



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

Julia Krog Director
Phone: 707-234-6650
Fax: 707-463-5709
FB Phone: 707-964-5379
FB Fax: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

DATE: APRIL 28, 2022
TO: NASH GONZALEZ, COASTAL PERMIT ADMINISTRATOR
FROM: KEITH GRONENDYKE, PLANNER III
SUBJECT: COASTAL DEVELOPMENT PERMIT APPLICATION, CDP_2021-0024 (ROWLAND)

This is in response to comments received on March 31, 2022 from Amy Wynn of Wynn Coastal Planning and Biology regarding the above noted Coastal Development Permit application, proposing to construct new buildings to house materials to operate an event equipment and supply rental business at 18001 N. Highway 1 in Fort Bragg. This application was continued from the April 14, 2022 Coastal Permit Administrator because of an error in noticing. As such, this item is scheduled to be heard at the April 28, 2022 Coastal Permit Administrator public hearing. Staff has included Ms. Wynn's original letter for reference:

1. Wynn Coastal Planning comments- SITE CHARACTERISTICS:

Staff notes that a *"driveway encroachment exists on the State Route 1 frontage, but there are no dedicated turn lanes to the driveway in either direction."* This statement is somewhat misleading, in that there is a center turn lane for both travel directions at this section of Highway 1.

Staff Response: After reviewing an aerial photograph of State Route 1, staff could identify a center turn lane which can be utilized to access the subject parcel.

2. Wynn coastal Planning comments- RESPONSE TO SPECIFIC COMMENTS RECEIVED:

Commentary noted in the report as being from CDFW was summarized to us via email from County Staff on 09/10/21 as coming from the California Coastal Commission. We'd like to clarify which agency authored the comment and note that it may need to be corrected in this staff report. This item is referenced in multiple locations of the staff report.

If this request is from CDFW, and not as a recommendation from CCC, Wynn Coastal Planning and Biology would like to request that the Open Space Deed Restriction be removed as a condition of approval. The LCP, by nature, protects ESHA and we have designed the project in such a way that no ESHA will be within 100' of development.

Staff Response: The comment attributed to the California Department of Fish and Wildlife (CDFW) was submitted by Melissa Kraemer of the California Coastal Commission who requested that the County condition the permit to restrict future development in the open space ESHA and ESHA buffer portions of the property (to only resource dependent uses, as allowed under the LCP) and require recordation of a map of these areas so that current and future property owners are aware of the restrictions on the use and enjoyment of the property. Staff feels it would be appropriate to leave the deed restriction in place to protect this area.

3. Wynn Coastal Planning comments: For each item in this section, the Conditions of Approval are mis-cited. Cited conditions to be corrected:

California Department of Transportation: The staff report reads COAs #9 and #10; it should read COAs #10 and #11.

California Department of Fish and Wildlife: The staff report reads COAs #11 and #12; it should read COAs #12 and #13.

California Department of Forestry: The staff report reads COA #14; it should read COA #15.

Staff Response: At some point the numbering of conditions was changed. Staff agrees to the changed condition numbers and has amended the staff report to recognize these revised numbers of the correct conditions. Additionally, the comments attributed to the California Department of Fish and Wildlife were actually submitted by the California Coastal Commission. This change has been made to the staff report along with renumbering the appropriate conditions of approval

4. Wynn Coastal Planning comments: CONDITIONS OF APPROVAL

Condition #9

#9a. The staff report warns against geologic hazards. We have not had any indication of this being an issue and the property is not a bluff-top property. We'd like clarification of the purpose of this item in condition #9.

Staff Response: Original condition #9a reads: *"The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and."* This is more of a cautionary condition. It does not actually prohibit any activities. Staff would recommend leaving it as written, as it is more of a statement of fact than a condition of approval. As such, Condition 9a shall remain as written.

Condition #9d: We'd (Wynn Coastal Planning and Biology) like to request that if there is to be a deed restriction on the property, that the restricted portion of the property be not a 100' buffer, but rather a 50' buffer. We did not ask for a reduced buffer for this project, but we'd like it to remain a viable option for future applications.

Staff Response: Original condition #9d reads: *"Development within the mapped wetland ESHA locations and buffer portions of the property shall be restricted to only resource dependent uses; and."* Staff has deleted Condition #9d as it is duplicative.

Condition #12: We'd like to request the required fence be a symbolic fence rather than a 6 ft fence. We propose something like or similar to a split-rail fence, which can be low in height.

Staff Response: Original condition #12 reads: *"A six-foot tall fence shall be constructed at the edge of the Environmentally Sensitive Habitat Area (ESHA) consisting of a mapped wetland area adjacent to an existing pond at the southern portion of the parcel. The fence shall be located a minimum of the outer edge of the 100-foot ESHA buffer."* Staff can agree to a different fence design than a six-foot tall fence. Staff can reword Condition #12 to read: *"A fence of the property owners design shall be constructed at the ..."*

Condition #13: This condition seems similar in nature and related to Condition #9d. We (Wynn Coastal Planning and Biology) are wondering if this item should simply be incorporated into Condition #9d or deleted.

Staff Response: Original condition #13 reads: *"Prior to commencement of activities allowed by this use permit, the permit holder shall record a map of the wetland ESHA locations and buffer portions of the property to restrict future development in these areas to only resource dependent uses. **For any development to occur within the area fifty-one to one-hundred feet from an ESHA, a Coastal Development Permit Reduced Buffer Analysis will be required.**"* Staff thinks that Condition #13 is better written and will recommend that it remain while condition #9d be deleted. Staff also recommends adding the language to the end of Condition #13 as shown in bold above. Also, Condition #9d has been deleted.

Condition #16: We'd like to ask to change the language from "storage [...] shall be within the two new storage buildings." to "storage [...] shall be within the existing and proposed structures."

Staff response: Original Condition #16 reads: *All storage associated with the event equipment rental and supply business shall be within the two new storage buildings. No storage shall be allowed outdoors.* That condition is associated with the Coastal Development Permit's intentions as relates to this application and the proposed new construction. As such, staff would recommend leaving this condition as written and not include existing structures on the property. Staff would comment that the plans submitted with the application do not indicate that the existing residence and attached garage nor the existing detached garage were to be used as storage for the proposed business.

Condition #17: We would like to obtain clarification from the County that "temporary displays on site to demonstrate sample product selection, including tents and tableaux", as written in the project description, will be permissible.

Staff Response: Original Condition #17 reads: *"Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter, the site shall be kept free of refuse."* This condition is related to a code violation that was present on the property along with post construction debris. Staff would recommend that this condition remain as written. It does not prohibit "temporary" displays on site.

Staff has made changes to Conditions #12 and #13 and this is reflected in the revised staff report attached to this memo, along with noting that comments attributed to the California Department of Fish and Wildlife were actually submitted by the California Coastal Commission. Original Conditions #9d, and #17 were deleted with new condition numbers being reflected in this memo. Staff has also changed the noted conditions as mentioned in Wynn Coastal Planning and Biology's comment as listed in comment #3 above. Additionally, staff reviewed the findings for approval within the staff report and the changes made by this memo do not affect them.

Attachments:

1. Original letter from Wynn Coastal Planning and Biology, dated March 31, 2022
2. CDP_2021-0024 Staff Report, dated April 28, 2022