



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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**MEMORANDUM**

**DATE:** August 12, 2020  
**TO:** Coastal Permit Administrator  
**FROM:** Jessie Waldman, Planner II  
**SUBJECT:** **CDP\_2019-0047 (Sculti & Corby) – Recommendation for Conditions of Approval**

On August 12, 2020, the California Coastal Commission, submitted recommendations, where additional conditions are recommended, as stated below.

**Additions to Staff Report Section Hazards Management (page 4, paragraph 5) & Grading, Erosion and Run-off (page 6, paragraph 5):**

Seawalls, breakwaters, and other structures altering natural shoreline processes or retaining walls are not proposed. It is the policy of the California Coastal Commission and Mendocino County to require recordation of a deed restriction as a condition of development on blufftop parcels, prohibiting the construction of seawalls and requiring that permitted improvements be removed from the property if threatened by bluff retreat. The restriction requires that the landowner be responsible for any clean-up associated with portions of the development that might fall onto a beach or into the ocean. In accordance with a staff memorandum dated June 1, 2004, **Condition 13** is recommended by staff requiring the property owner to record a deed restriction prior to the issuance of the Coastal Development Permit.

**Additions to Staff Report Section Habitats and Natural Resources (page 5, paragraph 6):**

**Condition 14 and 15** are recommended by staff require landscaping plans to ensure the protection of native plant species and communities in, compliance with MCC Chapter 20.719.

**ADDITIONAL CONDITIONS OF APPROVAL:**

13. Prior to the issuance of the Coastal Development Permit, the Applicants, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
  - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
  - b. The landowner 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 landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
  - d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject structures or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future; and
  - e. The landowner shall remove structures on the parcel, including septic infrastructure, when bluff retreat reaches the point where the structures are threatened. In the event that portions

of the subject structures or other improvements associated with the subject structures fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and

- f. 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.
14. Prior to the issuance of the Coastal Development Permit, the Applicants, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
    - A. No plant species listed as problematic, invasive or “noxious weed” by the California Native Plant Society, California Invasive Plant Council, State of California or the federal government shall be allowed to naturalize or persist on the site, and
  15. Prior to issuance of a Building Permit, the owners shall furnish a landscaping plan with planting of native, regional appropriate species for approval from the Coastal Permit Administrator or the satisfaction of the Director of Mendocino County Planning and Building Services.

**ATTACHEMENTS:**

- A. California Coastal Commission Comments for CDP\_2019-0047, dated 08/12/2020