



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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**MEMORANDUM**

**DATE:** October 14, 2020  
**TO:** Coastal Permit Administrator  
**FROM:** Jessie Waldman, Planner II  
**SUBJECT: CDP\_2020-0014 (Duggan) – Recommendation for Revisions to Staff Report**

On October 9, 2020, Planning Staff received comments from the California Coastal Commission, recommending revisions to the proposed Conditions of Approval #9 and #10 and well as further conditions and regarding future development and possible risks of adverse environmental effects.

Planning Staff has prepared the following revisions and additional conditions of Approval in response the comments received from the California Coastal Commission, dated October 9, 2020.

**Revisions to Conditions of Approval #9 And #10:**

9. Prior to issuance of a Building Permit, the property owner shall furnish exterior finish schedule, where exterior colors be restricted to darker earth-tone colors only, and any glass, exterior finishes, and roofing materials shall be non-reflective, for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.
10. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details, where 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, for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.

**Recommendation for ADDITIONAL CONDITION OF APPROVAL**

Staff recommends Condition #12.

12. 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. The deed restriction shall include the following statements:
  - a. A Coastal Development Permit or its amendment shall be required for (a) any addition to or enlargement or expansion of the approved development, including activities otherwise specified in Mendocino County Code (MCC) Chapter 20.532 and California Code of Regulations, Title 14, Division 5.5, Chapter 6, Subchapter 6, § 13250 (Improvements to Existing Single Family Residences); (b) any improvements to a single-family structure if the structure or improvement is located: in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, pursuant to Public Resources Code Section 30610(a). Repairs and maintenance of the previously authorized development shall be exempt, as specified in MCC Section 20.532.015(a) and California Code of Regulations, Title 14, Division 5.5, Chapter 6, Subchapter 7, § 13252 (Repairs and Maintenance of Activities Requiring a Permit) , pursuant to Public Resources Code Section 30610(b).
  - b. The conditions of CDP\_2020-0014 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property.

Encl: CDP\_2020-0014 CCC Comments 2020 1014

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

Planning & Building Services

**From:** "Kraemer, Melissa@Coastal" <Melissa.Kraemer@coastal.ca.gov>  
**To:** "pbscommissions@mendocinocounty.org" <pbscommissions@mendocinocounty.org>  
**Date:** 10/9/2020 5:34 PM  
**Subject:** comments on CDP\_2020-0014 (Duggan)  
**Cc:** Jessie Waldman <waldmanj@mendocinocounty.org>, "Targ, Sylvia@Coastal" <s...

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.

**Melissa B. Kraemer** *(she/her)*

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California Coastal Commission  
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