

**pbscommissions - ADDENDUM TO RESPONSE regarding public hearing on CDP\_2020-0024**

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**From:** William Buechler <buechlerlaw@hotmail.com>  
**To:** "pbscommissions@mendocinocounty.org"  
<pbscommissions@mendocinocounty.org>  
**Date:** 6/9/2021 2:24 PM  
**Subject:** ADDENDUM TO RESPONSE regarding public hearing on CDP\_2020-0024  
**Attachments:** CDP\_2020-0024-ADDENDUM.docx

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Hello. On June 7, 2021, we forwarded our request for continuance and objections to CDP\_2020-0024 as we are adjacent property owners to the proposed development. Attached please find an addendum to our initial filing. We ask that you confirm receipt of this addendum and include it with the file that is set for hearing on June 10, 2021, at 11 a.m. Sincerely, William and Cynthia Buechler

Mendocino County  
JUN 10 2021  
Planning & Building Services

**TO:**

[pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org)

Mendocino County Coastal Permit Administrator  
Department of Planning and Building Services  
120 West Fir Street  
Fort Bragg, CA. 95437

**FROM:**

buechlerlaw@hotmail.com  
Cynthia and William Buechler  
Owners  
2750 White Gull Court  
Albion, CA. 95410

**ADDENDUM TO RESPONSE regarding the Public Hearing on CDP\_2020-0024.**

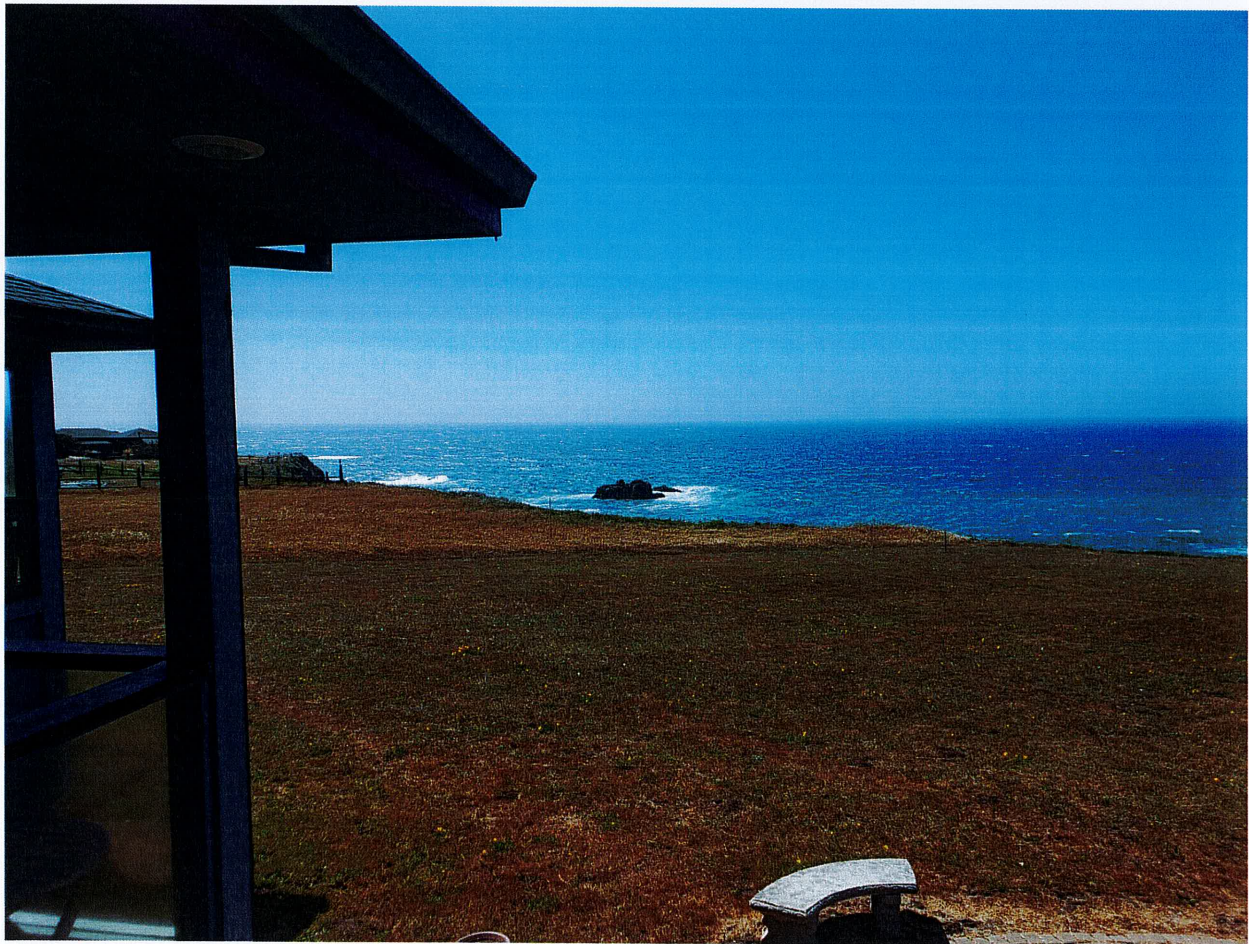
On June 7, 2021, we filed a request for continuance and response/objections regarding the above-referenced case that is currently set for hearing on June 10, 2021. The following serves as an addendum to our prior filing. Our property is directly adjacent to the east of the subject development.

1. We continue to request that the Mendocino County Coast Permit Administrator deny development application CDP\_2020-0024 as currently proposed.
2. Through correspondence dated June 6, 2021, Flint and Janet Pulskamp asserted objections to the proposed development application. The Pulskamps are interested parties since their property lies two lots to the east of the subject development. As our interests are identical, we support the Pulskamps' position and fully incorporate their objections into our responses, including their submitted photographs.
3. As pointed out by the Pulskamps in their objections, we are substantially concerned about the house currently being built on parcel #123-340-18, which sits directly on the same special plant, animal and wetlands buffers that are affecting CDP\_2020-0024. Apparently, the same issues had no affect on the approval of the permit for the house being built on parcel #123-340-18. Such inconsistencies warrant a critical review in the permit process and must lead to the denial of the application as currently presented.
4. Again, of great concern to us, is the fact that the staff report fails to consider the visual impact to the neighbors living on both sides of the proposed development. The staff report states that the development "would not be out of character with surrounding development". This statement is patently and categorically false. As it stands, the proposed development would sit just 46' from the bluff's edge, which is obviously a significant deviation from the character of the surrounding development. Further, as we have repeatedly stated, story poles would demonstrate this egregious deviation. Unfortunately, our requests for the poles have been met with nothing but silence.
5. Policy 3.5-1 of the Coastal Element states, in pertinent part, as follows:

*“The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.” (emphasis added)*

Clearly, the proposed staff report ignores and violates the dictates of Policy 3.5-1 since the views to and along the ocean and scenic coastal areas will not be protected, and the proposed development is certainly not visually compatible with the character of the surrounding areas.

6. Finally, please see the attached photographs.



This photograph is taken from our back porch. The proposed development plan would entirely block the western view of the ocean and coast.



This photo was taken in our back yard. Again, the proposed development would entirely block the western view of the ocean and the coast.

