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CC: Bob Merrill <bob.merrill@coastal.ca.gov>
Date: 5/12/2021 4:55 PM
Subject: CDP_2017-0038, Kirkman & Kawase application, Public Comments
Attachments: 2 Kirkman & Kawase application .odt

To
Mendocino County Coastal Permit Administrator, planning staff and
California Coastal Commission

Please accept my comments.

Annemarie Weibel

CDP_2017-0038, Kirkman & Kawase application

Public comments by Annemarie Weibel, Albion

To: Mendocino County Coastal Permit Administrator, planning staff and
Ca. Coastal Commission

I am writing in opposition of this project. I feel that the architect came up with a great design. I like the solar and wind features. I believe that the owners would take good care to follow the mitigations. I understand that in addition to the purchase price of \$169,000 & the additional amount of \$45,731 that the owners have paid so far that they would like to see it built.

My opposition is in regards to a staff report that was not carefully administered (see below), my concern why this project is not being decided on by the planning commission and that the greater public might not have found out about this project. I encourage you to redo the staff report, bring it in front of the planning commission and include all the pertinent information so that the public can read it.

Is there a sign at the bottom of the driveway about this Administrative Review? Who was notified of this project? Property owners who own land within a 1,000 ft? In this case, that does not include very many. Who did that include? Was this meeting by the Coastal Permit Administrator advertised in the local newspapers? Mendocino Beacon, AVA? If yes, when was this meeting advertised?

I am also confused about the size of the planned building. According to the staff report for this project it is listed that this is a two story 2,895 sq. ft. house. Could it be that this # only includes the lower story? Could it be that the total sq. ft. for the two-story house is 3,383 sq. ft?

Comments below are based on staff report and Initial Study/Draft Mitigated Negative Declaration (IS/DMND).

Aesthetics:

Under a-c) on page 2 of IS/DMND the planner indicated that the parcel lies west of the State Route 1. The parcel is on the east side.

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Planning & Building Services

d) lists light issues as less than significant. I agree that the lighting intended to be used is fairly good, but an EIR would point out the issues with seabirds, migrating birds that are thrown off course by light. We had more bald eagle sightings in this area in the last two years, and not just single eagles, but there is at least a couple, and they might even have babies.

Hwy 1 is only a State Scenic Highway in certain areas. The IS/DMND lists that the effects are less than significant which I disagree with. I believe that there will be a potentially significant impact and that this project needs an Environmental Impact Report (EIR). For more information see Mandatory Findings of Significance.

Agriculture & Forestry Resources:

I believe that a and e should be listed in the IS/DMND at least as effecting less than a significant impact, or better yet, needing a mitigation incorporated. The project site is located in an area designated on the Attachment R as important farmland (grazing land). I disagree with the statement that a-e would not convert any agriculturally zoned lands to non agricultural uses. Apparently, according to the Williamson Act it does not.

Air Quality:

It is not possible for the public to estimate how the air quality would be affected as we have no idea how much grading will take place and the County to my knowledge still does not have a grading policy. How much grading will take place? It is hard to assess the quality of the IS/DMND without seeing the response of the Air Quality Management District.

Biological Resources:

It is hard to assess the quality of the IS/DMND without seeing the response of the Native Plant Society. It is also hard to assess the project without being able to read the Spade Natural Resources Consulting June 21, 2017 Botanical & Biological Scoping Survey and Behrens Silverspot Butterfly Survey Report (which includes the Buffer Zone Analysis), and the Natural Diversity Database map; the Wynn Coastal Planning Report, including the Takings Analysis (which was not attached to the staff report as indicated in the staff report); and the Jennifer Riddell Consulting Report. Why has the Department of Fish & Game not been contacted again as they did not respond yet? As the project is not consistent with the Local Coastal Plan (LCP) policies relating to Environmentally Sensitive Habitat Areas (ESHA) and is less than 50 ft. away from the ESHA an Environmental Impact Report (EIR) is needed. The staff report states that a Takings Analysis is good enough and that the neighboring properties have a similar footprint and that there is no other way to deal with this issue. The staff report further lists that mitigation measures 18-26 (conditions) will take care of it. How can wetlands that are being built over be restored or enhanced? The Takings Analysis lists that a reasonable person would have believed that this property could have been developed with a single family residence. It is always possible to put in an escrow that closing of the escrow depends on a biological/botanical analysis. A 1,500 sq. ft. wetlands area can not be overlooked that easily.

