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# Th10a

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## STAFF REPORT: MATERIAL AMENDMENT

**Amendment Application No.:** A-1-MEN-07-028-A6

**Applicant:** Jackson-Grube Family, Inc.

**Agent:** Blair Foster, Wynn Coastal Planning

**Location:** 31502 North Highway One, approximately twelve miles north of Fort Bragg and four miles south of Westport, Mendocino County (APN 015-380-05).

**Proposed Amendment:** Amend permit granted for development of inn to (1) increase maximum number of authorized visitor-serving inn units from 8 to 10, (2) remodel and convert building currently authorized as ranch manager's residence into one permanent inn unit and two connected habitable spaces authorized for use either as single residence for ranch manager or innkeeper or as two separate inn units when not occupied as residence, (3) remodel and convert portions of building currently authorized as innkeeper's residence or as two separate inn units when not used by Innkeeper into one permanent inn unit and habitable space authorized for use either as residence for ranch manager or innkeeper or as single inn unit when not occupied as residence, and (4) add three parking spaces.

**Staff Recommendation:** Approval with conditions.

## SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends **approval** of CDP amendment request A-1-MEN-07-028-A6, as conditioned.

Jackson-Grube Family, Inc. proposes to amend Coastal Development Permit A-1-MEN-07-028, granted by the Commission in 2010, for the redevelopment of an existing complex of ranch buildings and development of a six-unit inn four miles south of Westport in Mendocino County. As approved under the original CDP, the ranch and inn buildings are clustered within a 1.22-acre compound midway between the bluff edge and Highway 1 on the approximately 400-acre subject parcel. The coastal development permit has been amended several times to make various modifications to the originally approved development. The development as previously amended consists of an 8-unit inn, two of which are part time inn units that otherwise are part of an innkeeper's residence. The eight units are spread between three separate structures within the compound. One of the structures, the Northeast inn building, currently contains the innkeeper's residence. A separate structure, the Southeast inn building, currently contains a ranch manager's residence. Other approved development includes an equipment barn for the ranch, a generator/pump shed, water tanks, and parking.

The proposed development would make several modifications to the inn, including (1) increasing the maximum number of authorized visitor-serving inn units from 8 to 10; (2) remodeling and converting the Southeast inn building currently authorized as the ranch manager's residence into one permanent inn unit and two connected habitable spaces authorized for use either as single residence for ranch manager or innkeeper, or as two separate inn units when not occupied as residence, (3) remodeling and converting the portions of the Northeast inn building currently authorized as the innkeeper's residence or as two separate inn units into one permanent inn unit and a habitable space authorized for use either as a residence for the ranch manager or innkeeper, or as another inn unit, and (4) adding three parking spaces

The LCP limits the number of inn units that can be allowed at the site to ten and the number of residential units that can be allowed at the site without obtaining an additional use permit to one (the ranch manager's residence) plus a caretaker's unit (the innkeeper's residence) as currently proposed. Staff is recommending several special conditions to help ensure these limitations are not exceeded. **Special Condition 7** makes clear existing requirements under the Coastal Act and the Commission's regulations that any future development at the site, including any proposed addition of more inn units or residential units will require a further amendment. Staff is also recommending **Special Conditions 28 and 29** which limit the number of residential and inn units to conform with the provisions of the certified LCP related to density. Also, **Special Condition 30** provides a mechanism to notify the Commission when the applicant changes the use of habitable spaces in the Northeast and Southeast inn buildings as authorized between inn units and residential units for the ranch manager and innkeeper to make it clear how the buildings are being used at any given time.

The applicant's groundwater and septic system evaluations demonstrate that the existing water wells and septic systems serving the inn have sufficient capacity to serve the ten total inn units and other development that would be allowed under the permit as amended. As all of the development would occur within the existing inn compound in and around existing structures and would not include new structures exceeding the height of the existing buildings, the proposed modifications to the development would be visually subordinate to the character of its setting.

Staff believes that as conditioned, the proposed project is consistent with all applicable Chapter Three policies of the certified Mendocino County LCP and the public access policies of the Coastal Act.

The motion to adopt the staff recommendation of approval with special conditions is found on [page 5](#).

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit No. A-1-MEN-07-028 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.*

## II. STANDARD AND SPECIAL CONDITIONS

The original permit (CDP No. A-1-MEN-07-028) contained 5 standard conditions and 23 special conditions. CDP Amendment No. A-1-MEN-07-028-A2 deleted Standard Condition No. 2 and Special Condition No. 4, modified Special Conditions Nos. 1, 2, 7, 9, 15, 16, and 22, and added Special Conditions Nos. 24 and 25. The current amendment further modifies Special Condition Nos. 1, 2, 7, 15, and 22 as shown below and these conditions are re-imposed as conditions of CDP Amendment No. A-1-MEN-07-028-A6. Special Condition No. 25 is deleted and Special Condition No. 26 (Deed Restriction) replaces Special Condition No. 24 of the permit as previously amended. Special Conditions Nos. 26-30 are attached as new conditions to CDP Amendment No. A-1-MEN-07-028-A6. Standard Condition Nos. 1, 3, 4, and 5 and Special Conditions Nos. 3, 5, 6, 8-14, 16-21, and 23 are un-altered and remain in full force and effect. The new and modified conditions are listed below. Deleted wording is shown in ~~striketrough~~ text, and new language appears as **bold double-underlined** text. For comparison, the text of all the original permit conditions is included in [Exhibit 10](#), and the text of the conditions modified or added by Amendment A-1-MEN-07-028-A2 is included in Exhibit 12.

