



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, 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

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**MEMORANDUM**

**Date:** April 30, 2020  
**To:** Brent Schultz, Coastal Permit Administrator  
**From:** Sam Vandy Vandewater, Project Planner  
**Subject:** Recommended Conditions of Approval for CDP\_2019-0004

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On Wednesday, April 29, 2020, Melissa Kraemer from the California Coastal Commission submitted comments regarding the project (CDP\_2019-0004). The letter outlines an additional LCP inconsistency regarding bluff erosion hazards and the existing residence intended to be remodeled. The comment notes that the LACO Geotechnical Report – Limitations section declares that due to the proximity to the bluff, the development could be impacted by bluff retreat and landslides in the future. The Report further states that evaluation with said report is only valid for three (3) years and further studies should require a new geotechnical study. Therefore, it is recommended the staff report be amended to include the following condition:

Condition 19: Prior to the final inspection or issuance of a certificate of occupancy on any building permit in reliance of this Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:

- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards;
- b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
- c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
- d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject single family residence, the family care unit/accessory dwelling, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
- e. The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach or ocean before they can be removed from the bluff top, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;
- f. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

Additionally, Finding #1 shall be amended to include acknowledgement of inconsistency with LCP findings. The amended language should read as follows:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas, which is specifically addressed by the Supplemental Findings below. A single-family residence is a principally permitted use within the Rural Residential land use classification and is consistent with the intent of the Rural Residential classification and all associated development criteria; and

Best,

Vandy  
Planner II