

OCT 20 2021

Dear Commissioners,

I submitted public comments and photos in July as I was very concerned about this project. Many neighbors and community members had/have the same or similar concerns. I also submitted public comments for the September 2 hearing that was canceled as Cindy Kung, the owner, was out of the country and unable to attend the Planning Commission hearing.

I am submitting public comments again as I found out that not only this property located at 32125 Albion Ridge "G" Road, but another property at 32291 Albion Ridge Road was recently purchased by the owner and is also designed to become a short term rental property. Both were purchased in an auction. Additionally the owner also owns or owned another Albion property located on 1492 Navarro Bluff Road that I believe has been red-tagged due to permit violation. It could be that this is no longer a property belonging to the owner. It is interesting to note that Cindy Kung and her husband who I believe own a LLC property development company want to retire to both Albion Ridge properties. I wonder if they also intend to retire to all the other properties they own or owned in the past. I wonder how many will become or have become short term rentals or 2nd homes. Some of Cindy Kung's previous addresses are listed below. If listed twice, it concerns 2 different properties. If these got sold or are rented out I do not know.

Alhambra, Los Angeles County (May 2020 - May 2021), Tuolumne County (Jan 2019 - Jan 2021), Vacaville, Solano County (Jan 2021), Napa, Napa County (Jan 2019 - Jan 2020), Albion, Mendocino County (Jun 2018 - Jan 2020), American Canyon, Napa County (Jan 2020), Albion, Mendocino County (Jun 2018 - Jan 2020), Fairfield, Solano County (Dec 1969 - Jun 2017), Fairfield, Solano County (Apr 2015), Vallejo, Solano County (Dec 2014), Vallejo, Solano County (Dec 1969 - May 2013), Diamond Bar, Los Angeles County (Nov 2012), Pomona, Los Angeles County (Jun 2010), San Francisco, San Francisco County (Sep 2006), Pomona, Los Angeles County (Jun 2005 - Sep 2005), Rowland Heights, Los Angeles County (Feb 2004), Alhambra, Los Angeles County (Jun 1988 - Sep 1993), Chino Hills, San Bernardino County (Aug 1993).

One of the problems with this short term rental is that the owner does not live on the property. Cindy Kung and her husband live in Vallejo (4 hours away). The rural residential zoned properties along G Road South have been owned/lived on for the last 20-45 plus years. Neighbors should not have to contact code enforcement and worry about issues caused by tourists with a landlord that is not on site. When a local who had no knowledge of tree cutting cut the trees and burned slash the fires were not supervised at times and neighbors had to call the fire department when things got out of hand.

The Western Soil Classes Attachment L do show where the Shinglemill-Gibney Complex is located (Pygmy Vegetation and Pygmy Capable Soil, 199 and covers almost half of the property). The Sierra Club in 1993 commanded the Commission to confer Environmentally Sensitive Habitat Area (ESHA) status on pygmy forest areas. See Sierra Club v. California Coastal Commission

<https://law.justia.com/cases/california/court-of-appeal/4th/12/602.html>

The County recognizes pygmy forest as a unique ecosystem with the potential of being adversely impacted by development unless strict controls are applied and that pygmy forests that contain species of rare or endangered plants are to be accorded ESHA status and that they need to be protected. Any development including vegetation removal degrades and

destroys the pygmy forest. Nutrient-laden discharge from septic systems undoes many millennia of natural leaching. Habitat which is both (1) "rare or especially valuable" and (2) "easily disturbed or degraded by human activities and developments" is an ESHA. The Coastal Act restricts development within ESHAs to only those uses that are dependent on the resource, and requires that ESHAs be protected against significant disruption of habitat values. It also requires that development in areas adjacent to ESHAs and parks and recreation areas be sited and designed to prevent degradation of those areas and to be compatible with the continuance of those habitat and recreation areas. The required development setback from an ESHA is commonly 100 feet. New development on parcels with pygmy vegetation shall be located in the least environmentally damaging locations and shall minimize the removal of native vegetation and alteration of natural land forms. The photos show that already a lot of damage has happened to this site.

