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MEMORANDUM

DATE: DECEMBER 22, 2022

TO: COASTAL PERMIT ADMINISTRATOR

FROM: PLANNER JULIANA CHERRY

SUBJECT: CDP 2022-0008 PINE BEACH INN - CLARIFICATIONS TO #11 - #14, #19 AND #25, &

ADDING CONDITIONS #11.D AND #35

BACKGROUND: The applicant proposes to renovate and restore an existing 50-room hotel on property having trail access to beach. As described in the <u>CPA Staff Report for CDP_2022-0008</u>, the application proposes to phase the project across four or more buildings. Herein refinements to published conditions are suggested, because not all building permit applications will be issued simultaneously. For example, while a conceptual landscape plan is part of the application, staff believes minor alterations to the garden arrangement may be reflected in the forthcoming detailed landscape plans, including minor changes in the juxtaposition of pathways to site improvements or the location of electrical outlets for garden lighting.

RECOMMENDATIONS: Revise Conditions as shown (nb. Stricken text indicates deletions; underlined text are additions).

- #11. In accordance with **MCC Chapter 20.436**, visitor serving facilities, including *Hotels*, *Restaurants*, swimming pools, tennis courts, *et al*, shall be compatible with the character of their surroundings. Prior to issuance of a building permit, the A Building Permit Site Plan or Grading Plan shall illustrate the landscaping plan, outdoor lighting plan, and: ...
- #11d. Building Permit electrical plans include outdoor lighting and landscape lighting. Low stature lamps shall direct light downwards. Lamps are intended to illuminate pathways, doorways, stairwells, and potentially garden plants.
- #12.b. Fence materials shall be more than fifty-percent transparent. Opaque fences are prohibited.
- #12.c. Pursuant to MCC Section 20.532.020 *Exemptions* and following the conclusion of this permit's effective period, a coastal development permit, or permit amendment, is required to install, repair, or replace fences and fence boards.
- #13. Prior to issuance of a building permit and in In accordance with MCC Chapter 20.472, the off-street on-site parking distribution, orientation, and count shall be similar to attached exhibit "P1 Parking Plan," dated October 24, 2022. This exhibit identifies 103 off-street spaces and 7 accessible spaces.
- #14. Prior to issuance of a building permit and in In accordance with MCC Chapter 20.476, the location, size, lighting, and other sign criteria shall be shown on a "sign" site plan. The "sign" plan sheet shall include a schedule of all signs and demonstrate compliance with Mendocino County Coastal Zoning Code sign requirements, including:
- #19.a. Composition roof shingles shall match the existing roof color, hue, and brightness. The existing roof color is charcoal.
- #25. Prior to opening the restaurant dining room to the public or guests, the property owner shall secure authorization from the Division of Environmental Health to Operate a Food Facility (FD0645). The property owner shall ensure that the Permit to Operate a Food Facility (FD1160) remains in good standing and any changes to the Food Facility Operation shall be reported to Division of Environmental Health.
- #35. Closure of access to Trail No. 36 is subject to Director approval. Noted on all Building Permit Site Plans shall be the dates when trail access would be temporarily closed and the Director's written approval of the temporary trail closure. During construction, temporary fencing shall be arranged to provide the public a safe route to Mitchell Creek Beach and Trail No. 36. During construction, fencing may be installed to prohibit public access to areas of construction.

ATTACHMENTS:

A. Recommended Findings and Modified Conditions

B. Preliminary On-Site Sign Plan

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PROJECT FINDINGS AND CONDITIONS

Revised Conditions Incorporated

December 22, 2022

Pursuant with the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, staff recommends the Coastal Permit Administrator approve CDP_2022-0008, an application to renovate an existing hotel, restaurant, and gardens and to provide access to Mitchell Creek Trail and beach. The property is in the Coastal Zone, 4± miles south of Fort Bragg center, on the west side of State Route 1 (SR 1), across from Brookfield Drive (CR 450); located at 16801 and 16900 Ocean Drive (CR 436), Fort Bragg; APNs 017-360-04 and 017-360-46.