## **CONCLUSION**

As stated previously, the alternative development “B” that was offered by the applicant last year would be acceptable to us. The setback in alternative “B” would maintain the coastal visual qualities of the Mendocino coastal area for the surrounding properties and would be more visually compatible with the character of the surrounding area as mandated by Coastal Element Policy 3.5-1. As such, we continue to strenuously object to CDP\_2020-0024 and request that it be denied as presented.

Sincerely,

Cynthia and William Buechler

**From:** Keith Middlesworth <kmiddlesworth@mcn.org>  
**To:** <pbscommissions@mendocinocounty.org>  
**Date:** 6/7/2021 11:59 AM  
**Subject:** Comment on property at 34350 Pacific Reefs Road, Albion, CA

Mendocino County  
JUN 10 2021  
Planning & Building Services

We are the Middlesworths, Keith and Deanna. Our address is 3400 Pacific Reefs Road, Albion, CA. We own the house to the west of the property to be built. We are not protesting that there will be a structure built on the property in question. What we are protesting is the distance the structure is going to be placed from the cliff. Our property was built in 1990 and the coastal commission allowed us to build because the house dimensions fit the lot exactly. We could not move any closer to the road nor could we move any closer to cliff. The houses built to the north of us opted to build so no ones view would be impacted. Property values have increased through the years partly due to the great views. Allowing any house to be built now close to the cliff would greatly impact the property values of the homes to the north and west of the property in question.

Please seriously consider not allowing the structure to be built on the cliff. Moving the structure back so it least impacts current property owners views and most importantly home values would be the right thing to do.

Thank you,  
Keith & Deanna Middlesworth  
34400 Pacific Reefs Road, Albion, CA

#2

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## Mendocino County

pbscommissions - CASE #: CDP\_2020-0024

JUN 14 2021

Planning &amp; Building Services

**From:** FLINT PULSKAMP <fpulskamp@comcast.net>  
**To:** "pbscommissions@mendocinocounty.org" <pbscommissions@mendocinocounty.org...>  
**Date:** 6/10/2021 1:21 PM  
**Subject:** CASE #: CDP\_2020-0024

Please include the following comments in the record for the Public Hearing and Review of CDP\_2020-0024 that was just continued to July 8, 2021 per the Permit Administrator.

In the public hearing meeting for CDP\_2020-0024 that just ended, Tara Jackson from Wynn Coast Planning and Biology, which is a consultant for the the owners of the proposed development, made several inaccurate statements at the end of the meeting which I want to correct for the record. She mentioned:

1-the "Development Alternative B" was dismissed from consideration partly because the septic system would be located between the building site and the bluff, which would pose a threat to the integrity to the bluff. As a point of fact, the houses on both of the subject property currently have septic systems and leach fields located between the house and the bluff edge (i.e. APN #s: 123-340-10, 123-340-11, and 123-340-14) which have been in place for over 20 to 30 years with no problems to the integrity of the bluff or hillside.

2-the width of the lot which is the subject of this development is narrower than the surrounding lots which is a further reason for the proposed footprint. As a point of fact, the lot for CDP\_2020-0024 is as-wide or wider than the four adjacent lots. (i.e. APN #s: 123-340-10, 123-340-11, 123-340-13 and 123-340-14) at the building site.

3-proposed location of the building site was determined because it had the least biological, botanical and wetlands impact. A point of fact from the "Booth Biological Scoping Survey, Wetland Delineation, & Botanical Report" dated August 21, 2020, Figure 5, the location of the proposed development will have the same impact as the "Alternative B" site (See Figure 7 of the same report). Both sites sit on the 50' presumed special status plant buffer, but do NOT sit on the 50' special status animal buffer or the 50' Coastal Act Wetlands Buffer. Another point of fact is currently a home is being built just across the street at APN# 123-340-18 from this development and the foundation sits on top of identified Harlequin lotus (CRPR4.2) and in the identified 50' potential special status animal buffer, and encroaches on the 50' coastal act wetland buffer and the 50' Presumed Plant communities buffer. We have a concern as to why the development at APN # 123-340-18 was approved and permitted, yet the "Alternative B" building site for this CDP\_2020-0024 was dismissed from consideration.

Thanks for your attention  
 Flint & Janet Pulskamp  
[fpulskamp@comcast.net](mailto:fpulskamp@comcast.net)  
 2751 White Gull Court,  
 Albion, CA 95410

3

----- Original Message -----

From: FLINT PULSKAMP <fpulskamp@comcast.net>  
To: "pbscommissions@mendocinocounty.org"  
<pbscommissions@mendocinocounty.org>, Flint Pulskamp  
<fpulskamp@comcast.net>  
Date: 06/10/2021 7:07 AM  
Subject: CASE #: CDP\_2020-0024

As of today, Thursday, June 11, 2021 at 7:05AM, I have not received any response or acknowledgment to my email below or to my submissions for the public hearing meeting this morning at 11AM. I am sending the email again. Please send me any necessary login information so I can actively participate in this meeting, which I understand will be via Zoom.

regards,  
Flint Pulskamp  
408-656-3780  
fpulskamp@comcast.net

----- Original Message -----

From: FLINT PULSKAMP <fpulskamp@comcast.net>  
To: "pbscommissions@mendocinocounty.org"  
<pbscommissions@mendocinocounty.org>, Flint Pulskamp  
<fpulskamp@comcast.net>  
Date: 06/05/2021 10:18 AM  
Subject: CASE #: CDP\_2020-0024

I would like to address the Coastal Permit Administrator during the public hearing under Public Expression for Case # CDP\_2020-0024 which is scheduled for Thursday, June 10, 2021. Please send me any necessary login information so I can actively participate in this meeting, which I understand will be via Zoom.

Flint Pulskamp  
408-656-3780  
fpulskamp@comcast.net

**pbscommissions - CDP\_2020-0024 comments from Flint & Janet Pulskamp**

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**From:** FLINT PULSKAMP <fpulskamp@comcast.net>  
**To:** "pbscommissions@mendocinocounty.org"  
<pbscommissions@mendocinocounty.org...>  
**Date:** 6/7/2021 7:11 PM  
**Subject:** CDP\_2020-0024 comments from Flint & Janet Pulskamp  
**Attachments:** CDP public meeting notes 03.docx; View Looking West from Hwy 1.jpg

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Hello Mendocino County Coastal Permit Administrator,  
Please see the attached comments and concerns for the Public Hearing scheduled this Thursday, June 10, 2021 at 11am for CDP\_2020-0024.  
I have 5 photos/files that are referenced and are to be included with this word document. Because the photos are rather large, I will send them in separate emails so your mail server will accept them. Let me know if you have any questions or need clarification or do not receive them  
best regards,  
Flint and Janet Pulskamp  
2751 White Gull Court,  
Albion, CA 95410  
APN: 123-340-10

Mendocino County  
JUN 10 2021  
Planning & Building Services

4

P(3)



FROM: **Flint and Janet Pulskamp**

**2751 White Gull Court**

**Albion, CA 95410**

TO: **Mendocino County Coastal Permit Administrator**

REFERENCE: **CDP\_2020-0024**

SUBJECT: **Concerns and Comments from an Adjacent Property Owner and Interested Party for the Public Hearing and Review of CDP\_2020-0024**

DATE: June 6, 2021

We are responding to the Mendocino County Coast Permit Administrator for public review for the hearing of the Draft Mitigated Negative Declaration for Case #: CDP\_2020-0024.