### 1. Conformance of the Design and Construction Plans to the Geotechnical Investigation Report

- A. All final design and construction plans, including bluff setback, foundations, grading, and drainage plans, shall be consistent with the recommendations contained in the Geotechnical Investigation report dated January 10, 2008 prepared by BACE Geotechnical. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-07-028**, the applicant shall submit, for the Executive Director's review and approval, evidence that a licensed professional (Certified Engineering Geologist or Geotechnical Engineer) has reviewed and approved all final design, construction, foundation, grading and drainage plans and has certified that each of those plans is consistent with all of the recommendations specified in the above-referenced geotechnical report approved by the California Coastal Commission for the project site.
- B. The permittee shall undertake development in accordance with the approved final plans as revised by the amended final plans titled, "Inn at Newport Ranch" prepared by Sellers & Company Architects, dated March 28, 2014 **for Amendment No. A-1-MEN-07-028-A2, and as further revised by the amended final plans titled, "Jackson Grube Family Inn at Newport Ranch," prepared by Wynn Coastal Planning (based on plans prepared by Sellers & Company Architects and dated June 30, 2017) and revised July 5, 2017 and October 3, 2018 for Amendment No. A-1-MEN-07-028-A6.** Any proposed changes to the approved final plans as revised by the amended final plans shall be reported to the Executive Director. No changes to the approved final plans as revised by the amended final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

## 2. No Future Bluff or Shoreline Protective Device

- A. By acceptance of this permit **amendment**, the applicant agrees, on behalf of himself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the ~~new~~ **Main inn building, rental Cottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence)** ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking spaces, overflow parking lot, courtyard,~~ septic system, driveways, and utility lines authorized pursuant to Coastal Development Permit No. A-1-MEN-07-028 **as amended**, in the event that the ~~m~~ **Main inn building, rental Cottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence)** ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking spaces, overflow parking lot, courtyard,~~ septic system, driveways, and utility lines are threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence, or other natural hazards in the future. By acceptance of this permit **amendment**, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices to protect the ~~m~~ **Main inn building, rental Cottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence)** ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking~~

spaces, overflow parking lot, courtyard, septic system, driveways, and utility lines that may exist under Public Resources Code Section 30235 or under Mendocino County Land Use Plan Policy No. 3.4-12, and Mendocino County Coastal Zoning Code Section 20.500.020(E)(1).

- B. By acceptance of this permit amendment, the applicant further agrees, on behalf of himself and all successors and assigns, that the landowner shall remove the ~~m~~Main inn building, ~~rental e~~Cottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence) ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking spaces, overflow parking lot, courtyard~~, septic system, driveways, and utility lines authorized by this permit amendment if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the ~~m~~Main inn building, ~~rental e~~Cottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence) ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking spaces, overflow parking lot, courtyard~~, septic system, driveways, and utility lines fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
- C. In the event the edge of the bluff recedes to within 10 feet of the ~~m~~Main inn building, ~~rental e~~Cottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence) ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking spaces, overflow parking lot, courtyard~~, septic system, driveways, and utility lines but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed geologist or civil engineer with coastal experience retained by the applicant, that addresses whether any portions of the structures are threatened by waves, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the ~~m~~Main inn building, ~~rental e~~Cottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence) ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking spaces, overflow parking lot, courtyard~~, septic system, driveways, and utility lines without shore or bluff protection, including but not limited to, removal or relocation of portions of the ~~m~~Main inn building, ~~rental e~~Cottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence) ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking spaces, overflow parking lot, courtyard~~, septic system, driveways, and utility lines. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the

~~m~~Main inn building, rental eCottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence) ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking spaces, overflow parking lot, courtyard,~~ septic system, driveways, and utility lines is unsafe for use, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the ~~m~~Main inn building, rental eCottage building, Southeast inn building (formerly ranch manager's residence), Northeast inn building (formerly innkeeper's residence) ~~ranch manager's unit, ranch equipment barn, generator/pump sheds, water storage tanks, fire systems, propane tanks, innkeeper's unit and associated guest unit and garage, parking spaces, overflow parking lot, courtyard,~~ septic system, driveways, and utility lines.

## 7. Future Development Restrictions

- A. This permit is only for the development described in Coastal Development Permit Amendment No. A-1-MEN-07-028-~~A2~~ as amended. Any future improvements to the authorized structures and other approved development and any changes in use of the structures will require a further permit amendment or a new coastal development permit.
- B. The ~~six~~ approved permanent inn units in the ~~m~~Main building (3 units), and eCottage building (3 units), Northeast inn building (1 unit), and Southeast inn building (1 unit) are intended to be used for commercial transient guest occupancy purposes only. When and if any of the inn units cease to be used for commercial transient guest occupancy purposes, a coastal development permit amendment or new coastal development permit application shall be obtained to either remove the unit or convert the unit to a use consistent with the certified Mendocino County LCP.
- C. When not being occupied by the used as residences for the ranch manager or innkeeper, or his/her guests, the innkeeper's unit and associated guest unit the two adjoining habitable spaces at the north end of the Southeast inn building and the habitable space and kitchen at the south end of the Northeast inn building are to be used for commercial transient guest occupancy purposes only. When and if these units cease to be used for either the ranch manager's or innkeeper's residence or commercial transient occupancy purposes, a coastal development permit amendment or new coastal development permit application shall be obtained to either remove the units or convert the units to a use consistent with the certified Mendocino County LCP.
- D. Any division of any of the approved inn units to create additional inn units will require a permit amendment.

## 15. Special Events

Special events are gatherings of multiple persons using the approved inn and ranch complex and other parts of the subject property for purposes other than, or in addition to, overnight accommodations in the approved guest units for which the managers of the inn or their employees or agents either (a) charge a fee for the use or services to accommodate the use, or (b) exclude the general public. Examples of special events include weddings, organizational retreats, lectures, classes, business meetings or meetings of other organizations for which the managers of the inn or their employees or agents either (a) charge a fee for the use or services



to accommodate the use, or (b) exclude the general public. Special events shall be subject to the following restrictions:

- A. Special events at the facility shall be limited to a maximum of 99 persons and to a maximum of 12 events per year. Gatherings of 100 or more persons or requests for more than 12 special events per year shall require an amendment to this coastal development permit.
- B. During temporary events and at all other times, the number of vehicles parked at the site shall be limited so that all of the vehicles of visitors, guests, workers, and others staying at or working at the inn and ranch can be accommodated in the ~~14 space primary parking lot, within the 2 space guest garage structure,~~ **20 designated parking spaces** and the ~~24~~ **25** space overflow parking area **shown in the proposed site plan attached as Exhibits No. 3, page 2 of 7, of the staff recommendation for Amendment No. A-1-MEN-07-028-A6.** No parking is allowed elsewhere on the project site as shown in Exhibit No. 28 **of the July 22, 2010 staff recommendation for Permit No. A-1-MEN-07-028** including, but not limited to areas along the driveway or in the fields adjoining the inn complex.
- C. Any tents installed to accommodate temporary events shall be located within the confines of the perimeter fence to be installed around the inn and ranch complex.
- D. Special events shall have duration of no more than three days.
- E. Special events shall be non-consecutive and any tents or other temporary structures and facilities installed to accommodate a temporary event shall be taken down within 48 hours of each special event.
- F. A coastal development permit amendment for a temporary event of 100 or more persons or for a special event that is the 13<sup>th</sup> or greater event held at the site in the last year shall be obtained prior to holding the event.

