

CALIFORNIA COASTAL COMMISSION

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March 30, 2020

County of Mendocino
Attn: Julia Acker Krog, Chief Planner
860 N Bush Street
Ukiah, CA 95482

RE: Application for Local Coastal Program (LCP) Amendment LCP-1-MEN-20-0021-1 (received by email 3/16/20) to amend the Mendocino County Local Coastal Program (LCP) regarding accessory dwelling units and junior accessory dwelling units in the coastal zone outside of the Town of Mendocino.

Dear Ms. Acker Krog:

Thank you for the County staff's transmittal for Commission certification of the above-referenced amendment to Mendocino County's LCP regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). The amendment application transmittal was received by our North Coast District Office via email March 16, 2020, with a hard copy received by regular mail March 19, 2020.

Commission staff coordinated closely with County staff during the development of this amendment beginning in November 2018, and submitted a detailed comment letter on the draft amendment in June 2019 ahead of the July 2019 Planning Commission hearing. We commend County staff for working to address many of Commission staff's concerns, with this early coordination resulting in a significant narrowing of issues of conformance with the Coastal Act and certified LCP that might otherwise have needed to be addressed during the Commission's hearings on certification of the proposed amendment. Although the issues have been significantly narrowed, the County's March 2020 application transmittal lacks information necessary to complete the application in conformance with Public Resources Code¹ §30510 (and associated implementing regulations 14 CCR §13551 et seq.) and assist us in preparing a recommendation for the Commission, including information that Commission staff originally requested in our June 2019 comment letter.

We understand that the County (like the rest of the state) is facing a housing crisis and is eager to have this amendment certified in order to facilitate increased housing production in the coastal zone. We are committed to moving this LCP amendment forward as quickly as possible, but in order to do so, we need the County staff to be forthcoming with requested information. If the County does not understand what we are asking for or is struggling with any responses, please feel free to call or email Cristin Kenyon of our staff for assistance.

¹ Hereafter "Coastal Act" refers to Division 20 of the California Public Resources Code.

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Coastal Act and LCP Consistency

The subject amendment includes proposed changes to both the land use plan (LUP) and implementation program (IP) portions of the County's certified LCP. Pursuant to Coastal Act §30512(c), to certify a proposed LUP amendment, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Pursuant to Coastal Act §30513, to certify a proposed IP amendment, the Commission must find that the IP as amended conforms with and is adequate to carry out the provisions of the certified LUP. The following requested information is necessary to allow the Commission to make necessary consistency findings with the certified LUP and Coastal Act and to fulfill the Commission's CEQA obligations for review of the proposed amendment.²

A. AGRICULTURAL AND TIMBER RESOURCES

The proposed amendment would permit ADUs and JADUs in all zoning districts which allow single-family dwellings, including on parcels zoned AG (Agricultural), RL (Range Lands), FL (Forest Lands), and TPZ (Timberland Protection). Coastal Act §§30241-2 are intended to maintain land in agricultural production and protect the viability of agricultural lands from direct, indirect, and cumulative impacts of land uses not directly related to the primary use of agricultural lands for the production of agricultural commodities. These policies, implemented through LUP Policies 3.2-4, 3.2-5 and 3.2-16 (among other policies and standards of the certified LCP), strictly limit the circumstances under which agricultural land can be converted to non-agricultural land uses. As for timber resources, Coastal Act §30243 requires that the long-term productivity of soils and timberlands be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size be limited to providing for necessary timber processing and related facilities. The County's certified LCP carries out these provisions by prohibiting conversion of timberland to incompatible uses, avoiding timberlands soils in housing development, and requiring findings for the approval of development on timberlands to demonstrate that proposed uses are compatible with growing and harvesting timber and the protection of timber resource lands (see certified LUP Chapter 2.2 and Policies 3.3-3 and 3.3-5). Please address the following requests related to the protection of agriculture and timberlands:

