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MEMORANDUM

DATE: February 10, 2022
TO: Coastal Permit Administrator Gonzalez
FROM: Jessie Waldman, Planner II
SUBJECT: CDP_2020-0022 (Irwin) Revisions to recommended Conditions of Approval

On February 9, 2022, Planning Staff received comments from the California Native Plant Society (CNPS) and California Department of Fish and Wildlife (CDFW), recommending further conditions of approval and regarding future development and possible risks of adverse environmental effects.

Upon review of comments received from CNPS and CDFW, Planning Staff has prepared the revisions to the recommended conditions of approval all to concur with CNDP and CDFW, with the exception of CNPS recommendation for a 100% survival rate of Bishop Pine Forest due to the hardship and time to attain this recommendation. And where CDFW approves the 80% survival rate of Bishop Pine Forest. A restoration plan will need to be approved by CDFW as stated in the revised recommended Condition of Approval 15, item k, prior to ground disturbance, building permit and/or septic permit associated with this Coastal Development Permit.

In addition to these revisions, Planning Staff recommends additional revisions to multiple conditions of approval as shown below.

Revisions to Recommended Conditions of Approval 11, 12, 14 and 15:

11. Prior to issuance of a Building Permit, the property owner shall furnish exterior finish schedule consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.015(C), for approval from the Coastal Permit Administrator ~~or~~ to the satisfaction of the Director of Planning and Building Services or their designees.
12. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.035, for approval from the Coastal Permit Administrator ~~or~~ to the satisfaction of the Director of Planning and Building Services or their designees.
14. ** Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021, California Department of Fish and Wildlife (CDFW) and the California Native Plant Society (CNPS). In order to provide for the protection of the portion of the parcel subject to Development Limitation Combining District, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
 - a. Vegetation removal, especially along the western and southern portions of the parcel, particularly the portion of the parcel subject to Development Limitation Combining District, with the exception of that requires for the construction of the single-family residence, garage and ground mount solar, including the installation of the on-site septic system and driveway access, in its approved building location, is not permitted with this Coastal Development Permit; and
 - b. Request for additional vegetation removal on the subject parcel will require a separate Coastal Development Permit and will be reviewed on its own merits; and

- c. Future development of the subject parcel, including additional development and accessory development, not limited to vegetation removal, shall maintain a 50 foot buffer to all identified ESHA or require a separate Coastal Development Permit and will be reviewed on its own merits. Conservation of the remainder of the bishop pine forest (BPF) on the parcel. The remaining bishop pine stands shall be preserved to reduce the cumulative impacts of the BPF stand, which has already been impacted through the development on adjacent parcels and will likely be further impacted by development on undeveloped parcels.
15. ** Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, California Department of Fish and Wildlife (CDFW) and the California Native Plant Society (CNSP). In order to provide for the **protection of Bishop pine and Grand fir trees**, Section 6 Assessment Summary and Recommendations/Mitigations and Appendix D: Reduced Buffer Analysis of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon, 6.5), the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- a. The regeneration of the Bishop pine trees is low within the Study Area (3 trees under 6" DBH), most likely due to the lack of sunlight and that Bishop pinecones are serotinous (need fire to open and germinate) Typically, the lack of fire resulting in excessively thick understory vegetation and duff layers inhibits seed germination and recruitment. The regeneration of the Grand fir trees is high with 93 trees under 6" DBH; and
- b. It is recommended that there is sufficient regeneration to replace the Grand fir trees that are proposed for removal and to not replant due to the available space and sunlight on the rest of the 5.09-acre parcel; and
- c. It is recommended that the remediation of the removed 68 Bishop pine trees over 7" DBH be a 1:1 replacement based on available space and sunlight on the remainder of the parcel. Placement of Bishop pine saplings shall be where there is sufficient sunlight to aid in growth over five (5) years; and
- d. Bishop pine individuals shall be replaced with saplings obtained from local stock in the area. Planted Bishop pine saplings should be planted by hand, with workers using hand tools and/or digging through the soil with a portable augur without the usage of heavy construction machinery that could trample and/or compact ground layer plants and underlying soil. Newly planted Bishop pine individuals should be protected by "protective tubes"; and
- e. An 80% survival rate for the newly planted replacement Bishop pine trees shall occur and be monitored for five (5) consecutive years annually in October by a qualified biologist. Results of restoration activities shall be submitted to CDFW, the County and the California Coastal Commission on an annual basis no later than December 31 for each of the five (5) monitoring years (2021 through 2025, for example, if construction begins and this Plan's mitigation measure actions are initiated by spring 2021). CDFW may provide comments on each annual summary letter and require planting of new Bishop pine trees based on results noted in each of the annual summary letter. For example, in In the event that an 80% survival rate of the Bishop pine trees is not achieved in the first five (5) years, the monitoring period will be extended until compliance is demonstrated; and
- f. Supplemental watering will be conducted if necessary, as well as thinning if necessary, to release crowded individuals for more rapid tree growth. During the monitoring visit, the qualified biologist will remove any non-native species that may have encroached within the Project Area; and-
- h. Conservation of the remainder of the bishop pine forest (BPF) on the parcel. The remaining bishop pine stands shall be preserved to reduce the cumulative impacts of the BPF stand, which has already been impacted through the development on adjacent parcels and will likely be further impacted by development on undeveloped parcels; and
- i. To minimize long-term significant net loss of BPF ground layer vegetation, the Restoration Plan shall include revegetation with native understory plants as part of the BPF restoration effort. Species composition of the ground layer shall include either the pre-project existing species, or the species composition of another local reference stand with higher species richness. Local stock (divisions, seed) should be used to avoid introduction of pests or pollution of local population genetics. Planting density and final (5 yr) absolute cover should not differ significantly from existing BPF on the parcel; and
- j. Following the receipt of the final year monitoring report, a site visit shall be conducted by CCC and CDFW to ensure that mitigation efforts were achieved.
- k. Prior to issuance of any ground disturbance, building permit and/or septic permit associated with this Coastal Development Permit, the applicant shall install and furnish evidence to the Planning and Building Services a

Restoration Plan which clearly indicates:

- i. All existing and proposed development on the parcel; and
- ii. Locations of species and size of trees to be removed and where trees will be planted and
- iii. To the satisfaction of CDFW to ensure that tree removal is designed to have the least impact feasible on BPF and restoration efforts will be successful.