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July 28, 2023

PUBLIC HEARING NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, August 10, 2023, at 11:00 a.m. will conduct a public hearing on the following project located in the Coastal Zone at the time listed or as soon thereafter as the item may be heard. This meeting will take place at the Planning and Building Services Conference Room, located at 860 North Bush Street, Ukiah and Virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo. In lieu of personal attendance, the public may participate digitally in meeting by sending comments to: pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas.

CASE#: CDP_2017-0010 & V_2022-0005

DATE FILED: 4/10/2017 **OWNER:** XIAOJIA MI

APPLICANT: WALEY ZHANG

AGENT: WYNN COASTAL PLANNING

REQUEST: Standard Coastal Development Permit to remove all (non-conforming) structures and construct well, pumphouse, two (2) water storage tanks and a replacement residence in the established footprint; restore habitat and reduce ESHA buffer by fifty feet; and after the fact approval to remove trees; and Coastal Development Variance to reduced front and rear yards, and reduce Corridor Preservation Setback on a parcel abutting State Route 1 and constrained by lot size and habitat area.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 1.5± miles north of the Fort Bragg center, on the west side of State Route 1 (SR 1), 0.4± miles north of its intersection with Airport Road (CR 424); located at 22530 N Highway 1, Fort Bragg; APN 069-232-05.

SUPERVISORIAL DISTRICT: 4 (Gjerde)

STAFF PLANNER: SAM 'VANDY' VANDEWATER

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to pbscommissions@mendocinocounty.org no later August 9, 2023 Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail at pbscommissions@mendocinocounty.org or telecomment, in lieu of personal attendance.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this

project. If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m.

JULIA KROG, Director of Planning and Building Services

STAFF PLANNER:

COASTAL PERMIT ADMINISTRATOR AUGUST 10, 2023 STANDARD CDP & VARIANCE CDP_2017-0010 & V_2022-0005

SUMMARY

OWNER:	XIAOJIA MI 3212 ALPINE DR FREMONT, CA 94555
APPLICANT:	WALEY ZHANG 3212 ALPINE DR FREMONT, CA 94555
AGENT:	WYNN COASTAL PLANNING 703 N MAIN ST FORT BRAGG, CA 95437
REQUEST:	Standard Coastal Development Permit to remove all (non-conforming) structures and construct well, pumphouse, two (2) water storage tanks and a replacement residence in the established footprint; restore habitat and reduce ESHA buffer by fifty feet; and after the fact approval to remove trees; and Coastal Development Variance to reduced front and rear yards, and reduce Corridor Preservation Setback on a parcel abutting State Route 1 and constrained by lot size and habitat area.
LOCATION:	In the Coastal Zone, 1.5± miles north of the Fort Bragg center, on the west side of State Route 1 (SR 1), 0.4± miles north of its intersection with Airport Road (CR 424); located at 22530 N Highway 1, Fort Bragg; APN 069-232-05.
TOTAL ACREAGE:	0.42± Acres (18,350± Square Feet)
GENERAL PLAN:	Rural Residential (RR5(2):U) Mendocino General Plan Coastal Element
ZONING:	Rural Residential (RR:5) Mendocino County Code
SUPERVISORIAL DISTRICT:	4 (Gjerde)
APPEAL JURISDICTION:	Appealable
ENVIRONMENTAL DETERMINATION:	Categorically Exempt
RECOMMENDATION:	APPROVE WITH CONDITIONS

SAM VANDY VANDEWATER

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit (CDP) application to remove all (non-conforming) structures and construct a replacement residence and pumphouse in established footprints. The new residence and pumphouse would be accompanied by a replacement well, septic system, and two (2) 2,500 gallon water storage tanks. The proposed project also seeks to restore Dune Mat ESHA that has been identified on the parcel. Due to the location of the ESHA of the subject parcel, the project includes a request for a reduction in the ESHA buffer from 100 feet down to 50 feet, as allowed by MCC Section 20.496. After the fact tree removal is also a component of the project request.

A Coastal Development Variance request was concurrently submitted with the CDP application to reduce the front and rear yard setbacks, as well as reduce corridor preservation setback along the section of the parcel abutting State Route 1 due to the constrained lot size and necessary buffer for the identified ESHA.

RELATED APPLICATIONS: The subject parcel does not have any other related applications that are significant to this proposed project. BF_2004-0121 was approved to replace an existing electric panel. Additionally, there are no surrounding parcels with related applications or parcels that would have any influence or impact on the proposed project.

SITE CHARACTERISTICS: The subject parcel is located in the Coastal Zone, roughly 1.5 miles north of the center of Fort Bragg, lying on the west side of State Route 1 (SR 1). The City of Fort Bragg borders the western and southeastern property lines of the subject parcel. The parcel is approximately 0.43± acres in size with little variation in slope and has several existing structures including a single-family residence, a pumphouse, and 2 sheds. Due to its size and the zoning district in which it is located, the subject parcel has front and rear yard setbacks of 20 feet and side yard setbacks of 6 feet. The parcel has minimal tree coverage and consists mostly of grasses and shrubs, including Dune Mat ESHA.

The parcel is located within the Fort Bragg Rural Fire Protection District, in addition to being under the protection of the California Department of Forestry and Fire Prevention. The parcel has marginal water resources, though a well currently exist and is proposed to be replaced with a replacement well, and is within the stormwater permitting zone.

SURROUNDING LAND USE AND ZONING: Table 1 summarizes the surrounding parcel information.

	Table 1: Surrounding Land Uses, Zoning, and Parcel Sizes					
	GENERAL PLAN	ZONING	LOT SIZES	USES		
NORTH	Rural Residential (RR5; RR2)	Rural Residential (RR5; RR2)	2 acres	Residential		
EAST	City of Fort Bragg	City of Fort Bragg	1 acre	Vacant		
SOUTH	City of Fort Bragg	City of Fort Bragg	7 acres	Industrial		
WEST	RR5; RR2	RR5; RR2	2 acres	Vacant		

PUBLIC SERVICES:

Access: State Route 1 (SR 1)

Fire District: Fort Bragg Rural Fire Protection District

Water District: None Sewer District: None

School District: Fort Bragg Unified School District

AGENCY COMMENTS: On November 10, 2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD CDP & VARIANCE

REFERRAL AGENCIES	COMMENT
Air Quality Management District	No Response
Assessor's Office	No Response
Building Division (Fort Bragg)	Comment
County Addresser	No Response
Department of Transportation (DOT)	No Comment
Environmental Health (Fort Bragg)	Comment
Fort Bragg Rural Fire Protection District	No Response
Planning Division (Fort Bragg)	Comment
City of Fort Bragg Planning Division	No Response
CalFire (Land Use)	No Response
California Coastal Commission	No Response
California Dept. of Fish & Wildlife	Comment
California Native Plant Society	No Response
CalTrans	Comment
Sonoma State University	Comment
US Department of Fish and Wildlife	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

LOCAL COASTAL PROGRAM CONSISTENCY

1. <u>LAND USE</u>: The subject parcel is located within the Rural Residential Land Use Classification, as defined by the Mendocino County General Plan – Coastal Element. Chapter 2.2 of the Coastal Element defines the Rural Residential Classification as,

"to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.

Principal Permitted Use: Residential and associated utilities, light agriculture, home occupation"

The proposed project to remove most of the existing structures, replace the residence, and construct a well, pumphouse, septic system and two (2) water storage tanks would be consistent with the intent and principal permitted uses of the Rural Residential Land Use Classification. The size of the parcel is not conducive to agricultural activities, but the use of the parcel for residential purposes, including associated utilities, is still in conformity with the intent of the Land Use Classification. Additional proposed work to restore the ESHA habitat would also be consistent with other chapters of the Coastal Element. The variance request for reduced setbacks would not conflict with the Coastal Element and would help to keep the project consistent with other components of the Coastal Element such as the Habitats and Natural Resources chapter.

2. ZONING: The subject parcel is located within the Rural Residential Zoning District and has a five-acre minimum but two-acre variable density (RR:5(2)); the actual size the parcel is roughly 0.43 acres. Mendocino County Code (MCC) Section 20.376.005 describes the intent of the RR Zoning District, which is "to encourage and preserve local small-scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability." Due to the size of the parcel, agricultural viability is limited.