1. Clustering requirement: To protect agricultural and timber resources, the proposed amendment allows detached ADUs on parcels zoned AG, RL, FL, or TPZ if located within 150 feet of existing legally-authorized structures. Commission staff supports a requirement to cluster ADUs with existing structures to potentially avoid or minimize loss of land available for agriculture or commercial timber harvests, but questions whether 150 feet is too great a distance and whether new detached ADUs should only be clustered with other residential structures (rather than any other structures). Therefore, please provide the County's reasoning for the proposed 150-foot

² The Secretary for Natural Resources has certified the Commission's LCP program as "functionally equivalent" under CEQA. Thus, the LCP amendment application submittal must include sufficient environmental information for the Commission to make findings that the substantive requirements of CEQA are complied with. These findings include identification of all potentially significant environmental impacts and consideration of mitigation measures and project alternatives to avoid or minimize those impacts.

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maximum distance and allowance for clustering with non-residential structures (i.e., why a smaller maximum clustering distance and/or a restriction to only cluster with other residential structures is not necessary to ensure protection of agricultural and timber resources). As part of your response, please clarify whether any alternative clustering distances were considered, including (1) the alternative of a smaller maximum clustering distance more commensurate with setbacks typically found in residential neighborhoods between houses and ADUs; and (2) the alternative of only allowing attached ADUs.

2. Existing County agriculture: To evaluate the impact of the proposed amendment on the agricultural resources of the County's coastal zone, we need a better understanding of the current state of the agricultural economy and the use of AG and RL lands in the County's coastal zone. Please provide any available information summarizing: (1) the major/main agricultural crops, activities, and centers in the County's coastal zone; (2) the number of acres, number of parcels, and/or relative amount of AG and RL property/land in the County's coastal zone under Williamson Act contracts and/or supporting active agricultural operations; and (3) the extent that AG and RL lands in the County's coastal zone are being used for rural residences, vacation home rentals, and/or other non-agricultural uses that are not supporting active agricultural operations. To the extent that AG and RL lands are not being used for agriculture (vacant or used only for purposes other than commercial agriculture), please provide any information summarizing why this may be the case (e.g., competition with rural residential development, high property values, suitability of lands for agriculture, parcel size, remoteness of the coastal zone from agricultural markets, etc.).
3. Prime lands and soils: Proposed Mendocino County Coastal Zoning Code (CZC) §20.458.045(E)(2) limits ministerial coastal development permits (CDPs) for ADUs to non-prime soils. To help evaluate the implications of this limit, please provide any available mapping or other information on the extent, location, and relative proportion of prime and non-prime agricultural lands and/or soils within the County's coastal zone. Please also clarify how County staff will determine whether soil is prime for the purposes of implementing proposed CZC §20.458.045(E)(2). Finally, please explain why proposed CZC §20.458.045(E)(2) focuses on prime soils rather than prime agricultural lands more broadly.³
4. Impact on farm employee and farm labor housing: While the currently certified IP expressly prohibits second dwelling units outside of the Gualala Town Plan Area and the Town of Mendocino, this prohibition does not apply to farm employee

³ Pursuant to Coastal Act §30241, the maximum amount of prime agricultural land shall be maintained in agricultural production. Coastal Act §30113 and Mendocino Coastal Zoning Code §20.308.095(J) define "prime agricultural land" to include land with any of the follow characteristics: (1) a rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or (2) a rating 80 through 100 in the Storie Index Rating; or (3) the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or (4) the ability to normally yield in a commercial bearing period on an annual basis not less than two hundred dollars (\$200) per acre of unprocessed agricultural plant production of fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years.

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housing⁴ or farm labor housing,⁵ which are both allowed as conditional uses on AG, RL, FL, and TP lands. The proposed amendment would allow ADUs on AG, RL, FL, and TP lands through a ministerial, administrative, or standard CDP process, and would not allow farm employee and farm labor housing on parcels where an ADU or JADU is present. Please provide an assessment of whether these provisions of the proposed amendment will disincentivize the construction of farm employee and labor housing in the coastal zone.