RECOMMENDED FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1) and in accordance with Mendocino County Coastal Element Chapter 4.5, the Pine Beach Inn is a Principal Permitted Land Use in the RR-*2 District; the proposed restoration of the 50-unit hotel, restaurant, and gardens shall allow this *Coastal Visitor Accommodations and Services* use to continue; and
- Pursuant with MCC Section 20.532.095(A)(2), the existing 50-unit hotel has established access to onsite septic, leach fields, water well and on-site water storage, PG&E service, and enjoys access to adequate utilities, and access roads, including County Road 436 known as Ocean Drive, and other necessary facilities; and during the effective period of this permit, these facilities may be repaired or replaced; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed site improvements are consistent with minimum yard and height requirements; MCC Chapter 20.436 additional requirements for the VAS combining district; MCC Chapter 20.444 general requirements for fences and corridor preservation setbacks; provides sufficient quantity of off-street parking spaces to accommodate vehicles that will congregate at the property; and MCC Chapter 20.476 sign regulations; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the project will not have any significant adverse impacts on the environment and the project would not substantially alter natural landforms; as proposed, the landscaping and established habitat buffers will not diminish the existing *Bishop Pine Forest ESHA*, California Coffeeberry Scrub ESHA, Thimbleberry Brambles ESHA, or the Red Alder Forest ESHA; and the project meets Class 1, Class 2 and Class 3 categorical exemptions from the California Environmental Quality Act; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed would not have any adverse impact on any known archaeological or paleontological resources, as Standard Condition 8 is in place when archaeological sites or artifacts are discovered, and the Archaeological Commission accepted the cultural report on May 11, 2022; and Redwood Valley Rancheria is available to monitor during any ground disturbing activity, such as grading; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services are in place to serve the existing Coastal Visitor Accommodations and Services land use, including well-water, on-site solid waste, County Road 436 and State Route 1 capacity, and these services are adequate; and
- 7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development conforms to public access and public recreation policies of Coastal Element Chapter 3.6 of Mendocino County General Plan; shoreline access is available from the Mitchell Creek Trail located on-site; and the property owner is required to offer trail and beach access to the public and guests pursuant with Policy 4.5-4.

REVISED RECOMMENDED CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Zoning Code. The permit shall become

effective after the ten working-day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and or use of the property in reliance on such permit has been initiated prior to its expiration.

- 2. To remain valid, progress towards completion of the project must be continuous. The property owner(s) has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- 3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
- 4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 5. The property owner(s) shall secure all required building permits for the proposed project, as required by the Building Inspection Division of the Department of Planning and Building Services.
- 6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
- Any Building Permit request shall include all conditions of approval of Coastal Development Permit CDP_2022-0008. Conditions shall be attached to or printed on the plans submitted. Conditions shall be a part of the "Job Site" Building Permit plan set.
- 10. The property owner shall request tribal or cultural monitors from the Redwood Valley Rancheria to be present during any ground disturbing activity, including grading.
- 11. In accordance with **MCC Chapter 20.436**, visitor serving facilities, including *Hotels*, *Restaurants*, swimming pools, tennis courts, *et al*, shall be compatible with the character of their surroundings. A Building Permit Site Plan or Grading Plan shall illustrate the landscaping plan, outdoor lighting plan, and:
 - a. Building materials shall be natural, such as wood or stone, and shall utilize primarily earth-tone

colors. Cement board having the appearance of wood is acceptable but shall be noted on the plans. Exterior colors shall be noted on the plans.