The proposed project includes a new single-family residence, which is to be constructed in the footprint of the existing residence, along with associated utilities, is principally permitted within the RR Zoning District, pursuant to MCC Section 20.376.010(A).

The project includes a concurrent Coastal Development Variance which requests a reduction in front and rear yard setbacks from 20 feet down to 0 feet, as well as reduction of corridor preservation setback from 45 feet down to 30 feet. The variance is necessary for several reasons including lot size and presence of ESHA. With regard to lot size, the parcel is 0.43 acres while the zoning district requires a minimum of 5 acres; 2 acres for variable density if certain criteria are met. The standard setback for this size parcel, under the current zoning, is 20 feet for the front and rear yard setbacks and 6 feet for the side yard setbacks. With the addition of the corridor preservation setback of 45 feet from the centerline of SR 1, the front yard setback extends more than 30 feet from the front property line. Therefore, the size of the parcel is limiting in terms of the amount of buildable area in which development can occur.

The limitation on potential buildable area is further compounded by the presence of ESHA habitat for which the Coastal Element and County Code have additional regulations. Dune Mat ESHA is present along the western parcel boundary and wetland habitat is located offsite along the eastern parcel boundary, both of which necessitate a 100 foot buffer for all development. The County Code does provide standards that allow for development within the 100 foot buffer; a few requirements are that the development be sited in a way to prevent habitat degradation and it be sited in the most avoidance-conscious location that is feasible. Allowing the front yard setback and corridor preservation setback reductions through the concurrent variance would be a feasible way for the project to protect the identified Dune Mat ESHA. This would also be the most reasonable solution as the proposed residence would be using the footprint of the old residence. The proposed variance would not authorize any additional use and would only allow construction of the new single-family residence within the front yard and corridor preservation setbacks.

Maximum lot coverage for the RR Zoning District is twenty percent (20%) for parcels less than two acres in size; the proposed project would adhere to the required maximum lot coverage with a development footprint of 1,840 square feet, or 10% lot coverage of the 18,350 square foot parcel. The proposed height of the tallest structure (new residence) would be 27.75 feet, and thus consistent with the maximum building height of 28 feet for inhabited structures not within a Highly Scenic Area.

The project also proposes to improve the ESHA found on the parcel (i.e. Dune Mat) by restoring habitat for endangered vegetation that was observed during biological surveying. ESHA restoration is not a defined use type outlined in the County Code that is a permitted (or not), but such actions would be supporting goals and policies of the Coastal Element.

- 3. GRADING, EROSION, AND RUN OFF: While grading and site preparation will be required for the project, the proposed single-family residence would occur within an area that has previously been disturbed. The terrain at each location of development throughout the subject parcel is flat, with slopes well below 14 degrees. The new well and pumphouse, septic system, and water storage tanks would also require grading and/or minor ground disturbance that could have temporary run off impacts, but the use of best management practices has been included as a Condition #8. The project also includes a habitat restoration plan that will include invasive plant removal but should not result in any erosion or run off impacts. Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.4 and the requirements of Chapter 20.492.
- 4. HABITATS AND NATURAL RESOURCES: The subject parcel is located in an area designated as coastal prairie grassland by the LCP Habitat and Resources map (see attached map). A biological survey was completed for the project in January 2017, by Spade Natural Resources Consulting, including updates in 2021 and 2022. The survey found several ESHA including Dune Mat on the western edge of the parcel and an offsite swale/wetland ESHA parallel to the eastern parcel boundary, as well as two sensitive plant species: Howell's spineflower and dark-eyed gilia. The parcel also provides habitat for several sensitive wildlife species, such as Globose dune beetle, though said habitat is the aforementioned Dune Mat ESHA. MCC Section 20.496.020(A)(1) requires a 100 foot buffer from all ESHA for any type of development, except the California Department of Fish and Wildlife (CDFW)

can agree to a decrease of the buffer from 100 feet down to 50 feet. The applicant provided a reduced buffer analysis for the proposed project and CDFW's consideration, but staff determined such analysis and request to CDFW to be superfluous as development would be occurring less than 50 feet from identified ESHA regardless. The recommendations of the survey have been included as **Condition #9**.

MCC Section 20.496.020(A)(4) sets forth the requirements for projects that are developed in the ESHA buffer, though not within the ESHA itself. Due to the size of the parcel and location of ESHA, development will always occur inside the identified 100 foot ESHA buffer, but not necessarily within in the ESHA itself. The project includes demolition of most existing structures, replacement of the residence and construction of associated utilities, and restoration of the Dune Mat ESHA. The demolition and new development are compatible with the continuation of the Dune Mat ESHA as the removed structures would provide additional areas to be restored and fencing will be constructed around the habitat as part of the restoration efforts; this will limit foot tragic into the sensitive area. Additionally, the proposed residence is sited in the most feasible location, should the concurrent variance be granted, and is situated on the footprint of the old residence that will be demolished thus limiting overall impacts. The well, pumphouse and water storage tanks would be located within the rear yard setback to further support the Dune Mat ESHA buffer. Lastly, a component of the proposed project is to restore Dune Mat habitat meaning an increase in total ESHA on the parcel. **Condition #10** has been included to replace any sensitive or riparian vegetation that is lost due to any development.

The project also entails a concurrent variance to reduce the front yard setback and corridor preservation setback to allow the new residence to be constructed in the footprint of the old residence and the rear yard setback to accommodate the replacement well and pumphouse, as well as to increase distance between the development and the identified Dune Mat ESHA. As noted above, the reduction in setback requirements is necessary partially due to the size of the parcel, but also because of the existing ESHA observed during the biological surveying. Reduction of the setback requirements would help increase the ESHA buffer by allowing development to be located further from the Dune Mat habitat.

In addition to the proposed new residence and associated utilities, as well as concurrent variance, the project includes a habitat restoration component for the onsite Dune Mat ESHA. A Preliminary Restoration Plan was provided as part of the project and included as Exhibit A; adherence to the plan is required under **Condition #11**. The plan would attempt to remove competitive non-native invasive species (e.g. iceplant) and restore Dune Mat habitat supportive of Howell's spineflower, dark-eyed gilia, and the Globose dune beetle. Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.1 and the requirements of MCC Chapter 20.496

- 5. <u>HAZARDS MANAGEMENT</u>: The subject parcel is not associated with the following hazards: faults, floods, tsunamis, landslides, and/or blufftop topography. The parcel is located in an area classified with a "Moderate Fire Hazard" severity rating (see *Fire Hazards and Responsibility Areas Map*). Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Fort Bragg Rural Fire Protection District (FBRFPD). The project application was referred to CalFire and the FBRFPD for comment; no responses were provided by either agency. Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.4 and the requirements of MCC Chapter 20.492.
- 6. <u>ARCHAEOLOGICAL AND CULTURAL RESOURCES</u>: As a Coastal Development Permit, the proposed project is subject to the requirements of MCC Chapter 22.12 regarding archaeological resources. The project was referred to the Northwest Information Center (NWIC) at Sonoma State University for review of the subject and surrounding parcels, and a response was provided. The project and NWIC response were scheduled for review by the Archaeological Commission at their June 9, 2021, hearing date. The Archaeological Commission approved the project without requiring additional surveying but requested the Discover Clause. **Condition #12** requires the Discovery Clause be adhered as part of the proposed project.

The project also was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. As of the writing of this report, no response has been received from any of the three tribal agencies. Staff finds the proposed project would be consistent with the policies of Coastal Element

- Chapter 3.5 and the requirements of MCC Chapter 22.12.
- 7. <u>VISUAL RESOURCES, SPECIAL TREATMENT AREAS</u>: The parcel is not located within an area designated as "Highly Scenic" and is thus not subject to the requirements of MCC Section 20.504.015.

As new development is proposed as part of this project, the requirements of MCC Section 20.504.035 are applicable. The language of this section is to ensure that the potential new sources of light are established in a manner in which they do not impact neighboring parcels nor dark sky policies. These regulations have been included in the Conditions of Approval as **Condition #13**. Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.5 and the requirements of MCC Chapter 20.504.