We are concerned neighbors and we own the property two lots to the east of the subject development. (2751 White Gull Court, Albion, CA) We have objections to this development application as detailed below.

### **Development Objections**

As a direct neighbor we have an objection to this CDP application due to the significant detrimental visual impact this development would have on the neighboring properties. This proposed development is located closer to the bluff edge (46') than the houses on either side of this site. From the observation of any aerial view of this proposed development, it is apparent that the footprint of this proposed development would protrude toward the bluff further than any of the adjacent houses and would significantly obstruct the views from the neighboring properties, negatively impacting and damaging the property values of several of the neighboring properties. We believe at least three of the neighboring properties would suffer a loss in property value if this development is approved and built as proposed.

Several neighbors sent notices to the county staff planner last year, before the staff report was submitted to the Coastal Permit administrator, with objections to this development. To date, we have had no response whatsoever to our concerns.

In the Coastal Permit Administrator Staff Report for Standard CDP, in the section "Visual Resources", the concerns and/or interests of the immediate neighbors have not been acknowledged or documented. The neighbors on either side of the development were not contacted or solicited for their input about any negative visual impact. There are several inaccurate and mis-statement in this report:

1) The Staff Report states that "The proposed residence would not be visible from State Route 1, or any park, beach or recreation areas". This statement is not true. See the attached photograph titled "View looking west from Hwy 1". It is clear that this structure would be seen from "State Route 1". The report analyses only seem to be concerned about visual impact from "public" areas. It does not mention at all the visual impact to the neighbors living on either side of the proposed development.

2) The staff report states the development “would not be out of character with surrounding development”. This statement is also not true. As stated above, this development if located 46’ from the bluff edge, would be completely out of character with the surrounding development, and would be located closer to the bluff edge than any of the four houses (2 to the east and 2 to the west) on either side. See the attached photograph titled “View Looking West from property line 2”. This photo clearly shows a similar setback for the four houses adjacent to the subject property (2 houses to the east and 2 houses to the west). See the attached photographs titled “View Looking West from living room 2” and “View looking West at property line 2” to see the visual impact this development would have from the neighboring properties. The shaded blocks are our estimate of the walls of the proposed building site.

3) The staff report states that development is “subject only to the Policy 3.5-1 of the Coastal Element which states: The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas...” The approval of this development would violate the “Policy 3.5-1 of the Coast Element” because it would NOT “protect views to and along the ocean and scenic areas” and would NOT be “visually compatible with the character of surrounding areas” as noted above.

The 74 page staff report does not include a single plot map showing the outline of the proposed building site relative to the neighboring homes. This information is crucial and would clearly show how the proposed building footprint protrudes beyond all of the neighboring homes. Incredibly, this report has 17 pages of plot maps showing only the outline of the proposed property (pgs 20-23, pgs 29-41), without a single page showing the location of the proposed building site relative to the neighboring homes. This report includes only a single plot map showing the proposed building site (pg 24, attachment E), but it does not include the location of the neighboring homes. The inclusion of this omission would have made clear the concerns the neighbors have voiced with this development for almost a year now.

Interestingly, the “presumed ESHA map with proposed development” (pg 3 of 33 from Wynn Coastal Planning and Biology) that was included in the original referral packet last year and is the footprint being proposed, does show the relative location of the proposed building site relative to the neighboring homes. See the attached file taken from the referral packet titled “Proposed Development Site-Plan View”. It can be clearly seen from that plot map the extent to which the proposed site protrudes beyond the implied setback line of the neighboring houses.

In our concerns expressed to the county staff planner starting last year we made a request that story poles be installed to mark the outline of the proposed building, so the visual impact could be assessed. We received no response to our requests until last week during an in-person meeting at the county offices, when we were told that the story poles request was rejected because they were not considered material to this application. If story poles would have been in place, then the visual impact of this development would be much clearer to the neighbors and the county Coastal Permit Administrator and staff.

In our concerns expressed to the county staff planner last year we also noted that the alternative “Development Alternative B” site plan that was offered by Wynn Coastal Planning and Biology in the

Referral Packet would be satisfactory to us. This building site is set further back from the bluff edge and would not have the negative impact that the current proposed site plan would have. We were told by the county staff planner that the alternative site plans were rejected because they would have greater impact on habitats and natural resources. The proposed site plan being considered now (see the attached file referenced above titled "Proposed Development Site-Plan View") shows special status animal habitats, plant habitats and wetlands on and just across the street from this project. Interestingly, there is a house in the process of being built today located exactly on top of all three of these "special status buffer zones" at parcel #123-340-18 just across the street. We are concerned there are serious inconsistencies in how the county applies Biological, Botanical, and Wetland analyses and compliance in their plan approval and permitting decisions. Apparently, the same special plant, animal and wetland buffers that are affecting this permit CDP\_2020-0024 had no affect at all on the plan approval and permitting of the house currently being built at parcel #123-340-18.

Finally, as a direct neighbor who owns the property two lots to the east of the subject development, we were never contacted in regards to this project. We were never contacted by county staff regarding this CDP or my original written concerns despite my request to be kept updated on any developments. On the Staff Report, my property/name is not even listed in the section "neighboring properties" even though my property is the 2<sup>nd</sup> adjacent property on the east side and one of the three owners most affected by this development. (BTW, the second property on the other side of the subject property was listed). We were not sent notice nor notified of this public review meeting, even though my contact information was registered as an "interested parties" for this project. When I saw the notice of public hearing posted at the development site just a few days ago, I again tried to contact the county staff planner, with no response and no returned phone call. I personally drove to Ft Bragg to speak with the staff planner on Thursday, June 3, 2021 to get more information in preparation for the scheduled public review. As of today Sunday, June 6, 2021, the Notice of Public Hearing for CDP-2020-0024 is still not available on the county's website, even though county policy states that it would be available 21 days prior to the public hearing.

In conclusion, as a concerned neighbor, we are requesting the Mendocino County Coast Permit Administrator deny this development application CDP\_2020-0024 as currently proposed for the reasons outlined above.



CDP 2020-0024

View looking west from Hwy 1  
toward subject property

**pbscommissions - CDP\_2020-0024 comments from Flint & Janet Pulskamp part 2**

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**From:** Flint Pulskamp <fpulskamp@comcast.net>  
**To:** "pbscommissions@mendocinocounty.org"  
<pbscommissions@mendocinocounty.org...>  
**Date:** 6/7/2021 7:14 PM  
**Subject:** CDP\_2020-0024 comments from Flint & Janet Pulskamp part 2  
**Attachments:** VIEW Looking West from living room 2.jpg; VIEW Looking West at property line 2.jpg

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See additional attached pics for the prior email

On 06/07/2021 7:11 PM FLINT PULSKAMP <fpulskamp@comcast.net> wrote:

Hello Mendocino County Coastal Permit Administrator,  
Please see the attached comments and concerns for the Public Hearing scheduled this Thursday, June 10, 2021 at 11am for CDP\_2020-0024. I have 5 photos/files that are referenced and are to be included with this word document. Because the photos are rather large, I will send them in separate emails so your mail server will accept them. Let me know if you have any questions or need clarification or do not receive them  
best regards,  
Flint and Janet Pulskamp  
2751 White Gull Court,  
Albion, CA 95410  
APN: 123-340-10

Mendocino County  
JUN 10 2021  
Planning & Building Services



CDP\_2020-0024

View looking West from Living Room at 2751 White Gull Court  
toward subject property



CDP-2020-0024

View looking West from property  
line at 2751 White Cliff Court  
toward subject property.