- b. Tree removal and grading shall be shown on the Site Plan and Landscape Plan.
- c. The design and scale of individual proposed structures shall be subordinate to surrounding landforms.
- d. Building Permit electrical plans include outdoor lighting and landscape lighting. Low stature lamps shall direct light downwards. Lamps are intended to illuminate pathways, doorways, stairwells, and potentially garden plants.
- 12. In accordance with **MCC Chapter 20.444**, new fences, repaired and/or replaced existing fences shall satisfy fence location and height requirements. Fences shall be shown on the Site Plan and Landscape Plan.
 - a. Replaced and repaired fences shall conform to Mendocino County Coastal Zoning Code standards.
 - b. Fence materials shall be more than fifty-percent transparent.
 - c. Pursuant to MCC Section 20.532.020 *Exemptions* and following the conclusion of this permit's effective period, a coastal development permit, or permit amendment, is required to install or replace fences and fence boards.
- 13. In accordance with **MCC Chapter 20.472**, the on-site parking count shall be similar to attached exhibit "P1 Parking Plan," dated October 24, 2022. This exhibit identifies 103 off-street spaces and 7 accessible spaces.
- 14. In accordance with **MCC Chapter 20.476**, the location, size, lighting, and other sign criteria shall be shown on a "sign" site plan. The "sign" plan sheet shall include a schedule of all signs and demonstrate compliance with Mendocino County Coastal Zoning Code sign requirements, including:
 - a. On-site sign standards. Signs shall be made of wood (where feasible) and limit use of illumination. Signs shall not block public views of the ocean.
 - b. Standards for wall signs, free-standing signs, and maximum sign area. Roof mounted signs are prohibited.
 - c. General regulations for signs apply, including special purpose signs and special purpose sign standards, lighting, and movement.
 - d. <u>Before the effective period of this permit concludes</u>, any sign not legally erected or placed pursuant to Mendocino County Coastal Zoning Code shall be removed. All nonconforming signs shall be allowed to continue provided, however, that if the sign is destroyed (or deteriorated as a result of vandalism, fire, wind, flood, age or other cause to the extent where repairs exceed fifty percent of the replacement value or fifty percent of the area of the sign), and the sign is not replaced within six months in its original size and appearance, said sign shall be brought into conformance with Chapter 20.476. See MCC Sections 20.476.045 and 20.476.050.
- 15. In accordance with MCC Chapter 20.492 and MCC Section 20.500.020, all grading specifications and techniques will follow requirements listed in Mendocino County Coastal Zoning Code and the California Building Code.
- 16. In accordance with MCC Section 20.496.020(A)(1), the Environmentally Sensitive Habitat Area buffer shall be measured from the outside edge of the ESHA. The buffer shall not be less than fifty feet in width. The following ESHA shall be protected:
 - a. Bishop Pine Forest ESHA

- b. California Coffeeberry Scrub ESHA
- c. Thimbleberry Brambles ESHA
- d. Red Alder Forest ESHA
- 17. To prevent impacts to ESHA, the following best management practices shall be implemented:
 - a. No staging or placement of construction materials between existing development and ESHA.
 - b. Construction workers shall reduce entrance and activity in the ESHA buffer area between existing development and edge of ESHA. Materials shall not be stockpiled or stored in ESHA buffers.
 - c. Temporary and visible flagging shall be installed along the edge of ESHA.
 - d. Plants proposed for landscaping shall be native and of local stock (i.e., from coastal Mendocino County) to the greatest extent feasible; at a minimum, no plants identified by the California Invasive Species Council (Cal-IPC) shall be included in landscaping palette. Monterey pines are prohibited.
 - e. During construction, any litter/debris entering the area between existing development and edge of ESHA shall be removed immediately.
 - f. Use of Dark Sky Association recommendations on all exterior lights to reduce night light pollution.
- 18. <u>Prior to the issuance of a building permit</u>, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction will include the following statements and exhibits:
 - a. The property owner understands that the site may be subject to geologic, fire, and flood hazards and the property owner assumes the risk from such hazards; and
 - b. The property owner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
 - c. The property owner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the property owner; and
 - d. The property owner shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan or other improvements in the event that these structures are subject to damage or other geologic, fire or flood hazards in the future; and
 - e. The property owner shall remove the structures shown on the Site Plan when the structures are threatened by geologic, fire, or flood hazards. In the event that portions of the structures shown on the Site Plan, or other improvements, fall to the creek, beach, or ocean before they can be removed from the site, the property owner shall remove all recoverable debris associated with these structures from the creek, beach, and ocean, and lawfully dispose of the material in an approved disposal site. The property owner(s) shall bear all costs associated with such removal; and
 - h. The conditions of Permit CDP_2022-0008 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property; and
 - i. Attached as exhibits to the Deed Restriction shall be (i) the adopted findings and conditions approving CDP_2022-0008; and (ii) a Site Plan. The Site Plan exhibit shall identify the boundaries the environmentally sensitive habitat area and its buffer, general location of the Mitchell Creek Trail,

