 bathroom / kitchen) and 757 square feet (2 bedrooms / 1 bathroom / kitchen); and 2 separate cottages of 835 square feet (2 bedrooms / 1 bathroom) and 915 square feet (2 bedrooms / 1 bathroom), respectively. The project also involves the construction of a 778-square-foot spa, wells, septic system, roads and underground utilities.

The project site encompasses approximately 3.7 acres of an approximately 407-acre parcel located in a designated "highly scenic" area on the west side of Highway One, approximately four miles south of Westport. The parcel is planned and zoned Remote Residential-20 acre minimum with Planned Unit Development Combining District and \*1C (Visitor-serving Inn) designations (RMR 20:PD\*1C).

The subject site is located on a flat, open coastal terrace to the west of the highway vegetated with low-growing grasses and a single mature Cypress tree. The site is developed with a ranch

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house and several associated clustered structures bordered by a white fence that contrasts starkly against the surrounding undeveloped terrace. The land surrounding the existing fenced development is used for grazing cattle. Due to the flat terrain and lack of tall vegetation or varied topography, the project site is highly visible from Highway One in both directions. The views to and along the coast from this stretch of Highway One are sweeping and vast due to the largely undeveloped nature of the area. There is very little development located on either side of the highway for many miles in each direction with the exception of a few scattered residences on the east side of the highway, and a winery located approximately two miles north of the project site on the west side of the highway. The open coastal terrace to the west and steep, grassy hillsides to the east create the rural, agricultural character of the area.

The project as approved by the County in this designated highly scenic area is inconsistent with LUP Policies 3.5-1 and 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(C)(3) which require, in part, that new development be subordinate to the character of the natural setting.

The County's approval of CDU #6-2006 includes several special conditions intended, in part, to protect visual resources and require (1) submittal of a parking plan, (2) submittal of a revised lighting plan to remove upcast lighting, (3) deletion of units 4-6 from the development, (4) undergrounding of utility lines, and (5) use of exterior building materials of earthtone colors. However, the approximately 16,000 square feet of total new development would be significant and the conditions intended to protect visual resources would not effectively reduce the prominence of the approved development in a manner that would cause the development to be subordinate to the character of the highly scenic area as required by LUP Policies 3.5-1 and 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(C)(3). As noted above, the character of the area is largely defined by the very limited amount of development on either side of Highway One for many miles in each direction surrounding the project site.

The project as approved involves the construction of nine new buildings at the site totaling over 16,000 square feet including two project elements where the 18-foot-height standard required by Coastal Zoning Code Section 20.504.015(C)(2) would be exceeded, including the replacement of an existing 26'-5" structure with one of equal height, and the construction of an approximately 25-foot-high roof over a portion of the main structure. In addition, the approved project involves planting eight trees to screen the inn from Highway One as well as additional landscaping involving several hedgerows, gardens, grass fields, and rocks/boulders throughout the project area. The County's findings of approval state that although the development will include more structures and trees than what currently exists at the site, impacts to ocean views are considered to be insignificant because of the broad coastal terrace that the County indicates is large enough to accommodate the inn development without interfering with the public's ability to enjoy the coastal view beyond. However, the County's findings of approval do not include an analysis of the project's subordination to the character of the setting as required by LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Code Section 20.504.015(C)(3). As discussed above, the character of the area is defined by the vast expanse of undeveloped, grassy coastal terrace. Unlike forested or heavily vegetated areas of the Mendocino coast where new development can be sited and designed to be screened with existing or new vegetation and trees in a manner that enables the development to be subordinate to the character of its setting, at this site, the character of the area is largely defined by the lack of trees. The introduction of trees intended to partially screen

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portions of the nine proposed structures, and extensive manicured lawns and landscaping would not be subordinate to the expansive coastal terrace dominated by low-growing natural grasses.

Furthermore, in its approval of the project, the County included a special condition to set a maximum limit of 99 persons for any special event held at the approved inn without the need for a coastal development permit (CDP). The condition requires that special events involving between 100 and 1,000 persons shall require a CDP and events involving over 1,000 persons and/or eating and drinking establishments for on-premises consumption by non-paying guests of the inn shall require a use permit. While this special condition required by the County sets criteria for when additional permits are required for special events, the County's approval does not set any controls on the total number of special events allowable at the site, or on accessory development associated with such gatherings. Without specific controls on the number of special events and the manner in which they are conducted, development associated with these events would result in significant adverse visual impacts. For example, special events involving up to, or more than, 99 persons would introduce a significant number of cars parked at the site, thereby significantly increasing the intensity of use of the site. Such events would also involve placement of portable restrooms, signs, lighting, and tents and other temporary structures that would not be subordinate to the character of the open coastal terrace setting as required by LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(C)(3).

### CONCLUSION

The Commission finds that the project as approved by the County is inconsistent with, and raises substantial issues, with respect to its conformance with LCP standards and policies pertaining to visual resource protection.

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