**pbscommissions - CDP\_2020-0024 comments from Flint & Janet Pulskamp part 3**

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**From:** Flint Pulskamp <fpulskamp@comcast.net>  
**To:** "pbscommissions@mendocinocounty.org"  
<pbscommissions@mendocinocounty.org...>  
**Date:** 6/7/2021 7:19 PM  
**Subject:** CDP\_2020-0024 comments from Flint & Janet Pulskamp part 3  
**Attachments:** View Looking West from property line 2.jpg; Proposed Development Site- Plan view.pdf

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See additional attached pics for the prior email

On 06/07/2021 7:11 PM FLINT PULSKAMP <fpulskamp@comcast.net> wrote:

Hello Mendocino County Coastal Permit Administrator,  
Please see the attached comments and concerns for the Public Hearing scheduled this Thursday, June 10, 2021 at 11am for CDP\_2020-0024. I have 5 photos/files that are referenced and are to be included with this word document. Because the photos are rather large, I will send them in separate emails so your mail server will accept them. Let me know if you have any questions or need clarification or do not receive them  
best regards,  
Flint and Janet Pulskamp  
2751 White Gull Court,  
Albion, CA 95410  
APN: 123-340-10

Mendocino County

JUN 10 2021

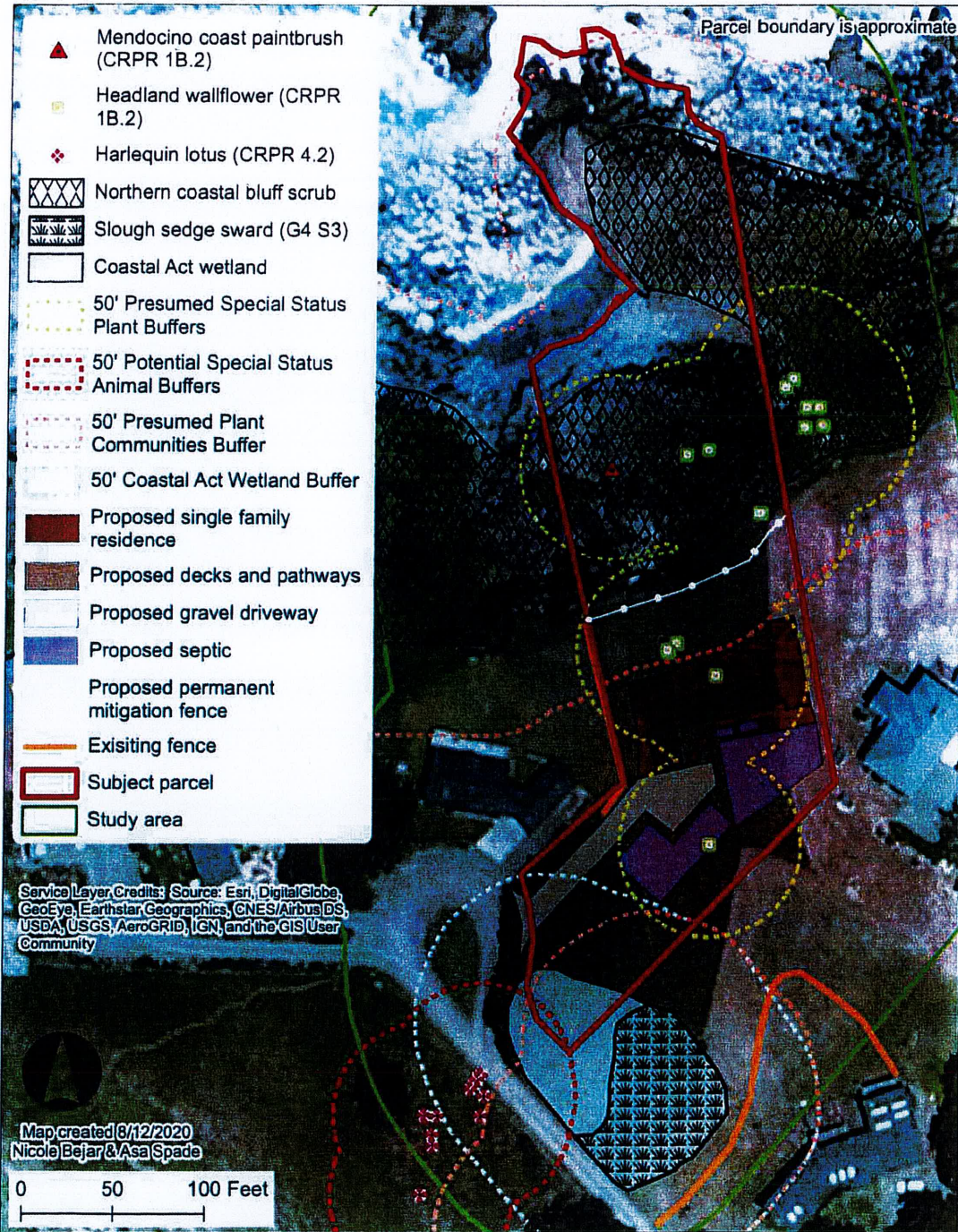
Planning & Building Services





CDP\_202410124

View looking West from property  
line at 2751 Whine Gulf Coast  
towards the property



## Proposed Development & Presumed ESHAs

Figure 5. Proposed development in relation to presumed ESHAs.



OWNER: Lands of Boothe  
 APN: 123-340-13-00  
 ADDRESS: 34350 Pacific Reefs Rd.  
 Albion, CA 95410

**pbscommissions - CDP\_2020-0024; Request for continuance of hearing and initial response**

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**From:** William Buechler <buechlerlaw@hotmail.com>  
**To:** "pbscommissions@mendocinocounty.org"  
<pbscommissions@mendocinocounty.org>  
**Date:** 6/7/2021 5:05 PM  
**Subject:** CDP\_2020-0024; Request for continuance of hearing and initial response  
**Attachments:** CDP\_2020-0024-Req for Continuance and Response.docx

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Hello. Attached please find a request for continuance of the hearing set for June 10, 2021, and an initial response regarding CDP\_2020-0024. Please confirm your receipt of this email. Best,  
William M. Buechler

Mendocino County  
JUN 10 2021  
Planning & Building Services



**TO:**

pbscommissions@mendocinocounty.org  
Department of Planning and Building Services  
120 West Fir Street  
Fort Bragg, CA. 95437

**FROM:**

buechlerlaw@hotmail.com  
Cynthia and William Buechler  
Owners  
2750 White Gull Court  
Albion, CA. 95410

**REQUEST FOR CONTINUANCE of the Public Hearing on CDP\_2020-0024 and RESPONSE to the Mendocino County Coast Permit Administrator for the public review of the Draft Mitigated Negative Declaration for CDP\_2020-0024**

**INTRODUCTION**

We own the property at 2750 White Gull Court in Albion, which is one of the homes that borders the property that is the subject of CDP\_2020-0024. Through this correspondence, and for the reasons set forth herein, we are respectfully requesting a continuance of the public hearing that is currently set for June 10, 2021, at 11 a.m. Additionally, we have set forth our preliminary objections to the recommendations regarding CDP\_2020-0024. We will supplement this request and response, as necessary.

