



MEMORANDUM

DATE: MAY 26, 2022
TO: COASTAL PERMIT ADMINISTRATOR
FROM: JULIANA CHERRY, PLANNER III
SUBJECT: CDP 2020-0020 AGRICULTRAL USES, HIGHLY SCENIC, WELL TESTING, & OTHERS

BACKGROUND: The parcel is located in a designated Highly Scenic Area, is classified as coastal Range Lands (RL), and is contiguous with the Peg and John Frankel Trail in Elk and the county’s coast line. Most recently and on March 17, 2022, PBS distributed a request for comments on the above referenced project and on April 19, 2022 and May 10, 2022, PBS received preliminary comments from Coastal Commission staff.

On April 12, 2022, a draft Mitigated Negative Declaration and the Staff Report were published.

On December 7, 2020, CDFW, the applicant’s agents, and PBS staff visited the property. In part to agree upon the extent of ESHA and generally to understand the juxtaposition of the proposed development to the site and surrounding agricultural uses.

SUMMARY: On April 19, 2022, Coastal Commission staff emailed their recommendations regarding water supply, visual resources, ESHA setbacks, agricultural resources, and mentions forthcoming additional comments from the Commission Geologist. Generally, the Ma 2022 Staff Report addresses of Commission staff concerns (see Table M-1 for cross-referenced information).

Table M-1. Index of Coastal Commission Staff Comments with references to May 26, 2022 Staff Report Sections		
COASTAL COMMISSION COMMENTS	STAFF REPORT SECTION & PAGE NUMBER	DATE RECEIVED (REF. ATTACHMENT)
Agricultural resources	1. Land Use and page CPA-3 2. Zoning and page CPA-3	4-19-22 (A) 7-11-21 (B)
ESHA setbacks	4. Habitats and Natural Resources and page CPA-5	4-19-22 (A) 7-11-21 (B)
Geologic Hazards	5. Hazards Management and page CPA-8 See also May 26, 2002 Geologic Hazards Memorandum	5-18-21 (C) 5-10-22 (D)
Visual Resources	6. Visual Resource and Special Treatment Areas and page CPA-6	4-19-22 (A) 7-11-21 (B)
Landscape Requirements	6. Visual Resource and Special Treatment Areas and page CPA-6	7-11-21 (B)
Water Supply	8. Groundwater Resources and page CPA-11	4-19-22 (A)
Adequacy of Services	8. Groundwater Resources and page CPA-11	7-11-21 (B)

The following information supplements the May 2022 Staff Report and responds to Commission staff comments regarding the proposed agricultural use and residential development on property located at 2900 S Hwy 1, Elk.

1. LAND USE and 2. ZONING. Mendocino County Coastal Element goals and policies are protective of agricultural lands and agricultural uses. Commission staff comments, the Staff Report analysis, and the proposed project reflect these priorities. Agricultural goals and policies are discussed in Staff Report Sections 1 and 2.

Proposed are three principally permitted land use types in the RL classification: coastal residential, coastal agricultural, and coastal open space. The applicant does not propose converting the RL lands to a non-agricultural use; in fact, an agricultural use is proposed and the proposed development footprint would be on terrace slopes less suited for agricultural activities. The facts presented in the Staff Report are the basis for recommended **Findings #3, #9, and #10**, which state:

- Finding #3 *“Pursuant with MCC Section 20.532.095(A)(3), Coastal Residential Land Uses and accessory buildings and uses, which are permitted in all zoning districts that allow a single-family residence (e.g. a detached guest cottage and a swimming pool), are principally permitted uses in the Range Lands District; the location of the agricultural barn and residential development meet or exceed MCC Chapter 20.368 standards; and the proposed project is consistent with the purpose and intent of the Range Lands District; and”*
- Finding #9 *“Pursuant to MCC Section 20.532.100(A)(2), the proposed Light Agricultural and residential land uses are permitted land use types in the Range Lands District, e.g. the horse barn and horse grazing; residential uses are compatible with the long-term protection of the surrounding resource lands; and the size of the 18.2-acre lot, which is considerably smaller than 160-acres, is consistent with Coastal Element Policy 2.2 that states, “the Range Lands classification includes intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands; and”*
- Finding #10 *“Pursuant with MCC Section 20.532.100(B)(3), no conversion of non-prime agricultural lands to a non-agricultural use is proposed, rather the project includes a Light Agricultural land use, e.g. stabling and grazing of horses, which is a permitted activity type within the Range Lands District.”*

4. HABITATS AND NATURAL RESOURCES. Albeit this section of the Staff Report is confusing. Presenting agency comments in chronological order obscures the final conclusions and recommendations. The applicant proposes to protect the five identified ESHA located at 2900 S Hwy 1, Elk (See Staff Report page CPA-5). Four ESHA types will be protected by 100-foot buffers and other measures; see recommended Conditions #10 (deed restriction), #12 (buffer), #15 (fencing), #16 (avoidance), #17 (future development), and #32 (CDFW filing fee).

The applicant requests to construct their residence 50-feet east of the *Purple Checkerbloom* ESHA. The initially filed application requested a 50-foot buffer distance from the Coyote Brush Scrub with isolated Purple Checkerbloom. Subsequent to the site visit, CDFW determined the Coyote Brush Scrub, or *Baccharis pilularis* Shrubland Alliance, was not sensitive. But there are several measures proposed to protect the *Purple Checkerbloom* ESHA (See Staff Report page CPA-8). In addition to the buffer, a preliminary *Management and Monitoring Plan* establishes protective procedures and a variety of avoidance measures are recommended. Activities within ESHA and ESHA buffers would be limited to *Open Space Use Types*. As described in the Staff Report,

Page CPA-8: *“CDFW supports the recommended avoidance measures intended to protect sensitive habitats during construction and intended to prevent future impacts to protected habitat (See recommended **Condition #16**). The applicant proposes to limit the development footprint, to limit activities within ESHA buffers to Open Space Use Types, such as Passive Recreation, and to restore habitat within the ESHA and their buffers. Staff recommends memorializing the extent of on-site ESHA and the approved ESHA buffer widths (See recommended **Condition #10k** et al). To support the protective values of ESHA buffers, the applicant proposes to restrict activities within the ESHA and buffers by recording a deed restriction (See **condition #10f**). In addition to protecting the ESHAs by limiting activities to Open Space Use Types, staff recommends a coastal development permit, or permit amendment, be required for any future development (excepting repair and maintenance of previously approved development). In the absence of recommended Condition #17, MCC Section 20.532.020 could potentially allow specified development within the ESHA or its buffer to be*

exempt from MCC Chapter 20.532 regulations.”

