



PLANNING COMMISSION STAFF REPORT USE PERMIT MODIFICATION

UM_2017-0002
MARCH 1, 2018

SUMMARY

OWNER/APPLICANT: MENDOCINO INN AND SPA LLC
PO BOX 1139
GUERNEVILLE, CA 95446

AGENT: NAVEED HANEEF
PO BOX 1139
GUERNEVILLE, CA 95446

REQUEST: Use Permit Modification request to modify the conditions of Coastal Development Use Permit CDU 8-86 to allow for a wine bar and to allow public access to the restaurant and wine bar associated with the existing 10 unit Mendocino Inn and Spa.

DATE DEEMED COMPLETE: June 26, 2017

LOCATION: In the Coastal Zone, 0.5± miles north of the community of Little River, on the east side of Hwy. 1, located at 8211 S. Hwy. 1, Little River (APN: 121-010-13).

TOTAL ACREAGE: Two (2) acres

GENERAL PLAN: Rural Residential with Planned Unit Development Combining District, 5-acre minimum lot size (alternative density 2 acre minimum): RR 5-PD (RR 2-PD*1)

ZONING: Rural Residential with Planned Unit Development Combining District, 5 acre minimum lot size (alternative density 2 acre minimum): RR 5-PD (RR 2-PD *1)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Pursuant to Section 15301, Class 1 of the California Environmental Quality Act,

APPEALABLE: Yes, mapped Appeal Jurisdiction

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Debra Bieber

BACKGROUND

PROJECT DESCRIPTION: A Use Permit Modification request to modify the conditions of Coastal Development Use Permit CDU 8-86 to allow for public access to the existing restaurant and proposed wine bar associated with the existing 10 unit Mendocino Inn and Spa. No additional development is proposed under the project.

APPLICANTS' STATEMENT: "The project is to modify the existing Use Permit U 8-86 to allow public access to the existing restaurant and proposed wine bar.

No secondary improvements are proposed except the application for a liquor license."

RELATED APPLICATIONS ON-SITE:

- CDU 23-94/CDB 8-94: Coastal Development Use Permit and Coastal Development Boundary Line Adjustment processed concurrently to authorize the phased expansion of an existing 10 unit visitor serving facility, including the addition of 10 visitor units, the relocation of the building envelope for the previously approved restaurant/gallery and a boundary line adjustment to reconfigure parcels created by prior minor subdivisions. Approved April 4, 1996, and expired April 4, 1998.
- MS 11-86: Approved July 3, 1986. Subdivided (APN: 121-010-12), 9.9 acres, to create 3, 2 acre parcels (including the subject parcel of PAC_ 2016-0007), and a one acre parcel.
- U 8-86: Processed concurrently with MS 11-86, and approved July 3, 1986, permitted the development, in phases, of a 10 unit inn, craft shop, and restaurant including 33 parking spaces. The conditions of this permit are proposed for modification under this project.
- MS 137-76: Subdivided (APN: 121-010-10), 12.48 acres, to create one 2.603 acre parcel, and one 9.9 acre parcel. Map signed June 16, 1977.

Neighboring Properties: N/A

SITE CHARACTERISTICS: The two (2) acre site is located on the east side of Highway 1, north of the community of Little River. The property address is 8211 South Highway 1, Little River (APN: 121-010-13), and Van Damme State Park is located west and east of the site, Rural Residential single family homes are to the north, and the Glendeven Inn, which shares the same driveway as the subject property, is located to the south. Additionally, the site is located approximately 0.25 miles northeast of Van Damme Beach Underwater State Park and approximately 0.2 miles north of Little River, an anadromous stream habitat.¹ The parcel is currently developed with an existing 10 unit inn (Mendocino Inn and Spa) and several accessory structures. Electricity and gas are currently supplied to the site by Pacific Gas and Electric Company (PG&E) and telephone service is provided by the local utility company. An existing well and septic system are also located on the site. No additional development is proposed at the site under the project. Similar land uses and development, including existing inns, are located in the vicinity of the site.

The site terrain slopes rises to the east; elevations range from approximately 127 feet above mean sea level (amsl) at the western boundary of the parcel, to approximately 134 feet amsl at the site's eastern boundary. The site is located within a mapped Conditionally Highly Scenic Area² adjacent to Van Damme State Park, though it is minimally visible from Highway 1.

The site does not contain important farmland.³ The site primarily consists of barren habitat, with a small portion of coastal forest along the site's eastern boundary⁴, and is underlain by bedrock (Zone 1), which is not subject to intermediate or strong ground shaking.⁵ The site is located within a mapped "Marginal Water Resources" area⁶ and a high fire hazard area.⁷

Mapping does not associate the following with the subject site: faults, landslides, erosion, flood, or tsunami hazard.⁸

SURROUNDING LAND USE AND ZONING: As listed in Table 1 below, the site and surrounding lands to the north and south are designated Rural Residential; the parcels to the west and east are designated as Open Space. The parcels immediately to the north and south are currently developed with single family residences and appurtenant structures, while land immediately to the east and west is utilized as open

¹ Mendocino County Department of Planning & Building Services. 1985. *LCP Habitats & Resources* [map].

² Mendocino County Department of Planning & Building Services. 1985. *Highly Scenic & Tree Removal Areas* [map].

³ Mendocino County Department of Planning & Building Services. 1985. *Important Farmland* [map].

⁴ Mendocino County Department of Planning & Building Services. 1985. *LCP Habitats & Resources* [map].

⁵ Mendocino County Department of Planning & Building Services. 1985. *LCP Land Capabilities & Natural Hazards* [map].

⁶ Mendocino County Department of Planning & Building Services. 1985. *Ground Water Resources* [map].

⁷ Mendocino County Department of Planning & Building Services. 1985. *Fire Hazard Zones & Responsibility Areas*

⁸ Mendocino County Department of Planning & Building Services. 1985. *LCP Land Capabilities & Natural Hazards*

space in Van Damme State Park. The proposed project is compatible with surrounding land uses and development, which include other inns located in the vicinity of the site.

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR 5-PD; RR 2-PD	RR 5-PD; RR 2-PD	2 acres	Rural Residential
EAST	RR 5-PD; RR 2-PD	RR 5-PD; RR 2-PD	2 acres	Open Space
SOUTH	RR 5; RR 2	RR 5; RR 2 *1	2 acres	Rural Residential, Inn
WEST	OS-DPR	OS	80 acres	Open Space

LOCAL COASTAL PROGRAM CONSISTENCY: The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

Land use: The parcel is classified as Rural Residential with a Planned Unit Development overlay. The 5 acre minimum lot size may be reduced to 2 acres (RR 5-PD[RR 2-PD]), by the Mendocino County General Plan.⁹ The Rural Residential classification is intended "...to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability."¹⁰ The PD designation is intended to require a site plan for new development so that a parcel will be reviewed to ensure maximum preservation of open space, protection of views from public roads, pygmy vegetation areas and other resources, while allowing development. The *1 designation allows for an Inn on the property consistent with Section 20.232.010, Principally Permitted Uses for Visitor Accommodation and Services Use Types. The Visitor Accommodation and Services Combining District is intended to recognize visitor accommodation and services. The existing use of the site is consistent with the intent of the RR and PD Land Use classifications for *1 Inn, and is consistent with surrounding land uses and development, including other inns located within the vicinity of site.

Zoning: The proposed project consists of a Use Permit Modification to Coastal Development Use Permit CPU #8-86 to allow for public access to the existing restaurant and proposed wine bar associated with the existing 10-unit Mendocino Inn and Spa. In the *1 zoning, restaurants and beverage sales are an allowed accessory use for "the retail sale of prepared food and beverage for on premises consumption by the touring public with the granting of a CDP use permit, per MCC section 20.332.055 *Visitor Oriented Eating and Drinking Establishments*-*4."¹¹ No new development is proposed under the project. The existing use of the site is consistent with the intent of the RR and PD Land Use classifications for *1 Inn, and a restaurant and wine bar (accessory to the Inn) is allowed with the granting of a coastal development use permit.

The proposed project is subject to the requirements of MCC Chapter 20.376 *Rural Residential District*, Chapter 20.428 *Planned United Development Combining District*, Chapter 20.472 *Off-Street Parking Requirements*, Chapter 20.436 *Visitor Accommodations and Services Combining District*. The *1 symbol on the Land Use Plan maps designates the site for an Inn (up to 10 Units) or a Bed and Breakfast (2 to 4 units). The project complies with the intent of the Rural Residential District and Planned Unit Development Combining District and their associated development requirements.