## 22. Length of Stay Provisions

All **habitable spaces used for commercial transient guest occupancy purposes as inn units** ~~six inn units in the main building and cottage,~~ shall be open and available to the general public. ~~Rooms~~ **Inn units** may not be rented to any individual, family, or group for: (1) more than 30 consecutive calendar days counting portions of calendar days as full days; or (2) ~~no~~ more than 60 days per year. ~~When not being occupied by the innkeeper or his/her guests, the innkeeper's unit and associated guest unit shall be open and available to the general public as the inn's seventh and eighth visitor accommodation units, and shall not be rented to any individual, family, or group for: (1) more than 30 consecutive calendar days counting portions of calendar days as full days; or (2) no more than 60 days per year.~~

## 26. Deed Restriction

**PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT A-1-MEN-07-028-A6, the Applicant shall submit to the Executive Director for review and approval documentation demonstrating that the Applicant has executed and recorded against the property governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit as amended, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property;**

and (2) imposing the Special Conditions of this permit as amended as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, as amended, shall continue to restrict the use and enjoyment of the property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the property. This deed restriction shall supersede and replace the deed restriction recorded pursuant to Special Condition 24 of Coastal Development Permit Amendment No. A-1-MEN-07-028-A2, approved May 16, 2014, which deed restriction is recorded as Instrument No. 2014-07394 in the official records of Mendocino County

**27. County Use Permit Modification**

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. A-1-MEN-07-028-A6, the applicant shall submit, for the Executive Director's review and approval, a copy of the approved use permit modification issued by the County of Mendocino for the proposed project revisions. The Applicant shall inform the Executive Director of any changes to the project required by the County. Such changes shall not be incorporated into the project until the applicant obtains a further Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

**28. Restrictions on Residential Use**

The following restrictions shall apply with respect to residential use of the Inn: (1) residential use of the inn shall be limited to no more than two residences and the residences shall be used only as a residence for the manager of the ranch on the subject property and/or as a residence for an innkeeper who acts as the caretaker, manager or superintendent of the inn on the subject property; (2) residential use shall only occur within (a) the two adjoining habitable spaces combined as one residence at the north end of the Southeast inn building and (b) the habitable space and kitchen combined as one residence at the south end of the Northeast inn building; (3) the residences allowed under part (2) above in the Southeast inn building and Northeast inn building may be used either by the ranch manager or innkeeper at different times so long as no more than one ranch manager's residence and one innkeeper's residence exists at the inn at any one time; and (4) when not being used as residences for the ranch manager or innkeeper, the two adjoining habitable spaces at the north end of the Southeast inn building and the habitable space and kitchen at the south end of the Northeast inn building shall be used only for commercial transient guest occupancy purposes as inn units consistent with the requirements of Special Conditions 22 and 29.

**29. Restrictions on Commercial Transient Guest Occupancy Use**

The following restrictions shall apply with respect to commercial transient guest occupancy use of the Inn: (1) no more than 10 total inn units for commercial transient guest occupancy use shall exist at the inn at any one time; (2) all six inn units in the Main inn building and Cottage building, the habitable unit at the south end of the

**Southeast inn building, and the habitable unit at the north end of the Northeast inn building shall be permanently open and available to the general public for commercial transient guest occupancy use; (3) when not being used as residences for the ranch manager or innkeeper consistent with the requirements of Special Condition 28, the two adjoining habitable spaces at the north end of the Southeast inn building and the habitable space and kitchen at the south end of the Northeast inn building shall be open and available to the general public for commercial transient guest occupancy use as inn units so long as no more than 10 total inn units exist at the inn at any one time.**

**30. Notification of Allowed Changes Between Residential and Inn Unit Use of Habitable Spaces Within Southeast and Northeast Inn Buildings**

**Prior to each proposed change of use of the two adjoining habitable spaces at the north end of the Southeast inn building and the habitable space and kitchen at the south end of the Northeast inn building between use as residences for the ranch manager or innkeeper and commercial transient guest occupancy use as inn units or between use as a residence for the ranch manager and use as a residence for the innkeeper as allowed by Special Conditions 28 and 29, the permittee shall submit written notification for the review and approval of the Executive Director. The submitted notification shall include (a) a written narrative of the proposed change in use with an explanation of how the proposed change is consistent with the requirements of Special Conditions 28 and 29, and (b) annotated floor plan diagrams of both the Southeast and Northeast inn buildings indicating how each habitable space within the two buildings are proposed to be used, either as an inn unit, a ranch manager or innkeeper residence, or left vacant.**

## **II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

### **A. PROJECT HISTORY AND AMENDMENT DESCRIPTION**

#### **Approved Project**

On August 11, 2010, the Commission approved with conditions Coastal Development Permit (CDP) A-1-MEN-07-028 for the demolition of five existing ranch buildings and the development of a six unit ranch and inn compound at 31502 North Highway One, Mendocino County. The subject property is located on the west side of Highway One in rural northern Mendocino County approximately four miles south of Westport and 12 miles north of Fort Bragg. The site is located on a gently-sloping marine terrace that extends approximately one-quarter mile from the ocean bluff edge to the coastal hills east of Highway One. There is very little development on either side of the highway in the immediate vicinity of the site as the surrounding grassy terrace and hillsides are largely used for agricultural grazing. To protect the rural, agricultural character of the setting and scenic views to and along the ocean, the area is designated as “highly scenic” in the certified Mendocino County LCP.