**1. Communication Requests to the Staff Planner**

We only became aware that there was a proposed development when our neighbor discovered that there was a CDP for the lot which proposed a house positioned very near the edge of the bluff, contrary to the position of the other houses, including ours, which is set back. No notice had been provided to us at any time. Consequently, we contacted Jessie Waldman in October 2020 and voiced our objection, and asked to be included on any noticing and recommendations prepared. We also requested storey poles so that the visual impact from the highway, coast and surrounding homes could be seen.

Thereafter, we memorialized the conversation with Ms. Waldman through an email in October of 2020 wherein we reiterated our objection to the development, asked to be included on any noticing and recommendations prepared and again requested that storey poles be provided. In an email dated November 7, 2020, we supplemented our objection to Ms. Waldman that we were not opposed to any development on the property, however, we requested the development be in conformance with the other properties, such as ours, where the house is set back. We indicated that Option B that was submitted by EISHA did not appear to be objectionable.

We received no further communication from Ms. Waldman. Consequently, on March 19, 2021, we sent an email to Ms. Waldman asking for the status of what was occurring regarding CDP\_2020-0024 and once

again stating our request to be put on all communications regarding the application process and to have storey poles installed so that the true visual impact could be seen before any decisions were made.

She responded that no action had been taken and that we would be included on any noticing and recommendations prepared.

We received no communication from Ms. Waldman after our March 19, 2021 email. However, we recently became aware that significant action had occurred without including us in the process. There is a public hearing regarding the Draft Mitigated Negative Declaration for Case # CDP\_2020-0024 wherein Ms. Waldman, without providing us any notice, had recommended the building site that was on the edge of the bluff. Ms. Waldman never contacted us to let us know that she was denying our request for storey poles, or why she was choosing to recommend the option that was objectionable to us rather than Option B. Quite simply, Ms. Waldman chose not to include us in any of the process as we requested or to try to address any of our concerns.

What is also of great concern to us is the placement of the septic tank, which is recommended to be placed right on our property line contrary to where the other houses' septic tanks are located. We were given no notice of that as well.

Further, evidence of the lack of communication and transparency is the failure of the Hearing Notice to be included on the website in accordance with your guidelines that the notice be posted on your website 21 days before the hearing. If properly noticed, it would have allowed us more time to review what was being recommended and consider what options were available to us, such as obtaining storey poles ourselves, getting another environmental impact statement and hiring representation since this is beyond our expertise.

We, as homeowners in the subdivision, have been intentionally excluded from every step of the approval process which negatively impacts the value of our property and the visual impact from our public view and how we believe it will negatively impact the view from the coastline and the highway.

By not providing the requisite notice, we are being denied our due process and in essence, such actions amount to a public taking of our property. We are respectfully requesting a continuance of this hearing so that we can have reasonable time to provide an appropriate response and visuals for the permit administrator to consider before making a determination.

Additionally, we have made a request for public records from the Department of Planning and Building Services since we have not been included in the process to see what has transpired and the basis for interested parties, such as ourselves and our neighbors' complete exclusion from the process. Transparency is essential for governmental agencies. It has clearly not occurred in this instance.

There is just cause to continue the hearing and no harm can occur to the property owners who submitted the application since the property has been in their immediate family's possession since the 1970s.

## **2. Visual Impact**

From a review of the recommendations, the Staff Planner recommended an option that essentially places the structure directly on the bluff. This proposed placement will completely block our west view and that of our neighbors to the east of us and will block the east view for the west neighbor. From the highway

by the Ledford House, this potential site will negatively impact views from the coast and the highway. Curiously, none of the maps submitted with the recommendation shows the outline of the proposed building site relative to the neighboring homes. The seventeen maps submitted only show the building site and do not even provide where the neighboring houses are located. This is a serious omission which undermines any decision as to its visual impact. Without question, the site that Ms. Waldman is recommending would significantly impact the visual impacts of all surrounding neighbors in addition to the coast and highway, and create significant light pollution to our home and the neighboring homes. If storey poles had been placed as requested numerous times, the negative visual impact would be obvious.

Likewise, the recommended option is not visually comparable with the character of the surrounding area. The houses in our section of Pacific Reefs are set back so that existing house views of the coastline are not diminished or negatively impacted. The recommended site would greatly impact the coastal views of the neighboring properties as well as devalue the homes which would constitute a taking. Option B, however, is visually compatible with the character of surrounding areas.

### **3. Septic Tank**

As previously mentioned, while we are neither engineers nor architects, it appears that a variance is being made to allow a septic system to be placed on our property line. We have not had the opportunity to assess with any experts the impact that could have on our property. The issues that would require a variance to place the septic system on our property line appear not to exist with Option B, which would have the building set back in conformance with the other houses with no environmental impact. As previously mentioned, we are not opposed to Option B.

### **CONCLUSION**

Due to the lack of appropriate notice or any inclusion in the process, we have been unable to prepare a thorough response or retain experts to assist in our response. Accordingly, in the interest of compliance, transparency, and due process, we respectfully request that the public hearing be continued.

Sincerely,

Cynthia and William Buechler

**Jessie Waldman - further comments on Boothe (CDP\_2020-0024)**


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**From:** "Kraemer, Melissa@Coastal" <Melissa.Kraemer@coastal.ca.gov>  
**To:** Jessie Waldman <waldmanj@mendocinocounty.org>  
**Date:** 5/25/2021 1:30 PM  
**Subject:** further comments on Boothe (CDP\_2020-0024)  
**Cc:** "Targ, Sylvia@Coastal" <sylvia.targ@coastal.ca.gov>, "Garrison, Jennifer@..."

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessie

We reviewed the staff report for the subject CDP application and offer the following additional comments. Initial agency comments from Commission and CDFW staff are below this email for reference. We recommend strengthening CDP conditions to fully incorporate previous agency recommendations. We also offer additional recommendations and conditions that we believe are necessary to maximize the project's LCP consistency while recognizing that the project is inconsistent with the LCP but presumably must be approved to avoid a regulatory takings.