Comments from CDFW (which are poorly presented in the Staff Report) are the basis for recommended **Findings #8**.

Finding #8 *“Pursuant to MCC Section 20.532.100(A)(1), the application includes protection of on-site sensitive habitat areas by encouraging grazing in areas that will not affect Grand Fir Forest ESHA; by limiting activities to allowed Open Space Use Types within ESHA and ESHA buffer areas; and on-site planting of regionally native vegetation; and”*

Several conditions are recommended to protect ESHA, including **Conditions #10** (deed restriction), **#12** (buffer), **#13** (MMP), **#14** (HMMP), **#15** (fencing), **#16** (avoidance), **#17** (future development), and **#32** (CDFW filing fee).

5. HAZARDS MANAGEMENT. See May 26, 2002 Geologic Hazards Memorandum. The Geologic Hazards memorandum describes: (a) Coastal Commission geologic comments dated May 10, 2022 and May 18, 2021, and (b) the applicant’s response. After receiving geologic comments in 2021, the engineer completed additional analysis and the bluff and landslide buffer distance was increased. A revised site plan is included with this memorandum (and it supersedes Staff Report Exhibit E). The revised site plan is dated March 9, 2022.

6. VISUAL RESOURCE AND SPECIAL TREATMENT AREAS. It is challenging to imagine an 18-acre site as small. The property located at 2900 S Hwy 1 is surrounded by 160-acre sized lots and the expanse of the ocean dominates views from public access points, including the Peg & John Frankel Trail that fronts the property and State Route 1. Generally, this property is terraced with steep coastal bluffs along the shore and a steep gulch to the south. The contoured features allow the majority of the residence to be nested below the Peg and John Frankel Trail and below State Route 1 roadway. Portions of the residential roof will be visible from public vantage points (See Staff Report Attachments). The residence will not block views of the majority of the property, including the coyote brush, grasses, Grand fir, and ocean waters. As proposed, the project is suitably juxtaposed to its setting. The public is more likely to see agrarian use of the land. In Mendocino County along the coast between Navarro River and Moat Creek, view sheds are not infrequently interrupted by barns situated adjacent to State Route 1. It is a lovely characteristic of agricultural activity here on the coast and its importance is reflected in Coastal Element Policy 3.5-4, which states in part:

Policy 3.5-4 *“Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.”*

Commission staff ask the applicant to consider alternative locations on the property for development (e.g. cluster the structures near existing vegetation and resiting development that would otherwise require grading, cutting and filling, and alter natural landforms). When there is a disagreement as to the extent of highly scenic area, procedures are established in MCC Section 20.504.015(B)(2). PBS staff and the agent for the project have encouraged Coastal Commission staff to visit the site and a consistent response has been to decline the invitation. Commission staff did not participate in the interagency site visit on December 7, 2020 nor did they include visiting 2900 S Hwy 1, Elk when visiting other properties along Mendocino’s coast line in October 2020 or May 2022.

The Staff Report Section 6 and its Table 4 list MCC Section 20.504.015 visual resource development criteria. The project design favorably compares to the specified development criteria. See Staff Report page CPA-11, wherein:

Page CPA-11 *“As proposed, the project is consistent with the goals, policies, and implementation measures of Coastal Element Chapter 3.5 and satisfies the development criteria of MCC Chapter 20.504. To be consistent with similarly approved projects, staff recommends conditions regarding exterior lighting and documenting the exterior finishes (See*

recommended Conditions # 21, 22, 23, 24, 25, and 26)."

Staff Report Table 4 demonstrates how the project conforms to the development criteria; this criteria implements Coastal Element Policies 3.5-3 (height limitation), 3.5-4 (locate buildings below rather than on a ridge *et al*), 3.5-8 (underground overhead distribution lines), and 3.5-9 (locating access roads). Table M-2 cross references Mendocino County visual resource policies and their Commission certified implementation measures.

COASTAL ELEMENT CHAPTER 3.5	MCC CHAPTER 20.504	GENERAL DESCRIPTION
3.5-3	20.504.015(C)(2) and (3)	Height limitation
3.5-4	20.504.015(C)(5) <i>et seq</i>	Prioritizing siting
3.5-5	20.504.015(C)(9)	Trees
3.5-8	20.504.015(C)(11)	Power transmission lines
3.5-9	20.504.015(C)(13)	Access roads
3.5-13	20.504.015(C)(9)	Trees
3.5-15	20.504.030 and 20.504.035	Exterior lighting

MCC Section 20.504.005 states that Coastal Zone Permit Administrator determines whether the standards set forth in the visual resource chapter shall apply. MCC Chapter 20.532 lists required and supplemental findings. The code does not require the approving authority to adopt a finding in regards to visual resources; rather, MCC Section 20.532.095(B) requires development, *between the first public road and the shoreline*, to be in conformity with public access policies and public recreation policies.

8. GROUNDWATER RESOURCES. Generally Commission staff comments relate to Coastal Element Policy 3.9-1 and whether the applicant has demonstrated adequate access to water supply (See Attachments A and B). A description of the existing water well is provided in the Staff Report, beginning on page CPA-11.

In response to the additional comments received on April 19, staff and the applicant further researched the history of the existing, on-site water well. Beginning with reviewing PBS records, as typically a hydrological test is completed at the time of land subdivision. Department records indicate that a Certificate of Compliance was issued in 1989 (see file CC-12-89) and a boundary line adjustment application was filed the same year (see file B-83-89). Neither of these actions required ground water testing. But staff confirmed that for many years, one property owner owned two adjoining lots: the subject lot and the lot to the south.