- *Section 20.376.030 Minimum Front and Rear Yards for RR Districts.* The project would comply with the minimum front and rear yard requirements, which are 20 feet each. While all structures are located at least 20 feet from the front and rear yard setbacks, the existing leach field, located in the southeastern corner of the parcel, is set back only 10 feet from the front property line. No additional development is proposed under the project.
- *Section 20.376.035 Minimum Side Yards for RR Districts.* The project would comply with the

⁹ Mendocino County General Plan. Chapter 3-4, Commercial Industrial and Mixed-Use Development. 1991.

¹⁰ Mendocino County General Plan. Chapter 2.2 of the Coastal Element. 1991.

¹¹ Mendocino County Coastal Zoning Code, §20.332.055, (2011)..

minimum side yard requirement of 6-feet.

- *Section 20.376.045 Building Height Limit for RR Districts.* The maximum building height allowed in the RR District is 28 feet above the natural grade for Highly Scenic Areas. Though the project, as proposed, would be 28 feet in height, it would not affect public views to the ocean nor be out of character with the size of surrounding structures in the vicinity.
- *Section 20.376.065 Maximum Lot Coverage for RR Districts.* As no development is proposed under the project, there would be no change in lot coverage as a result of the project. Currently, the footprint of the existing structures totals approximately 9,300 square feet, or approximately 11 percent lot coverage, which does not exceed the maximum allowed lot coverage of 20 percent for sites located with a RR District.

Section 20.472.015 Minimum Vehicle Parking. A minimum of ten parking spaces are required for the existing inn units, and one parking space for every three persons based on the floor areas of restaurant/wine bar (600 sq. ft.) and kitchen (200 sq. ft.), therefore based on the current floor space a total of 24 spaces are required. These stalls are currently provided at the site and therefore the original parking requirement is modified to provide for 24 spaces total. Previous use permits included parking stalls required for a second inn and this permit modifies those requirements to the stalls currently available.

Habitats and Natural Resources: The site has State Park lands located west and east of the site. Van Damme State Beach Park is located west of the site, with Van Damme State Park located east of the site. Additionally, the site is located approximately 0.25 miles northeast of Van Damme Beach Underwater State Park and approximately 0.2 miles north of Little River, an anadromous stream habitat¹². Since the proposed project is only to allow for public access to the existing restaurant and proposed wine bar located on the project site and no development is proposed, no impacts to potential sensitive habitats and species within the vicinity are anticipated.

Public Access: The project site is located adjacent to and directly east of Highway 1 and is not designated as a potential public access trail location. As shown on LCP Map 17 *Mendocino*, existing public access to the shore is located south of the site, with additional public access proposed northwest, west, and south of the site.¹³ The proposed project would have no effect on public access to the coast.

Hazards Management: The parcel is located in an area classified with a "High Fire Hazard" severity rating.¹⁴ Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Mendocino Fire Protection District (MFPD). The project application was referred to CalFire and the MFPD for input; however, no responses were received. Conditional clearance for the project was received from CalFire (CalFire File Number 218-16), dated September 9, 2016, which included conditions related to address, driveway, defensible space, and maintaining defensible space standards. Additionally, a standard condition requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan would be addressed. With the inclusion of the standard condition, Staff finds the project to be consistent with Mendocino County policies for fire protection.

Grading, Erosion, and Run-Off: No grading or development is proposed as part of the project. As such, the project would not increase the potential for erosion or run-off at the site.

Archaeological/Cultural Resources: For small projects such as the proposed Use Permit Modification to allow for public access to the existing restaurant and proposed wine bar associated with the existing 10 unit Mendocino Inn and Spa, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either California Historic Resource Information Center

¹² Mendocino County Department of Planning & Building Services. 1985. *LCP Habitats & Resources* [map].

¹³ Mendocino County Department of Planning & Building Services. 1985. *LCP Land Use Map 17: Mendocino* [map].

¹⁴ Mendocino County Department of Planning & Building Services. 1985. *Fire Hazard Zones & Responsibility Areas* [map]

(CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and it was determined to be an appropriate guidance document for what projects would require archaeological review. Staff notes that a Standard Condition advises the applicant of the "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the standard condition of approval advising the Applicant about discovery of archaeological resources, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resource.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated July 10, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the tribe however the area does include Tan Oak and other traditional food sources that should be protected.

Groundwater Resources: The site is located within a mapped "Marginal Water Resources" area.¹⁵ The subject parcel currently utilizes an on-site well, which will continue to be utilized under the project. Since the project does not include the creation of new parcels or building sites or any new development, a water study is not required per MCC Section 20.516.015(B).¹⁶ Allowing for public access to the existing restaurant and proposed wine bar that is associated with the existing 10-unit Inn would not be anticipated to significantly increase water use at the site. Environmental Health noted that public facilities require a consumer protection review, which is handled by the State Water Quality Board. Staff finds the proposed project would not adversely affect groundwater resources.

Transportation/Circulation: Though the proposed project would allow for public access to the existing restaurant and proposed wine bar associated with the existing 10 unit Mendocino Inn and Spa, a significant amount of new sources of traffic on local and regional roadways is not anticipated. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned.

The project was referred to the Mendocino County Department of Transportation (MCDOT) and the California Department of Transportation (Caltrans) for review and comment. A response received from Caltrans, dated August 12, 2017, included the condition to obtain or show proof of a current Caltrans No Fee Record Keeping Permit and obtaining an encroachment permit for any additional work within the Caltrans right-of-way. The permit 0117-N-RM-0592, dated December 4, 2017 was obtained by the applicant. With inclusion of Caltrans' recommended conditions, Staff finds the project would not adversely affect transportation or circulation.

Visual Resource and Special Treatment Areas: The subject parcel is within a mapped Conditionally Highly Scenic Area, as depicted on the LCP Land Use Map 17 *Mendocino* and is subject to the development criteria of MCC Section 20.504.015(C). In order to reduce impacts to visual resources, existing development on the site has been sited to be subordinate to the natural setting and utilizes building materials that blend in hue and brightness with their surroundings, no new development is proposed as part of this request. Staff finds that existing development on the site is in conformance with the development criteria for Highly Scenic Areas (MCC Section 20.504.015(C)) and that no new visual impacts would occur under the project.

¹⁵ Mendocino County Department of Planning & Building Services. 1985. *Ground Water Resources* [map].

¹⁶ Mendocino County Coastal Zoning Code, §20.516.015(B) (2011).

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 1 (a), Section 15301.

Staff Report Prepared By:

Date

Debra Bieber
Planner III

Appeal Period: 10 Days

Appeal Fee: \$1,616.00

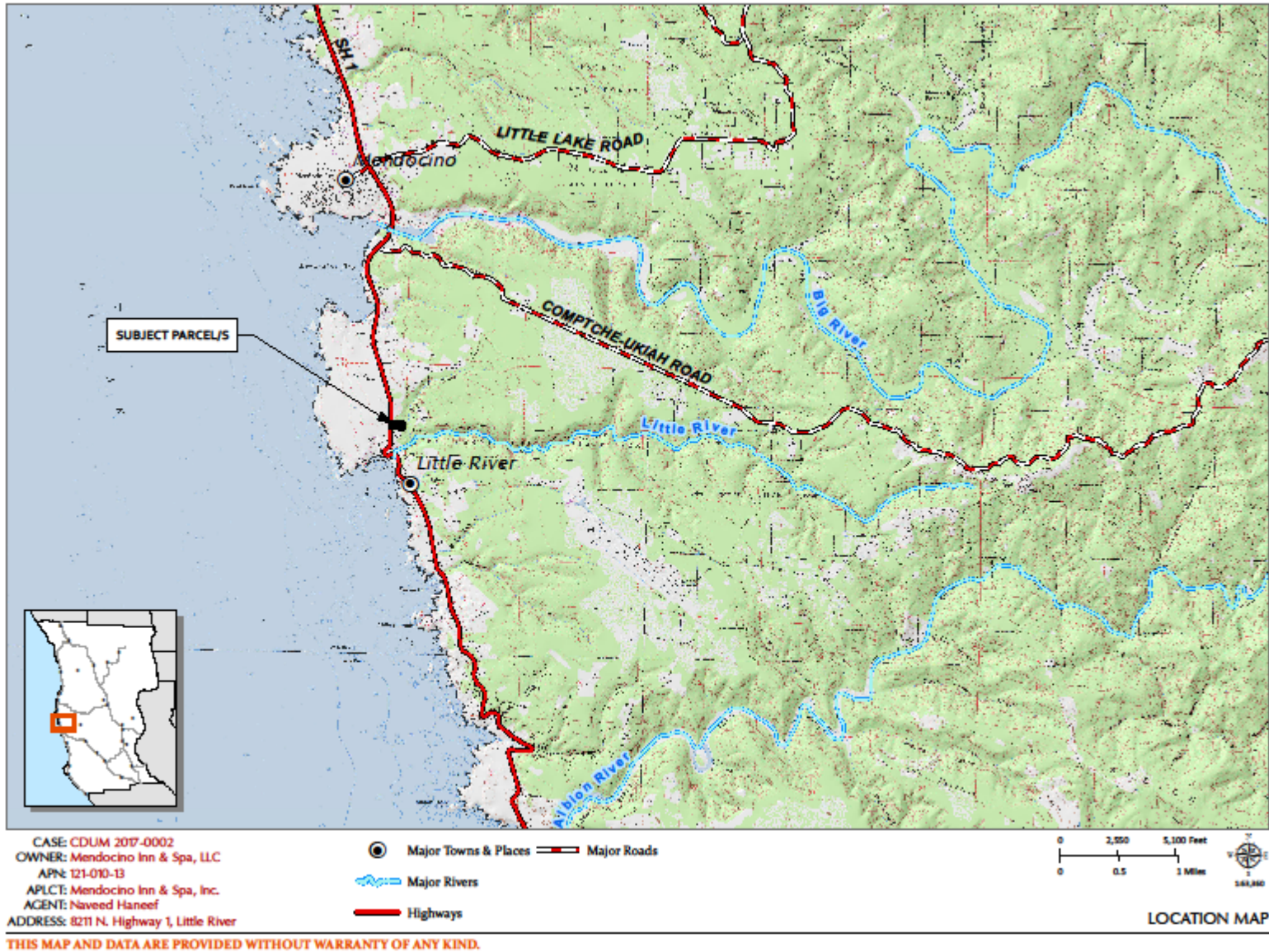
ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Floor Plan Map
- D. Zoning Map
- E. General Plan Map
- F. LCP Land Use Map 17: Mendocino
- G. LCP Habitats & Resources
- H. LCP Land Capabilities & Natural Hazards
- I. Appealable Map Areas
- J. Adjacent Land Map
- K. Fire Hazards Map
- L. Highly Scenic/Tree Removal
- M. Soils Map

SUMMARY OF REFERRAL AGENCY COMMENTS:

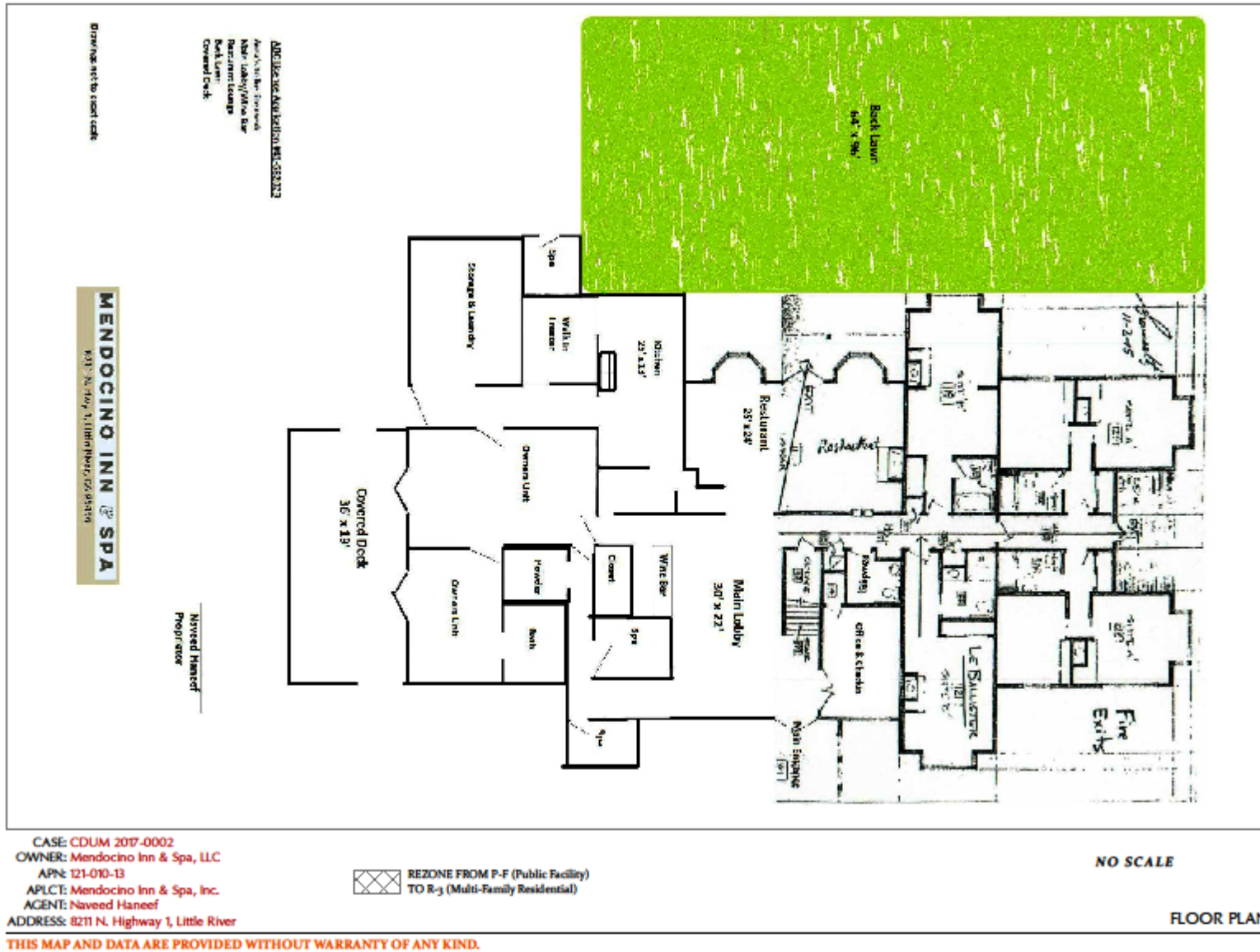
Planning (FB)	No Comment
Department of Transportation	No Comment
Environmental Health (FB)	Comments
Building Inspection (FB)	No Comment
Assessor	No Response
State Clearinghouse	No Response
Caltrans	Comments
CalFire	No Response
Department of Fish & Wildlife	No Comment
Coastal Commission	No Response
Department of Parks & Recreation	No Response
Sherwood Valley Band of Pomo Indians	Comments
Redwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Mendocino Fire Protection District	No Response