5. Timber removal restriction: Proposed CZC §20.458.045(E)(3) does not allow ministerial CDPs for ADUs on parcels zoned FL or TPZ in locations where “timber removal is necessary.” Please clarify whether “timber” removal means “tree” removal (i.e., a ministerial CDP could not be processed if any tree needed to be removed to construct the proposed ADU). Please explain why the County chose this standard to protect timber resources and whether any alternative timber resource standards were considered.

B. ADEQUACY OF SERVICES

Coastal Act §30250(a) (implemented through LUP Policy 3.9-1 among other LCP policies and standards) states in part that new residential development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Coastal Act §30254 also requires in part that Highway One remain a scenic two-lane road. A major challenge in Mendocino County's coastal zone is the limitation of residential density to levels which are compatible with highway capacity, water availability, and septic capacity. As proposed, the amendment would remove the prohibition on second residential units outside of the Gualala Town Plan area, and an ADU and/or JADU would be allowed in addition to one detached bedroom or guest cottage on parcels containing an existing or approved single-family dwelling in all zoning districts which allow single-family dwellings. The proposed amendment increases the potential residential development buildout in the County and thus raises questions of conformance with Coastal Act §§30250 and 30254 and associated LUP policies. Please address the following questions related to adequacy of services:

State Route (SR) 1 Capacity

6. Existing SR 1 studies: The County's application submittal indicates that three studies of SR 1 capacity in Mendocino County have been prepared since LCP

⁴ Mendocino CZC §20.316.020 defines “farm employee housing” as occupancy by a farm employee and his/her family within a single-family dwelling, or trailer coach which occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation. CZC §20.308.045(E) defines “farm employee” as any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, timber production, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market.

⁵ Pursuant to Mendocino CZC §20.316.020, housing for more than one farm employee and his/her family is classified as farm labor housing.

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certification in 1985: the "State Route 1 Corridor Study" (Whitlock & Weinberger; 1993); the "State Route 1 Corridor Study Update" (WTrans; 2008); and the "Transportation Concept Report – State Route 1" (Caltrans, District 1; 2016). Please provide copies of the aforementioned studies.

7. Anticipated future SR 1 and VMT studies: Under the amendment, an allowance for 500 ADUs is being proposed as an interim measure necessary to aid with the housing crisis until such time as an updated comprehensive SR 1 corridor study can be prepared to ensure that SR 1 remains a two-lane scenic highway consistent with Coastal Act §30254, and is able to accommodate the increased traffic generated by proposed increases in residential buildout, consistent with Coastal Act §30250. According to the County's application submittal, the County is deferring the SR 1 corridor study update in part to ensure that the study complies with SB 743 which requires that, by July 1, 2020, all jurisdictions must adopt and implement standards for traffic analyses using a vehicle miles traveled (VMT) analysis rather than a level of service (LOS) analysis. The County's application submittal indicates that Mendocino County is in the process of developing VMT standards; please provide an update on this process (timeline, funding, etc.). Please also explain how VMT analysis will factor into a future SR 1 corridor study, and what the County's understanding is with regard to whether Caltrans is planning on factoring VMT into their future evaluations of needed improvements for SR 1 (or if Caltrans will continue to focus on LOS and average daily traffic in their evaluation and design of roadways and intersections). Finally, please provide information on any progress the County and/or Caltrans is making towards a SR 1 corridor study update (e.g., plans or funding allocation from the County or Caltrans).
8. Implications of vacation home rental allowances: The proposed amendment does not allow ADUs or JADUs to be used as vacation home rentals, but does not otherwise restrict vacation home rentals on parcels with ADUs (except within the Gualala Town Plan area, where use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited). As a result, property owners could choose to live within their ADU or JADU and rent out their primary residence to transient guests as a vacation home rental, thereby not creating any new long-term housing in the coastal zone. An argument for allowing ADUs where there may not be additional traffic capacity is that ADUs will provide homes near jobs and services and thus reduce VMT; this argument does not hold up if property owners live in their ADUs to convert their homes into vacation home rentals for tourists. Given that the main reason for expediting this amendment ahead of necessary traffic analysis is to help address the housing crisis, please explain why the County has not chosen to prohibit vacation home rentals on properties with ADUs and/or JADUs. To provide us with a baseline understanding of the prevalence of this visitor-serving use, please also indicate the current number of licensed vacation home rentals in the County's coastal zone. Finally, to help us better understand the regulatory context for vacation home rentals in the County's coastal zone, please provide a copy of any local (uncertified) County regulations pertaining to vacation home rentals, especially any limits on the number of vacation home rentals allowed.