The permit was issued on August 29, 2011[[Exhibit 10](#)]. In 2013, two immaterial amendments were issued for changes in roofing materials and septic system improvements<sup>1</sup>, and [[Exhibits 11 and 13](#)]. Additionally, the Commission approved a material amendment under CDP No. A-1-MEN-07-028-A2 involving: (1) converting portions of the garage into a one bedroom innkeeper's unit (662 sq. ft.) and an associated guest unit (318 sq. ft.), both to be used occasionally as visitor accommodations; (2) extending the south eave of the equipment barn and installing a photovoltaic array on its roof; (3) installing a trellis on the cottage; (4) enclosing the north porch of the main building and enlarging its east patio; (5) making numerous glazing revisions to the main building, cottage, and garage; (6) installing three 3,000 gallon water tanks; (7) adding two retaining walls; (8) rearranging guest parking and exterior lighting; and (9) maintaining and upgrading the existing driveway instead of developing a new driveway alignment as originally approved. An additional amendment was proposed in 2013, but was withdrawn<sup>2</sup>. Finally, an additional immaterial amendment<sup>3</sup> was approved for the relocation of two garage parking spaces to the courtyard of the compound, and the conversion of the garage space into an office, storage room and porch area [[Exhibit 14](#)].

The development as previously amended consists of an 8-unit inn, two of which are part time inn units that otherwise are part of an innkeeper's residence. The eight units are spread between three separate structures within the compound, including the Main inn building (3 units), the Cottage building (3 units), and the Northeast inn building (2 part-time units), which also contains the innkeeper's residence. A separate structure, the Southeast inn building currently contains a ranch manager's residence. Other approved development includes an equipment barn for the ranch, a generator/pump shed, water tanks, and parking. The ranch and inn compound was constructed within an approximately 1.22-acre area midway between the bluff edge and the highway. In total, the approved development includes 40 parking spaces, five within the proposed garage, 10 within the ranch and inn compound, and 25 in an unpaved overflow parking area just southeast of the compound.

The approved permit, as amended, includes 25 special conditions. A number of these special conditions address the protection of visual resources to ensure that the development remains subordinate to the character of its setting. The approved permit also includes special conditions that restrict the use of the six inn units and the Innkeeper's guest unit for visitor-serving uses.

### **Proposed Amendment**

Under the current amendment request, the applicant would increase the total number of inn units to 10, and would remodel the Northeast and Southeast inn buildings, using each building either solely for inn units or for an inn unit and a residence for either the ranch manager or innkeeper. The ranch manager's residence and the innkeeper's residence could be switched between the Northeast and Southeast inn buildings at the applicant's discretion. Specifically, the modifications and changes of use include the following: (1) converting the structure containing

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<sup>1</sup> CDP Amendment No. A-1-MEN-07-028-A1; CDP Amendment No. A-1-MEN-07-028-A3

<sup>2</sup> CDP Amendment No. A-1-MEN-07-028-A4 (withdrawn)

<sup>3</sup> CDP Amendment No. A-1-MEN-07-028-A5

the existing ranch manager’s residence (Southeast inn building) into three habitable units that will serve as either (a) three inn units, or (b) a residential unit for the innkeeper or ranch manager consisting of the two habitable units on the north end of the building (Units #3 and 4 combined as one) plus one additional inn unit on the south end of the building (Unit #5); and (2) converting the structure containing the existing Innkeeper’s residence (Northeast Inn Building), office and full-time inn unit into two units that will serve as either (a) two inn units, or (b) a full-time inn unit, plus a residential unit for the innkeeper or ranch manager consisting of the habitable unit on the south end of the building (Unit #2) with the office and kitchen remaining.

To ensure the variable use of the structures does not result in the limits of the certified LCP regarding the number of inn units and residences that can be allowed on the subject property to be exceeded, the applicant proposes to limit the total number of inn units existing at the inn at any one time to 10 and the number of residential units to two. In addition, the applicant proposes that one of the residences in the Northeast inn building or Southeast inn building will be occupied as a residence for the innkeeper. Furthermore, the applicant proposes to notify Commission staff when the use of the habitable units of the Northeast and Southeast inn buildings would change as authorized between inn units and residences for the innkeeper and ranch manager.

Project changes over time under the permit as amended with respect to the number of inn units and residential units allowed in each inn building are summarized in Table 1 below.

**Table 1.** Changes to number of guest units (G) and residential units (R) allowed in each inn building over time under CDP A-1-MEN-07-028 as amended.

No. of Units	Permit Approved August 2010	Amendment –A2 Approved May 2014	Amendment A6 (current proposal)
Main Inn Building	3G	3G	3G
Cottage Building	3G	3G	3G
Southeast Inn Building**	1R	1R	3G or (1G+1R)
Northeast Inn Building*	1R	1R+2G	2G or (1G+1R)
Equipment barn	0	0	0
Maximum Units Allowed	6G+1R	8G+2R	10G+2R

\*Garage converted to Innkeeper’s Unit and associated guest unit, both to be used as occasional guest rentals.

\*\*Ranch Manager Residence converted to Innkeeper’s Unit and associated guest unit.

Other proposed modifications to the approved development under the current amendment request include: (1) adding windows, a gas stove, hot tub, and pergola to the existing Southeast inn building; (2) adding three parking spaces adjacent to the Southeast inn building; and (3) adding wooden fencing and a pergola adjacent to the existing Northeast inn building. Project plans are attached as [Exhibit 3](#).

Descriptions of approved development and references to current project plans contained in four of the special conditions of the existing permit as previously amended need to be updated to reflect the project changes proposed under Amendment A-1-MEN-07-028-A6. **Special Conditions 1, 2, 15, and 22** are modified to reflect the changes in the approved development and are re-imposed as conditions to CDP Amendment No. A-1-MEN-07-028-A6. The modifications to the conditions do not change the substantive requirements of the conditions.

