

James Feenan - Fwd: RE: CDP_2016-0046 (Paradise) - Comments

From: James Feenan
To: James Feenan
Date: 4/29/2020 9:21 AM
Subject: Fwd: RE: CDP_2016-0046 (Paradise) - Comments

Mendocino County

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Planning & Building Services

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>>> "Kraemer, Melissa@Coastal" <Melissa.Kraemer@coastal.ca.gov> 4/22/2020 3:20 PM >>>
Hi Julia

I'm following up on some referrals that Destiny previously communicated with you about. I was looking at the staff report for this project online and wanted to confirm the water availability question. The description in the findings is slightly vague with respect to adequacy – it says that “DEH noted there are limited areas for the well to be developed within, but no other concerns were expressed.” It then goes on to say that “DEH also has standards for the amount of water that the well produces in order to be deemed adequate to serve a single-family residence...” It cites the standards but doesn't make clear that the applicant has provided evidence that those standards have been met in this case. I didn't see any test well data included as an attachment to the staff report or the DEH comments on the project that are referenced in the staff report. Could you please clarify if that evidence has been provided?

Also, when there is development within ESHA or ESHA buffer such as this and the County is approving a project under takings, isn't it typical that you include a condition requiring a deed restriction to be recorded for the property restricting all lands except for the approved development footprint/curtilage as open space/non-developed? Without such a restriction recorded, residential accessories, like garden beds, trampolines, etc., tend to encroach over time into sensitive areas. How would future owners of the property be aware of the restrictions

without notice? Would it make sense to add language to recommended condition #13? Or perhaps a new condition to address this issue could be added. A map showing approved development areas also would need to be recorded.

Finally, the County has the authority to regulate landscaping as a form of development under the LCP (e.g., see 14 CCR sec. 13250(a)), and whenever there is development in proximity to ESHA (in this case within ESHA) or a park/recreation area that could be degraded by the new development, we recommend landscaping restrictions to prohibit planting of invasive species. Recommended restrictions would specify the allowance of planting native, regionally appropriate plant species only on the property. No plant species listed as problematic and/or invasive and/or "noxious weed" by the California Native Plant Society, the California Invasive Plant Council, the State of CA, or the federal government should be allowed to naturalize or persist on the site. If the conditions of the permit are required to be recorded with the deed (to notify future owners of guest cottage restrictions and habitat encroachment restrictions), then this restriction would run with the land and successors in interest would be notified of this restriction.

Please include these comments for the CPA's consideration at the upcoming hearing. Thank you

Melissa B. Kraemer

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