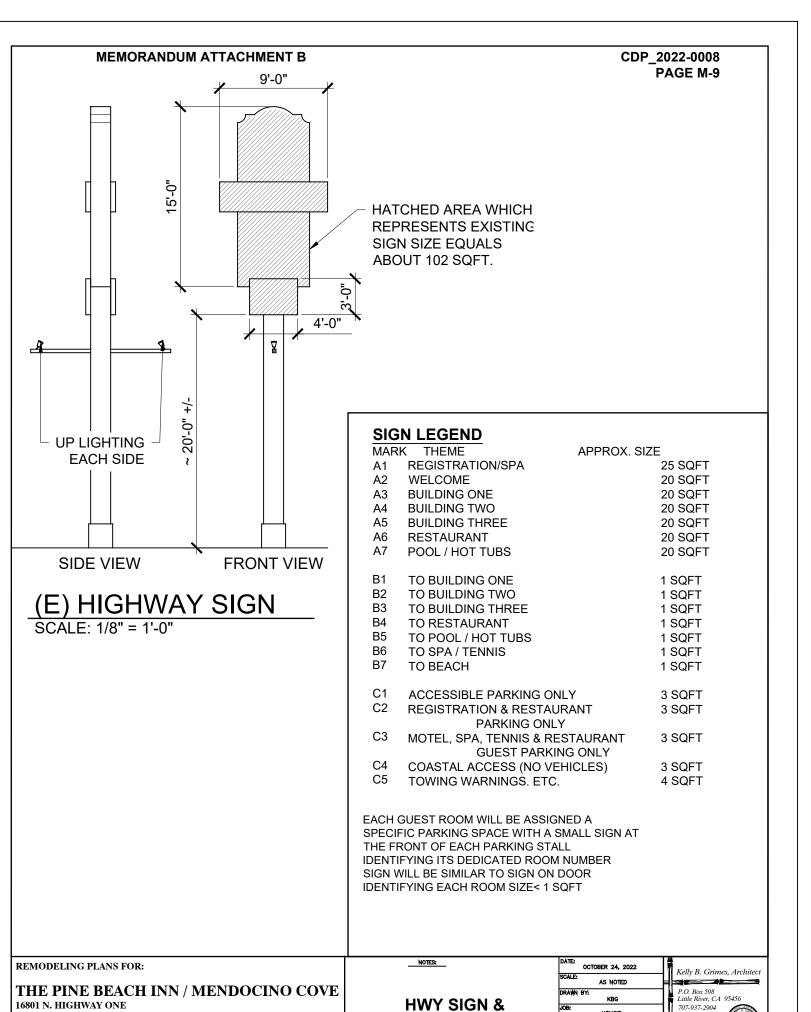
existing buildings, and others. The Site Plan Exhibit shall be printed in black and white; text shall be legible. The Director of Planning and Building Services, or their designee, shall review and accept the Site Plan exhibit; and

- j. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
- 19. In accordance with MCC Section 20.504.015(C), all structures shall be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings; therefore, the building materials and exterior color palette shall be as follows:
 - a. Composition roof shingles shall match the existing roof color, hue, and brightness. The existing roof color is charcoal.
 - b. Installed solar panels shall not be a source of glare or reflection. Solar-panel color shall be similar to the roof color.
 - c. Exterior façade, as required by Condition 11.a, "Building materials shall be natural, such as wood or stone, and shall utilize primarily earth-tone colors. Cement board having the appearance of wood is acceptable but shall be noted on the plans. Exterior colors shall be noted on the Building Permit Plans."
 - d. Windows and window frames: To minimize reflective surfaces, the window frame finish shall be matte, and the window glass shall not be a source of glare or reflection. Window frame colors shall be similar to existing frame colors or natural colors, like the base building color.
 - e. Chimney and pipe color shall match the composition roof color. Pursuant to MCC Section 20.536.025 Application for Permit Amendment, chimney pipes may be finished with stone following a Director's determination that the alternative material is compatible with its surroundings.
- 20. When distribution or transmission power poles are moved or replaced and in accordance with **MCC Section 20.504.015(C)**, the property owner shall underground overhead power lines. Undergrounding overhead power lines may be completed during the effective period of this permit. Deferred grading is subject to MCC Chapter 20.532.
- 21. In accordance with MCC Section 20.504.030, installation of satellite receiving dishes shall require a coastal development permit and shall comply with MCC Chapter 20.504 criteria. Satellite receiving dish equipment colors shall match the hue and brightness of the surface to which it is affixed and adjacent. One satellite receiving dish may be installed on the roof of the Restaurant Building and another on Building 1. Prior to installation, the property owner shall file with Planning and Building Services a plan showing the location of all satellite receiving dish equipment. Any future equipment, including replacement, shall only be installed after the issuance of a new coastal development permit or an approved modification to this permit.
- 22. In accordance with **MCC Section 20.504.035**, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
- 23. <u>During the effective period of this permit</u>, the primary and replacement leach fields, pump chamber, and septic tanks may be repaired and installed. Deferred installation of the replacement leach field or deferred repairs shall require a Coastal Development Permit or permit amendment.
- 24. The property owner shall secure a Division of Environmental Health Permit to operate public pool (for the proposed pool and proposed three hot tubs).
- 25. The property owner shall ensure that the Permit to Operate a Food Facility (FD1160) remains in good standing and any changes to the Food Facility Operation shall be reported to Division of Environmental