Special Condition 1 continues to ensure that the proposed project is developed consistent with the 150-foot bluff setback and the design recommendations of the geotechnical report regarding site drainage and foundation design to reduce the contributions of the development to bluff retreat, bluff instability, and seismic hazards. The modifications to Special Condition 1 change the requirement of Section B that development are undertaken in accordance with the previously approved project plans to a requirement that the development be undertaken in accordance with the amended final plans submitted as part of the current amendment request.

**Special Condition 2** continues to prohibit the construction of bluff or shoreline protective devices to protect development approved on the subject property under the permit as amended, and continues to require removal or relocation of structures and appurtenances in the event that the bluff recedes to within 10 feet. The modifications to Special Condition 2 update the descriptions of the approved structures and appurtenances affected by the condition to reflect the changes in the approved development approved by the current amendment request and the nomenclature used to refer to particular buildings.

**Special Condition 15** continues to confine special events authorized to occur at the approved inn and ranch complex to a size and scale that is consistent with the LUP and the CZC (RMR-20:PD\*1C) to minimize impacts on coastal resources. Part B of Special Condition 15 limits the total number of vehicles of visitors, guests, workers, and others that can be parked at the site during a special event to those that can be accommodated in the number of parking spaces approved in particular locations within the inn and ranch compound. The modifications to Special Condition 15 update Part B to reflect the changes in the number and location of approved parking spaces within the compound as amended by the current amendment request

**Special Condition No. 22** requires that all habitable spaces used for commercial transient guest occupancy purposes as inn units shall be open and available to the general public, and rooms may not be rented to any individual, group, or family for more than 30 consecutive calendar days or more than 60 days per year. These requirements ensure that the visitor accommodation units are used by “transient guests” as defined in CZC Section 20.308.115(F). The modifications to Special Condition 22 update the references to approved inn units subject to the condition to reflect the changes in the number and array of inn units approved by the current amendment request.

Under permit amendment A2, **Special Condition No. 25** was added to the permit to ensure that the habitable space at the southern end of the Northeast inn building which was approved for use as a bedroom for the innkeeper’s guests would not be rented or leased as a permanent residence separate from the Innkeeper’s Unit. The applicant now is proposing to convert this habitable space into a full-time inn unit. Thus, Special Condition 25 is no longer applicable and shall be deleted.

## **B. STANDARD OF REVIEW**

As the proposed project is within an area for which the Commission has certified a Local Coastal Program (LCP) and is located between the first public road and the sea, the applicable standard

of review for the Commission is the Mendocino County certified LCP and the public access policies of the Coastal Act.

### **C. OTHER REQUIRED APPROVALS**

The proposed amended development requires a use permit modification from the County of Mendocino. The County is processing an immaterial amendment to Use Permit No. 6-2006/2012. New **Special Condition 27**, requiring the applicant to submit a copy of the County's approval to the Executive Director prior to issuance of the CDP amendment, is added to ensure that the necessary local approval is obtained and that the development authorized by the County is consistent with the development authorized by the amended CDP.

### **D. CONSISTENCY WITH LUP AND ZONING DESIGNATION**

The portion of the property on which the development is proposed is both designated in the County's certified LUP and zoned in the County's certified Implementation Plan as Remote Residential RMR-20:PD \*1C. Section 20.380.005 of Mendocino County's Coastal Zoning Code (CZC) indicates that the Remote Residential District is intended to be applied to lands within the coastal zone which have constraints for commercial agriculture, timber production, or grazing, but which are well suited for small scale farming, light agriculture and low density residential uses, or where the land has already been divided and substantial development has occurred. The "20" attached to the designation and zoning indicates that the minimum parcel size for land division purposes is one parcel for every 20 acres. The Planned Unit Development (PD) designation requires that new development be subject to site plan review 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 \*1C designation is a land use and zoning overlay over the base remote residential land use classification and zoning district that allows for the construction of up to a 10-unit inn or 4-unit bed and breakfast facility with a coastal development use permit. The overlay is one of several visitor accommodation and services (VAS) combining districts defined in the LUP that cover a variety of visitor use types ranging from campgrounds to resorts.

In its 2010 de novo review of the original permit, the Commission found the proposed combination of ranching and visitor serving uses consistent with the Remote Residential RMR-20:PD \*1C LUP designation and zoning for the site. The \*1C designation allows a maximum density of ten guest rooms or suites and the inn as originally approved had six units [*CZC §20.436.030(A)(1)(a)*]. The approved ranch facilities are a form of "Light Agriculture" which is a principally permitted use within the RMR zoning district [*CZC §20.380.005(B)*]. The approved ranch manager's unit is a residential use that is principally permitted within the RMR district [*CZC §20.380.005(A)*].

Some of the changes under the proposed amendment involve design alterations to the approved buildings and adjustments to the site layout within the approved development footprint that do not involve changes of use, the addition of new structures, or a modification to the building envelope, and therefore do not raise issues of zoning and land use compliance. However, the changes under the proposed amendment to increase the total number of inn units allowed at the inn from 8 to 10, and to allow the use of certain habitable spaces within the Northeast and Southeast inn buildings to vary between inn units and residential use for the innkeeper and ranch

manager do raise issues of compliance with the certified LUP and zoning requirements applicable to the subject property. The increase in the total number of allowable inn units at the inn from 8 to 10 is consistent with the LCP. As noted above, the \*1C overlay zoning designation applied to the site allows for a maximum of ten guest rooms or suites. The current authorization under the permit for two residences consistent with the limitations of the LCP will not change under Amendment No. A-1-MEN-07-028-A6. The ranch manager's residence was originally approved as the single family residence that is principally permitted at the site under the RMR district. Under the original permit approval, the Commission found that the innkeeper's unit constitutes an Employee Caretaker Unit, which is a conditional use under the \*1C VAS combining district [CZC §20.436.015(A)]. An Employee Caretaker Unit is defined in CZC Section 20.316.030 in relevant part as one single-family dwelling or a single trailer coach occupied by a caretaker or manager or superintendent of the site's Visitor Accommodations and Services and his/her family. Thus, the applicant's proposal to limit the total number of inn units to 10 and limit the residential use of the subject property to a ranch manager's residence and innkeeper's unit is consistent with the density limitations of the certified LCP.