- 2900 S Hwy 1 (APN 127-040-13 and formerly APN 127-040-01)
- 3300 S Hwy 1 (APN 127-040-14 and formerly APN 127-040-02)

The applicant's agent learned that prior to 1989, Peg and John Frankel hired the Fisch Brothers to drill and install a residential well. This well is shown on the Hutchinson site plan and the well continues to be plumbed to the residence located at 3300 S Hwy 1, formerly the home of Peg and John Frankel (See Staff Report Exhibit E). Until the Hutchinson's purchased the land located at 2900 S Hwy 1, Elk, the Frankel home continued to have access to water from the well located on what is now the Hutchinson's property.

While the Division of Environmental Health has well permit records for 3300 S Hwy 1, it is unfortunate that there does not appear to be any permit history for the well located at the subject site, 2900 S Hwy 1. Circa 2006-2007, Peg and John Frankel were interested in adjusting the boundary between their two lots: 2900 and 3300 S Hwy 1, Elk. The Division of Environmental Health required the Frankel's to install a well on same land as their residence, 3300 S Hwy 1. Two wells were tested. In January 2007, Carl Rittiman & Associates describe that the two wells produced a combined 0.56 gallons per minute following a 17-hour Proof of Water Test (See attachment D).

As described in the Staff Report, the well located at 2900 S Hwy 1 is a deep well. Coastal Element Policy 3.8-9 is implemented by MCC Section 20.516.015(B)(1) *et seq.* Local regulations reference the 1982 Coastal Ground Water Study, stating “Demonstration of the proof of water supply shall be made in accordance with policies ... [found therein].” It is the recommendation of the 1982 study that deep wells, like the 190-foot well located at 2900 S Hwy 1 may be tested at any time. In this instance, testing is not limited to the “dry summer months.” The 1989 Coastal Ground Water Development Guidelines describe water well testing guidelines for proof water: a constant rate pump test procedure is required. During the last week of June 2022, Carl Rittiman & Associates are scheduled to test the existing well located at 2900 S Hwy 1, Elk; but there is some hesitancy and the firm prefers to wait until after August (and commencement of “the dry summer months”).

The Staff Report describes Robert Armitage’s well water evaluation from 2016 (See pages CPA-11 and CPA-12). While the reported yield is 7 gallons per minute, the Armitage test did not follow the recommended Proof of Water test procedure. The applicant has provided an abundance of information that strongly indicates that when the appropriate testing procedure is followed, it will produce a positive result. The facts presented in the Staff Report are the basis for recommended **Finding #2** and **Condition #27**, which state:

Finding #2 *“Pursuant with MCC Section 20.532.095(A)(2), the proposed residence would have access to on-site septic, leach fields, water well and 10,000 gallons of on-site water storage, PG&E service, and enjoys access to adequate utilities, and access roads, including State Route 1, and other necessary facilities; and the results from a Proof of Water Test will be reviewed by the Coastal Permit Administrator prior to issuance of a building permit; and”*

Condition #27 *“In accordance with MCC Section 20.516.015(B), demonstration of proof of water shall be completed prior to issuance of a building permit and prior to the conclusion of the initial expiration date for CDP_2020-0020. On-site groundwater testing may be completed in four (4), or fewer, locations and one test well shall be converted to a production well.”*

The Frankel’s affirmed, through the applicant’s agent, that the Hutchinson’s well provided the residence located at 3300 S Hwy 1 with water after 1989 and until the Hutchinson’s purchased the land (and well) located at 2900 S Hwy 1. Given the information provided in the application, staff recommends phasing of development. The initial phase would be that the Coastal Permit Administrator accept the results from a Proof of Water test; the subsequent phase would commence with residential construction.

RECOMMENDATION: Approve the project with the recommended findings and conditions.

ATTACHMENTS:

- A. Email from Bente Jensen, Coastal Program Analyst. Dated April 19, 2022.
- B. Correspondence from Sylvia Targ, Coastal Program Analyst. Dated June 11, 2021.
- C. Email from Sylvia Targ, Coastal Program Analyst. Dated May 18, 2021.
- D. 2900 and 3300 S Hwy 1, Elk and Proof of Water Tests. Carl Rittiman & Associates. January 19, 2007.

From: Jansen, Bente
To: Juliana Cherry
CC: Kraemer, Melissa
Date: 4/19/2022 11:04 AM

Subject: CDP_2020-0020 (Hutchinson) Coastal Commission Comments

Hello Juliana,

Thank you for sending the water reports and your preliminary analysis. Please find additional comments below.

Water Supply

Neither of the reports provided demonstrate adequate water supply. The water supply testing was not conducted during the appropriate time of year (dry season, which is defined by County DEH as the period of August 20th to October 31st) and therefore is not acceptable for demonstrating an adequate water supply exists to serve development.

Policy 3.9-1 of the Mendocino County Land Use Plan (LUP) states its intent to apply the requirement of Coastal Act Section 30250(a). To this end, LUP Policy 3.9-1 requires that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. This is a fundamental Coastal Act requirement that the County's LCP is intended to carry out - it makes no sense to permit development in areas unable to accommodate it, and adequacy of services to accommodate intended development must be demonstrated up front - always. In addition to other policies requiring demonstration of proof of water specific to land divisions [including but not limited to LUP Policy 3.8-1, 3.8-9, and CZC Sections 20.532.100(C)(1)(a), 20.524.010(B)(c)] and other developments, LUP Policy 3.9-1 addresses adequacy of services necessary for all development proposals, including residential development and requires the following:

...In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources. One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

As we routinely have commented to the County in past permit actions, and as the County has determined to be the case and required in many past permit actions, LUP Policy 3.9-1 and Coastal Zoning Code Section 20.532.0952 require that the approving authority consider whether an adequate on-site water source to serve proposed development is available before approving a coastal development permit. Please request that the applicant submit a well test during the appropriate months to demonstrate adequate on-site water prior to any action approving a coastal development permit.