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9. Justification for 500-unit cap: The certified IP explicitly requires analysis of traffic impacts before an LCP amendment can be approved to allow second residential units outside of Gualala and the Town of Mendocino. The County is proposing to allow ADUs without this analysis and instead address concerns about traffic capacity by implementing a 500-unit cap on the number of ADUs. The LCP application submitted by the County indicates that when distributed throughout the coastal zone, the 500 ADUs permitted under the proposed cap are expected to result in a de minimis increase in traffic volumes, but provides no evidence to support this conclusion. As requested in our June 2019 pre-submittal comment letter, please provide an analysis of how the cap ensures that highway capacity is adequate to serve potential ADU development (i.e., what is the basis for asserting that traffic impacts would be de minimis?).⁶ Providing an explanation of the nexus between the 500-unit cap and adequate traffic capacity is not only necessary to ensure consistency with Coastal Act and LCP service capacity policies, but also to ensure that the cap complies with the standards of Government Code §65852.2 to the greatest extent feasible.⁷ As part of this analysis, please provide information that puts the 500 units in context; for example, is this number small relative to the number of existing residences in the County's coastal zone and/or relative to potential residential buildout?
10. Tracking ADU development under the proposed caps: According to the County's application submittal, the County is deferring the SR 1 corridor study update in part so that the County can base the study on actual data on the rate of development of ADUs and their associated travel characteristics in the County's coastal zone. As requested in our June 2019 pre-submittal comment letter, please explain how the County will track ADU development for purposes of implementing the 500-unit cap and collecting data for future anticipated traffic studies. As also requested in our pre-submittal comment letter, please indicate the current number of permitted ADUs in the Gualala Town Plan area relative to the existing 100-unit cap and clarify how ADU development in Gualala is tracked by the County.

Water and Septic Capacity

11. Known issues with adequacy of water and sewer services: The amendment application submittal indicates that most properties in the coastal zone are served by individual water wells and septic systems and provides a list of community water and/or sewer systems that serve areas in the unincorporated County's coastal

⁶ This could be accomplished, for example, by evaluating worst-case scenario traffic impacts of potential ADU development relative to available capacity or otherwise logically tying the cap to some quantification of highway capacity impacts and limitations. For example, the County could potentially assign an average daily trip count to new ADUs (based on best available information on rural residential trip generation) and compare the estimated average daily trips from 500 ADUs to the traffic volumes in Caltrans' 2016 Transportation Concept Report to show that additional potential traffic from 500 ADUs will have a negligible impact on overall traffic counts.

⁷ ADU law allows local governments to designate areas within their jurisdiction where ADUs may be permitted based on adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety [§65852.2(a)(1)(A)].

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zone.⁸ Please summarize any known service limitations/ capacity issues that could limit ADU development, including any known areas of the County reliant on wells where groundwater supply is an issue (or any updated groundwater studies), or any limits on the capacity of community water and/or sewer systems (e.g., LAFCo service reviews, moratoriums on new connections, known reliance on water trucking etc.).