Cindy Kung kept planting plants that kept being eaten by animals (deer, raccoons, etc.). It seems that what Cindy Kung and her husband have done to their property shows that they have no understanding or willingness to learn about being in harmony with plants, animals, and water issues. The native trees that have been there for many years used to provide shade, prevent soil from drying out, as well as support the wildlife. This is now no longer possible. There used to be a pond/marshy area attracting wildlife at the corner of G Road North and Albion Ridge Road which flowed underground into the area along the east side of G Road South. At the south end of Cindy Kung's property the little creek continues on into the forest. Where is the Attachment showing what waterways are close by?

Planting new trees that need lots of water during a drought and with limited water availability seems to make no sense. In addition this property is in a High Fire Zone and a Critical Water Area. Tourists do not realize the necessity to save water. Many local wells ran dry this summer. A storage tank should be required for this property.

<https://www.mendocinobeacon.com/2021/08/05/california-drought-dozens-of-communities-are-at-risk-of-running-out-of-water-2/>

Half of the property is in the Shinglemill-Gibney Complex (pygmy soil). Flowers like the trillium I submitted in a photo in July are reminders that with the clear cut they will disappear as well. Planting non native trees are much harder than planting native trees. Planting sycamore, ginkgo, olive and maple trees and lots of flowers in pygmy soil will not work. Maple trees need shade which is not possible to find now after the clear cut. Sycamore trees are vulnerable to diseases (mildew fungus, bacterial leaf scorch, and insect pests). A recent study has found that animals that have eaten sycamore seeds can develop a fatal muscle disease. Normally these trees grow fast and get wide and tall and the roots could interfere with the septic system unless placed far away from any structure.

By allowing this Visitor Serving Facility close to half of the property that could be grazing land would be used otherwise. This property could also be used as a commercial property for farming. See farmland Attachment K.

With Vacasa, a vacation rental management, there is no assurance that tourists staying in one of Cindy Kung's short term rentals will know anything about the issues related to country living (dead end road, fire danger, limited water availability, drought & noise issues, relationships to plants & animals, etc.)

OCT 20 2021

Planning & Building Services

Due to the clearcut the neighbors have no visual and auditory privacy anymore.

It is ridiculous to mention that Vacasa would be essential to this small town. What small town? Since when is Albion a small town? Should we now be grateful that Vacasa helps to support the economy of the towns that they operate in and that they hire many workers. What about the staff that the hospitals, dentists, schools, etc. would like to hire and can't as there are no rentals available for local people wanting to work for local businesses. A local nurse slept in her car as she could not find a rental.

Between Albion and Inglenook there are over 40 hotels/motels, 12 Bed & Breakfast Inns and over 300 AirBnB's. 106 of those are 1, 2, or 3 bedroom stand alone, single family homes with full kitchens. Many allow pets. Almost all rentals in the same area are now AirBnB's, Vrbo's, or Hip Camps. Albion community members had to involve our Supervisor, code enforcement, and the local fire department to bring attention to dangerous situations mostly in 2 Albion Hipcamps. In the same area there are currently three residential rentals listed on craigslist, none online in the Mendocino Beacon and Advocate News newspapers. One local woman that could not find housing got so sick worrying about having to move that she died shortly after being kicked out. Many people who lived here for many years had to move and workers have to commute from outside of the area to work here. Many businesses have a Help Needed sign, but can not find help as rentals are not available.

The owners seem to lack a relationship with the neighbors and nature. All Cindy Kung and her husband seem to care about is extracting wealth. Cindy Kung describes in her Zoom statement how happy she is to be able to offer tourists a chance to visit this area. It is even possible that the inland Planning Commissioners are unaware of this local emergency even though rentals are hard to find even inland after the fires. It is unfortunate that the inland commissioners most likely do not realize how this short term rental on G Road South in Albion would impact the neighborhood.

Where is the Natural Diversity Database Attachment listed on the original application? It needs to be included in this application. The original application basically showed no information. Most of the answers to the questions were marked N/A.

<https://www.mendocinocounty.org/home/showpublisheddocument/40972/637503846693630000>

At the July 15 Planning Commission hearing all of a sudden the planner informed the Commissioners and the public that guests would also use the 200 sq. ft. detached bedroom, a structure built on peer blocks with no permit, never brought up to code, and too close to G Road according to current standards. The application reflects the desire to use the existing single family residence as a short-term rental per Mendocino County Code Section 20.164.015 (L): Room and Board. Using the 200 sq. ft. detached bedroom, a structure built on peer blocks with no permit, never brought up to code, and too close to G Road according to current standards seems to contradict the application and staff report.