ATTACHMENT A

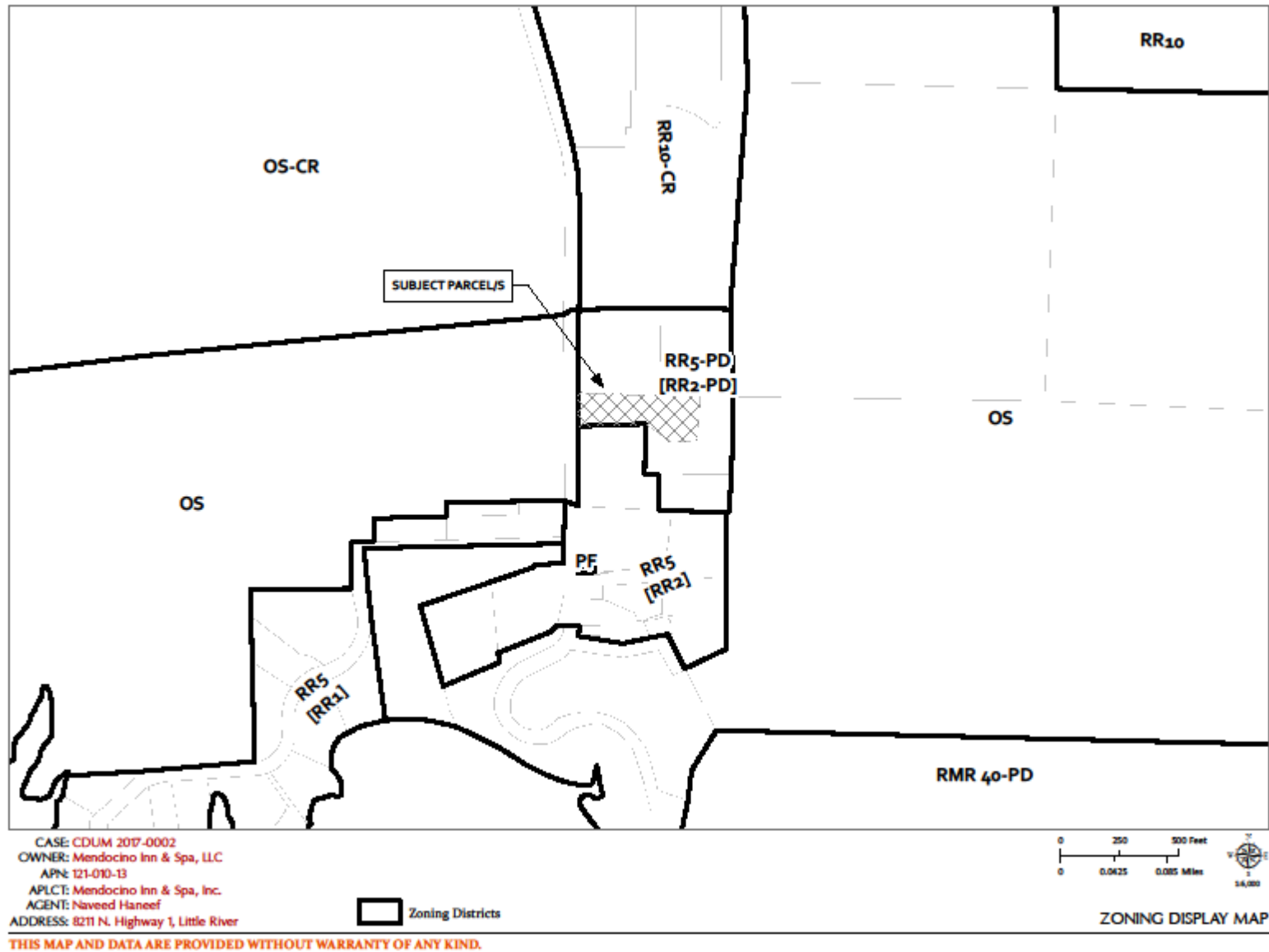


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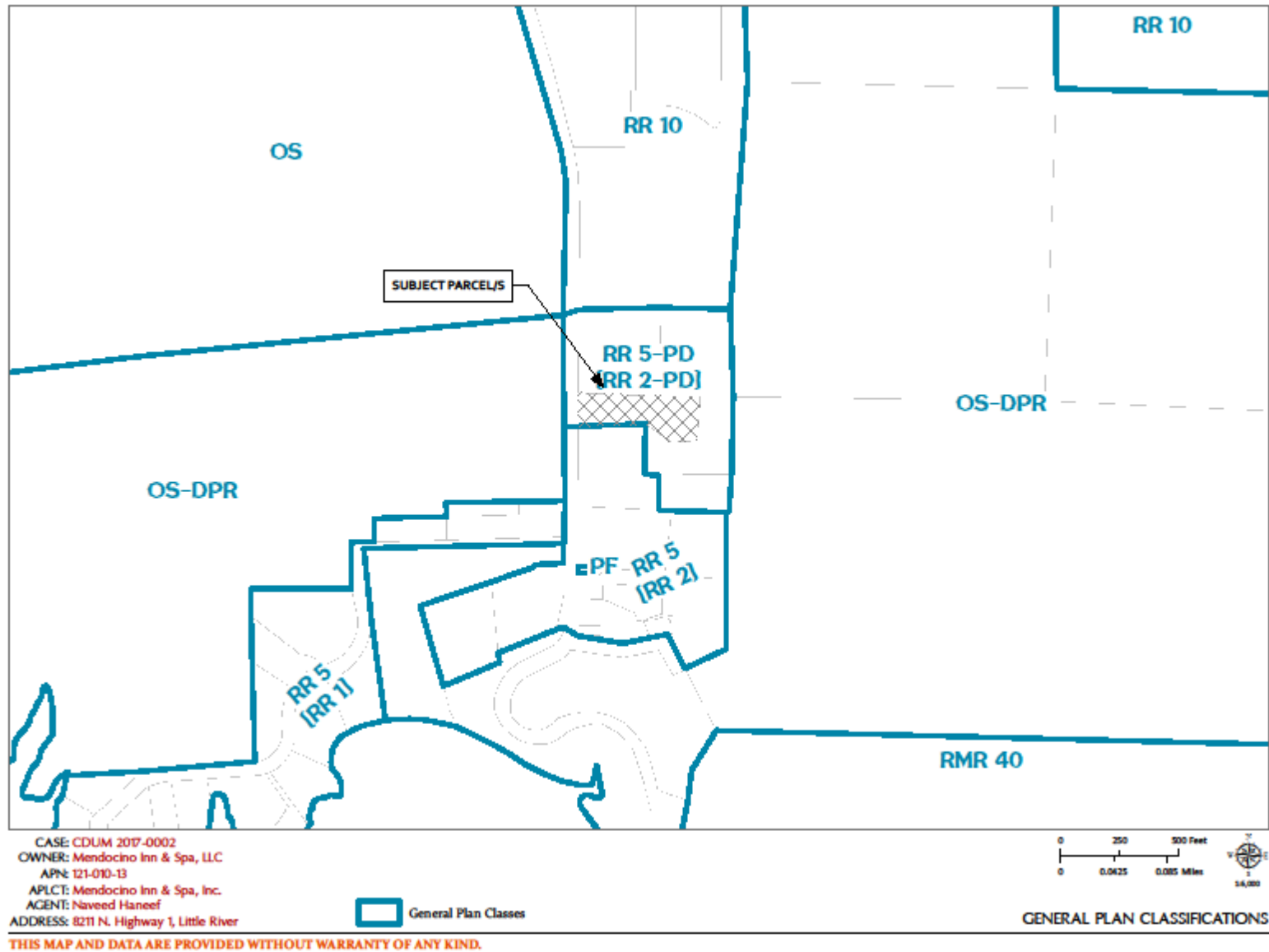




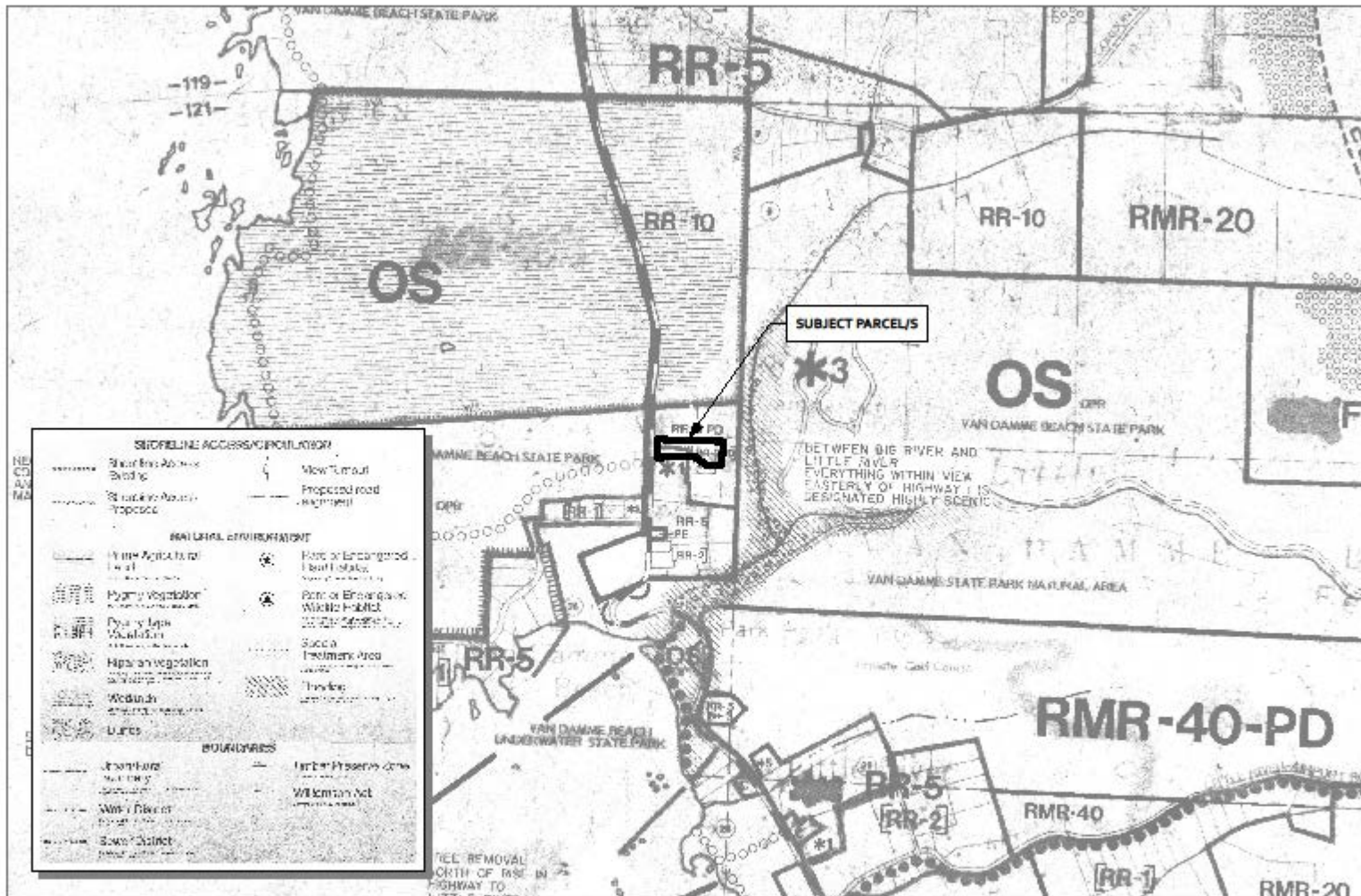
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ATTACHMENT E



