

**pbscommissions - comments on CDP\_2020-0014 (Duggan)**

Planning & Building Services

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**To:** "pbscommissions@mendocinocounty.org" <pbscommissions@mendocinocounty.org>  
**Date:** 10/9/2020 5:34 PM  
**Subject:** comments on CDP\_2020-0014 (Duggan)  
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Coastal Commission staff offers the following comments on the subject CDP application (reference: <https://www.mendocinocounty.org/home/showdocument?id=38324>):

1. As noted, the site is in a designated highly scenic area where new development, regardless of its visibility from public vantage points, is required to be subordinate to the character of its setting. We support the concept of Special Condition 9 to require approval of exterior materials and colors to ensure that the approved development is visually compatible with the character of the setting. However, as currently written, the condition lacks standards for the CPA or Director to consider in their approval of the information required for submittal by the condition. We therefore recommend strengthening the condition to specify enforceable standards, such as requirements that exterior colors be restricted to darker earth-tone colors only, and any glass, exterior finishings, and roofing materials shall be non-reflective. To ensure any future owners shall not repaint or stain the permitted development with products that would lighten the approved colors, we recommend adding a condition requiring recordation of a deed restriction imposing the applicable Special Conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property.
2. Similar to Special Condition 9, recommended Special Condition 10, which relates to exterior lighting details, lacks standards for the CPA or Director to consider in their approval of the information required for submittal by the condition. We therefore recommend strengthening the condition to specify enforceable standards requiring that all exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel. As recommended above, to ensure that future owners are aware of the ongoing restrictions that run with the land, we suggest the County add a condition requiring recordation of a deed restriction imposing the applicable Special Conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property.
3. As noted in the staff report, there are various types of environmentally sensitive habitat areas on the property (over 100 feet from the proposed development). Section 30610(a) of the Coastal Act and Chapter 20.532 of the County's Coastal Zoning Code exempt certain additions to existing single family residential structures from CDP requirements. Pursuant to this exemption, once a house has been constructed, certain additions and accessory

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buildings that the applicant might propose in the future (e.g., fences, storage sheds, swimming pools, garages, etc.) are normally exempt from the need for a permit or permit amendment. However, Section 13250 of Title 14 of the California Code of Regulations authorizes the County to require a permit for additions to existing single-family residences that could involve a risk of adverse environmental effect. Section 13250(b)(1) indicates that improvements to a single-family structure in a highly scenic area, such as the subject site, involve a risk of adverse environmental effect and therefore are not exempt. As such, we recommend adding a condition that expressly requires that future improvements to the approved development shall obtain a CDP or modification to this CDP so the County and the Commission would have the ability to review future improvements on the site to ensure such future improvements will not be sited or designed in a manner that would result in an adverse environmental impact. Again, as recommended above, addition a condition requiring the applicant to record and execute a deed restriction against the property that imposes the special conditions of the permit as covenants, conditions and restrictions on the use and enjoyment of the property will help assure that future owners are aware of the requirements applicable to future development.

Thank you for the opportunity to comment and please let us know if you have any questions.

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