1. Special Conditions 11 and 23 require the applicant/landowner to execute and record a deed restriction(s) that prohibits future shoreline armoring (among other restrictions related to geologic hazards), restricts and requires certain landscaping, directs certain restoration activities, and requires minimum setbacks from the bluff. The purpose of the deed restriction recordation requirements is to memorialize and notify current and future owners of the property of the restrictions imposed to minimize risk and protect resources, which are conditions of allowed development on the lot that run with the land and bind all successors and assigns.
  - a. We agree with the deed restriction recordation requirements of Special Condition 11 but suggest strengthening 11-e to specify that future removal when necessary shall include not just structures and septic infrastructure, but also drilled piers and other sub-surface infrastructure associated with the house foundation.
  - b. We agree that the landscaping restrictions specified in Special Condition 23-a-i should be required to be recorded in the deed restriction document as a limitation on the use and enjoyment of the property necessary to maximize LCP conformity with respect to protecting ESHA/minimizing ESHA impacts.
  - c. We suggest adding provisions that the executed/recorded deed restriction include language similar to language that's currently listed in Special Condition 20-c directing that (suggested changes to 20-a recommended to be amended and to be included in the deed restriction contents are underlined) a low wooded or row mitigation fence shall be installed and maintained, set back a minimum of 46 feet from the bluff top edge and consistent with the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, where no development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing, which is intended both to denote sensitive natural habitat seaward (north) of the fencing and to discourage entry into this area and to minimize erosion hazards associated with the area. The proposed location of the permanent mitigation fence should be placed to maximize exclusion of human impacts to the restoration area. This location is which

will be converted to native habit supporting Headland Wallflower. All areas seaward of the permanent mitigation fence shall be maintained as native habitat where no development other than habitat restoration may occur, including no accessory structures, landscaping, or other improvements. Planting for habitat enhancement purposes may be allowed pursuant to a landscaping plan approved by the County and the California Department of Fish and Wildlife provided such plantings are comprised only of species that are native, appropriate for coastal bluff habitats of the region, and serve to enhance Headland Wallflower habitat.

[We note that Special Condition 22-b requires submittal of a landscaping plan to CDFW for review and approval, and we think there also should to be further specifications in 22-b to clarify landscaping restrictions both in terms of the above recommendations on landscaping restrictions in the open space bluff area and to reflect the restrictions specified in 23-a-1.]

- d. We suggest requiring that the recorded deed restriction(s) include an attached exhibit of an updated site plan and open space area map (to be reviewed and approved by the County prior to recordation) that clearly shows the authorized building footprint areas and the deed-restricted open space areas where no future development shall be allowed. Restricted areas shall include the minimum 46-foot geologic setback area from the top of bluff as well as other areas of delineated ESHA and ESHA buffers on the property. The exhibit also should depict the correct placement of the permanent mitigation fencing shown at least 46 feet back from the top of bluff. The exhibit should label the deed restricted areas to indicate “open space” and “no accessory structures, landscaping, or other improvements allowed” in deed-restricted open space areas.
2. Special Condition 20-a mentions the recommendation for a Mitigation and Monitoring Plan (MMP). We suggest expanding on this condition or adding a new condition that requires the preparation and submittal of an MMP to the County for review and approval prior to permit issuance. The condition should specify the minimum plan requirements for mitigation, monitoring mitigation success, reporting, and, if necessary, remediation so that the County, in its findings for CDP approval, can demonstrate that the approved development will maximize LCP consistency for ESHA protection by ensuring that successful mitigation will be achieved. Some of the necessary MMP specifications are currently specified in Special Condition 23 (e.g., 23-a-ii through vi). However, instead of having MMP requirements specified in relation to the contents of the deed restriction that’s required to be recorded pursuant to Special Condition 23-a, instead we recommend that MMP requirements be specified in relation to a condition that is focused on the MMP preparation and submittal requirements. See CDFW comments below for suggestions on the MMP contents. In addition to the details specified in 23-a-ii through vi, the MMP condition also should include criteria to understand how success will be measured, details on the timing, frequency, and duration of monitoring and reporting (e.g., 5 years is typical), and what to do if the mitigation is unsuccessful.

Thanks again for the opportunity to comment and let us know if you have any questions.

Melissa

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**From:** Korhummel, Rhiannon@Wildlife <Rhiannon.Korhummel@Wildlife.ca.gov>  
**Sent:** Thursday, November 12, 2020 9:36 PM  
**To:** Jessie Waldman <waldmanj@mendocinocounty.org>  
**Cc:** Targ, Sylvia@Coastal <sylvia.targ@coastal.ca.gov>; Garrison, Jennifer@Wildlife <jennifer.garrison@wildlife.ca.gov>; Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>  
**Subject:** RE: initial comments on Boothe (CDP\_2020-0024)



Hello Jessie,

Thank you for the referral and the opportunity for CDFW to comment on CDP 2020-0024. We offer the following informal comments and recommendations on this Project in our role as a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA; California Public Resource Code section 21000 et seq.). These comments are intended to help the Lead Agency in making informed decisions early in the review process.

#### **Headland Wallflower Impacts**

The proposed Habitat and Mitigation Monitoring Plan (HMMP) needs to fully address compensatory mitigation to be conducted for loss of habitat and individuals of headland wallflower. The HMMP should be drafted such that mitigation measures/activities are clearly described, and success should be clearly defined, to demonstrate full compensation for project impacts. Based on conversations with the project biologist, in addition to collection of seeds, collection of soil around the headlands wallflower should be considered to capture any potential seed bank which may be present. Compensatory mitigation includes removal of an area of iceplant (*Carpobrotus edulis*) along the bluff edge. Based on site observations, relative cover of native species present within the area of ice plant is high. Restoration activities should avoid removal of native species to the greatest extent feasible; use of hand tools is recommended and use of herbicide is discouraged for removal of iceplant. If herbicide is to be used, the HMMP should provide specifications on application. Compensatory mitigation success should include full eradication of iceplant above break in slope of the headlands (i.e. not along bluff face) as a goal. The proposed location of the permanent symbolic fencing should be placed to maximize exclusion of human impacts to the restoration area.

As mitigation activities includes the propagation of headland wallflower by scattering seeds in cleared area, the HMMP needs to address and identify potential contingency measures if no individuals germinate.

#### **Wetlands**

The proposed location of the driveway and additional development is stated to be the least environmentally damaging alternative. This alternative locates the driveway within 10-feet of the northern edge of the wetland. Site visit observations indicate the buffer between the edge of wetland and proposed driveway consists of low growing Monterey cypress woodland with a very dense duff understory and other tree detritus. The Monterey cypress woodland is not native and has likely displaced native wetland plants, or minimally native vegetation, through shading and thatch accumulation. Native beach pine (*Pinus contorta* var. *contorta*) and Bishop pine (*Pinus muricata*) are present along the edge of the Monterey cypress woodland. The wetland delineation report indicates the edge of slough sedge (*Carex obnupta*) to correspond to the edge of the wetland.

The biological report states proposed mitigation measure to plant wax myrtle (*Morella californica*) along the northern edge of the wetland for "enhancement of functionality of wetland as habitat," however no discussion is provided as to the enhancement which is to be expected. Further, the location of the proposed mitigation is not indicated; the areas north of the wetland, within the parcel, are wooded. The proposed enhancement activities should be described to a level sufficient to determine goals of enhancement activities, methods of enhancement activities, and success of enhancement activities. Alternative and/or additional enhancement activities should also be considered. Any restrictions within the buffer between the wetland and driveway, which may prevent a reduction in buffer function, should also be discussed.

Proposed mitigation measure includes the use of orange construction fencing along the wetland as a means of erosion control (and identification of sensitive areas boundary). If erosion control is desired, beyond what silt wattles provide, then silt fencing, not orange construction fencing, should be used.

