



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE SEPTEMBER 1, 2021

TO: COASTAL PERMIT ADMINISTRATOR

FROM: PLANNER TIA SAR

SUBJECT: CDP 2020-0012 REVISIONS AND CLARIFICATIONS

Request: The following are revisions and clarifications to the September 1st 2021 Staff Report and Initial Study / Mitigated Negative Declaration.

Revision and Clarification to Staff Report and Conditions pages 2, 3, 5, 6, 7, 8, 11, 12, 13 & 15. Additional text is underlined. Strikeouts indicate where text would be deleted.

A. **Page 2:** *The site is located at 47260 Havens Neck Drive (Private), Gualala, California. The subject parcel is in the Coastal Zone and is 5.3± miles north of the town of Gualala on the west side of Highway One. It is surrounded by parcels developed with residences similar size to the north, south and east and the Pacific Ocean to the west. The non-highly scenic site consists of a moderate cover of grass, isolated shrubs, and a few mature Cypress trees on the terrace. The ocean bluff faces are mostly bare rock with isolated patches of vegetation clinging to the soils along the upper bluffs. There's an existing legal non-conforming (1968) multi-level single family residence served by the North Gualala Water District ~~with associated well and septic system onsite.~~ The area of the parcel where the new leach field is proposed is degraded habitat for presumed ESHAs.*

B. **PUBLIC SERVICES: Page 2:**

| | |
|-----------------|--------------------------------------------------|
| Access: | HAVENS NECK DRIVE (PRIVATE) |
| Fire District: | SOUTH COAST FIRE & CALFIRE |
| Water District: | <u>NORTH GUALALA WATER DISTRICT ON-SITE WELL</u> |
| Sewer District: | ON-SITE SEPTIC |

C. **Page 3:** *The project would comply with the minimum front, rear, and side yard requirements for the RR District for a parcel of this size, which are 20 feet in the front and rear, and 6 feet side yard setbacks. The maximum building height allowed in the RR District is 248 feet above the natural grade for non-Highly Scenic Areas.*

D. **Page 5&6:** *"The proposed project site is mapped as being Excluded from a the Highly Scenic Area ~~and is subject to the regulations of Chapter 20.504 Visual Resource and Special Treatment Areas.~~ As proposed, the septic repair and replacement (underground) project would be subordinate to the natural setting and would minimize reflective surfaces pursuant to the development criteria for Highly Scenic Areas outlined in MCC Section 20.504.015(C) in character with the surrounding development and is therefore consistent with Coastal Element Policy 3.5-1. (Attached: ~~Highly Scenic Map~~ LCP MAP).*

E. **Page 6:** *"Staff finds the proposed repair and replace[ment] of the on-site septic system consistent with the development criteria in protecting the visual resources ~~in a highly scenic area.~~ There is no increase to the existing development."*

- F. **Page 6:** A Geology Report was conducted on July ~~22~~ 7, 2020 by Brunsing Associates, Inc. Engineers and Geologists.
- G. **Page 7:** Per the Geology report conducted on July ~~22~~ 7, 2020, Staff finds the project would not result in significant geology impacts. See Conditions to achieve compliance with the geology report requirements Sec 20.532.070(A) (B).
- H. **Page 8: Takings Analysis:** The property has been in the Jacobson family since 1964. The subject parcel was purchased for \$46,000 for vacant land. The applicant has spent over \$44,000 since ~~purchasing the site in operation and management~~ **in pursuing this coastal development permit to replace the failing septic system.** The property was purchased with the understanding that a residential use is allowed. A multi-story single family residence with appurtenances (including septic system) was developed circa 1968 (non-conforming), prior to Coastal Act and Local Coastal Program.
- I. **Page 11-Revised Condition 9:** ** Mitigation and Avoidance Measures proposed in the Biological Scoping & Wetland Delineation (April 13, 2021) by Wynn Coastal Planning and Biology Consulting Section 1.0 shall be required to provide for the protection of potential special **Bird** status during nesting season, as follows:
- J. **Page 12-Revised Condition 11a:** Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the **amphibians' frogs and salamanders** that occur along the Mendocino County coast. Workers shall be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that any special status amphibians are observed during construction.
- K. **Page 12-Delete Condition 11e (Condition 11f adequately provides avoidance measures for impacts to amphibians):** ~~Ground disturbing construction shall occur during the dry season, which is generally April 1 to October 31 of any year.~~
- L. **Page 13-Correct Condition 13d:** Top **soil** should be retained, stockpiled separately, and placed back in place after the septic installation. Top soil and the underlying soils should be stockpiled separately in the disturbed area south of the residence, vegetated primarily with prostrate capeweed.
- M. **Additional Condition of Approval #20:** **Prior to final inspection, the applicant shall record a deed restriction against the property identifying the delineated ESHA and associated buffers on the property as open space where no future development may be located without an amendment to the CDP.**

Revision and Clarification to Initial Study / Mitigated Negative Declaration page 18. Additional text is **underlined**. Strikeouts indicate where text would be deleted.

- A. **Page 18-IX(d):** "therefore, the ~~reconstruction~~ **replacement** of a **septic system that is serving an existing** single-family residence and associated improvements on the subject parcel would not create a significant hazard to the public or the environment..."