Visual Resources

The site is in a designated highly scenic area. The Mendocino LUP requires that development in highly scenic areas shall be subordinate to the character of its setting and shall provide for the protection of ocean and coastal views from public areas. Few buildings are visible from public vantage points along this stretch of highway except for scattered barns and related agricultural development. The LCP requires minimization of visual impacts of development on terraces by (1) avoiding development in large open areas if an alternative site exists; (2) minimizing the number of structures and clustering them near existing vegetation, natural landforms or artificial berms; (3) providing bluff setbacks for development adjacent to or near public areas along the shoreline; (4) and designing development to be in scale with rural character of the area. The County should consider alternatives that would reduce the number of structures, consolidate structures, and/or site new structures near existing vegetation along the southern end of the property as viewed from Highway 1. The County also should further evaluate view impacts of all feasible alternatives, considering alternatives that minimize the alteration of natural landforms and that protect views, not just from directly

across the property, but also from northbound and southbound Highway 1 travelers and views from trail users on/immediately adjacent to the property.

ESHA Setbacks

In considering alternative site development plans as recommended above, the County should consider whether there are feasible alternatives that would site development a minimum of 100 feet from purple checkerbloom as required by the LCP. In any case, the County should condition the CDP to (i) require adherence to the biological recommendations included in the report for protection of purple checkerbloom; (ii) restrict the ESHA and minimum ESHA buffer area to open space where no development or uses are allowed; and (iii) require the applicant to record an open space deed restriction over the ESHA and associated ESHA buffer area(s) to ensure that future owners of the property are aware of the restrictions imposed on the use and enjoyment of the property necessary to protect ESHA consistent with the LCP.

Agricultural Resources

It's unclear how the single-family residence and the guest cottage would support agricultural uses. LUP Policies 3.2-4 and 3.2-5 limit conversion of agricultural lands to non-agricultural uses. For the conversion of agricultural lands resulting from the development to be allowed under the Mendocino County agricultural conversion policies, continued or renewed agricultural use of the subject property must not be feasible and the proposed conversion must be compatible with continued agricultural use on surrounding lands. Additionally, CZC Section 20.532.100 further requires that no permit shall be granted on lands designated RL unless the proposed use is compatible with the long-term protection of resource lands. While the Mendocino County LCP does recognize a single family residence as one of four principally-permitted uses on agricultural lands [1], such use may be permitted only if consistent with all other applicable LCP policies. Each LCP policy must be applied in a manner that maximizes consistency with all other LCP provisions, including CZC Section 20.532.095 which requires that the granting of any coastal development permit must be supported by findings that the development is in conformity with the certified LCP and that the development is consistent with the purpose and intent of the zoning district and preserves the integrity of the zoning district.

Section 3.2 of the Mendocino Land Use Plan incorporates by reference Sections 30241 and 30242 of the Coastal Act. Section 30241(b) of the Coastal Act limits conversions of agricultural lands to the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. Development on agricultural lands should be functionally related and incidental to the primary use of the property for agriculture purposes. The County needs to find that these proposed accessory uses are necessarily and customarily associated with the principal agricultural use. The County's findings should also include an alternatives analysis to determine the alternative site and design for any residential development that is most protective of agricultural productivity.

Geologic Hazards

Our geologist is reviewing the recently provided geologic information. We will provide comments from him at a later time after his review is complete. We note that the referral the County sent requests comments by May 9th, and we should be able to provide further comments on this issue by that date.

Thank you for the opportunity to comment,

Bente

Bente Jansen (she/her)
Coastal Program Analyst
1385 8th Street, Suite 130. Arcata, CA 95521
Phone: (707) 826-8950 ext. 5 (currently teleworking; voice mail only)
Email: bente.jansen@coastal.ca.gov

[1] CZC Section 20.368.010

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



June 11, 2021

Juliana Cherry, Sr. Planner
Mendocino County Planning and Building Department
120 West Fir Street
Fort Bragg, CA 95437

Re: Additional Comments on Hutchinson Referral (CDP_2020-0020)

Dear Juliana,

The California Coastal Commission offers the following comments in addition to the geotechnical related comments we submitted via email to the County on 5/18/21. We sincerely appreciate your patience in receiving our comments at this time.

Adequacy of Services

The site is a location with no municipal water or sewer services. As such, the CDP application should demonstrate that the proposed use/development of the site will be adequately served with sufficient water and wastewater services on site. The site plan included with the referral shows the location of a proposed water storage tank, but the referral package does not appear to include any information on water supply that would demonstrate that the proposed well is capable of producing the minimum flow volume needed to support the proposed development (including the proposed swimming pool). Also, the site plan and other referral documents include no details on wastewater system location or design that would establish that the site can accommodate wastewater treatment and disposal consistent with applicable water quality protection requirements.

Recommendations: The County should require, prior to acting on the CDP application (e.g., as an application filing requirement), that the applicant provide evidence of adequate water supply and wastewater treatment and disposal plans. This includes submittal of test well results that demonstrate minimum water supply/capacity necessary to support the proposed use(s) in a manner that will not detract from the principal use of the property for range land uses. It's not appropriate for the County to defer the required submittal of such evidence until after the County acts on the CDP application and through the building permit review process, because this information is necessary to make the findings for approval of the CDP consistent with LCP policies and required CDP findings that require that new development will be provided with adequate services [e.g., various policies in chapter 3.8 and zoning code sec. 20.532.095(A)(2)].

Visual Resources

The site is in a designated highly scenic area. The LCP requires that new development in HSAs be subordinate to the character of the setting. The setting is characterized by views from Highway 1 of open scenic coastal rangelands, ridges, bluffs, and the ocean. Few buildings are visible from public vantage points along this stretch of highway except for scattered barns and related agricultural development. The LCP requires minimization of visual impacts of development on terraces by (i) avoiding development in large open areas if alternative site exists; (ii) minimizing the number of structures and cluster them near existing vegetation, natural landforms or artificial berms; (iii) providing bluff setbacks for development adjacent to or near public areas along the shoreline; (iv) and designing development to be in scale with rural character of the area.