#### **ESHA setbacks**

Mitigation Measure 7.4.1 in the biology report states staging of building materials and construction vehicles in uplands greater than 50-feet from mapped ESHA; this measure is also included in 7.6.1 (50-foot buffer of ESHA). Based on existing ESHA and buffer depicted on Figure 2 of the biology report, this leaves one small area to meet this criterion which is located along the proposed driveway. Least environmentally damaging alternative staging areas should be analyzed and identified to ensure that construction activities do not significantly impact ESHA. Excavated soil should be included as a building material. Parking of construction crew vehicles should also be included in this avoidance measure.

The proposed 50-foot buffer of northern coastal bluff scrub and rare plants within that habitat is acceptable to protect sensitive resources, with proposed avoidance measures as described in the report and in the above recommendations (identification of construction staging).

I am available to answer any questions or clarify any recommendations you may have.

Thanks,

**Rhiannon Korhummel**

Environmental Scientist

Coastal Conservation Planning

California Department of Fish and Wildlife

32330 North Harbor Drive

Fort Bragg, CA 95437

Cell (707) 799-7106

[rhiannon.korhummel@Wildlife.ca.gov](mailto:rhiannon.korhummel@Wildlife.ca.gov)

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**From:** Kraemer, Melissa@Coastal <[Melissa.Kraemer@coastal.ca.gov](mailto:Melissa.Kraemer@coastal.ca.gov)>

**Sent:** Monday, November 9, 2020 6:40 PM

**To:** Jessie Waldman <[waldmanj@mendocinocounty.org](mailto:waldmanj@mendocinocounty.org)>

**Cc:** Targ, Sylvia@Coastal <[sylvia.targ@coastal.ca.gov](mailto:sylvia.targ@coastal.ca.gov)>; Korhummel, Rhiannon@Wildlife <[Rhiannon.Korhummel@Wildlife.ca.gov](mailto:Rhiannon.Korhummel@Wildlife.ca.gov)>

**Subject:** initial comments on Boothe (CDP\_2020-0024)

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Hello Jessie

Coastal Commission staff offers the following initial comments on the subject CDP application (reference link: <https://www.mendocinocounty.org/home/showdocument?id=38482>):

1. **Takings Analysis:** Based on the presence of rare plant ESHA and other types of ESHA on the property, it appears there is no way to approve a residential development on the site consistent with the ESHA protection/ESHA buffer policies of the LCP. Accordingly, the County must evaluate whether

denial of the development as required by the LCP would result in a regulatory takings situation. If so, the County must evaluate project alternatives, including alternative designs and configurations, in order to provide for a reasonable use of the property that will avoid an unconstitutional taking of private property for public use while at the same time maximizing LCP consistency.

2. Alternatives: Should the County find, through its takings evaluation, that development must be approved to avoid a regulatory takings situation, the County should require an evaluation of alternatives. The proposed project represents one alternative to providing for a reasonable use of the property that would avoid a regulatory takings (if applicable). The County should require an evaluation of other alternatives that may be available that would provide for a reasonable use of the property while at the same time maximizing LCP consistency. For example, there may be an alternative that involves locating the house closer to but 50 feet from the slough sedge ESHA and locating the septic fields further west (in the location where the current site plan shows the proposed residence to be located). Such an alternative configuration may provide an opportunity to better protect and increase the buffer around rare plant ESHA (which is scattered in the nonnative grassland area), because there may be flexibility with the shape/orientation of leach fields to avoid rare plant ESHA and maximize LCP consistency. This alternative could have the benefit of maintaining a minimum 50-foot buffer from slough sedge ESHA, as recommended in the biology report, while increasing protection of rare plants and maximizing potential rare plant ESHA buffers. Such an alternative might also necessitate a redesign/reconfiguring the house and driveway. There may also be other alternatives for consideration as well. The County should require such an alternatives analysis as a filing requirement of the subject application.
  
3. Geologic Hazards and ESHA protection: Should the County find, through its takings evaluation, that development must be approved to avoid a regulatory takings situation, and if, after requiring an alternatives analysis and finding that there is no feasible less environmentally damaging alternative to allowing residential development on the property in a manner that maximizes LCP consistency, the County should condition any CDP approval to require recordation of an open space deed restriction over all portions of the property seaward of the geologic setback line. Given that the geologic setback area also includes ESHA and ESHA buffers where no future development (other than resource-dependent uses) can be permitted consistent with the LCP, it's important to memorialize the restrictions on the geologic setback area in a way that alerts future owners of the property as to restrictions on the use and enjoyment of the property. The County should prohibit future development within the open space deed restricted area other than resource-dependent uses such as nature study. To ensure that property owners understand on the ground where the deed restricted area is located, the County should require that the proposed "mitigation fencing" (permanent symbolic fencing) be located at the geologic setback line rather than at the bluff edge as proposed.
  
4. Mitigation. To achieve consistency with the LCP's ESHA policies in light of constitutional takings issues, the project must be mitigated to the maximum extent feasible to best avoid the significant disruption to sensitive habitat that would accompany any development of this property. In addition to the suggestion to place "mitigation fencing" at the geologic setback line as recommended above, which will maximize ESHA protection and ESHA buffer protection, the CDP should require, as conditions of approval, the headland wallflower mitigation measures suggested in section 7.8 of the biology report and any other feasible mitigation that may be recommended by CDFW and/or CNPS to compensate for the project's ESHA impacts.

Thank you for the opportunity to provide initial comments. Let us know if you have any questions.

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

North Coast District Supervisor

California Coastal Commission

1385 Eighth Street, Suite 130

Arcata CA 95521

(707) 826-8950 ext. 9

[www.coastal.ca.gov](http://www.coastal.ca.gov)

**pbscommissions - CDP\_2020-0024 comments from Flint & Janet Pulskamp part 3**

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**From:** Flint Pulskamp <fpulskamp@comcast.net>  
**To:** "pbscommissions@mendocinocounty.org"  
<pbscommissions@mendocinocounty.org...>  
**Date:** 6/7/2021 7:19 PM  
**Subject:** CDP\_2020-0024 comments from Flint & Janet Pulskamp part 3  
**Attachments:** View Looking West from property line 2.jpg; Proposed Development Site- Plan view.pdf

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See additional attached pics for the prior email

On 06/07/2021 7:11 PM FLINT PULSKAMP <fpulskamp@comcast.net> wrote:

Hello Mendocino County Coastal Permit Administrator,  
Please see the attached comments and concerns for the Public Hearing scheduled this Thursday, June 10, 2021 at 11am for CDP\_2020-0024. I have 5 photos/files that are referenced and are to be included with this word document. Because the photos are rather large, I will send them in separate emails so your mail server will accept them. Let me know if you have any questions or need clarification or do not receive them  
best regards,  
Flint and Janet Pulskamp  
2751 White Gull Court,  
Albion, CA 95410  
APN: 123-340-10