- 8. GROUNDWATER RESOURCES: The parcel is located within an area designated as "Marginal Water Resources" and is subject to the requirements of MCC Section 20.516.010. Specifically, MCC Section 20.516.010(A) notes that new subdivisions and additional building sites must demonstrate proof of water pursuant to the requirements of the 1982 Mendocino Coastal Groundwater Study. However, the parcel has already been developed with a residence and accompanying well for its source of water. The applicant proposes to replace both the residence and the associated well; the new residence would be constructed in the same building site as the existing residence thus no/additional building site would be established. The new well and two (2) water storage tanks are located to the north of the residence and the new septic system to the south. Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.8 and the requirements of MCC Section 20.516.010(A).
- 9. TRANSPORTATION/CIRCULATION: The proposed project is located along State Route 1 (SR 1) but gains access from a neighboring driveway, which itself gains access from SR 1. An additional driveway had previously been established at the northern end of the parcel along SR 1. The proposed project is, among other things, to replace the existing residence with new construction. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element Land Use Classifications were assigned. The project was referred to the Mendocino County Department of Transportation (MCDOT) and California Department of Transportation (CalTrans) as part of the agency referral process; while MCDOT did not have any comments on the project, CalTrans requested that the northern driveway be abandoned for the southern (neighboring) driveway and access point. This request has been included as Condition #14.

The proposed variance, as a component of this application, would reduce the applicability of the requirement set forth in MCC Section 20.516.015(C)(2) which requires adherence to corridor preservation setbacks. A corridor preservation setback is to provide an appropriate space for state or county Departments of Transportation to expand roadway corridors without impacting development. The project was referred to the California Department of Transportation (CalTrans) as part of the agency referral process; the response from CalTrans did not express concerns regarding the reduction of the corridor preservation setback. Therefore, the request to reduce to corridor preservation setback would not result in any regulatory or safety issues. Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.8 and the requirements of MCC Section 20.516.015.

ENVIRONMENTAL DETERMINATION

The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. The Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Sections 15301, 15302, 15303, and 15333 as follows:

• Section 15301: 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 existing or former use. Included in the various examples is Class 1(1)(4) which provides for the demolition of structures including accessory structures to single-family residences. The project proposes to demolish several outbuildings on the parcel without reconstruction.

- Section 15302: Class 2 consists of replacement or reconstruction of existing structures and facilities
 where the new structure will be located on the same site as the structure replaced and will have
 substantially the same purpose and capacity as the structure replaced. The project proposes to
 reconstruct the single-family residence on the same site as the previous single-family residence
 with negligible change in the footprint.
- Section 15303: Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. A replacement well, pumphouse, septic system, and two (2) water storage tanks are proposed to be constructed as part of the project to support the proposed single-family residence.
- Section 15333: Class 33 consists of projects not to exceed five acres in size to assure the
 maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife. The
 project proposes to restore Dune Mat habitat which is considered an ESHA under the Coastal Act
 and Mendocino County LCP. The parcel as a whole is less than 5 acres and the proposed
 restoration meets all criteria of Class 33 Items (a) through (c).

RECOMMENDED FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, staff recommends that the Coastal Permit Administrator approve the proposed project and adopt the following findings and conditions.

RECOMMENDED FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), the project is in conformity with the certified Local Coastal Program. A single-family residence and associated utilities are principally permitted uses within the Rural Residential Land Use Classification and are consistent with the intent of the RR Classification. The restoration of ESHA habitat is also in conformity with and supported by the LCP; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the project is provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed project includes a replacement well and septic for utilities, and gains access from a driveway which accesses State Route 1. Drainage and other facilities would remain the same as what currently exists; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the project is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of the Mendocino Coastal Zoning Code, including development criteria for Environmentally Sensitive Habitat Areas, and preserves the integrity of the Rural Residential Zoning District. The proposed residence and associated utilities are principal permitted uses in the RR zoning district and are consistent with the requirements of the Environmentally Sensitive Habitat Area section of the County Code; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the project, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA), as the project was found to be Categorically Exempt from a review under CEQA under sections 15301, 15302, 15303, and 15333 of the Guidelines for CEQA; these section correspond with Classes 1, 2, 3, and 33; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the project would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site. The project was reviewed by the Archaeological Commission and Standard Condition #12 is in place for when archaeological sites or artifacts are discovered; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. Construction of a single-family residence and associated improvements are not

anticipated to significantly affect demands on public services such as access from State Route 1. A replacement well and septic system will be established to support the proposed residence; and

- 7. Pursuant to MCC Section 20.532.100(A), no development shall be allowed in an ESHA buffer unless the resource as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. The project seeks to reduce the required yard and corridor preservation setbacks for the proposed development which would allow a greater distance between new construction activities and the identified ESHA. Mitigation measures have been included as Condition #9 to ensure no impacts to sensitive any plants or wildlife; and
- 8. Pursuant to MCC Section 20.540.020(A), there are special circumstances applicable to the property involved including size, shape, topography, location, or surroundings. The subject parcel is uncharacteristically small for the prescribed Land Use Classification and Zoning District, as well as having ESHA and other unique vegetation that limits locations for development; and
- 9. Pursuant to MCC Section 20.540.020(B), the special circumstances are not due to any actions of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element. The subject parcel had its current configuration when the applicant purchased the land, and the Dune Mat ESHA was present which limited buildable areas; and
- 10. Pursuant to MCC Section 20.540.020(C), the variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the aforementioned special circumstances. If the variance to the setbacks is not granted, the proposed project would further encroach into the ESHA buffers and potentially into the protected habitat area thereby necessitating an environmental taking; and
- 11. Pursuant to MCC Section 20.540.020(D), the grating of such variance will not be materially detrimental to the public welfare of injurious to the property or improvements in such vicinity and zone in which the property is located. CalTrans provided comment on the location of the driveway and access onto State Route 1 but did not indicate any concerns regarding the reduction of the corridor preservation setback or the proposed construction of a new residence on the same footprint as the existing residence; and
- 12. Pursuant to MCC Section 20.540.020(E), the variance will not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel. The proposed variance is for reduction of yard and corridor preservation setbacks to allow the proposed residence to be constructed closer to the parcel boundary that would normally be permitted. No other use or activity would be authorized with approval of this concurrent variance; and
- 13. Pursuant to MCC Section 20.540.020(F), the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act. As demonstrated through this staff report, the proposed project would be in conformity with all other policies of the Coastal Element and requirements of the Coastal Act.

RECOMMENDED CONDITIONS:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
- 2. To remain valid, progress towards completion of the project must be continuous. The property owners have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- 3. The application, along with supplemental exhibits and related material, shall be considered elements

of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.

- 4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 5. The property owners shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
- 6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 8. The applicant shall acknowledge in writing, by submittal of a signed letter to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant has sole responsibility to ensure compliance with this Condition and any contractors involved in the project are aware of this Condition.
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:

- i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
- ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.
- 9. The applicant shall adhere to the mitigation provided in the Spade Natural Resources Consulting report, and as amended by the recommendations of the California Department of Fish and Wildlife. All recommendations of the report have been included as conditions except for 6.2.2, which recommends a restoration plan (a restoration plan was prepared and adherence to it included as Condition 11 below), and 6.2.6 which recommends best management practices for erosion (BMPs have been included as Condition 8 above). The remaining recommendations are established as conditions as follows:
 - a. To the extent feasible, a minimum buffer distance of 15 feet shall be observed between residential above ground structures and special status plants, communities, and wetlands. To the extent feasible, a minimum buffer distance of five feet shall be observed between the septic leach field and Dune Mat habitat. After the residence is constructed, a small permanent fence shall be placed around the proposed dune mat restoration area. No development shall be permitted directly in Dune Mat ESHA.
 - b. Clearing of vegetation and the initiation of construction shall be done in the nonbreeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
 - c. Construction work or vegetation removal shall be conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys shall be conducted. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer shall be implemented around the roost. Removal of roost buildings or trees shall occur in September and October, or after the bats have left the roost. In summary, no preconstruction surveys shall be required for bats if structure and/or vegetation removal (including standing dead trees) is scheduled for the months of September or October; the months of November through August shall require a bat survey.
 - d. Project contractors shall be trained by a qualified biologist in the identification of the northern red-legged frog (Rana aurora). A survey for Northern red-legged frog shall occur within two weeks prior to construction. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect the presence of frogs. If a special status frog is detected, construction crews shall contact California Department of Fish and Wildlife or a qualified biologist to relocate northern red-legged frogs prior to re-initiating work.