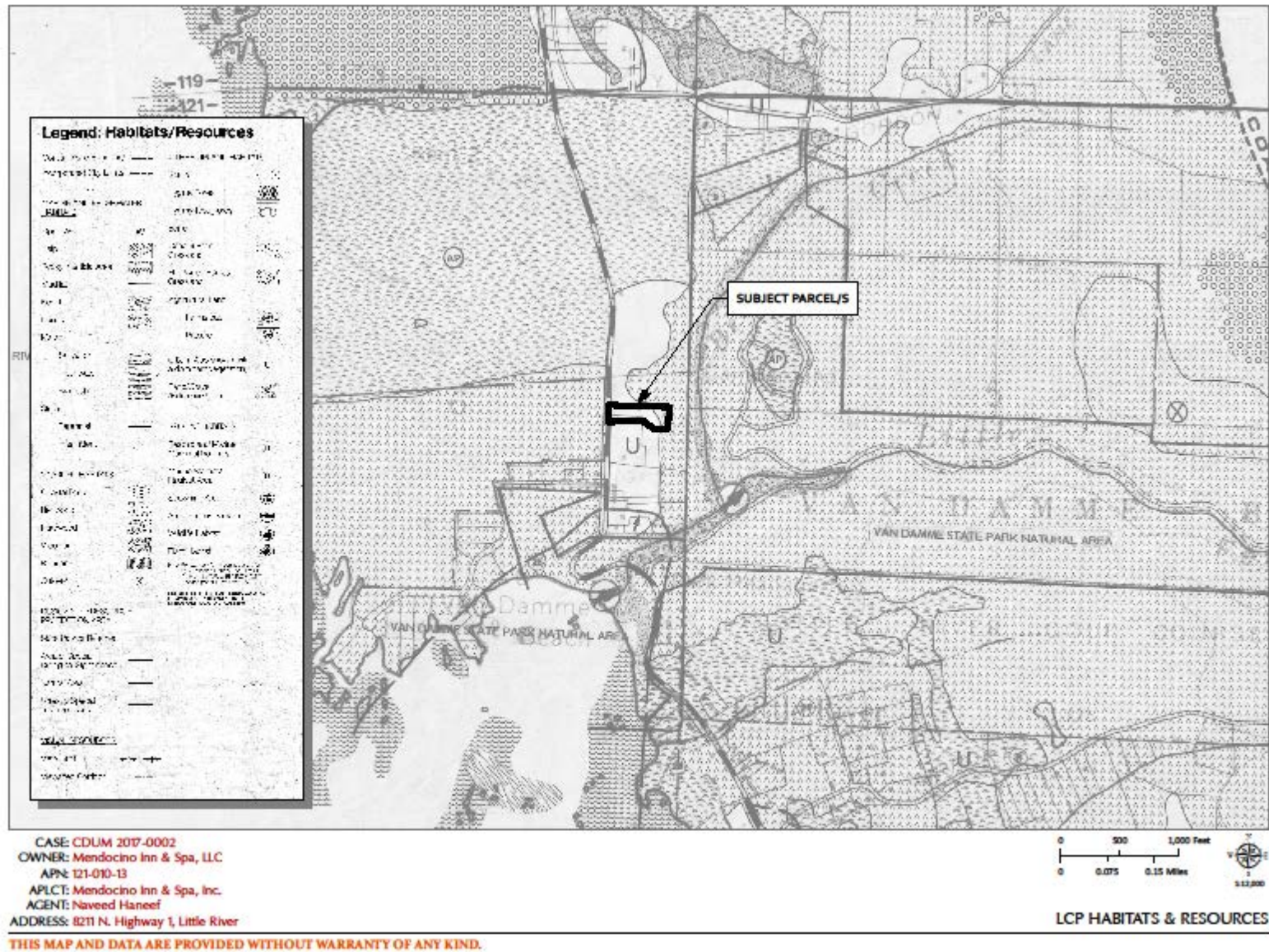
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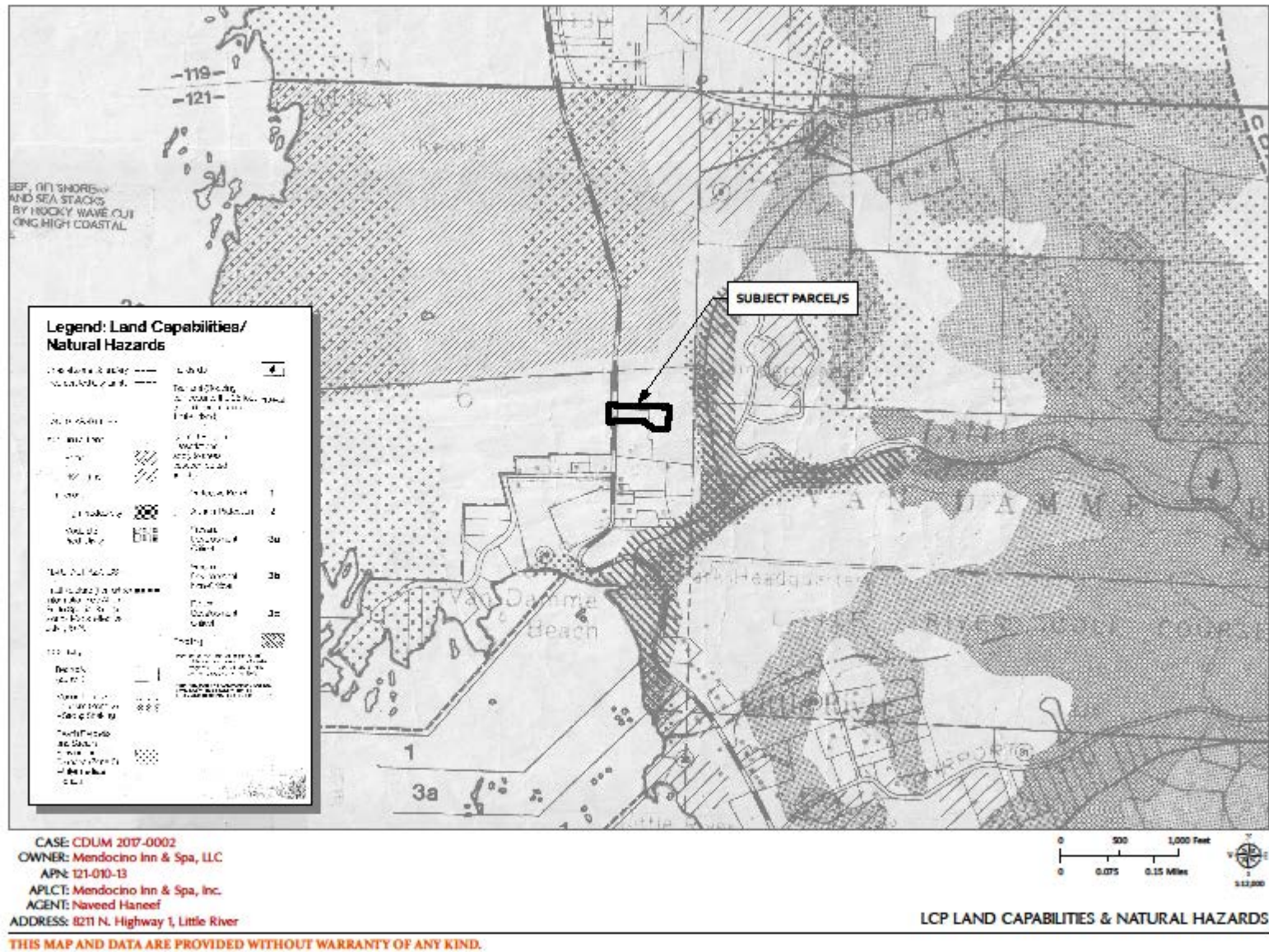
CASE: CDUM 2017-0002
 OWNER: Mendocino Inn & Spa, LLC
 APN: 121-010-13
 APPLICANT: Mendocino Inn & Spa, Inc.
 AGENT: Naveed Haneef
 ADDRESS: 8221 N. Highway 1, Little River

