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Sent: Tuesday, March 19, 2024 11:59 AM
To: pbscommissions
Cc: Liam Crowley; Leavitt, Amber@Coastal
Subject: CDP_2023-0039 CCC Comments

MAR 19 2024

Planning & Building Services

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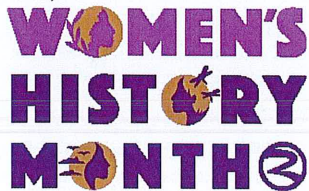
Good morning,

Please see below for comments regarding the above referenced CDP staff report.

1. **Takings Analysis.** The proposed development is inconsistent with the County’s LCP. Denying the project is an alternative that the County could choose to achieve LCP consistency. If the County is concerned that denial would lead to a regulatory takings situation, then the County should evaluate whether a denial would result in a regulatory takings. We didn't see any findings in the staff report evaluating a takings claim that would compel the County to approve the proposed application.
2. **ESHA Deed Restriction.** IF after evaluating a takings claim the County concludes that it must approve a residential use of the site to avoid a takings, we recommend adding additional conditions to protect site ESHA, including (1) require recordation of a map showing the locations of ESHA and ESHA buffers; (2) specify mandatory buffer widths to protect the remaining ESHA on the site that won’t be degraded by the direct removal of/encroachment Tufted Hair Grass Meadow and other identified ESHA for the proposed residential development; (3) restrict allowed uses within ESHA and ESHA buffers and specify those future uses that may be allowed within ESHA and ESHA buffers (either under this permit and/or subject to future permit modifications); (4) require the terms and conditions of the CDP, including recorded open space/deed restricted areas, to be recorded against the property so that they run with the land and bind all successors in interest.

Thank you for the opportunity to comment. Please let me know if you have any questions or would like to discuss these comments.

Best,



Bente Jansen *(she/her)*
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