If a rain event occurs during the construction period, all ground disturbing construction-related activities shall cease for a period of 48 hours after the rain stops. Prior to resuming ground disturbing construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no special status frogs are found, construction activities may resume.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD CDP & VARIANCE

- e. No direct impacts shall occur to the onsite Dune Mat habitat or wetlands from construction or related activities. All staging and materials storage, and other project components must occur outside of these sensitive areas. A spill prevention plan shall be developed by the contractor to prevent accidental oil, fuel and other potential contaminant spills into natural areas and sensitive areas during construction and outline a course of action for timely cleanup should a spill occur.
- 10. The applicant shall replace any sensitive or riparian vegetation at a ratio of 1:1 that is lost due to the development of the new residence, well and pumphouse, or septic system. Replanting shall occur within one (1) year of the completion of the last development entitlement (i.e. building permit, septic permit, well permit, etc).
- 11. The applicant shall adhere to the Preliminary Restoration Plan, included as Exhibit A to this report. An annual progress report shall be submitted to Planning Division and California Department of Fish & Wildlife by August 10 of each year identifying restoration methods used, areas of success and failure, and intended plan and actions for the forthcoming year. Each agency will have one (1) month to respond back with recommended changes to the method and/or intended plan and actions.
- 12. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
- 13. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (24-hour security lighting would be exempt from this time requirement, however any exterior security lighting installed on the property shall utilize motion-sensor activation).
- 14. The applicant shall obtain deeded access off the driveway to the west of the subject parcel. A copy of the deeded access shall be submitted to the Planning Division to demonstrate compliance with this condition. The applicant shall also obliterate the unpermitted driveway on the subject parcel that currently takes access directly from State Route 1, north of the existing driveway from which access shall be deeded.

1 8 Z6Z3

SAM VANDY VANDEWATER SENIOR PLANNER

Appeal Period: 10 Days Appeal Fee: \$2,674.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery
- C. Topographic Map
- D. Site Map
- E. Zoning Display Map
- F. General Plan Classifications
- G. LCP Land Use Map
- H. LCP Land Capabilities and Natural Hazards
- I. LCP Habitat and Resources

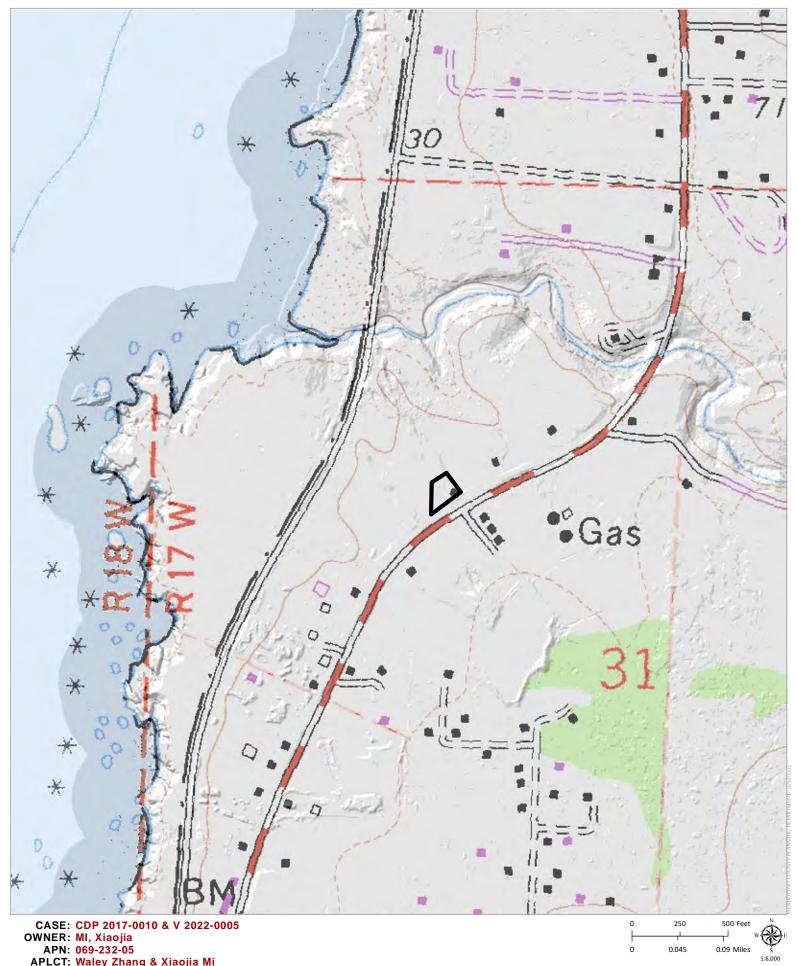
- J. Appealable Areas
- K. Adjacent Parcels
- L. Fire Hazard Zones & Responsibility Areas
- M. Coastal Ground Water Resource
- N. Wildland Urban Interface
- O. Stormwater Permitting Zones
- P. Estimated Slope
- Q. Westerns Soils
- R. Important Farmland