The proposed variable use of portions of the Northeast and Southeast inn buildings creates at least one scenario where the limit of 10 inn units could be exceeded without making physical changes to the buildings. The Southeast inn building has a total of three independent habitable spaces connected by lockable doorways. Under the proposed amendment, when the building will not be occupied as a residence for either the innkeeper or ranch manager, all three of the independent habitable spaces could be rented out as inn units. When the building will be occupied by a residence, two of the three independent habitable spaces (the two spaces at the north end of the building) are to be occupied as the single residence. However, if the ranch manager or innkeeper were to occupy only one of the three habitable spaces instead of two, the unoccupied habitable space not included in the residence could be rented out as an 11<sup>th</sup> inn unit without having to make physical changes to the building, albeit contrary to the inn unit limitation proposed in the amendment and inconsistent with the limitations of the LCP applicable to the site as discussed above.

Several special conditions are attached or reimposed with modifications to help ensure the density limitations of the LCP applicable to the site are not exceeded. As proposed by the applicant, **Special Condition No. 28** restricts the residential use of the Inn at Newport Ranch to a residence for the innkeeper and a residence for the ranch manager. As discussed above, allowance of these two residences is consistent with the residential density limitations of the certified LCP applicable to the subject property. Special Condition 28 requires that the two residences only be located within the Northeast and Southeast inn buildings, and identifies the particular portions of those buildings that may be used as single residences. Special Condition 28 acknowledges that the habitable spaces that form each residence may be rented out as inn units consistent with the other special conditions of the permit.

Also as proposed by the applicant, **Special Condition 29** restricts the commercial transient use of the Inn, stating that no more than 10 total inn units for commercial transient guest occupancy use shall exist at the inn at any one time. In addition, Special Condition 29 requires that the habitable spaces used as inn units be open and available to the general public to rent rather than reserved for the exclusive use of a limited set of individuals



Also as proposed by the applicant, **Special Condition 30** requires the permittee to provide for the review and approval of the Executive Director written notification when the applicant changes the use of habitable spaces in the northeast and southeast as authorized between inn units and residential units for the ranch manager and innkeeper to make clear how the buildings are supposed be used at any given time. The submittal must include: (a) a written narrative of the proposed change in use with an explanation of how the proposed change is consistent with the requirements of Special Conditions 28 and 29, and (b) an annotated floor plan diagram of both the Southeast and Northeast Inn Buildings indicating how each habitable space within said buildings are proposed to be used, either as an inn unit, a ranch manager or innkeeper unit, or left vacant.

**Special Condition 7** states that any changes to the approved use of the structures will require a further permit amendment or a new CDP. The condition is updated, modified, and re-imposed to incorporate the changes to the approved development. **Special Condition 7** has also been modified to state that any division of the approved units to create new units would also require permit amendment.

Finally, **Special Condition 26** requires that the terms and conditions of the permit be recorded as a deed restriction against the property. This requirement will ensure that future buyers of the property are made aware of the conditions of the permit as amended, including the above described conditions limiting the number of inn units and residences.

Therefore, as conditioned, the Commission finds that the amended development is consistent with the \*1C land use and zoning overlay and the other use and density limitations of the certified LCP applicable to the site.

## **E. ADEQUACY OF AVAILABLE SERVICES**

### **Adequacy of Available Water**

Mendocino County LUP Policy 3.8-9 requires that commercial developments and other potential major water users show proof of an adequate water supply and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. The approved development relies on groundwater pumped from an existing well on the property drilled in 1994. The project site lies within an area containing “Critical Water Resources” as designated by the 1982 Mendocino County Coastal Ground Water Study. Given that groundwater is relatively scarce in the area and that the inn will rely on groundwater, a potential issue is raised as to whether the development as amended is consistent with LUP Policy 3.8-9.

The current amendment increases the total number of authorized guest units to 10 and keeps the number of authorized residences at two, the ranch manager’s residence and the innkeeper’s residence. The Southeast inn building, formerly authorized as one residential unit for a ranch manager, will now be remodeled and authorized for use either as (a) three guest units; or (b) a residential/caretaker unit and one guest unit. The Northeast inn building, formerly authorized for use as an innkeeper’s residence or as two inn units, will now be remodeled and authorized for use as either (a) two guest units; or (b) a guest unit and a residential/caretaker unit. The

amendment increases the maximum number of authorized inn units by two and maintains the maximum number of residences at two.

Under the original permit approval, a hydrology study conducted by Questa Engineering in 2008 concluded that the site would support a 10-unit inn as well as a two bedroom Innkeeper's Unit and a total of 5 hot tubs. The development was estimated to require a maximum daily need of 3,800 gallons of water per day.

In November 2017 and September 2018, Carl Rittman and Associates conducted an updated analysis regarding the adequacy of water supply for the proposed amendment, which was also reviewed and approved by the Mendocino Department of Environmental Health on December 15, 2017 (See [Exhibit 4](#)). The analysis concluded and verified that there is adequate water supply to serve the proposed development as amended. The well has been tested and reported to produce approximately 9,000 gallons of water per day of sustained yield. The amended development will result in approximately the same demand for water as the development considered in the hydrology study in 2008 except for the additional demand to serve the several additional hot tubs approved herein. The additional hot tubs will require an additional 160 gallons of water per day resulting in a maximum flow estimate of 3,960 gallons per day. The use of 3,800 gallons per day will represent only about 35% of the Inn at Newport Ranch's demonstrated well production.

Therefore, the Commission finds that the well has ample capacity to serve the development as amended, and the use of the well to serve the amended project will not drawdown groundwater to the extent that would adversely affect contiguous or surrounding water sources and supplies, consistent with the requirements of LUP Policy 3.8-9.

### **Septic System Capacity**

CZC Section 20.532.095 requires that the granting or modification of any CDP be supported by findings that solid waste capacity has been considered and is adequate to serve the proposed development.