Recommendations: The County should consider alternatives that would reduce the number of structures, consolidate structures, and/or site new structures near existing vegetation along the southern end of the property as viewed from Highway 1. The County also should further evaluate view impacts of all feasible alternatives, considering alternatives that minimize the alteration of natural landforms and that protect views not just from directly across the property but also from northbound and southbound Highway 1 travelers and views from trail users on/immediately adjacent to the property. As directed by the LCP, alternatives should be considered that would (i) utilize existing vegetation to function as a backdrop to minimize visual impacts, (ii) avoid siting new structures that would impact existing ocean views from Highway 1, and (iii) avoid locating new structures in large open areas if an alternative site exists that would better protect public views. We recommend requiring updated visual simulations and, if necessary, updated plans to conform with the stringent HSA requirements that new development be subordinate to the character of the area. In addition, and consistent with LCP policies and standards, any development plans proposed for the site should show electrical transmission lines to be extended to serve the new development as being placed underground to minimize visual impacts, and all exterior lighting as being downcast, shielded, and the minimum needed for safe ingress/egress to permitted structures.

Landscaping Requirements

Landscaping associated with residential, commercial, and other uses is a form of development that the County should consider when considering CDP applications for new development, especially in areas with sensitive visual and biological resources such as the subject site.

Recommendations: Because of the site location in a designated HSA, and because of existing public views available across the property from Highway 1 (directly across, as well as views from the north and south) that include open views of the ocean, the County should require submittal of a landscaping plan that includes provisions for, among other details, (i) restricting landscaping on the site to the use of native and regionally appropriate plants only and to install plantings in a manner consistent with policy 3.5-5, (ii) installing native, regionally appropriate landscaping around the well/pump house/shed/storage tank to screen the new accessory development from

public view, (iii) preserving vegetation (and replacing such vegetation over time as needed) along the bluff that functions as a backdrop to the new development as viewed from the highway, and (iv) avoiding the planting trees or other vegetation that would block ocean views available to the public. The CDP should include enforceable conditions related to the above recommended measures necessary to protect visual resources and adjacent ESHA.

Agricultural Resources

The site is designated for Rangeland uses that include, principally, grazing and forage for livestock and raising of crops. The LCP includes various policies and standards that prohibit the conversion of all agricultural lands to non-agricultural uses, except in certain limited circumstances. Any residential development permitted on the site should be incidental to the principal use of the site for agricultural/range land uses.

The proposed development includes certain elements that are not directly related to agriculture or agriculture support uses and which have the potential to convert the property's agricultural land to non-agricultural uses (inconsistent with LUP policy 3.2-16) and/or to decrease the productivity of the property for agricultural uses. For example, the combination of the design of a house to include a large swimming pool and the added inclusion of a guest house that is widely separated from the main residence result in a total development footprint that does not minimize impacts to agricultural soils in terms of total grading, filling, and landform alteration.

Recommendations: The County should evaluate or require an evaluation of alternative site development plans that protect agricultural lands consistent with LCP requirements. To make the findings that developing the site for the proposed residential use will not result in any conversion of agricultural land to a nonagricultural use, we recommend conditioning the permit with the same agricultural related conditions that the County has included on past CDPs in the area (e.g., see CDP 2018-0002, Rega) to (i) restrict development on the site to only the approved uses and agricultural land uses; (ii) maintain active agricultural use across all portions of the agricultural areas of the site (require engagement of agricultural uses at a commercial scale and/or by leasing the land for agricultural use); and (iii) require submittal (upon request) to the County information demonstrating compliance with agricultural conditions of the CDP (e.g., a current Williamson Act Contract, a business license, a lease agreement, etc.).

ESHA Setbacks

The biological report identifies ESHA on the property, including purple checkerbloom. The report includes several recommendations for protecting potential the ESHA on the property.

Recommendations: In considering alternative site development plans as recommended above, the County should consider whether there are feasible alternatives that would site development a minimum of 100 feet from purple checkerbloom as required by the LCP. In any case, the County should condition the CDP to (i) require adherence to the biological recommendations included in the report for protection of purple

checkerbloom; (ii) restrict the ESHA and minimum ESHA buffer area to open space where no development or uses are allowed; and (iii) require the applicant to record an open space deed restriction over the ESHA and associated ESHA buffer area(s) to ensure that future owners of the property are aware of the restrictions imposed on the use and enjoyment of the property necessary to protect ESHA consistent with the LCP.

Thank you for your attention to our comments. Please do not hesitate to reach out with any questions regarding these comments or associated matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Sylvia Targ". The signature is written in a cursive, flowing style.

Sylvia Targ
Coastal Analyst

From: Targ, Sylvia
To: Juliana Cherry; Kraemer, Melissa; Garrison, Jennifer
CC: Merrill, Bob
Date: 5/18/2021 3:43 PM
Subject: Re: CDP_2020-0020 Second Referral & Revised Project

Hi Juliana,

The proposed development raises several coastal resource issues, one of which is geologic stability. We offer the following preliminary comment on geotechnical concerns and will follow up with further comments on additional coastal resource issues before the end of the month.

Geotechnical Concerns:

The 2018 Brunsing geotechnical report is a "reconnaissance level" feasibility report. We consulted with our staff geologist, who concluded there are significant geologic and coastal hazards at the site that absolutely require a full, detailed analysis in a design-level geotechnical report.

The missing necessary components include:

1. Subsurface investigation (e.g., borings) with collection and testing of samples.
1. Detailed geologic site map, including topography, location of bluff edge, and locations of known existing landslides.
1. Several geologic cross-sections spanning the portions of the site where new development is proposed
2. Bluff stability investigation, including quantitative slope stability analysis, for all portions of the site where new development is proposed.
3. Updated bluff retreat analysis:
 - * Can the historical bluff retreat analysis be extended/refined through use of older available aerial photographs?
 - * Update sea level rise and bluff retreat analysis factoring in 2018 CCC SLR Guidance and 2018 OPC SLR projections.
1. Revised/updated setback analysis factoring in updated bluff retreat and slope stability analyses
1. Seismic hazards assessment, including ground-shaking, liquefaction, settlement, seismically-induced landslide, and other hazards.

The analysis should include calculation of design-basis ground-shaking magnitudes per 2019 CBC.

1. Evaluation of potential for erosion and bank retreat along the creek (if necessary, per development plan).
1. Consideration of infiltration capacity of thin terrace deposit layer -- can it accommodate and effectively treat fluid volumes coming from leachfield(s)?
2. Discussion of foundation options (if any) needed to address loose/weak top soils present at site.

Given the known slope stability issues at the site and the need to update the bluff retreat analysis, we are not confident that the proposed 54-ft setback will be sufficient. A full geotechnical analysis that includes the above items is necessary to determine what development and siting is appropriate for this parcel.