LCP LAND USE MAP 17: MENDOCINO

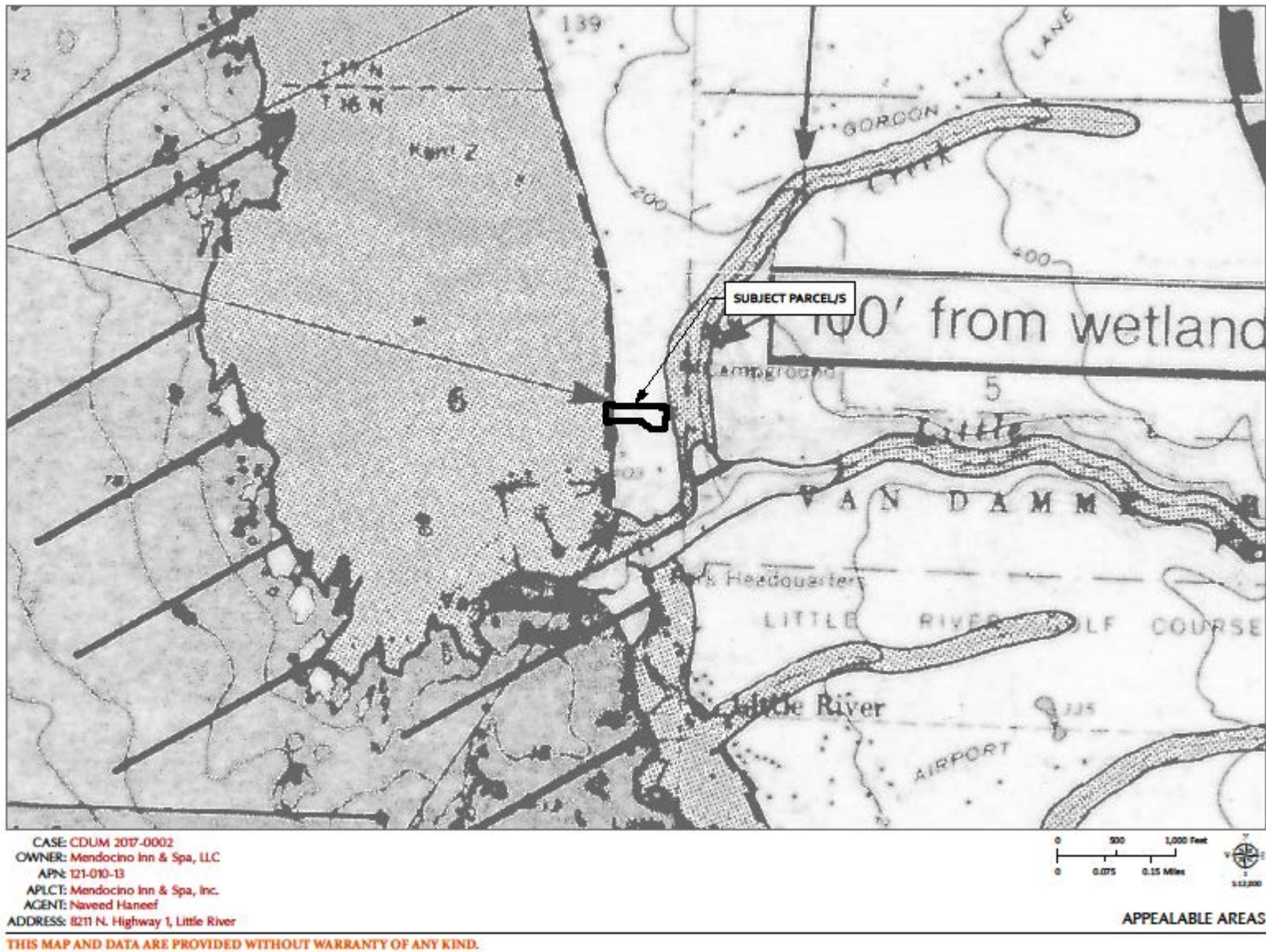
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.



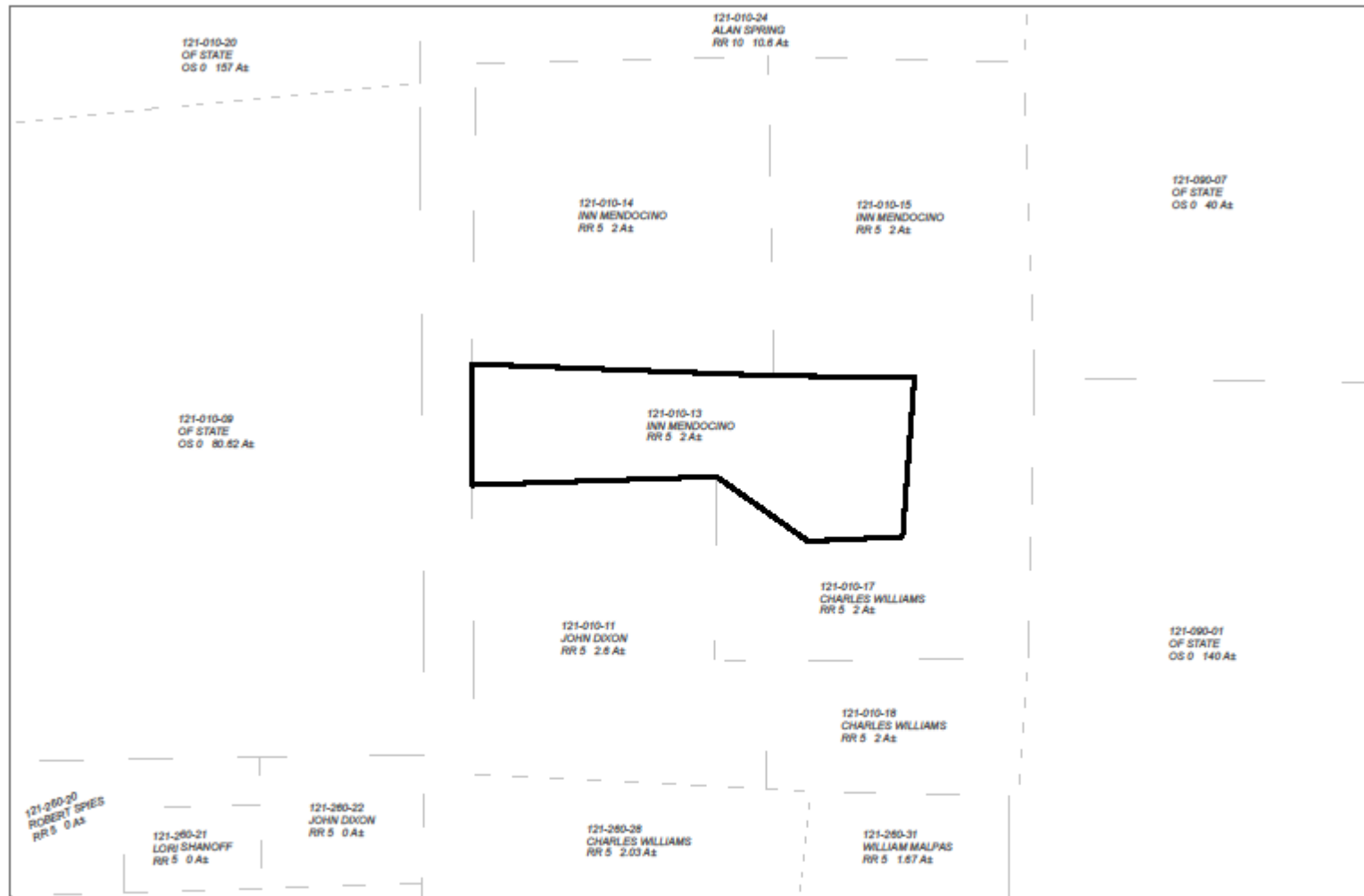
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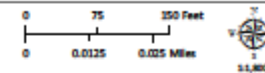
ATTACHMENT I