12. Evaluating the adequacy of ADU/JADU water and septic: The proposed amendment requires, per proposed CZC §§20.458.040(B) and 20.458.040(C), that the Division of Environmental Health (DEH) review and approve all ADU applications for the availability and adequacy of water systems and sewage disposal systems based on standards established in the Mendocino County DEH "Guidelines for Accessory Dwelling Units." Please provide the following clarifications regarding this requirement:

- a. If the source of drinking water is a well or spring, the ADU guidelines indicate that the property owner shall hire a qualified person to determine whether the well or spring meets the County proof of water requirements for a second residential unit. Please clarify whether the intent of this standard is to require proof of water for every proposed ADU, or whether and under what circumstances no investigation would be required. Please also clarify whether proof of water would be evaluated solely based on the 1989 DEH Coastal Groundwater Development Guidelines,⁹ or whether the County would evaluate proof of water based on all of the applicable policies and standards of the LCP. If available, please also provide a map of the DWR groundwater resource classifications in the coastal zone used in the 1989 guidelines.
- b. With respect to onsite septic, the guidelines seem to only address situations where one additional bedroom is added to the property, either through the addition of an ADU that contains only one bedroom, or through the addition of a larger ADU in conjunction with converting bedrooms in the existing structure into other space (so that the total combined bedrooms in the primary and second residence equal no more than one greater than the originally permitted septic capacity). Please clarify the septic requirements if there is a net increase of more than one bedroom on a property as the result of ADU development, or whether the addition of more than one bedroom is

⁸ This list includes: the North Gualala Water Company (water), Gualala Community Services District (sewer), Anchor Bay County Waterworks (sewer), Point Arena Water Works (water), Irish Beach Water Company (water), Elk Community Services District (water), Pacific Reefs California Water District (water), Albion Mutual Water Company (water), Mendocino City Community Services District (sewer), Surfwood Mutual Water Corporation (water), Caspar South Water District (water), City of Fort Bragg (water), Fort Bragg Municipal Improvement District (sewer), and Westport County Water District (water and sewer).

⁹ In these 1989 guidelines, groundwater study requirements for creation of second residential units range from no investigation to a complete hydrological study, depending upon lot size and the respective DWR groundwater resource classification for the project area.

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prohibited on properties that rely on onsite septic systems. Please also clarify the septic requirements if a proposed ADU would not result in a net increase of bedrooms on a property.

- c. With respect to onsite septic, please confirm whether, for all ADUs (without exception), the guidelines require the property owner to hire a Qualified Site Evaluator to identify a replacement area that is sized to serve the total number of bedrooms originally in the primary residence plus the total number of bedrooms in the new second residence.
- d. Please confirm whether ADUs would only be permitted upon an affirmative response from DEH that the water and sewage disposal systems are adequate.
- e. Please clarify whether and under what circumstances the guidelines would apply to JADUs. If the development of a JADU triggered the need for a new well, water storage facility, or new or expanded leach field area, clarify whether the JADU would still be exempt from the need for a CDP.
- f. If an ADU triggered the need for a new well, water storage facility, or new or expanded leach field area, please clarify whether these improvements could be permitted through the proposed ministerial CDP process, or whether they would be exempt from the need for a permit or require a separate administrative or standard CDP.

C. OTHER COASTAL RESOURCES

13. Environmentally Sensitive Habitat Area (ESHA): Coastal Act §30240 requires that development in areas adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade such areas and be compatible with the continuance of such habitat areas. LUP Policy 3.1-7 implements this policy in part by requiring a 100-foot-wide buffer area adjacent to all ESHA. Proposed CZC §20.458.045(A) prohibits ministerial CDPs for ADUs within 100 feet of the boundary of an ESHA unless contained entirely within an existing legally-authorized structure (this standard is also proposed to apply to development associated with an ADU). Please clarify how the County will determine the presence or absence of ESHA for the purpose of implementing this proposed standard.
14. Visual resources: Coastal Act §32051 requires development to be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural landforms, and be visually compatible with the character of the surrounding area (and subordinate to the character of the setting in designated highly scenic areas). To protect visual resources, proposed CZC §20.458.045(C) prohibits ministerial CDPs for publicly visible ADUs located within highly scenic areas. To allow us to better communicate the location and extent of designated highly scenic areas to our Commissioners, please provide a one-page map of the entire coastal zone that highlights the highly scenic areas (similar to the map of AG, RL, FL, and TP lands included as Attachment 8 in the PC packet for the subject amendment). Because the visual resource protections of the Coastal Act