The wastewater disposal system that serves the development at this site is split into two distinct systems – including a large leachfield to the west of the Inn and a separate leachfield system nearer the highway. Under a previous CDP amendment, the applicant was granted after-the-fact approval for the second, larger system. The leachfield to the west of the Inn has a calculated capacity of 1500 gallons per day; the smaller leachfield located to the east of the Inn has a capacity of 450 gallons per day. A visitor serving unit is assigned a base rate of 80 gallons per day and an additional 40 gallons per day for laundry uses, which brings the total rate for a visitor serving unit to 120 gallons per day. Spas are assigned a daily wastewater flow of 80 gallons per day or the actual spa value. Residential bedrooms are assigned a value of 150 gallons per day.

The anticipated daily wastewater from these 10 inn units can be calculated as follows:

- 5 visitor serving units @ 120 gallons per day
- 5 visitor serving units @ 180 gallons per day
- (5 rooms x 120 gpd) + (5 rooms at 180 gpd) = 1500 gallons per day.

The ranch manager's residence and the innkeeper's residence will each add 150 gallons per day to the system for an additional 300 gallons per day. The total anticipated daily wastewater flow from the development is estimated to be 1900 gallons per day.

The existing leachfield capacity at the site is 1950 gallons per day (1500 gpd + 450 gpd = 1950 gpd). As designed and currently operating, the wastewater systems can accommodate the anticipated daily wastewater flow of 1900 gallons per day. All of the aforementioned estimates assume 100 percent occupancy on a daily basis where spas are filled and drained daily. For example, an 80 percent occupancy rate would reduce the anticipated daily wastewater flow to approximately 1520 gallons per day with the existing system capacity of 1950 gallons per day remaining fixed.

The Mendocino County Department of Environmental Health has evaluated and approved the development's septic system design as sufficient to serve the development as proposed to be amended. Therefore, the Commission finds that the amended development as conditioned has sufficient septic system capacity, consistent with the requirements of CZC Section 20.532.095.

### **Highway One Capacity**

CZC Section 20.532.095 also requires that the granting or modification of any CDP be supported by findings that public roadway capacity has been considered and is adequate to serve the proposed development. The project under consideration is accessed directly from Highway One. A traffic analysis, prepared by Whitlock & Weinberger Transportation, Inc. and dated January 14, 2008, studied the potential impacts of the project on Highway One. At the time of the analysis, the proposed project consisted of a 10-unit inn. According to the analysis, the Caltrans Highway Capacity Manual (2000) estimates that the "ideal capacity" of a two lane highway is 3,200 passenger cars per hour, and Highway One in the vicinity of the project is not estimated to be carrying that volume of traffic in a day. Based on Caltrans' District 1 growth factors for State Highways in the district (2002), the volume along Highway One in the vicinity of the proposed inn is only projected to raise to approximately 2,600 trips per day and 470 weekday p.m. peak hour trips by the year 2027. This means that by the year 2027, the capacity available at peak hours will be approximately six times the volume of traffic projected to occur (3,200/470). An anticipated trip generation for the proposed development of 70 daily trips and 4 peak hour trips was estimated using standard rates for a 10 unit "Resort Hotel" published by the Institute of Transportation Engineers (ITE) in *Trip Generation, 7<sup>th</sup> Edition*. Adding the four projected peak hour trips generated by the inn to the projected traffic volumes for 2027 still leaves the available capacity at many times the peak hour volume of traffic that is projected to occur.

The proposed changes to the approved uses of the Northeast and Southeast inn buildings are not expected to significantly increase highway impacts. Therefore, the Commission finds that the public road capacity of Highway One is adequate to serve the amended development consistent with CZC Section 20.532.095.

## **F. VISUAL RESOURCES**

The project site is located on the west side of Highway One in rural northern Mendocino County within a designated "highly scenic" area. The surrounding land consists largely of a gently-

sloping coastal terrace that extends approximately one-quarter mile from the ocean bluff edge to the coastal hills east of Highway One. There is very little development on either side of the highway in the immediate vicinity of the project site, with the exception of a few scattered residences on the east side of the highway, three houses and a winery scattered along the west side of the highway beginning approximately one mile north of the applicant's ranch, and several homes west of the highway on parcels within a half mile south of the proposed development site. The surrounding terrace and hillsides are predominantly covered with low-growing grasses and largely used for cattle grazing. The lack of trees and the limited and widely scattered development in the immediate vicinity of the project site gives the landscape a very open appearance. As a result, the views to and along the coast from narrow two-lane Highway One are sweeping and vast in this area.

Due to the flat terrain of the terrace and lack of tall vegetation, the development site is highly visible from Highway One in both directions. Northbound travelers on the highway first see the development several hundred feet to the south of the site. Southbound travelers first see the development across the gently-sloping coastal terrace from a location along the highway nearly a mile north of the site. The development is also highly visible from a lateral access trail (the Newport Coastal Trail<sup>4</sup>) that runs along the property parallel to the Highway One right-of-way, and from the vertical access easement that connects the Newport Coastal Trail to the bluff edge north of the development.

The Mendocino County LCP sets forth numerous policies regarding the protection of visual resources, including several policies specific to development in designated highly scenic areas, and several policies specific to development on coastal terraces (see Appendix C). LUP Policies 3.5-1 and 3.5-3, and CZC Sections 20.504.015(C)(3) and 20.504.020 all require that new development in highly scenic areas are subordinate to the character of its setting. LUP Policy 3.5-3 and CZC Section 20.504.015 also require that any development permitted in highly scenic areas 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. In addition, LUP Policy 3.5-3 and CZC Section 20.504.015(C)(3) require that new development in highly scenic areas minimize reflective surfaces and utilize building materials that blend in hue and brightness with their surroundings. LUP Policy 3.5-4 and CZC Section 20.504.015(C)(7) require that the visual impacts of development on terraces be minimized by such measures as minimizing the number of structures and clustering them near existing vegetation, natural landforms or artificial berms, and designing development to be in scale with the rural character of the area.