ATTACHMENT J



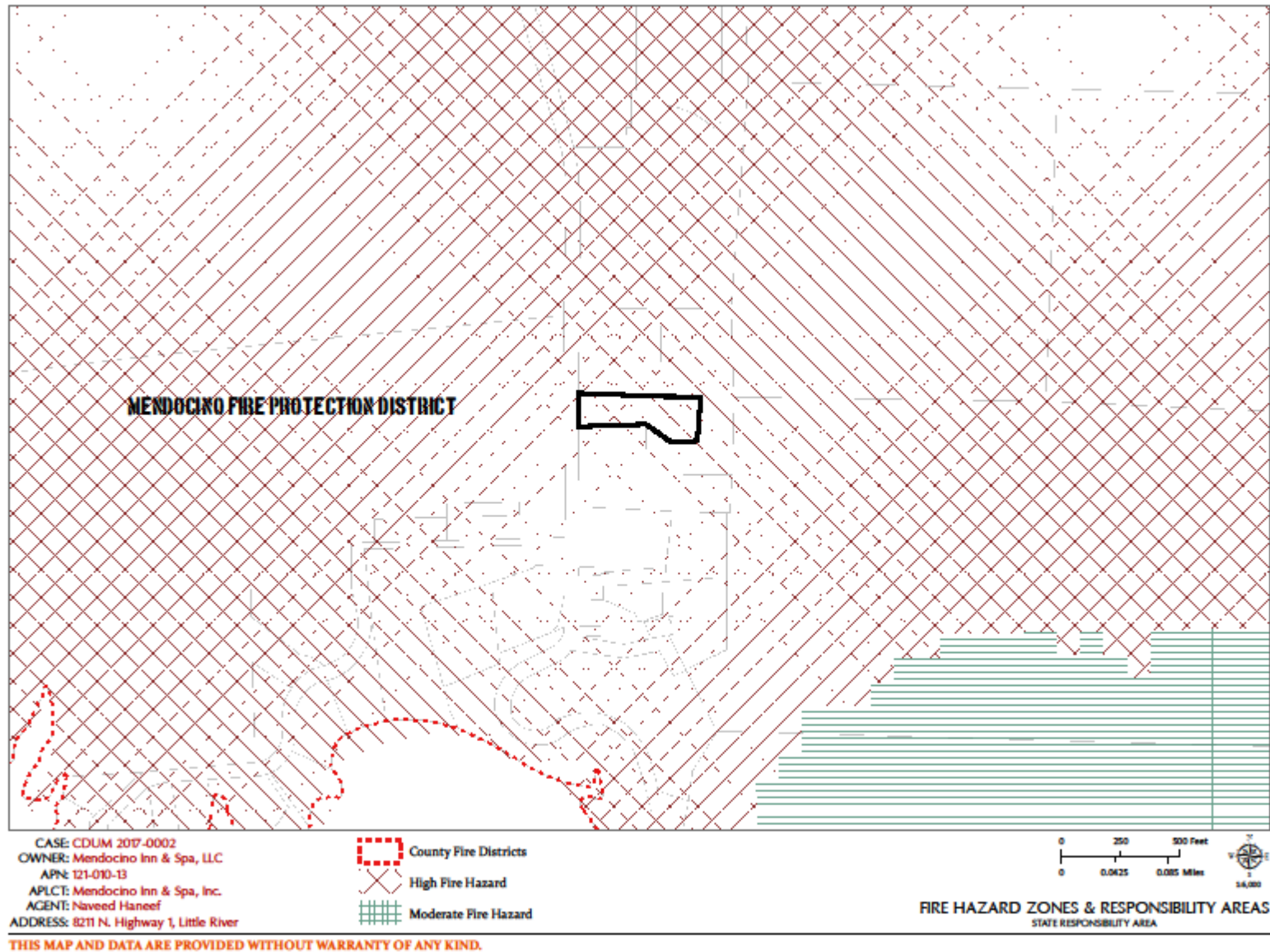
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 OWNER: Mendocino Inn & Spa, LLC
 APN: 121-010-13
 APLCT: Mendocino Inn & Spa, Inc.
 AGENT: Naveed Haneef
 ADDRESS: 8211 N. Highway 1, Little River