EXHIBIT A: Preliminary Restoration Plan





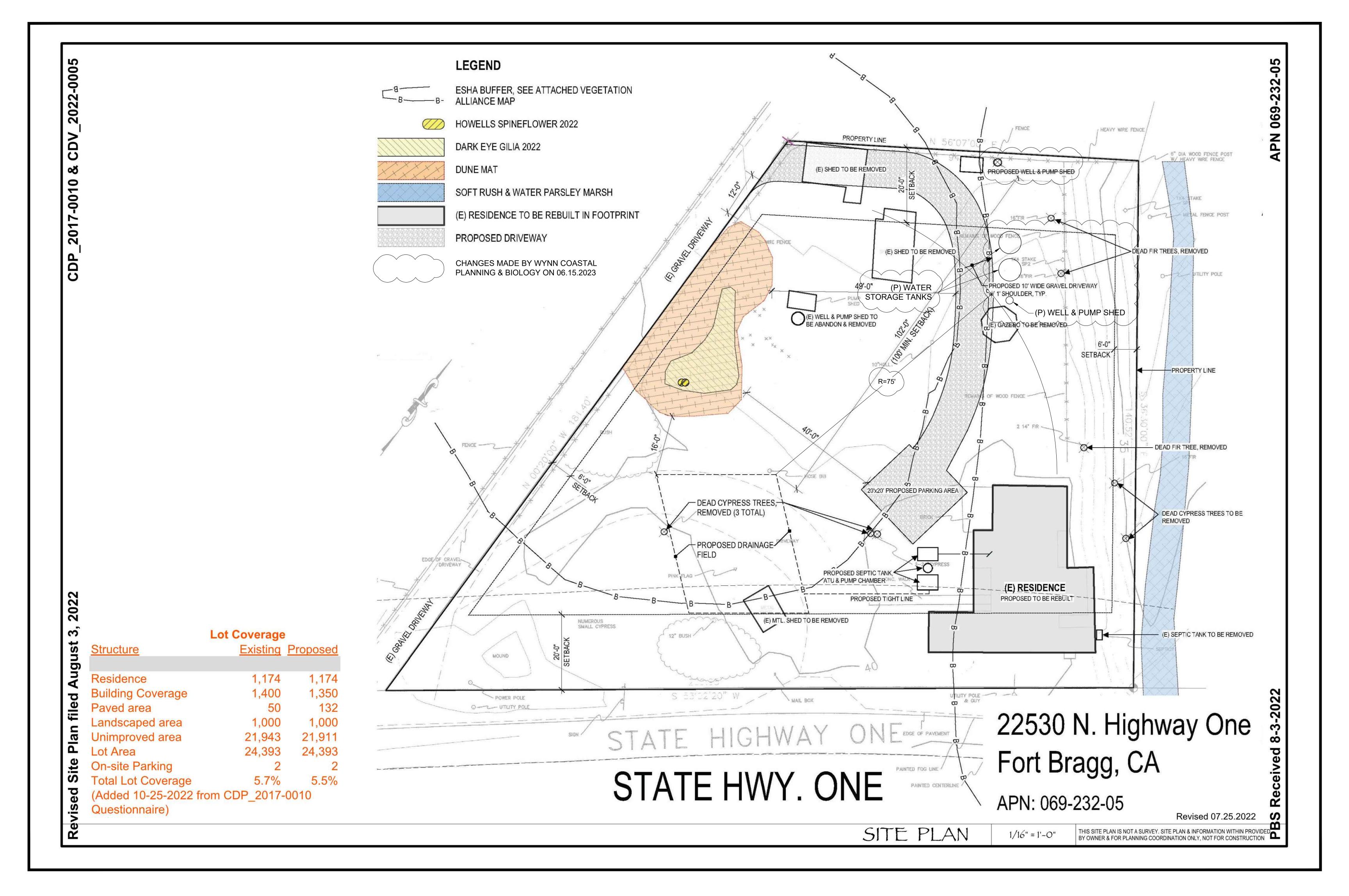
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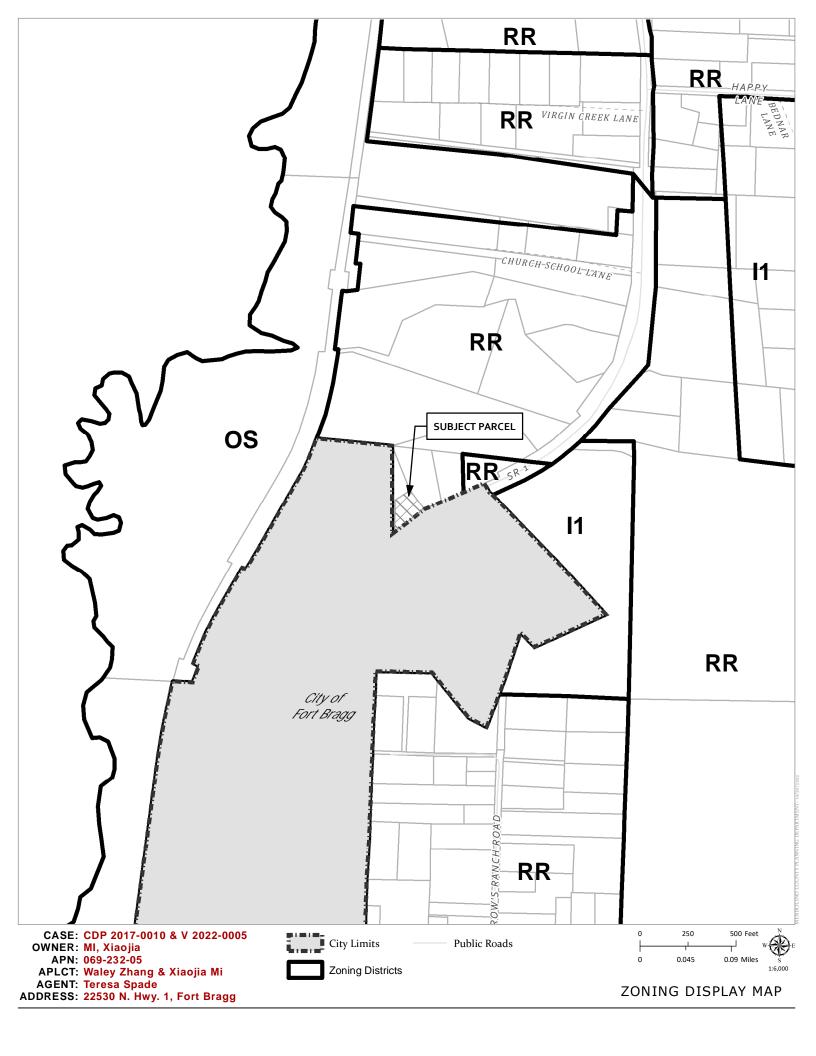