Thank you,

Sylvia Targ
Coastal Planner
California Coastal Commission
sylvia.targ@coastal.ca.gov
1385 8th Street, Suite 130, Arcata CA 95521

CARL RITTIMAN & ASSOCIATES, INC.

Certified Professional Soil Scientist

PO Box 590 • Mendocino CA 95460

Craig Rivera
Environmental Health Specialist
Mendocino County Division of Environmental Health
790 A-1 S. Franklin Street
Fort Bragg, CA 95437

Date: 1/19/07

Re: 2900 S. Highway 1, Elk; APN 127-040-01 and 3300 S. Highway 1, Elk; APN 127-040-02; J.
and S. Frankel
Proof of water tests

This is our project parcel,
2900 S.Hwy 1 with new
APN: 127-040-13

Craig,

A Boundary Line Adjustment (BLA) is proposed to take place. Two parcels exist, one with an existing residential development. The existing, developed southern parcel (APN 127-040-02) will have its acreage increased through the BLA process, while the northern, undeveloped parcel (APN 127-040-01) will have its acreage decreased. The existing developed southern parcel is served by a water well, which is located on the northern undeveloped site. The County DEH set conditions, which needed to be met as part of the BLA. A new well needed to be drilled on the southern parcel and a Proof of Water test was required.

We conducted a 17-hour Proof of Water test on the newly drilled well. The test showed that the well produced 0.37 gallons per minute. This amount fell short of the required 0.5 gallons per minute. We contacted Darla Pimlott of the County DEH regarding the option of testing an existing shallow well in order to add the flow of this well to the tested newly drilled well. As such, a Proof of Water test was conducted on the shallow well. A flow of 0.19 gallons per minute was measured. The combined flow from the two wells is:

0.37 gpm (Well A)

0.19 gpm (Well B)

0.56 total gpm

The combined flow for these wells satisfies the condition of demonstrating adequate water for this Boundary Line Adjustment. If you have any questions, please feel free to contact our office. Thank you.

Sincerely,



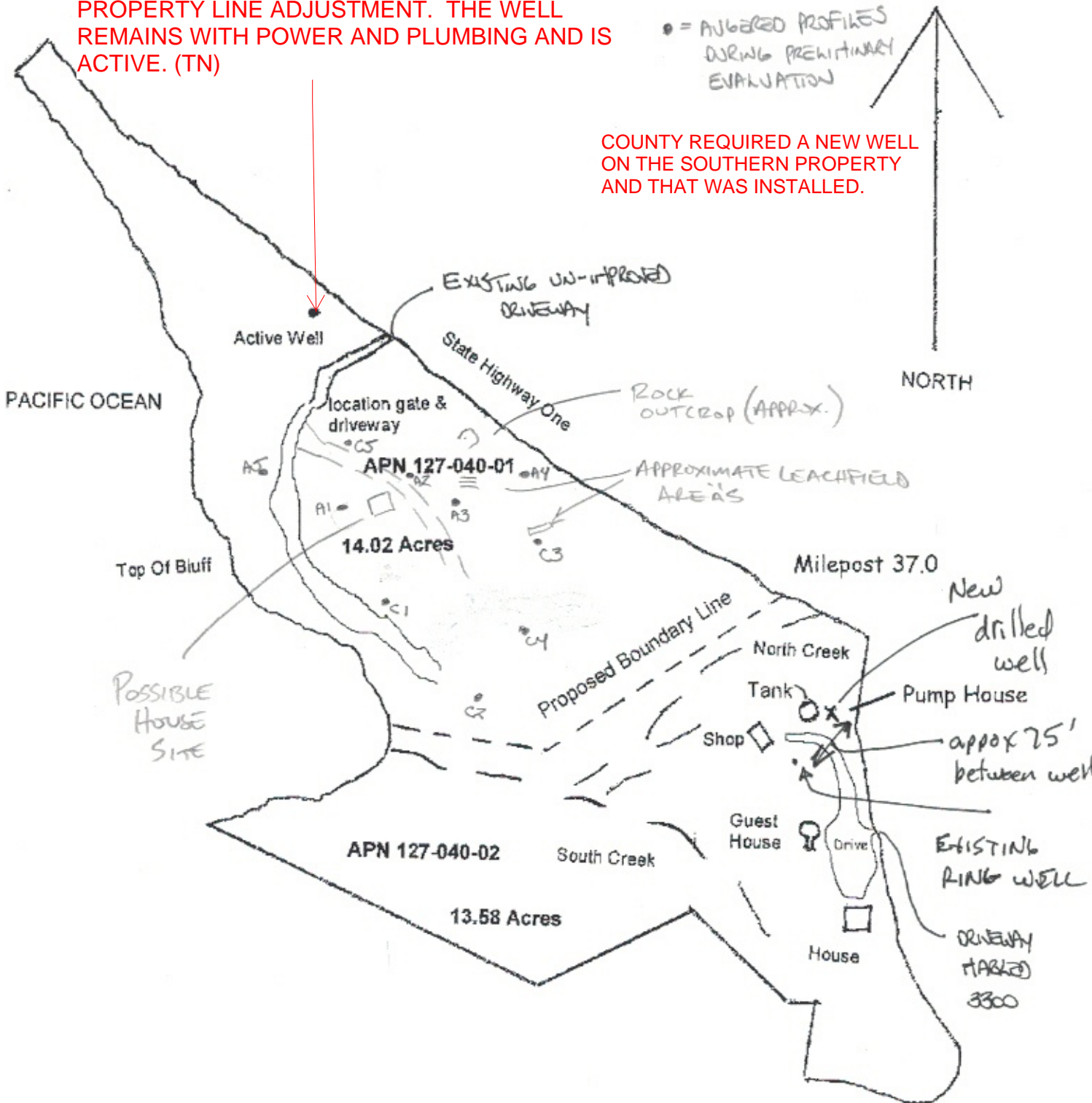
Andrew Kawczak
Associate

cc: J. Frankel
cc: J. Veres



THIS IS OUR PROJECT WELL WHICH WAS THE ACTIVE WELL ASSOCIATED WITH THE HOUSE ON THE SOUTHERN PROPERTY PRIOR TO PROPERTY LINE ADJUSTMENT. THE WELL REMAINS WITH POWER AND PLUMBING AND IS ACTIVE. (TN)

COUNTY REQUIRED A NEW WELL ON THE SOUTHERN PROPERTY AND THAT WAS INSTALLED.