The Mendocino County Grand Jury reported this year on Need for Housing and Homelessness clearly pointing out to the emergency situation. It does unfortunately not address the problems caused by short term rentals like Airbnb, Vrob, Vacasa, and

OCT 20 2021

Planning & Building Services

Hipcamp. <https://www.mendocinocounty.org/government/grand-jury/2020-2021-reports>

We have a housing crisis in this County as the Commissioners confirmed during the hearing on July 15, 2021. The situation is so dire that we can not wait for the County to come up with Guidelines in the next 2-3 years. Denying a Major Use Permit such as this one would give a message to a LLC property development company to provide a long term rental to local people or at least to live on site.

According to the California Code of Regulations (Last Updated: August 6, 2014), Title 14. Natural Resources, Division 6. Resources Agency, Chapter 3. Guidelines for Implementation of the California Environmental Quality Act, Article 19, section 15301 Categorical Exemptions Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized are not intended to be all-inclusive of the types of projects which might fall within Class 1.

The key consideration is whether the project involves negligible or no expansion of an existing use. The effects of this project are not negligible and it would expand the use beyond that existing at the time of the lead agency's determination.

http://carules.elaws.us/code/t.14_d.6_ch.3_art19_sec.15301

2021 California Environmental Quality Act (CEQA) Statute and Guidelines (califaep.org)

c) Widening of G Road South is a mayor alteration to a 1.22 acre property and neighboring properties in a rural residential zone.

B) The area is environmentally sensitive. Only a biological evaluation for a MND will determine that.

g) A two sq.ft. sign indicating a vacation home rental would be new and does not fit into the neighborhood that is inhabited by local citizens.

Please deny this Major Use Permit as it does not meet the requirements of a Major Use Permit. It is detrimental to the health, safety, peace, morals and general welfare of people residing or working in or passing through the neighborhood of such proposed use or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county according to Mendocino County Code 20.196.020 C.

This project needs at a minimum a Mitigated Negative Declaration (MND). A MND would assess Biological, Water, Cultural, Socioeconomic, Recreational, and Visual Resources; as well as Hydrology; Soils & Geology; Air Quality & Greenhouse Gas Emissions; Noise; Health & Safety; Land Use & Planning; Transportation; Population and Housing. Only a MND will analyze the cumulative (as well as direct) impacts of the project (including the project as a whole) on the environment (plants, animals, and people) and protected resources.

A Major Use Permit is not good enough. This project can not be categorically exempt from environmental review.

I am objecting to the ATTACHMENT B – SUMMARY. It only reflects 2-3 issues voiced by Vivian Reading and myself based on a 3 minute speech. What about the 21 public comments by community members that lawyer Terry Gross summarized in her letter? As Liz Helenchild

in her public comments listed it is not only the distance to law enforcement that could be challenging, also access to emergency services.

It is crucial that Commissioners allow the public to speak at the upcoming hearing as many new discoveries have been addressed in public comments since July 15. The fact that Roberta Belson owns the flagpole property and all neighbors pitch into the maintenance of the road was not addressed in the staff report.

Lawyer Terry Gross clarified that an accessory use to a residence where a property owner does not live, must be denied. The need for "comfort and general welfare" of the neighborhood needs to be considered by the Commission. In addition transient traffic during a drought during high fire danger constitutes a nuisance and is detrimental to health, safety, peace & general welfare. Terry Gross makes it clear that short term rentals disrupt the neighborhood's peace, comfort & safety, and the application is inconsistent with the General Plan and County Zoning Codes and fails to preserve the integrity of the Zoning District. Also the access road is inadequate.

The 6 Use Permit Findings and recommended 25 Conditions of Approval are not sufficient to be consistent with the Mendocino County General Plan and would not preserve the integrity of the zoning district, even if certain accessory uses would be allowed. They are also not sufficient as far as the environmental effects as a whole are concerned.

9 there should be no use of the detached bedroom. It was not requested by the owner, but only suggested after the fact by the planner.

11 seems very vague

14 should mention 40 dBA instead of loud noises.

24 once the log decks and stumps are removed no one will know if the logs were sold, traded, or bartered for. The owner was only able to cut down the trees under the condition that they are for their own use and not sold, traded or bartered for.

Sincerely, Annemarie Weibel
Mendocino Coast resident since 1978,
Albion resident since 1983

10-20-2021

Mendocino County

OCT 20 2021

Planning & Building Services