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apply to all permitted development including development outside of highly scenic areas, please also explain how visual resources would be evaluated and protected for ADUs permitted outside of highly scenic areas consistent with Coastal Act §32051.

15. Archaeological resources: Coastal Act §30244 requires reasonable mitigation measures where development would adversely impact archaeological resources. No archaeological resource standards are included in proposed CZC Chapter 20.458. Please explain whether the County considered including an archaeological resource standard in proposed CZC §20.458.045, such as a requirement for discretionary permit review of ADUs on known sensitive sites, and explain how, without such a standard, the County will ensure the protection of archaeological resources in the ministerial approval of ADUs.
16. Coastal hazards: Proposed CZC §20.458.045(H) requires discretionary CDP review (i.e., prohibits ministerial CDPs) for ADUs in areas designated as Floodplain ("FP") Combining District, Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District. To help us better understand the potential impact and geographic application of this standard, please provide a map identifying where the FP, DL, and SS Combining Districts apply.

D. REQUESTS ADDRESSING MULTIPLE RESOURCES & CUMULATIVE IMPACTS

17. Area of impact: To help us understand the potential cumulative impact and geographic application of this amendment, please provide (a) a list of the land use designations and zoning districts where ADUs would be permitted under the proposed amendment (i.e., all districts and designations which allow single-family residences); (b) a map (or set of maps) highlighting the areas of the County where ADUs would be permitted under the proposed amendment (as requested in our pre-submittal comment letter); (3) a breakdown of land use designations and/or zoning districts in the County's coastal zone by acreage and number of APNs; and (4) if available, the number of parcels/APNs in the coastal zone developed with existing residences.¹⁰
18. Questions regarding the distribution of ADUs: As proposed, the LCP amendment would allow 500 ADUs and an unlimited number of JADUs (outside the Gualala Town Plan area and Town of Mendocino planning area) in the coastal zone in any zoning districts that allow residential uses, including on resource lands (AG, RL, FL, and TP Districts), without consideration of urban/rural boundaries and/or service district boundaries, and without regional allotments or limitations based on adequate water, septic, or traffic capacity, and/or potential cumulative impacts on capacity. Given that the County is proposing a significant limit on the number of allowable ADUs, we question why the County is not proposing provisions to distribute these allowable units in ways that better ensure protection of coastal resources, adequacy

¹⁰ Understanding the number of parcels/APNs in the coastal zone with existing residences would help us better understand how many potential JADUs could be permitted under the proposed amendment. Understanding the number of existing residences would also help put the proposed 500-unit cap on ADUs into perspective (see Request # 9).

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of services, concentration of development, and protection of urban-rural boundaries consistent with Coastal Act §§30241, 30250 and 30254, and parallel LUP policies. Regarding this issue, as requested in our June 2019 pre-submittal comment letter, please explain why the County is not proposing to:

- a. prioritize ADUs within or limit ADUs to designated urban areas of the County and/or areas within service district boundaries¹¹ in order to promote infill and allow for higher density growth in existing urban areas and/or areas with services;¹²
- b. prioritize ADUs within or limit ADUs to residential zones where agricultural and timber resources can be avoided (i.e., discourage or prohibit in AG, RL, FL, and TPZ Districts) to promote infill in existing residential neighborhoods;
- c. assign regional allotments of ADUs under the County-wide cap to avoid concentrations of ADUs and resulting cumulative impacts to services beyond local/regional capacity; or
- d. prohibit or further limit or restrict ADUs in subareas of the County's coastal zone where there is an identified lack of adequate water, septic or traffic capacity (e.g., critical water areas).