Do to the inconsistency with Section 20.496.020 (A)(1) I believe that this project needs an EIR. Reading the full text of this Section I

realize that the width of the buffer zone should actually be no less than 100 ft. unless the applicant can demonstrate that after consulting with the Department of Fish & Wildlife and County staff and their agreement that 100 ft. is not necessary to protect these resources. The IS/DMND only lists the fact that the buffer zone should not be less than 50 ft. Why is the public not given all the relevant information? As there is a freshwater emergent wetland very close to the property (too close to be legal, see Attachment M) and a spring next to the property (see Attachment D) it seems that that alone suggests that an EIR is needed. This resource will be affected and involves a potentially significant impact. More information see Mandatory Findings of Significance.

Geology & Soils:

b) Result in substantial soil erosion or the loss of topsoil could affect wildlife & plants in the wetland areas, the nearby water bodies, including the ocean. Why is there no mitigation?

Hazards & Hazardous Materials:

b) Hazardous materials may result in contaminated stormwater runoff being discharged into

nearby water bodies, including the ocean. Why is there no mitigation?

h) According to the staff report: "The parcel is predominately located in an area classified with a "Moderate Fire Hazard" severity rating; however, the portion of the site where development is proposed is located within an area classified with a "High Fire Hazard" severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Albion-Little River Fire District (ALRFD). The project application was referred to CalFire and the ALRFD for input. CalFire responded with no comments. As of this date, no response has been received from ALRFD. The Applicants submitted a State Fire Safe Regulations Application Form to CalFire (CalFire File No. 271- 17) and conditional approval was granted by CalFire on June 26, 2017, with specific conditions related to standards for address, driveway, defensible space, and maintaining defensible space. Staff finds the project to be consistent with Mendocino County policies for fire protection. The standards as listed in the CalFire approval must be met (Condition 16.)"

CalFire did not submit any comments, neither did the Albion-Little River Fire District (ALRFD). Only a conditional approval was granted by CalFire on June 26, 2017 with specific conditions related to standards for address, driveway, defensible space, and maintaining defensible space. These agencies need to be contacted again and more mitigations need to be included. The answer from Calfire was from 2017. What would they say now? The public deserves to see a response from ALRFD. As we are having record drought conditions, as well as record low water availability in local wells this issue needs more attention. Additionally, we have at times severe windstorms in close proximity to the ocean. Is there another access available that would connect that parcel to other parcels north of the project site so there could be an emergency exit? The property is also surrounded on the south and the east side by a High Fire Hazard severity rating zone. See attachment L. I am concerned that the project site is located within a mapped "Critical Water Resource" area according to Mendocino County's Groundwater Study. It is hard to assess the quality of the IS/DMND

without seeing the response of the Environmental Health Department.

Hydrology & Water Quality:

The project site is located within a mapped "Critical Water Resource" area according to Mendocino County's Groundwater Study. There might not be enough water to serve the house, water all the plants listed in special mitigations # 18 and # 22, and water tires & undercarriage of heavy equipment to protect from invasive plants # 24.

Land Use & Planning:

b) Conflict with any applicable land use plan policy adopted for the purpose of avoiding or mitigating an environmental effect. I believe that regardless of the Takings Analysis and the Williamson Act the fact that the project is not consistent with the buffer widths from ESHA it demands an EIR. The fact that the planner did not mark the appropriate box in the checklist on page 1 of the IS/DMND for this resource as an environmental factor causing a potentially significantly impact is misleading the public very much.

Population & Housing:

a) If this project gets approved it will set a precedent for other projects to be approved in the vicinity. It would open the door to building 5 more homes in that now pristine subdivision. They might likely be able to also build closer to ESHA's than legal, if there are any ESHA's nearby.

