

James Feenan

FEB 22 2024

**From:** Meghan Durbin <Meghan@WCPlan.com>  
**Sent:** Wednesday, February 21, 2024 5:52 PM  
**To:** Nash Gonzalez  
**Cc:** pbscommissions; Keith Gronendyke; Russell Ford; Amy Wynn  
**Subject:** CDP\_2021-0011 (Fwd: YKT; Memo Revisions & Response to Neighbor Concerns)  
**Attachments:** 2. Submittal Letter re 125 Memo Revisions.pdf

Planning & Building Services

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Dear CPA Gonzalez,

Having not seen a memo posted or otherwise shared in regard to two requested revisions to the staff report, we wanted to be sure this got into your hands prior to the hearing.

During the hearing we would like to address the two items addressed in the attached letter. See you then.

Thank you,  
Meghan

Meghan Durbin, Senior Planner  
Wynn Coastal Planning & Biology  
703 North Main Street, Fort Bragg, CA 95437  
office: 707-964-2537 direct: 707-409-9597  
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Begin forwarded message:

**From:** "Meghan Durbin, WCPB" <[meghan@wcplan.com](mailto:meghan@wcplan.com)>  
**Subject:** YKT; Memo Revisions & Response to Neighbor Concerns  
**Date:** February 20, 2024 at 8:28:41 AM PST  
**To:** Keith Gronendyke <[gronendykek@mendocinocounty.gov](mailto:gronendykek@mendocinocounty.gov)>, Russell Ford <[fordr@mendocinocounty.gov](mailto:fordr@mendocinocounty.gov)>

Cc: [amy@wcplan.com](mailto:amy@wcplan.com)

Hi Keith and Russ,

In preparation for the hearing we'd like to address the 1/25/24 staff memo with you and update you on the applicants' response to the neighbor concerns brought up during that meeting.

Thank you very much Keith for addressing each of our comments as communicated in the annotated copy of the staff report, attached here again for easy reference. Please see the attached letter addressing two items we would like to be revisited by Planning staff.

As outlined in my correspondence sent today, February 20th (via email to Nash, Keith, and the PBS Commissions, with Russ copied) the applicants have a history of behaving in a respectful manner in regard to their neighbor's concerns and welcome the opportunity to propose additional measures to further address those concerns. Please see that submittal for further detail. Per reference in that submittal to a proposed water storage tank, I have attached a copy of the revised site plan. Please issue a memo referring to this revision and the addition of a water storage tank to the project description.

If schedules allow Amy and I would like to meet with you both via Zoom to discuss these items live, however I realize we don't have much time to do so. Please let us know if you are available to meet prior to the hearing. We are both available tomorrow (Wednesday) from 10am-11am or after 3pm. We might be able to squeeze in something today at 2pm or after 5pm if that's better for both of you.

Thank you!  
Meghan

[The attachment 1. CDP\_20210011 Complete Post EDIT RECS to KG.pdf has been manually removed]

[The attachment 2. Submittal Letter re 1:25 Memo Revisions.pdf has been manually removed]

[The attachment 3. YKT WCPlan Site Plan 2024 02 19.pdf has been manually removed]



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## SUBMITTAL

February 20, 2024

Planning and Building Services  
860 N Bush Street  
ATTN: Keith Gronendyke and Russ Ford

RE: CDP\_2021-0011 Response and Revisions to Staff Memo dated 1/25/24

Owner: Trulee Lee and Yoshiyuki Karahashi  
Site: 33625 Pacific Way  
Fort Bragg, CA 95437  
APN: 017-060-04-00

Dear Keith and Russ,

Please consider the following responses to items from Keith's Staff Memo dated 1/25/24.