On appeal, the original project as approved by Mendocino County in 2007 raised a substantial issue as to whether the development would be subordinate to the character of its setting. To address this issue, the applicant proposed various project changes for the Commission's de novo review, including clustering and confining the inn development within a 1.22-acre compound on the site. The Commission found that the revised development would continue to be bulkier and

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<sup>4</sup> The trail's name was changed in 2015 from the *Kibesillah Coastal Trail* to the *Newport Coastal Trail*, to match the land's more accurate place name and that of the recently constructed Inn at Newport Ranch. [https://www.mendocinolandtrust.org/site/assets/files/1224/04\\_newporttrail\\_data.pdf](https://www.mendocinolandtrust.org/site/assets/files/1224/04_newporttrail_data.pdf)

taller than the existing ranch compound and would block some additional blue water views, but would nevertheless retain the existing visual character of the site because it would be located in the same general location as the existing ranch buildings and would be set against a backdrop of vast open space.

This determination that the visual impacts of the development would not be significant was dependent upon retaining the agricultural land and open space around the site. In this case, the applicant owns approximately 1,650 acres of ranch and timberland surrounding the site. The Commission was therefore able to impose two special conditions restricting future development on surrounding land, ensuring continued conformance with the LUP's visual resource policies. **Special Condition No. 5** prohibits most types of development on six of the applicant's parcels west of Highway One, restricting the land to agriculture and open space use without significant structures that block views. **Special Condition No. 6** ensures that the APN containing the subject ranch and inn compound and the two APNs surrounding the development are neither divided nor conveyed separately. These two conditions, re-imposed without changes under this amendment, ensure that the large expanse of uninterrupted viewshed surrounding the development will remain to counter-balance the blockage of additional blue water views and the greater massing of development that results from the approved project.

The proposed amendment includes modifications to the approved ranch and inn design, including (1) adding windows, a gas stove, hot tub, and pergola to the existing Ranch Manager's Unit; and (2) adding wooden fencing and a pergola adjacent to the existing Innkeeper's Residence. The additional window glazing is relatively minimal (14.45 square feet additional glazing to the previous approved 84.73 square feet of glazing), is only partially visible from Highway One, and upon maturation of the required landscaping under the original permit, the added windows will not be visible from the highway or public access areas.

Pursuant to **Special Condition No. 12** of the original permit, which is re-imposed under this amendment with no changes, the new windows must be non-reflective to minimize glare. There is no proposed change in the approved colors of the buildings' siding or roofing and no proposed change to the height of the buildings. For all these reasons, there will be no significant increase in the visual impact of the buildings.

The rest of the improvements authorized by the proposed amendment are clustered within the approved footprint of the compound where they are depressed into the natural grade and partially shielded from the road by berms and plantings, minimizing their visual impact. The ranch and inn compound will continue to occupy an approximately 1.22-acre portion of the property while the vast majority of the parcel, as well as the surrounding 1,650 acres, will remain open and designated as agricultural and timber preserves.

The amended development as conditioned thus remains subordinate to the character of its setting, and the Commission finds it consistent with the visual resource protection policies of the certified LCP.

## **G. PUBLIC ACCESS**

Projects located between the first public road and the sea within the CDP jurisdiction of a local government is subject to the coastal access policies of both the Coastal Act and the LCP. To approve the proposed project amendment, the Commission must find the project to be consistent with the public access policies outlined in Section 30210, 30211, 30212, and 30214 of the Coastal Act and the shoreline access policies contained in Mendocino County's LUP Section 3.6. Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects, except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or where adequate access exists nearby. Section 30211 of the Coastal Act requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access. Mendocino County's LUP Section 3.6 reiterates these Coastal Act policies.

The Commission's decision to approve the original permit was based in part on the applicant's proposal at the time to provide various public access improvements. These include providing public access improvements previously granted to the County of Mendocino as part of the approval of an earlier inn project for the site including: (a) conveyance of fee title to the County of a one-acre portion of the property between Highway One and the ocean; (b) payment of \$25,000 to the County toward development of coastal access in the area; and (c) dedication of a 15-foot-wide lateral public access easement along approximately 6,000 feet of the applicant's property on the seaward side of the Highway One right-of-way. The public access improvements also include an approximately 1,000-foot-long extension of the lateral public access easement and an offer-to-dedicate a 10-foot-wide vertical pedestrian access from Highway One to the coastal bluff at the northern end of the property. The vertical public access easement includes a 25-foot-long by 25-foot-wide public viewing area at the end of the trail and a parking area for at least five vehicles off of Highway One.

Prior to issuance of CDP A-1-MEN-07-028, pursuant to Special Condition No. 20, the applicant executed and recorded a document demonstrating conveyance of fee title to the County for the approximately one-acre portion of the property, as well as evidence that they had executed and recorded a dedication to the Mendocino Land Trust for the lateral easement. Since CDP A-1-MEN-07-028 was issued, the Mendocino Land Trust has opened the 1.5-mile Newport Coastal Trail within the lateral public access easement. This lateral trail is now a significant segment of the California Coastal Trail, offering sweeping coastal views across the applicant's lands. In addition, pursuant to Special Condition No. 17, the applicant recorded an offer to dedicate (OTD) easements for public access on May 31, 2011, including the extension of the 15-foot-wide lateral easement, the 10-foot-wide vertical easement, the viewing area at the seaward end of the vertical access easement, and the easement for the 5-car parking area. On December 12, 2011,

the Mendocino Land Trust accepted the OTDs. In the summer of 2016, the Trust installed a parking lot and a trail to the bluff edge.

The proposed project amendment would have a negligible impact on demand for public access in the area. The amendment only minimally increases the demand for public access. Residents and guests are among the primary users of the Newport Coastal Trail. The amendment increases the number of inn units by two, resulting in a net gain of potential public access users per day by roughly the number of occupants of two inn units. It is notable that with the relatively remote location of the inn and its associated public access facilities on the northern Mendocino Coast are far from urban areas and even rural towns, the public access facilities are used less frequently than similar facilities in more populous areas and can readily absorb the increased use that might be generated by the net increase in demand for public access from the inn as a result of the amendment. In addition, the proposed amendment does not affect the vertical and lateral public access secured through the original permit. Therefore, the Commission finds that the amended development as conditioned does not have any significant adverse effect on public access and is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's administrative regulations requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. As discussed above, the project as proposed to be amended has been conditioned to be consistent with the certified Mendocino County LCP. No public comments regarding potential significant adverse environmental effects of the project amendment were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available beyond those required, which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed amended development, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.