Public Services:

a) I am concerned about fire protection. CalFire did not submit any comments, neither did the Albion-Little River Fire District (ALRFD). CalFire granted only a conditional approval on June 26, 2017 with specific conditions related to standards for address, driveway, defensible space, and maintaining defensible space. These agencies need to be contacted again and more mitigations need to be included. The answer from Calfire was from 2017. What would they say now? The public deserves to see a response from ALRFD.
As we are having record drought conditions and also record low water availability in local wells this issue needs more attention. In addition we have at times severe windstorms that close to the ocean. Is there another access available that would connect that parcel to other parcels north of the project site so there could be an emergency exit? The property is also surrounded on the south and the east side by a High Fire Hazard severity rating zone. See attachment L. I am also concerned with the fact that the project site is located within a mapped "Critical Water Resource" area according to Mendocino County's Groundwater Study.

Recreation:

a) It is listed that the project is west of Hwy 1. It is east of Hwy1.

Transportation/Traffic:

It is hard to assess the quality of the IS/DMND without seeing the response of Caltrans.

Tribal Cultural Resources:

I am aware that the responses by the various tribes are confidential. That probably also includes the response from the Northern Information Center. Why has the Manchester Band of Pomo Indians of the

Manchester-Point Arena Rancheria not been contacted?

Wildfire:

a-d) I am concerned about acceptable fire protection. CalFire did not submit any comments, neither did the Albion-Little River Fire District. Only a conditional approval was granted by CalFire on June 26, 2017 with specific conditions related to standards for address, driveway, defensible space, and maintaining defensible space. The answer from Calfire was from 2017. What would they say now? The public deserves to see a response from ALRFD. These agencies need to be contacted again and more mitigations need to be included. As we are having record drought conditions and also record low water availability in local wells this issue needs more attention. In addition we have at times severe windstorms in close proximity to the ocean. Is there another access available that would connect that parcel to other parcels north of the project site so there could be an emergency exit? The property is also surrounded on the south and the east side by a High Fire Hazard severity rating zone. See attachment L. I am also concerned with the fact that the project site is located within a mapped "Critical Water Resource" area according to Mendocino County's Groundwater Study.

Mandatory Findings of Significance:

Why has the State Clearinghouse not responded? Are they even aware of this project?

Matt Goines (planner) was not as careful as he should have been as he lists footnotes for #1, 6, and 8 on page 2, but not in the text. He labeled the Natural Hazards map Attachment H on page 11, but then wrote Attachment I on page 20. The Habitats & Resources map is also labeled I on page 21. the LCP Land Use Map 19: Navarro should be labeled Attachment G, but was not labeled. I wonder how old the information is in Attachment K, Adjacent Parcels. Kay Baumeister, for example, died many years ago. I wonder if any other property owner's information is outdated as well. Were all property owners within a 1,000 ft. contacted? Is there a sign next to the driveway?

On page 11 References: it is listed that the following documents are available, but the APN # does not match the APN # of the owners of the property with the APN: 126-010-04, neither does Van Bueren's 2013 Archaeological Survey of the Theodore Burke Property.

Paymard, H. 2013a. Delineation of Jurisdictional Wetlands and Waters: 33200 Jefferson Way, Fort Bragg, CA; APN 017-370-05. September 2013.

Paymard, H. 2013b. Botanical Survey for 33200 Jefferson Way, Fort Bragg, CA; APN 017-370- 05. July 10, 2013.

Paymard, H. 2014. Wildlife Survey for 33200 Jefferson Way, Fort Bragg, CA; APN 017-370-05. October 13, 2014.

Van Bueren, T. 2013. Archaeological Survey of the Theodore Burke Property at 33200 Jefferson Way near Fort Bragg, California. June 14, 2013.

WRA, Inc. 2015. Coastal Act Compliance Report for 33200 Jefferson Way, Fort Bragg, Mendocino County, California. December CDP 2015.

Does Wynn Coastal Planning Visual Impact Analysis from April 11, 2017 refer to this project? Why is that not attached to the staff report?

The architectural drawings might have measurements, but to assess plans with the info not to scale seems odd to say the least. The measurements are not readable. Attachment C, T, U, and V are not to scale.

On page 1 of the staff report it is indicated that this project is not appealable, but on page 10 the appeal period and appeal fee is mentioned. I believe that the public should not have to appeal (pay \$1,616) if an environmental document has not been prepared correctly.