1. The **third bullet point of the memo** regards a portion of page CPA-6. On January 22<sup>nd</sup> I emailed Keith with an annotated copy of the staff report attached pointing out instances of the report that we considered incorrect or had a question about. We suggested the following edits to the Visual Resources section of the staff report:

**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP\_2021-0011  
PAGE CPA-6**

**Visual Resources:** The site is not mapped as a Highly Scenic Area, ~~but is still considered to be highly scenic as it is a blufftop parcel situated west of State Route 1~~ therefore, the proposed development is subject to only ~~to the~~ Policy 3.5-1 of the Coastal Element, which states:

we don't think this is an accurate description, it is not still considered to be an HSA because of those features

*"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 proposed residential addition along with the conversion of the existing workshop to a guest cottage, the remodeling of the garage and other various construction on site would not be visible from State Route 1, or any park, beach or recreation areas and would not be out of character with surrounding development. The proposed addition to the single-family residence would be approximately 15 feet in height, which is below the maximum allowable height of 28 feet for parcels ~~located in a~~ highly scenic area and would not affect public views to the ocean or be out of character with surrounding structures which is the case with the subject ~~property, as it is west of State Route 1.~~

"...located outside of a highly...."

*(continued next page)*

Encl: per above

CC: Trulee Lee & Yoshiyuki Karahashi (owners/applicants); file

the case with the subject property, ~~as it is west of State Route 1.~~

Condition 12 is recommended to require an exterior finish schedule for proposed materials and colors which will be visually compatible with the character of the surrounding area consistent with Mendocino County Coastal Element Policy 3.5-1 and MCC Section 20.504.015(C)(3).

Condition 13 is recommended to require exterior lighting to be kept to the minimum necessary for safety and security purposes, be downcast, shielded and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Mendocino County Coastal Element Policy 3.5-1 and MCC Section 20.504.035.

With added conditions, the proposed project will not increase view obstruction from nearby public areas and is visually compatible with the character of surrounding areas and will be consistent with the Local Coastal Program policies (Coastal Element Policy 3.5-1 and the development standards of MCC Chapter 20.504(C)) ~~related development within Highly Scenic Areas~~, including protection of ocean views, natural setting, undergrounding overhead utilities, and access roads. . *not in an HSA so shouldn't be referenced?*

The memo states, in part (emphasis added) “...*Staff feels that, while not being technically located in a designated highly scenic overlay district, the location of the property on a blufftop parcel does warrant increased visual evaluation...*”. While it could be argued that the quoted portion of Policy 3.5-1 is taken out of context by not including the first sentence of the policy which reads “*State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road.*”, the most important revision would be to remove reference to this parcel as though it were in a Highly Scenic Area.

Our position remains that the staff report should be revised as shown in our originally suggested edits included in the graphic above. To inadvertently condone this logic by not revising it sets a precarious and troubling precedent for this parcel as well as others in similar locations.

2. The **last bullet point on page 2 of the memo** regards a portion of page CPA-10. The minor correction is that there is a typo - this item applies to original condition 3, not condition 10 as written in the memo.

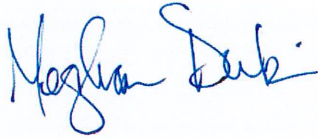
Of greater import is information included in this item of which we were not previously aware. Our original commentary suggesting rewording of that condition was developed in consideration of the reasonable possibility a future county planner or staff member might interpret that condition differently than Keith has explained its meaning in the memo. It is reassuring to learn that “...*when at least 15 percent of the project cost has been spent, the project can be deemed to be vested...*”. However, without explicit reference to that, if there was a lapse in the continuous progress toward completion of the project an erroneous planning/code enforcement violation might be issued by county staff.

We suggest the wording of this condition be changed to ensure clarity in the future regardless of change of ownership, disengagement of agent or turnover of county staff. Please consider the following language, which is based on common law vested rights:

*To remain valid, progress towards completion of the project must be continuous **to the extent that substantial work has been performed, incurring substantial expenditures in good faith in reliance upon a valid permit, at which point the permit will be considered vested.** The applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.*

Thank you for your continued attention to this project. Please let me know if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Meghan Durbin". The signature is written in a cursive, flowing style.

Meghan Durbin, Senior Planner  
meghan@wcplan.com  
707-409-9597 direct