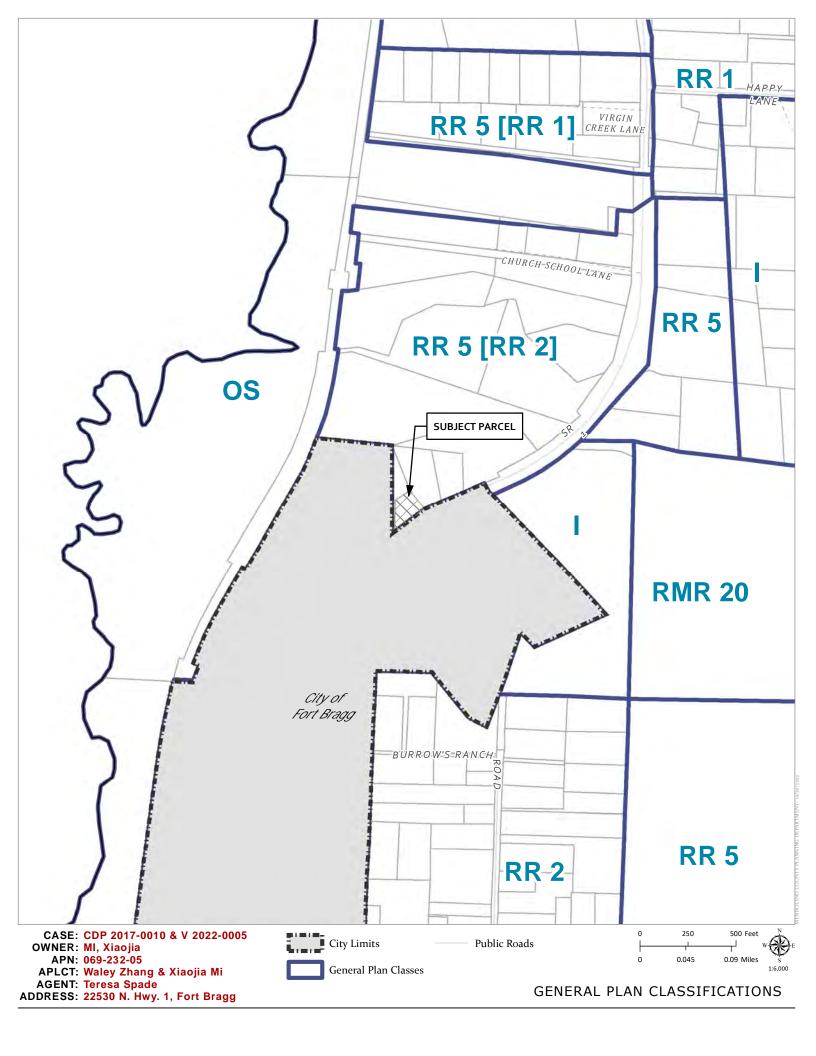
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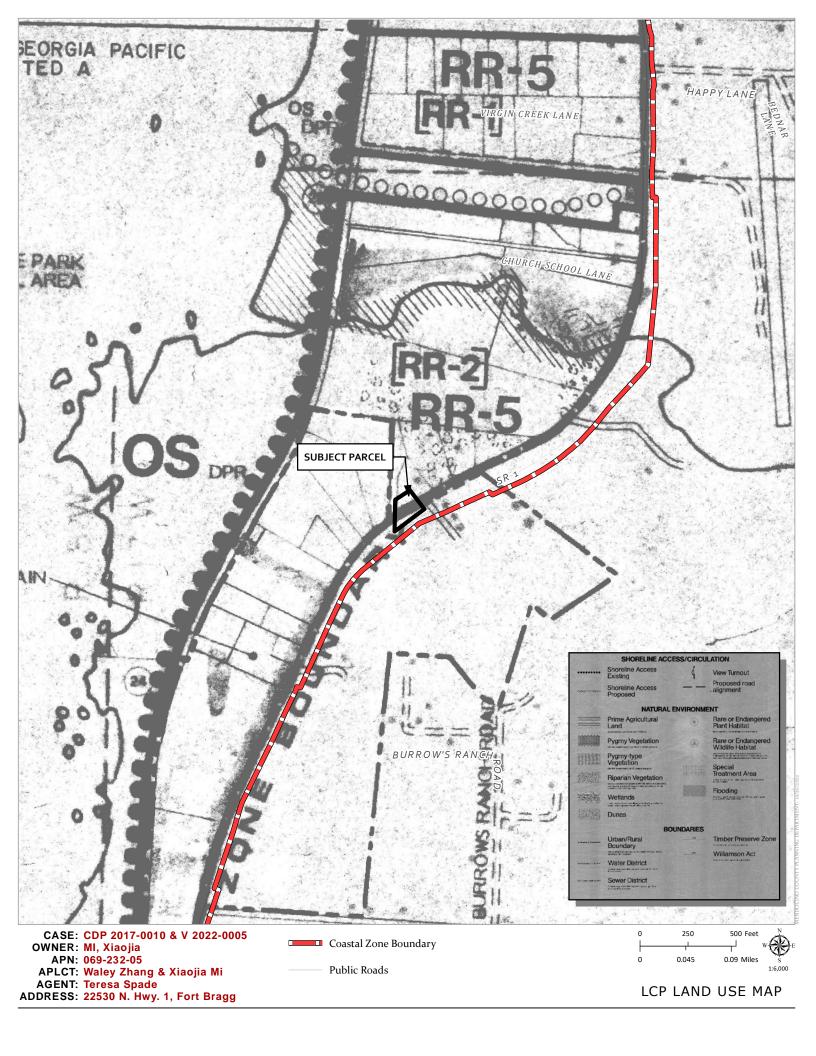
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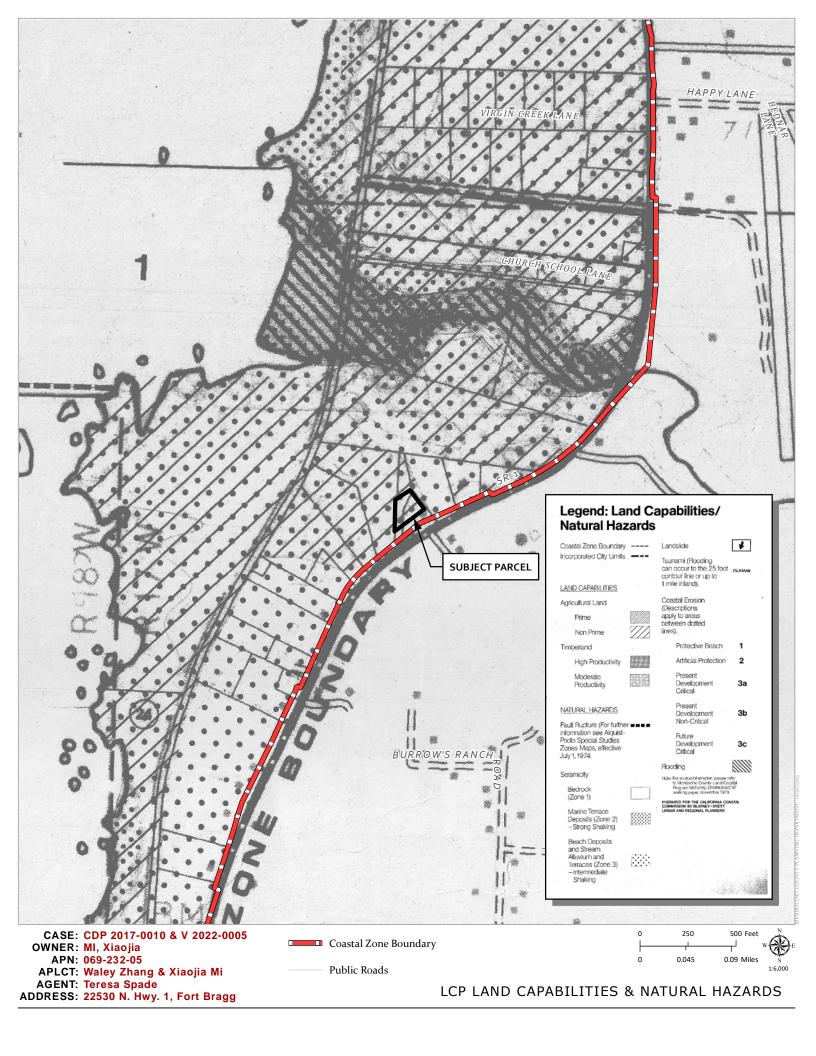
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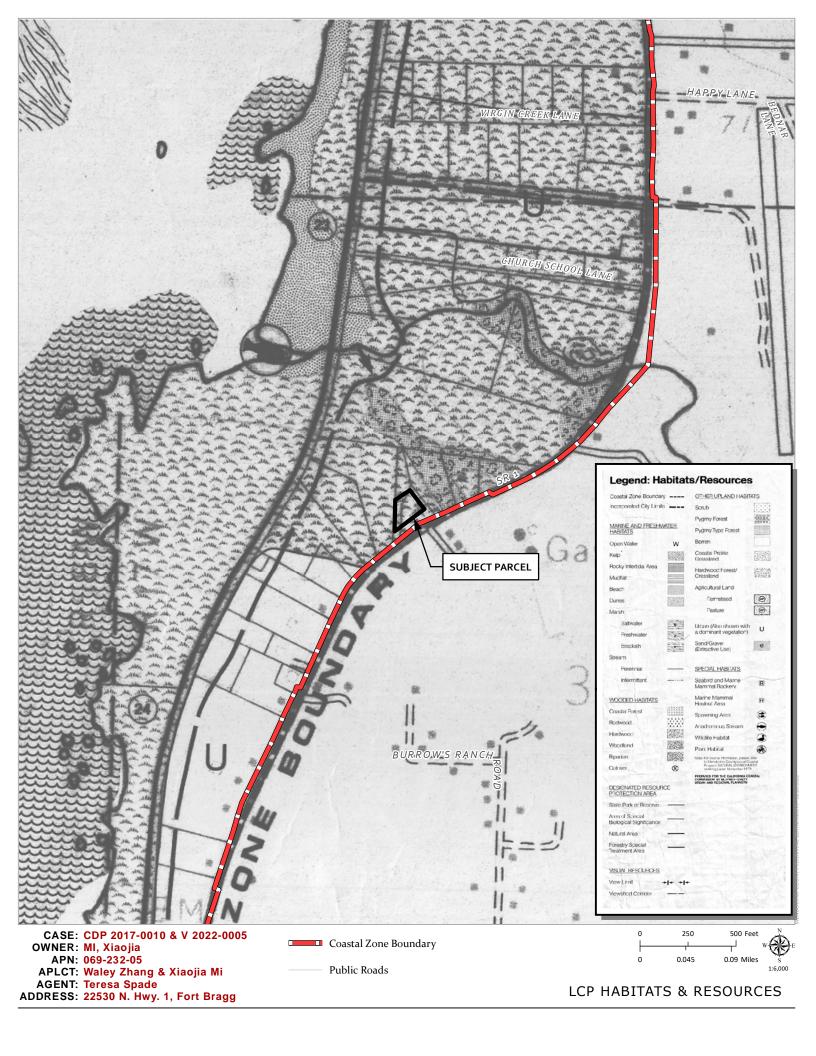