I further believe that building a 26 ft. tall two story house containing 2,895 sq. ft. with a 488 sq. ft. garage, a covered porch, decks, solar arrays, a 100 sq. ft. pump house, two 2,500 gallons water tanks, and three 20 ft. wind turbines would degrade this otherwise beautiful natural gateway to the Mendocino Coast.

According to the staff report AB-998 indicates that State Route 128 is a State Scenic Highway. The project would not affect the view from 128 as it is not visible from Hwy 128, but it would affect the view from Hwy 1, the Navarro Point Preserve and the nearby Coastal Trail.

The story poles that should show how much people can see from this house from Hwy 1 do not reflect the height and the mass of the development. The roof line needs to be connected with orange tape for the public to have a clear idea.

Focusing on aesthetic resources on page 3 & 4 of the staff report Visual Resource and Special Treatment Areas are listed as such: "A portion of the site is designated as a Highly Scenic Area; however, the proposed area of development is located outside of this designated area and does not negatively impact said area. As such, Staff finds that the Highly Scenic Area policies contained in MCC Section 20.504.015(A) do not apply to this project as proposed. The proposed development, which includes the construction of a single family residence, appurtenant structures, and utilities, would be visible from Highway 1, Navarro Point Preserve, and Scenic Trail recreation area."

In the aesthetics section of the IS/DMND it is listed that "that the impacts are less than significant". I disagree. Such a development would create an eyesore to all southbound traffic on Hwy 1 approximately from mile marker 41.79 to 42.11, to people walking in the Navarro Point Preserve and on the nearby Coastal Trail and people who see this project from the ocean.

If this project gets approved it will set a precedent for other projects to be approved in the vicinity. It would open the door to building 5 more homes in that now pristine subdivision. I am sure that Mr. Van L. Phillips would gladly sell any of his 9 properties with a total of 89 acres as shown on Attachment K.

The element of the Mendocino County Plan addresses a broad range of natural resources among them open spaces, rural landscapes, and scenic resources. The coast is considered a scenic resource, and policies in the County's Coastal Element are designated to protect its scenic value. The Mendocino Land Trust owns and manages 55 acres at Navarro Point (across Hwy 1 from the Kirkman/Kawase property) for botanical resources and coastal access.

Based on the Mendocino County General Plan Aesthetics, view sheds are listed and described as scenic resources, scenic corridors, ridge lines, coastal, and water features.

State Route 1 would be eligible for Scenic Highway designation.

According to the Coastal Element Chapter 2 Land Use Plan for this area both sides of Hwy 1 have been designated as "highly scenic" where development must be subordinate to its setting.

I believe that this project would violate the Coastal Act's County Coastal Element, Chapter 3.5.1, 3.5.4, and 3.5.6.

Due to the inconsistency with Section 20.496.020 (A)(1) I believe that this project needs an EIR. Reading the full text of this Section I realize that the width of the buffer zone should actually be no less than 100 ft. unless the applicant can demonstrate that after consulting with the Department of Fish & Wildlife and County staff and their agreement that 100 ft. is not necessary to protect these resources. The IS/DMND only lists the fact that the buffer zone should not be less than 50 ft. As it was not possible to access the local Planning & Building Services Department office due to Covid I was only able to see the 69 page staff report. The public should be able to see all the documents, especially in this case the communication between the owners, the Department of Fish & Wildlife and County staff. The Biological Resources will be potentially significantly impacted and need to be assessed in an EIR.

Land Use & Planning, Aesthetics, as well as Mandatory Findings of Significance are resources that involve a significant impact and need to be assessed in an EIR.

I believe that based on the findings in this Initial Study and as mitigated and conditioned, the proposed project would have environmental effects that would cause potential environmental impacts associated with the approval of the project. The mitigations are not enough to address all potential impacts as they can not all be reduced to a less than significant level. I therefore recommend that an Environmental Impact Report will be done.

Only an EIR will analyze the cumulative (as well as direct) impacts of the project (including the project as a whole) on the environment and protected resource.

Sincerely,
Annemarie Weibel, Albion
member Albion Bridge Stewards

5-12-2021

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