Mendocino County

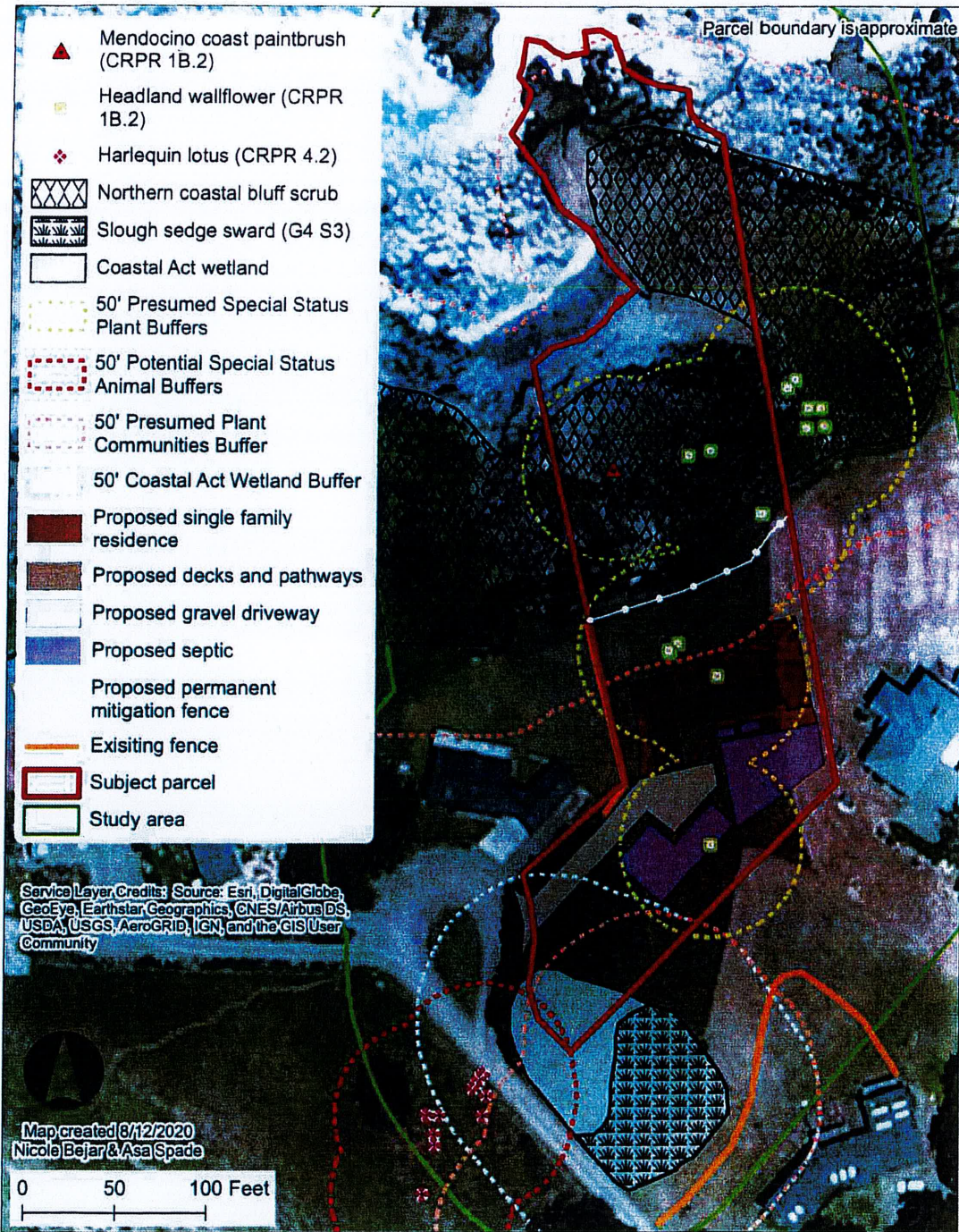
JUN 10 2021

Planning & Building Services



CDP 2020-0024

View Looking West from property  
line at 2751 White Gulf Court  
towards White Gulf property



OWNER: Lands of Boothe  
 APN: 123-340-13-00  
 ADDRESS: 34350 Pacific Reefs Rd.  
 Albion, CA 95410

## Proposed Development & Presumed ESHAs

Figure 5. Proposed development in relation to presumed ESHAs.

**Jessie Waldman - CDP\_2020-0024 (Boothe); Questions/Comments re Staff Report**

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**From:** Tara Jackson <tara@wcplan.com>  
**To:** Jessie Waldman <waldmanj@mendocinocounty.org>  
**Date:** 6/3/2021 5:10 PM  
**Subject:** CDP\_2020-0024 (Boothe); Questions/Comments re Staff Report

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Hi Jessie,

I have a couple questions/comments:

**1. Habitats and Natural Resources**

“A low wooded or row mitigation fence is proposed at a 15 foot setback from the bluff top edge, which conflicts with the recommended avoidance measures within the updated geotechnical report prepared by Brunsing, dated July 24, 2019, which recommends “*no development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing*”.

Amy and I were unable to locate the highlighted wording in the geotechnical report. Could you please point out where Erik Olsborg states this? The reason why this is significant is because the house it up against the 46ft bluff setback, so the fence will essentially run along the house. As was discussed by Asa during our site visit with CDFW, this would negate the point of the mitigation fence. If it is up against the house, people are more likely to ignore it than if it is actually closer to the resource to be protected.

**2. Conditions #9 and #10**

Do the already submitted schedule and detail satisfy this condition?

**3. Condition 22a**

Generally a staging plan wouldn't include the planting of "native, regional appropriate species for review", but we understand that a landscaping plan (22b) would.

**4. Conditions 11&23**

Can you add a note which states that these deed restrictions can be recorded as one?

Let me know if you would like to discuss any of this over the phone.

Thanks!

Tara Jackson, Planner  
Wynn Coastal Planning, Inc.  
703 North Main Street  
Fort Bragg, CA 95437  
ph: 707-964-2537  
fax: 707-964-2622  
www.WCPlan.com and on FaceBook

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**pbscommissions - CDP\_2020-0024 comments from Flint & Janet Pulskamp part 2**

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**From:** Flint Pulskamp <fpulskamp@comcast.net>  
**To:** "pbscommissions@mendocinocounty.org"  
<pbscommissions@mendocinocounty.org...>  
**Date:** 6/7/2021 7:14 PM  
**Subject:** CDP\_2020-0024 comments from Flint & Janet Pulskamp part 2  
**Attachments:** VIEW Looking West from living room 2.jpg; VIEW Looking West at property line 2.jpg

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See additional attached pics for the prior email

On 06/07/2021 7:11 PM FLINT PULSKAMP <fpulskamp@comcast.net> wrote:

Hello Mendocino County Coastal Permit Administrator,  
Please see the attached comments and concerns for the Public Hearing scheduled this Thursday, June 10, 2021 at 11am for CDP\_2020-0024. I have 5 photos/files that are referenced and are to be included with this word document. Because the photos are rather large, I will send them in separate emails so your mail server will accept them. Let me know if you have any questions or need clarification or do not receive them  
best regards,  
Flint and Janet Pulskamp  
2751 White Gull Court,  
Albion, CA 95410  
APN: 123-340-10

Mendocino County  
JUN 10 2021  
Planning & Building Services





CDIP\_2020-0024

View looking West from Living  
Room at 2751 White Gull Court  
toward subject property



CDP-2020-0024

View looking West from property  
line at 2751 White Gull Court  
toward subject property