19. Standards for JADUs: Some of the health and safety requirements listed under proposed CZC §20.458.040 and all of the coastal resource protections listed under proposed CZC §20.458.045 do not apply to JADUs. Proposed regulations that would not apply to JADUs include but are not limited to (1) the requirement that DEH review and approve the availability and adequacy of the water and sewage systems [CZC §20.458.040(B)&(C)]; (2) the prohibition within designated special flood hazard areas [CZC §20.458.040(E)]; and (3) the requirement for a discretionary review process for ADU development within 100 feet of an ESHA, within 125 feet of the edge of a coastal bluff, within highly scenic areas, on prime agricultural soils, and in areas covered by FP, DL, and SS Combining Districts. As requested in our June 2019 pre-submittal comment letter, please provide the rationale for why these standards are not necessary for JADUs to ensure compliance with the policies of the certified LUP and in turn the Chapter 3 policies of the Coastal Act.

General Clarifications on Amendment Provisions

20. Allowance for ADUs in the floodplain: Proposed CZC §20.458.040(E) appears to conflict with proposed CZC §20.458.045(H), because §20.458.040(E) prohibits ADUs in designated special flood hazard areas, while §20.458.045(H) allows ADUs

¹¹ Urban/rural boundaries and service district boundaries are delineated on the certified LUP maps. LUP maps of Westport, Fort Bragg, Irish Beach and Manchester all include urban/rural boundaries that designate urban areas in the unincorporated County.

¹² Concentrating ADUs near jobs and services also makes sense given that one of the main hurdles to permitting more ADUs in the County is highway capacity, and ADUs located near jobs and services will generate fewer vehicle miles traveled than ADUs located in more rural areas of the County's coastal zone.

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in areas designated FP Combining District (which applies to special flood hazard areas) through an administrative or standard CDP process. Please clarify whether ADUs are outright prohibited in special flood hazard areas or whether they are allowed through a discretionary review process.

21. Clarification on ADU and JADU allowances in Gualala: Please clarify whether JADUs permitted in the Gualala Town Plan Area are exempt from the 100-unit cap. Please also clarify whether qualifying properties in Gualala are allowed one JADU in addition to one ADU, or whether properties are limited to an ADU or a JADU. In addition, please explain why the County is not proposing to update existing floor area limitations for ADUs in the Gualala Town Plan Area consistent with current state ADU law.
22. Clarification on JADUs: Under proposed CZC §20.308.065(A), a JADU is defined in part as a living space contained entirely within a legally-authorized single-family dwelling. Proposed CZC §20.532.020(G) exempts a JADU from the need for a CDP if the JADU is consistent with the requirements of Chapter 20.548. With respect to JADUs, please clarify:
 - a. whether the creation of a JADU may involve improvements elsewhere on the property (e.g., improvements to driveways and onsite water and septic systems); the conversion of nonhabitable space (like an attached garage) into habitable space; and/or the addition of a bedroom (i.e., the conversion of a portion of a residence without an existing bedroom into a JADU).
 - b. (1) whether all applications for a JADU will either be exempt from the need for a CDP or denied as inconsistent with Chapter 20.548; or (2) whether JADUs in any circumstances would require CDP authorization.
 - c. whether and how JADU development could be tracked and reported to evaluate service capacity impacts given the CDP exemption.¹³
23. Processing of ministerial CDPs for ADUs: Based on proposed CZC §§20.532.015(B) and 20.536.001(A), it appears that ministerial CDPs for ADUs will be approved based on consistency with proposed Chapter 20.548. As requested in our June 2019 pre-submittal comment letter, please clarify whether the County's findings for approval of a ministerial CDP would only address consistency with Chapter 20.548, or whether the County would also make findings outlined in CZC §20.532.095 ("Required findings for all CDPs") and in §20.532.100 ("Supplemental Findings") as applicable.
24. Relationship to adopted categorical exclusion order: The County has a certified categorical exclusion order that excludes from CDP requirements certain residential construction, water wells, and septic systems in certain geographic areas. Please explain whether the County believes any ADU and/or JADU development, including any associated well and septic improvements, would be exempt from the need for a

¹³ Tracking of JADU development seems critical to developing an understanding of impacts on SR 1 capacity.