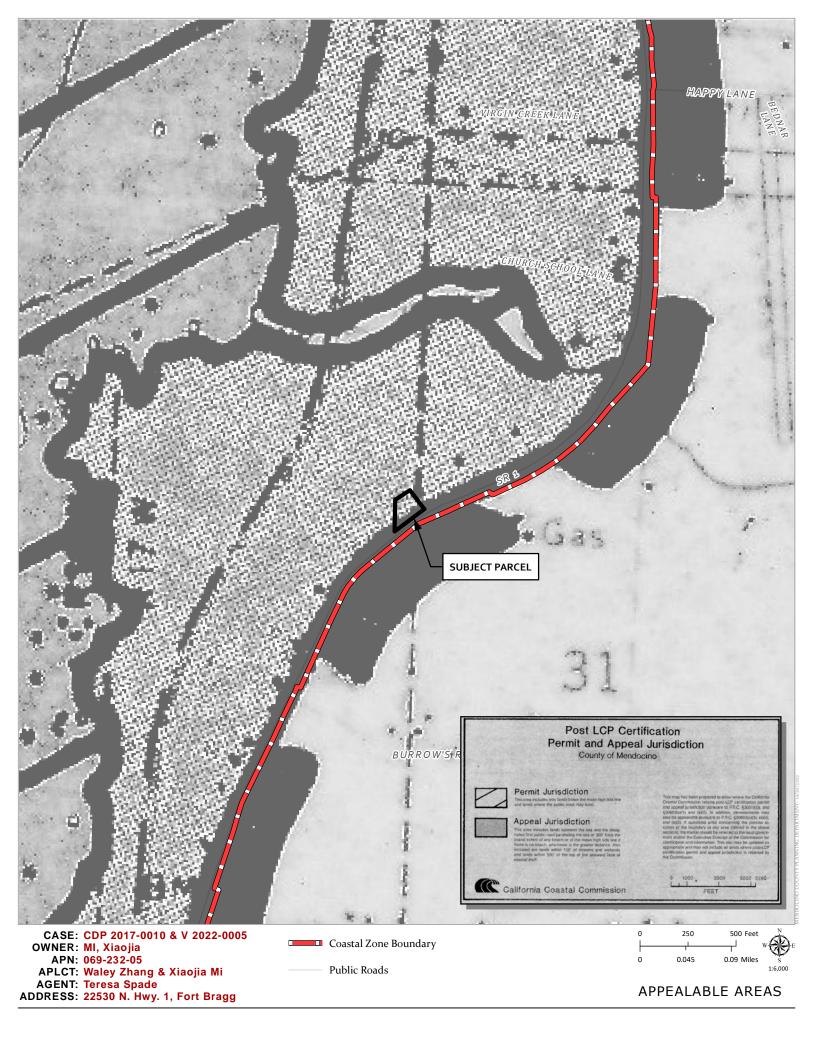


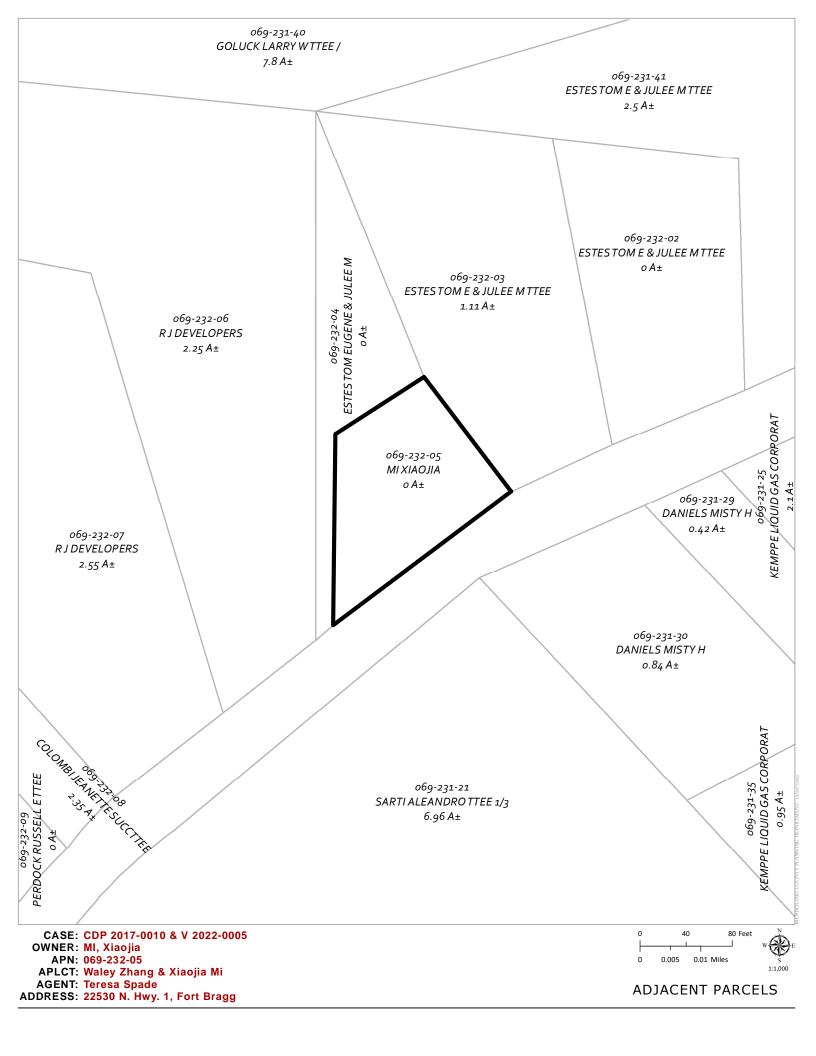


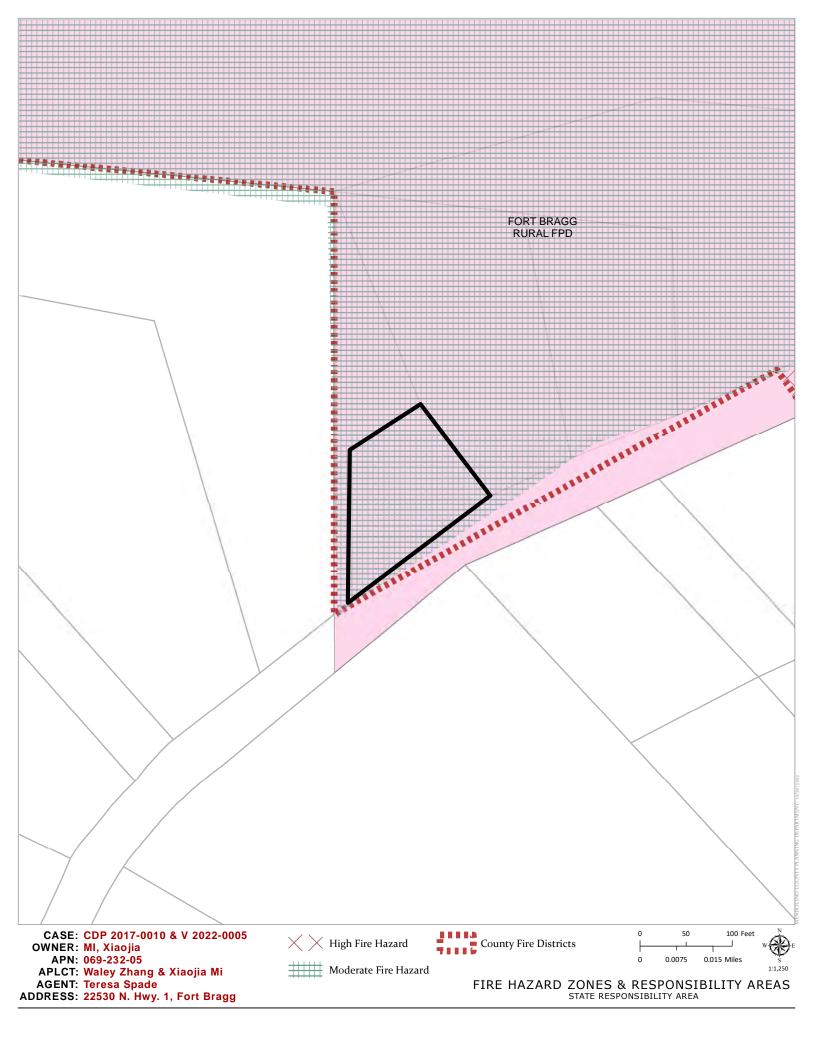