MEMORANDUM ATTACHMENT A RECOMMENDED FINDINGS & REVISED CONDITIONS

Health.

- 26. In accordance with the 1982 Mendocino County Coastal Ground Water Study recommended water conservation measures, the project will incorporate proven water conservation technology in the construction of the project, including, but not limited to, low-flush toilets, flow-control inserts on showers (or similar), single-control faucets, water efficient dishwashers and clothes washers, and hot-water pipe insulation. The property owner may apply for a Coastal Development Permit to install grey-water recycling.
- 27. In accordance with the 1982 Mendocino County Coastal Ground Water Study recommended water conservation measures, the property owner will install and maintain water efficient irrigation systems that minimize runoff and evaporation, and maximize the water intended to reach plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems are methods of improving irrigation efficiency.
- 28. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will either keep rainwater on site in a retention basin to aid in ground water recharge, or where this is not feasible, the project shall be designed to reduce, retard, and disperse runoff. This may be accomplished by mulched and or terraced slopes to reduce erosion and retain rainfall, porous drain swales and paving materials for infiltration, out-sloped roads to spread runoff evenly down slope, and landscaping with suitable water-conserving erosion control plants that will protect the soil, facilitate infiltration of rainwater, and reduce runoff.
- 29. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures and to encourage ground water recharge, the project will preserve existing natural drainage areas and encourage the incorporation of natural drainage systems in the development of the site.
- 30. Property owner shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County right-of-way and an encroachment permit from California Department of Transportation for any work within State Route 1 right-of-way.
- 31. The property owner shall establish and maintain public access to Mitchell Creek Beach and Trail No. 36 for pedestrian use, as shown on *LCP Land Use Map 14: Beaver*, from beginning/terminus of the trail to the mean high tide line on the beach. Unrestricted access shall be available to the public at large and hotel guests.
- 32. <u>Prior to Building Permit occupancy or final inspection</u>, the property owner shall prepare a *Trail Management Plan* for review and acceptance by the Director. The plan shall, at minimum, be consistent with MCC Section 20.528.045 and identify the trail location.
- 33. Prior to Building Permit occupancy or final inspection, and to the satisfaction of the Coastal Commission, the property owner shall install two coastal access signs on-site. One near the trail head; one near the property entrance. The property owner shall also coordinate with Coastal Commission staff for an additional coastal access sign located within State Route 1 right-of-way and adjacent to the property.
- 34. <u>During the effective period of this permit</u>, Mitchell Creek Trail shall be repaired and maintained. Deferred trail work (installation, repairs, maintenance) shall require a Coastal Development Permit or permit amendment.
- 35. Closure of access to Trail No. 36 is subject to Director approval. Noted on all Building Permit Site Plans shall be the dates when trail access would be temporarily closed and the Director's written approval of the temporary trail closure. During construction, temporary fencing shall be arranged to provide the public a safe route to Mitchell Creek Beach and Trail No. 36. During construction, fencing may be installed to prohibit public access to areas of construction.



FORT BRAGG, CA 95437

A.P. #017-360-04

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SIGN LEGEND

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