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CDP in those geographic areas pursuant to the categorical exclusion order; and if so, under what circumstances.

Outreach, Noticing, and Response to Public Comments

25. Tribal outreach: The County's application indicates that the County contacted the Native American Heritage Commission for a tribal consultation list and mailed notification of the amendment to tribal representatives on May 3, 2019. Please clarify whether any responses were received regarding the County's referral or whether any further correspondence occurred with tribal representatives regarding the subject amendment.
26. Noticing list: To allow the Coastal Commission to notice all interested parties of upcoming actions on the proposed amendment, please provide a mailing list associated with the local public hearings that were held for the LCP amendment, including a list of all names and addresses of those who were sent public hearing notices. Please also provide the contact information (home and/or email addresses), if available, of any persons who participated during the local review process. Finally, please provide a mailing list for all other interested persons and public agencies listed under §13515(a) of the Coastal Commission's administrative regulations,¹⁴ whether notified directly by the County or not.
27. Public comment: To address the public participation requirements of the Coastal Act and CEQA, CCR §13552(a) requires LCP amendment submittals to include a list of members of the public, organizations, and agencies appearing at any hearing or contacted for comment on the LCP amendment; and copies or summaries of significant comments received and of the local government's response to the comments. The County's application submittal appears to include all written comments received on this amendment as well as minutes from the November 2019 Board of Supervisors (BOS) hearing that include a list of members of the public who spoke at that hearing. Please provide: (1) a list of public speakers from the July 2019 Planning Commission (PC) hearing on the proposed amendment; (2) information on the nature and content of oral comments received at both the PC and BOS hearings (or transcripts or videos of the hearings); and (3) a response to oral and written public comments.

2020 Amendments to State ADU Law

28. Changes to ADU law: Since the proposed amendment was adopted by the County in November 2019, Government Code §§65852.2 and 65852.22 regarding ADUs

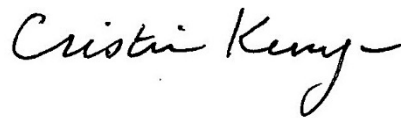
¹⁴ §13515(a) states, "At a minimum, all notices for public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the preparation of the LCP or LRDP shall be mailed to: (1) any member of the public who has so requested; (2) each local government contiguous with the area that is the subject of the LCP or LRDP; (3) local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the LRDP; (4) all of the state and federal agencies listed in Appendix A of the Local Coastal Program Manual; (5) local libraries and media; and (6) other regional or federal agencies that may have an interest in or be affected by the LCP. Any reference in this subchapter to "interested parties" or "public agency" shall include the aforementioned persons or groups."

Julia Acker Krog – County of Mendocino
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and JADUs have been amended (effective January 2020). It appears there may be inconsistencies between the proposed amendment and the new provisions of the law that the County may want to address, including but not limited to with regards to floor area limitations, separate sale and conveyance, definitions (e.g., efficiency kitchen), parking requirements, and permitting deadlines. Please clarify whether the County would like any inconsistencies addressed through friendly suggested modifications.

After the above-listed materials have been received, the application will again be reviewed and will be deemed submitted if all is in order (CCR § 13553). Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above information request. Thank you in advance for your cooperation and don't hesitate to contact the North Coast Office at NorthCoast@coastal.ca.gov with any questions.

Sincerely,
Robert Merrill
District Manager



CRISTIN KENYON
Supervising Analyst