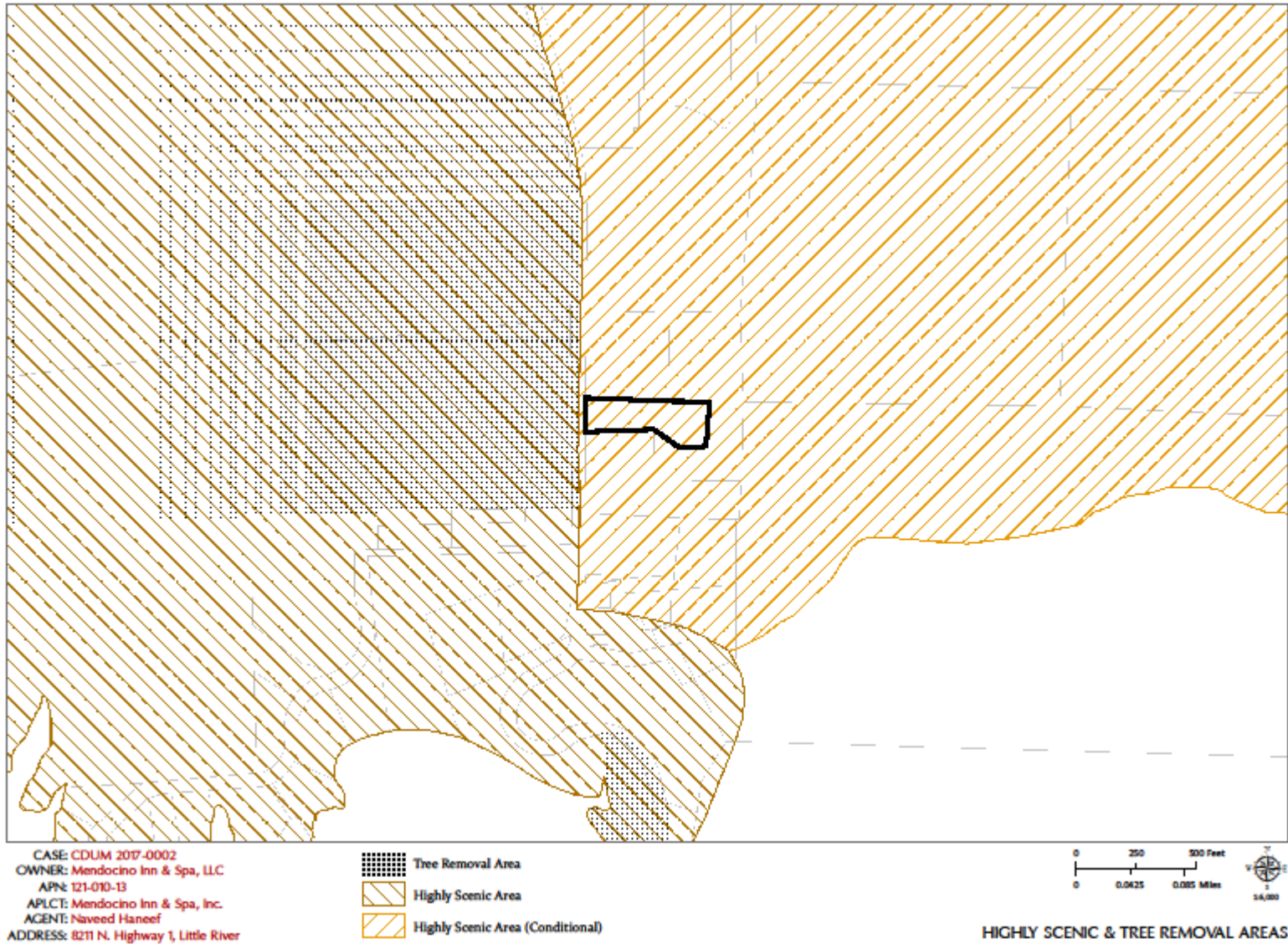
ADJACENT PARCELS

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ATTACHMENT K

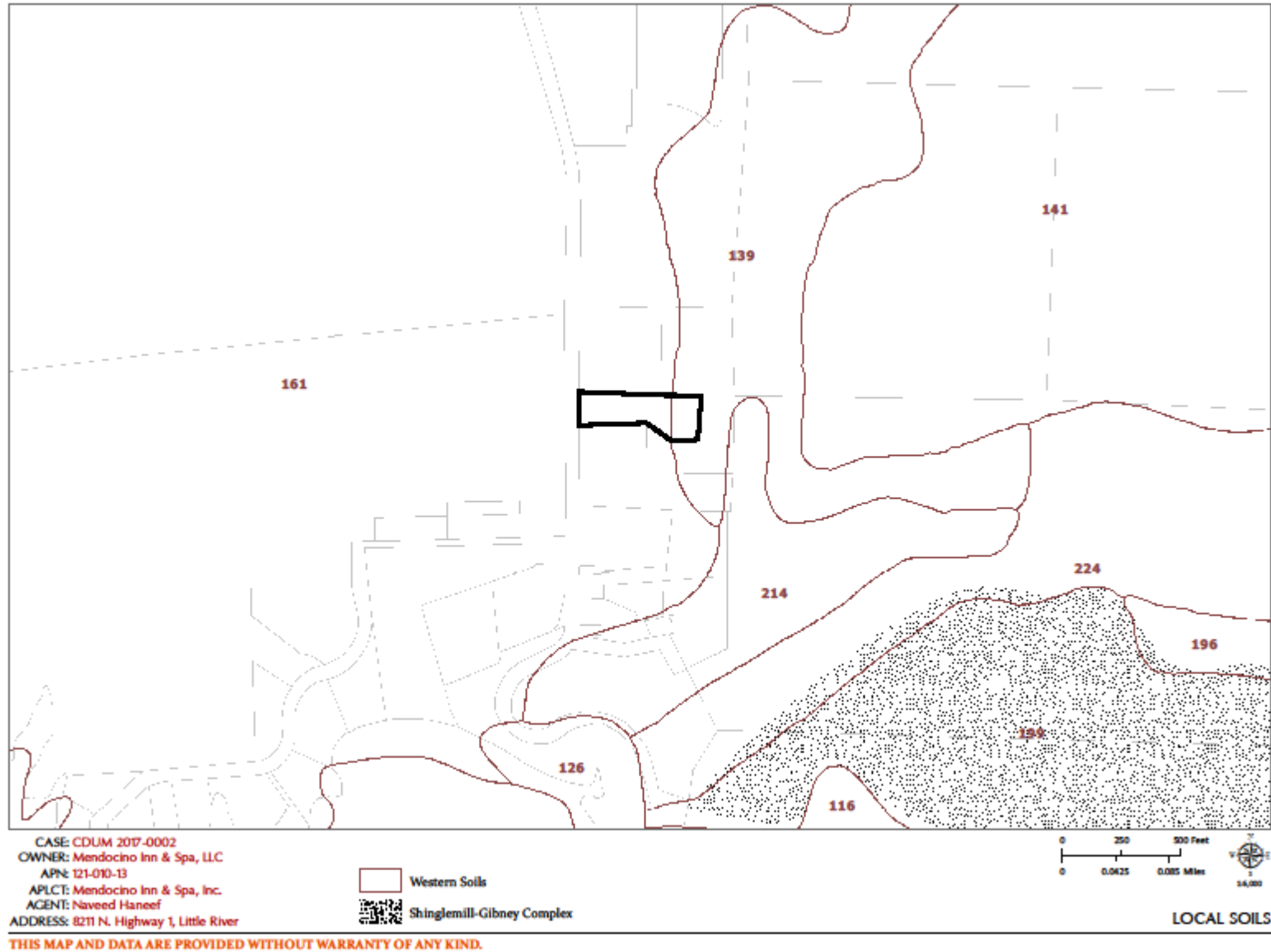


ATTACHMENT L



THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

ATTACHMENT M



Resolution Number _____

County of Mendocino
Ukiah, California
March 1, 2018

UM_2017-0002 MENDOCINO INN & SPA LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CLASS 1 CATEGORICAL EXEMPTION AND GRANTING A USE PERMIT MODIFICATION FOR A WINE BAR AND TO ALLOW PUBLIC ACCESS TO THE RESTAURANT AND WINE BAR ASSOCIATED WITH THE 10 UNIT MENDOCINO INN AND SPA.

WHEREAS, the applicant, MENDOCINO INN & SPA LLC AND NAVEED HANEEF, filed an application for a Use Permit Modification with the Mendocino County Department of Planning and Building Services for a wine bar and to allow public access to the restaurant and wine bar associated with the existing 10-unit Mendocino Inn and Spa, located north of the town of Little River, on the east side of Highway 1 at 8211 North Highway 1, Little River, CA (APN: 121-010-13); General Plan RR5PD; Zoning RR:5-PD(RR 2-PD*1); Supervisorial District 5; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Class 1; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, March 1, 2018, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the CATEGORICAL EXEMPTION and the Project. All interested persons were given an opportunity to hear and be heard regarding the CATEGORICAL EXEMPTION and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Planning Commission regarding the CATEGORICAL EXEMPTION and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program. Since the existing 10-unit Mendocino Inn and Spa with associated restaurant are conforming uses, the request to allow for public use of the restaurant and proposed wine bar would require issuance of a Coastal Development Use Permit, per MCC Section 20.4803.025(A); and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. No subsequent development is proposed under the development. The site has been served for many years and would continue to be served by an on-site well and septic disposal system. Existing utilities, access roads, drainage, and other necessary facilities, which currently serve the site, would remain adequate to serve the project, which would allow for public use of the existing restaurant and proposed wine bar associated with the existing 10-unit inn; and
3. Pursuant with MCC Section 20.532.095(A)(3), the existing use of the site is an existing legal nonconforming use; however, the existing use and development is consistent with all other provisions of District II Zoning Ordinance, Title 20 of the Mendocino County Code, including development criteria for Highly Scenic Areas, and preserves the integrity of the Rural Residential Zoning District. No subsequent development is proposed under the project. Existing development located on the site

currently satisfies all development requirements set forth in the Zoning Ordinance and is consistent with surrounding land uses and development, including existing inns, which are located in the vicinity of the site. Negligible expansion of the existing conforming use of the site would be permitted with the issuance of a Coastal Development Use Permit, per MCC Section 20.4803.025(A); and

4. Pursuant with MCC Section 20.532.095(A)(4), the proposed project, if developed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The proposed project, which involves the request to allow for the public access to the existing restaurant and proposed wine bar associated with an existing 10-unit inn, is categorically exempt pursuant to Section 15301(a); and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed project would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site. While no subsequent development is proposed under the project, Condition 8 is in place if and when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed project. The site is currently developed with a 10-unit inn with restaurant and proposed wine bar. Allowing for public use of the existing restaurant and proposed wine bar would not be anticipated to significantly increase demands on public services; and
7. Pursuant with MCC Section 20.532.095(B), the proposed project would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is not located between the first public road and the sea; and is not designated as a potential public access point;

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Class Categorical Exemption and Conditions of Approval. The Planning Commission certifies that the Class 1 Categorical Exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Categorical Exemption reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Use Permit Modification, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
Interim Director

MADELIN HOLTKAMP, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL UM_2017-0002 - MENDOCINO INN & SPA LLC MARCH 1, 2018

Use Permit Modification with the Mendocino County Department of Planning and Building Services to allow for public access to the existing restaurant and proposed wine bar associated with the existing 10 unit Mendocino Inn and Spa, located north of the town of Little River, on the east side of Highway 1 at 8211 North Highway 1, Little River (APN: 121-010-13)

APPROVED PROJECT DESCRIPTION: Use Permit Modification request to modify the conditions of Use Permit U 8-86 to allow for public access to the existing restaurant and proposed wine bar associated with the existing 10 unit Mendocino Inn and Spa.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES:

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 Code. The permit shall become effective after the ten (10) 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 use of the property in reliance on such permit has been initiated prior to its expiration.
2. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation.
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 Planning Commission.
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, including Consumer Protection requirements as detailed in the original permit.
5. The Applicants 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 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.
9. The Applicants shall obtain, or show proof of, a current Caltrans No Fee Record Keeping Permit.
10. If any additional work is to be performed within the Caltrans right-of-way, an Encroachment Permit shall be obtained from Caltrans.
11. Applicants shall obtain, or show proof of, a State Alcoholic Beverage Control (ABC) license and a Business License.