MEMORANDUM

MENDOCINO COUNTY

Division of Environmental Health

Date: March 16, 2007

To: Mary Lynn Hunt, Project Coordinator, Planning Department

From: Darla Pimlott, Environmental Health Specialist



Re: CDB 17-2006; 3300 South Highway 1, Elk

Owners: Jeffery & Susan Frankel

The conditions set by Environmental Health in the memo dated July 26, 2006 have been met.

Soils work has been completed and approved by coastal staff for parcel 127-040-01 addressed 2900 S. Highway 1, Elk.

The Proof of Water test has been completed and approved for parcel 127-040-02 addressed 3300 South Highway 1, Elk.

Environmental Health has no more conditions for this project.

**Cc: Craig Rivera, EHS II, Fort Bragg ✓
Ukiah file**



MENDO. ENV. HEALTH-FB

THIS IS SOIL TESTING INFO.

MENDOCINO COUNTY

Hydrometer Test Worksheet

Environmental Health

Site Address:	2900 S. Hwy 1, Elk			Lab Test Date:		
APN:	127-040-01			Project #		
Owner Name:				Site Evaluator:		
HYDROMETER TEST	1	2	3	4	5	6
Sample ID Number:	P1	P1	P1	P2	P2	P2
Sample Depth:	0-22	22-43	43-60	0-6		24-36
Slake Test: (pass or fail)	pass	pass	pass	pass	pass	pass
A. Oven dry wt. (gm)	50.0	50.0	50.0	50.0	50.0	50.0
B. Start Time						
C. Temp @ 40 sec (*F)	73	73	73	73	73	73
D. Hydrometer reading @ 40 sec. (gm/l)	35.0	33.5	43.0	34.5	33.0	37.0
E. Composite correction (gm/l)	5.5	5.5	5.5	5.5	5.5	5.5
F. True Density @ 40 sec (gm/l)	29.5	28.0	37.5	29.0	27.5	31.5
G. Temp @ 2 hrs. (*F)	74	74	74	74	74	74
H. Hydrometer reading @ 2 hrs. (gm/l)	17.0	19.0	25.5	18.0	19.5	21.5
I. Composite correction (gm/l)	5.3	5.3	5.3	5.3	5.3	5.3
J. True Density @ 2 hrs. (gm/l)	11.7	13.7	20.2	12.7	14.2	16.2
K. % Sand = 100-[(F/A)x100]	41.0	44.0	25.0	42.0	45.0	37.0
L. % Clay = (J/A)x100	23.4	27.4	40.4	25.4	28.4	32.4
M. % Silt = 100-(K+L)	35.6	28.6	34.6	32.6	26.6	30.6
COARSE PARTICLES						
N. Wt. Coarse particles retained (gm)	41.0	61.0	26.0	28.0	36.0	32.0
O. Wt of total sample (gm)	285.0	293.0	279.0	286.0	291.0	280.0
P1. % Coarse Particles by Wt. = (N/O)x100	14.4%	20.8%	9.3%	9.8%	12.4%	11.4%
P2. % Coarse Particles by Vol.	8.5	12.7	5.4	5.7	7.3	6.7
P3. % Sand Adjustment	1.7	2.5	1.1	1.1	1.5	1.3
BULK DENSITY						
Q. Total sample wt. (gm)	285.0	293.0	279.0	286.0	291.0	280.0
R. Coarse particles wt. (gm)	41.0	61.0	26.0	28.0	36.0	32.0
S. Total sample vol. (cc)	225.0	225.0	225.0	225.0	225.0	225.0
T. Coarse particles vol. (cc)	21.6	32.1	13.7	14.7	18.9	16.8
U. Bulk Density = [(Q-R)/(S-T)] (gm/cc)	1.2	1.2	1.2	1.2	1.2	1.2
W. Adjusted Sand (%)	42.7	46.5	26.1	43.1	46.5	38.3
X. Adjusted Clay (%)	23.4	27.4	40.4	25.4	28.4	32.4
Y. Adjusted Silt (%)	33.9	26.1	33.5	31.5	25.1	29.3
Z. Soil Suitability Zone						

I hereby certify that I have used the procedures specified by the North Coast Region Water Quality Control Board contained in the "Soil Evaluation for On-Site Sewage Disposal", May 1979.

Date (seal) Signed:

CARL RITTIMAN & ASSOCIATES, INC.*Certified Professional Soil Scientist**PO Box 590 • Mendocino CA 95460*

Craig Rivera
Environmental Health Specialist
Mendocino County Division of Environmental Health
790 A-1 S. Franklin Street
Fort Bragg, CA 95437

Date: 1/19/07

Re: 2900 S. Highway 1, Elk; APN 127-040-01 and 3300 S. Highway 1, Elk; APN 127-040-02; J.
and S. Frankel
Proof of water tests

Craig,

A Boundary Line Adjustment (BLA) is proposed to take place. Two parcels exist, one with an existing residential development. The existing, developed southern parcel (APN 127-040-02) will have its acreage increased through the BLA process, while the northern, undeveloped parcel (APN 127-040-01) will have its acreage decreased. The existing developed southern parcel is served by a water well, which is located on the northern undeveloped site. The County DEH set conditions, which needed to be met as part of the BLA. A new well needed to be drilled on the southern parcel and a Proof of Water test was required.

We conducted a 17-hour Proof of Water test on the newly drilled well. The test showed that the well produced 0.37 gallons per minute. This amount fell short of the required 0.5 gallons per minute. We contacted Darla Pimlott of the County DEH regarding the option of testing an existing shallow well in order to add the flow of this well to the tested newly drilled well. As such, a Proof of Water test was conducted on the shallow well. A flow of 0.19 gallons per minute was measured. The combined flow from the two wells is:

0.37 gpm (Well A)
0.19 gpm (Well B)
0.56 total gpm

The combined flow for these wells satisfies the condition of demonstrating adequate water for this Boundary Line Adjustment. If you have any questions, please feel free to contact our office. Thank you.

