

CALIFORNIA COASTAL COMMISSION

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F9a

MEMORANDUM

Date: March 11, 2021

To: Commissioners and Interested Persons

From: Kate Huckelbridge, Deputy Director
Bob Merrill, District Manager
Melissa Kraemer, District Supervisor

Subject: Addendum to Commission Meeting for Friday, March 12, 2021
Item F9a, CDP Amendment Application No. 1-90-113-A2 (Brennan)

This addendum presents minor changes to the February 26, 2021 staff recommendation in response to a change requested by the applicant on March 10, 2021. The modifications involve minor changes to Special Condition 4-A-1 which limits the future development that may be allowed within the western building envelope and portions of the lot outside of the designated building envelopes that will be deed restricted as open space. As recommended in the staff report, Special Condition 4-A-1 limits future development within these areas to only a few minor uses if approved by Mendocino County under separate CDP authorization including the removal of debris and unauthorized structures. Staff is revising the condition to delete the word “unauthorized” to enable the future removal of both *authorized* structures and *unauthorized* structures.

Removal of existing structures, whether authorized or not, would be consistent with the intent of the special condition of limiting uses within the western building envelope and the open space area to uses that do not adversely affect visual resources and adjoining environmentally sensitive habitat areas (ESHA) and which minimize geologic and flood hazard risks. Several existing structures on the lot were developed prior to 1973 when coastal development permit requirements first went into effect. These structures are in close proximity to ESHA, are visually prominent, and subject to geologic and flood hazard risks. For example, as explained in the Hazards section of the staff report (Finding G), current flood levels in the Ten Mile River at times reach within a few feet of the existing pre-Coastal residence on the property that is situated below the bluff. The applicant’s geologist recommended (Exhibit 9) that the existing residence may need to be raised or relocated over the next 75 years due to sea-level rise. Deletion of the word “unauthorized” will make it clearer that the development limitations imposed within the western building envelope and open space area are not meant to preclude removal or

relocation of these structures built prior to 1973 from the open space area or any other structures that might be considered to be “authorized.”

Staff continues to recommend that the Commission, upon completion of the public hearing, approve the coastal development permit with the special conditions and findings included in the staff recommendation of February 26, 2021, as modified by the changes recommended herein.

Changes to the Staff Recommendation

Bullets below reference page numbers of the February 26, 2021 staff report where changes are made. Text to be deleted is shown in ~~bold double strikethrough~~, and text to be added is shown in **bold double underline** format.

- Page 6: Revise recommended Special Condition 4(A) as follows:

4 Development Restrictions and Open Space Conservation Deed Restriction

A. No development, as defined in section 30106 of the Coastal Act, shall occur on Parcel 3 (APN 015-350-50) outside of the eastern building envelope as shown on Exhibit 4 to the February 26, 2021 staff report for Coastal Development Permit (CDP) Amendment 1-90-113-A2 except for the following development if approved by Mendocino County under separate CDP authorization:

(1) in the open space area on Parcel 3 (APN 015-350-50) as shown on Exhibit 5 to the February 26, 2021 staff report for Coastal Development Permit (CDP) Amendment 1-90-113-A2: (a) future installation of pipelines and utility lines associated with future permitted development in the approved building envelope if no less environmentally damaging alternative route is feasible; (b) repair and maintenance of existing legally authorized structures, utilities (e.g., electrical, septic, etc.), and access roads; (c) habitat restoration and enhancement activities; and (4) removal of debris and ~~unauthorized~~ structures; and

(2) in the western building envelope as shown on Exhibit 4 to the February 26, 2021 staff report for Coastal Development Permit (CDP) Amendment 1-90-113-A2: (a) reserve leach field and related septic system improvements sited a minimum of 100 feet from environmentally sensitive riparian habitat areas; (b) habitat restoration and enhancement activities; and (c) removal of debris and ~~unauthorized~~ structures.

No other development shall be permitted in the open space area described in A(1) above and the western building envelope described in A(2) above without an amendment to CDP 1-90-113 approved by the Coastal Commission.

- Page 13: Revise Finding E to change the first paragraph of Page 13 as follows:

Therefore, to meet the LCP policy requirements on clustering, avoiding development in open spaces, and setting development back from bluff areas near public access areas as required by LUP policy 3.5-4 and CZC sec. 20.504(C), the Commission adds new Special Condition 4. **Special Condition 4** allows only the following specified development in the western building envelope, if approved by Mendocino County under separate CDP authorization: (a) reserve leach field and related septic system improvements sited a minimum of 100 feet from environmentally sensitive riparian habitat areas; (b) habitat restoration and enhancement activities; and (c) removal of debris and ~~unauthorized~~ structures. To make it clear that development is generally restricted to the western and eastern building envelopes, Special Condition 4 also limits development within the open space area of the parcel outside of the building envelopes. As the existing residence, a water tank, pump house, driveway, septic system, and utility lines (e.g. electrical, septic, etc.) are located within this open space area, the special condition allows for repair and maintenance of all the existing development in the open space area that has been legally authorized. Special Condition 4 also allows for habitat restoration and enhancement activities and removal of debris and ~~authorized~~ structures, but otherwise prohibits development. All proposed future development that is consistent with these limitations and which is not otherwise exempt from CDP requirements must be approved by Mendocino County under separate CDP authorization. Furthermore, Special Condition 4 requires that the applicant execute and record a deed restriction that documents these restrictions on the use of the property to ensure that both the applicant and future purchasers of the property are notified of the prohibitions on development within the western building envelope. In addition, the Commission modifies and reimposes **Special Condition 3** to clarify that any future development on the lot and on the other lots of the original subdivision, such as development of a reserve leach field and related septic system improvements, shall require an amendment to Permit 1-90-113 from the Commission or a CDP from Mendocino County, that complies with the other special conditions of CDP 1-90-113 as amended.