Sincerely,



Andrew Kawczak
Associate

cc: J. Frankel
cc: J. Veres



CARL RITTIMAN & ASSOCIATES, INC.*Certified Professional Soil Scientist**PO Box 590 • Mendocino CA 95460*

Craig Rivera
Environmental Health Specialist
Mendocino County Division of Environmental Health
790 A-1 S. Franklin Street
Fort Bragg, CA 95437

Date: 1/26/07

Re: 3300 S. Highway 1, Elk; APN 127-040-02; CDB# 17-2006; J. and S. Frankel
Proof of water tests

Craig,

As required to satisfy the conditions set for this Boundary Line Adjustment, our office conducted two, 17-hour proof of water tests on the existing wells on this site. Attached you will find all drawdown and recovery data.

The type of test procedure used to determine a wells' production is referred to as a sustained yield test. The aim of this test is to try to stabilize the water level within the well, relatively near the pump inlet. This indicates that the flow of water being pumped out of the well is equal to the amount of water entering the well. The results of the test are as follows:

Well 'A'

The well tested is a drilled well, cased with 5.0" diameter PVC casing. The total depth of the well is 200 feet. For this test, the pump inlet was set at 180 feet. The test was started at 11:30 A.M., on 10/17/06. The static water level in the well was 17' 7.0" at the start of the test. The water level stabilized in the well near the depth of 144' 10", 760 minutes into the test, while pumping at a flow rate of 0.375 gallons per minute. The water level remained fairly stable for the remaining 260 minutes of the test.

The recovery of this well was monitored for 900 minutes following pump shut off. In that time, the total drawdown of 127' 2.5" recovered 116' 6.5" for a 91% recovery of the total drawdown.

Well 'B'

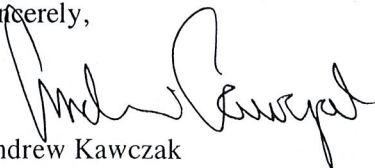
The well tested is a hand-dug well, cased with 42" diameter concrete well rings. The total depth of the well is 15' 9.5". For this test, the pump inlet was set at 15 feet. The test was started at 10:55 A.M., on 10/26/06. The static water level in the well was 11' 10.0" at the start of the test. The water level stabilized in the well near the depth of 12' 4.5", 550 minutes into the test, while pumping at a flow rate of 0.19 gallons per minute. The water level remained fairly stable for the remaining 470 minutes of the test.

The recovery of this well was monitored for 1,020 minutes following pump shut off. In that time, the total drawdown of 6.5" recovered 6.25" for a 96% recovery of the total drawdown.

The combined flows from both of the wells tested have been proven to meet the requirements set forth for proof of adequate water for this Boundary Line Adjustment.

If you have any questions regarding the tests, please feel free to contact our office. Thank you.

Sincerely,



Andrew Kawczak
Associate



PROJECT 3300 S. Hwy. ONE

Well Designation 'A'

Type of Test PROOF OF WATER

Total Depth 200 FEET (REPORTED ON WELL LOG)

Well Diameter (I.D.) 5.0" PVC

Pump Inlet Depth 180 FEET

clock time	elapsed time	Δt	depth to water	speed rate to:	slow rate to:	seconds per gallon
11:30 AM	0	-	17' 7.0"	STATIC LEVEL		-
11:35	5	5	27' 1.0"			8.1
11:40	10		37' 6.0"			10.1
11:45	15		47' 6.0"			10.6
11:50	20		57' 7.0"			10.6
11:55	25		65' 4.0"			12.1
12:00 PM	30	✓	73' 7.5"			12.1
12:10	40	10	81' 5.0"			24.4
12:20	50		89' 5.0"			24.5
12:30	60		97' 4.5"			24.4
12:40	70		105' 6.0"			24.2
12:50	80		113' 5.0"			24.4
1:00	90		121' 6.0"			24.3
1:10	100	✓	129' 10.0"			24.2
2:10	160	60	132' 0"			120.0
3:10	220		134' 2.0"			121.4
4:10	280		136' 2.0"			124.3
5:10	340		137' 11.0"			124.5
6:10	400		139' 10.0"			124.8
7:10	460		141' 3.0"			130.6
8:10	520		142' 7.0"			130.6
9:10	580		143' 7.0"			150.2
10:10	640		144' 6.0"			150.7
11:10	700		144' 9.0"			158.6
12:10 AM	760		144' 10.0"			159.4
1:10	820	✓	144' 10.0"			160.3

PROJECT 3300 S. Hwy. ONE

Well Designation 'B'

Type of Test PROOF OF WATER

Total Depth 15' 9.5"

Well Diameter (I.D.) 42" CONCRETE
WELL RINGS

Pump Inlet Depth 15' 0"

clock time	elapsed time	Δt	depth to water	speed rate to:	slow rate to:	seconds per gallon		
10:55 A.M.	0	-	11' 10.0"	STATIC LEVEL		-		
11:00	5	5	11' 11.0"			232		
11:05	10	↓	11' 11.0"			304		
11:10	15		11' 11.0"			216		
11:15	20		11' 11.0"			216		
11:20	25		11' 11.25"			240		
11:25	30		11' 11.25"			232		
11:35	40		10	11' 11.5"			240	
11:45	50		↓	11' 11.75"			256	
11:55	60			12' 0"			256	
12:05 P.M.	70			12' 0.25"			264	
12:15	80			12' 0.5"			264	
12:25	90	12' 0.5"				264		
12:35	100	↓		12' 0.5"			264	
12:55	120	20		12' 0.75"			264	
1:15	140	20		12' 1.0"			280	
1:35	160	20		12' 1.5"			288	
2:05	190	30		12' 2.0"			290	
2:35	220	↓	12' 2.5"			304		
3:05	250		12' 2.75"			306		
3:35	280		12' 3.0"			310		
4:05	310		↓	12' 3.25"			311	
5:05	370		60	12' 3.25"			312	
6:05	430		↓	12' 3.5"			316	
7:05	490			12' 4.0"			311	
8:05	550			↓	12' 4.5"			313