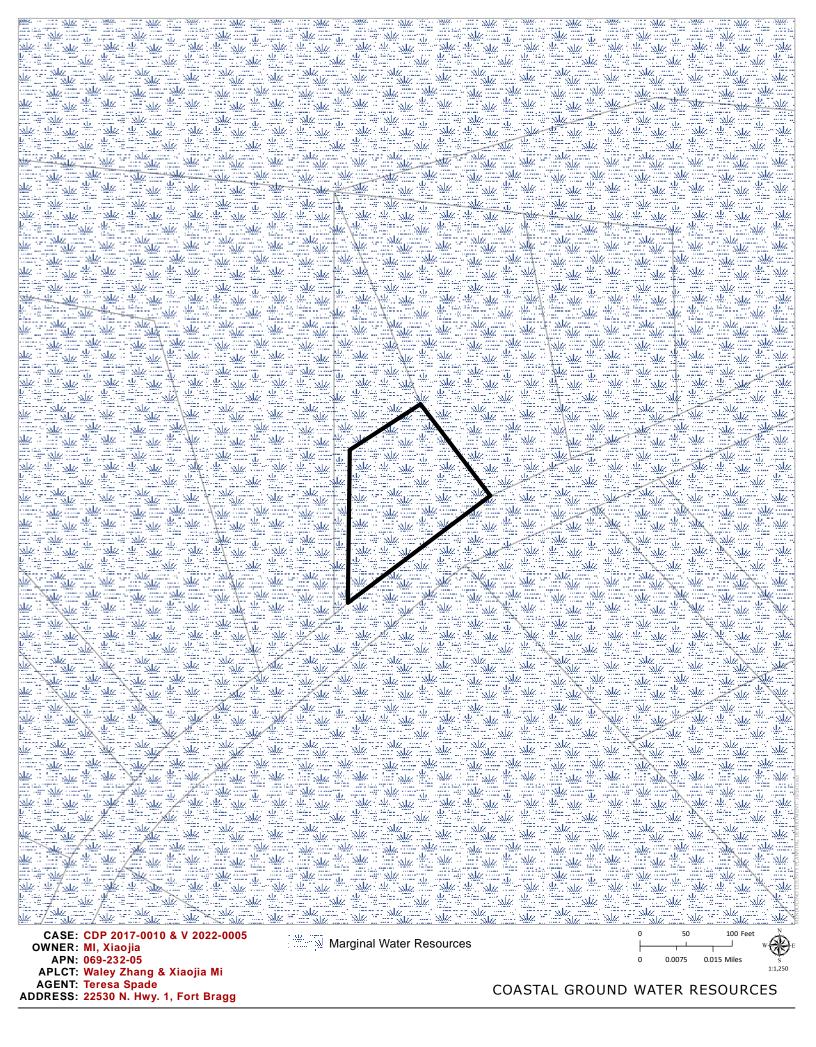


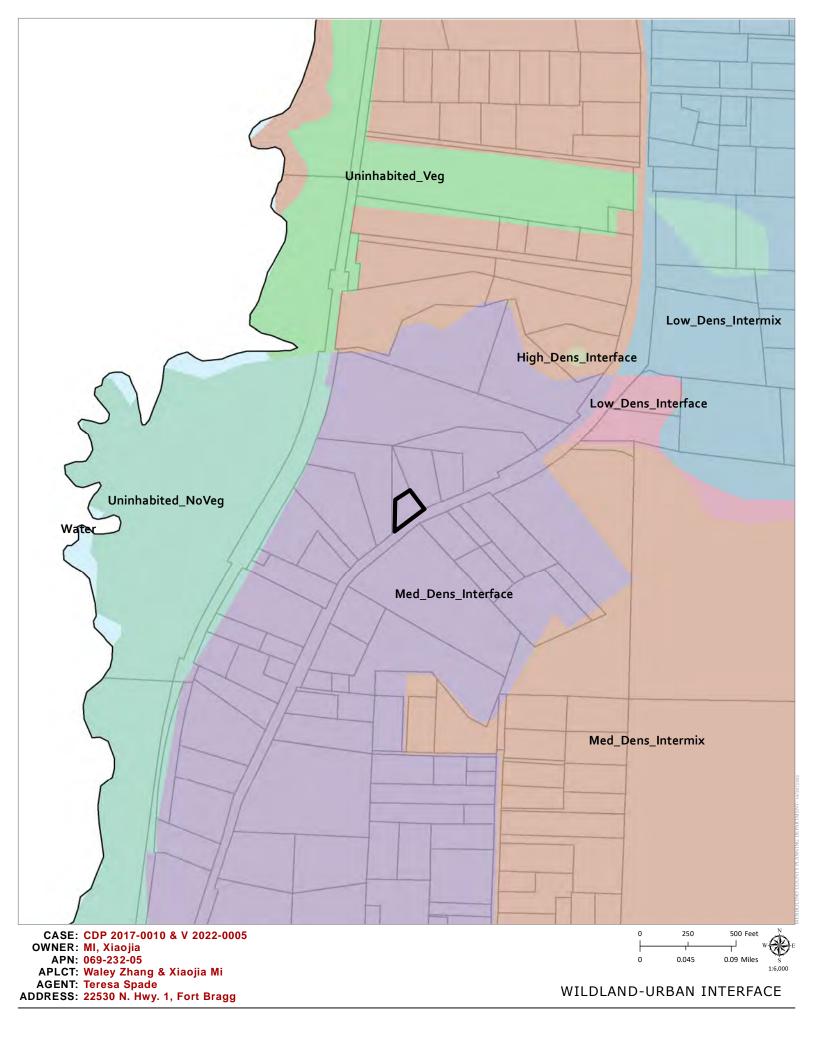






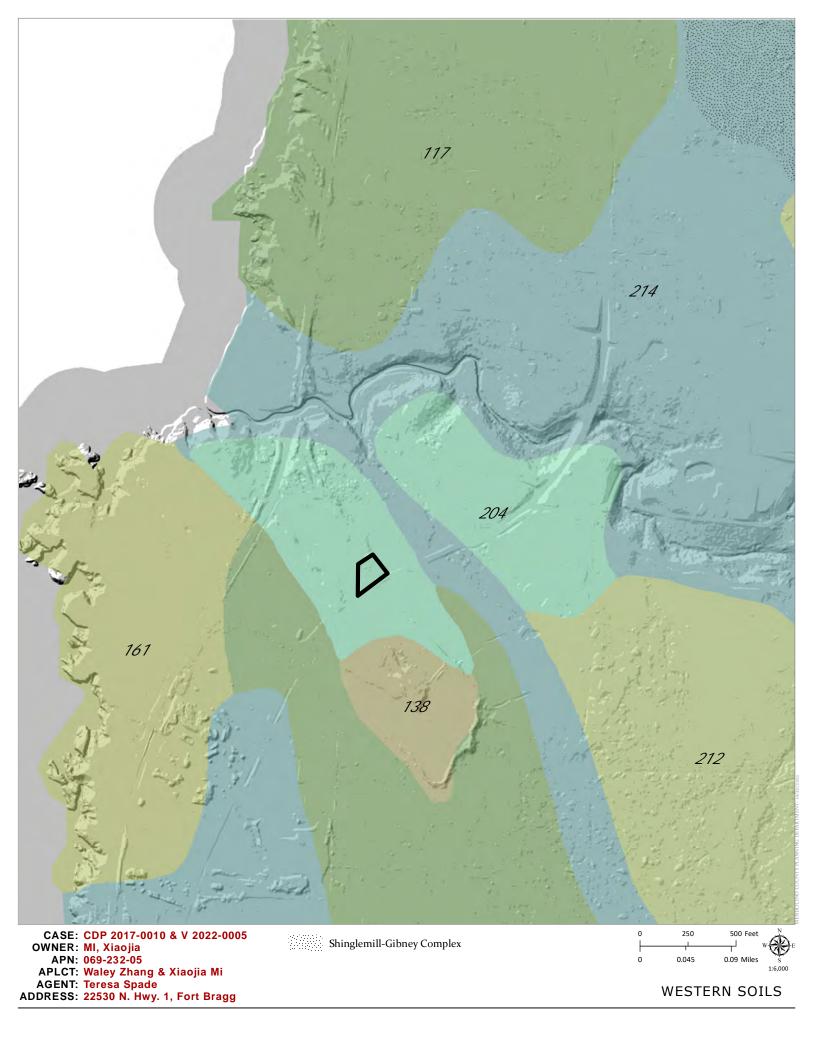


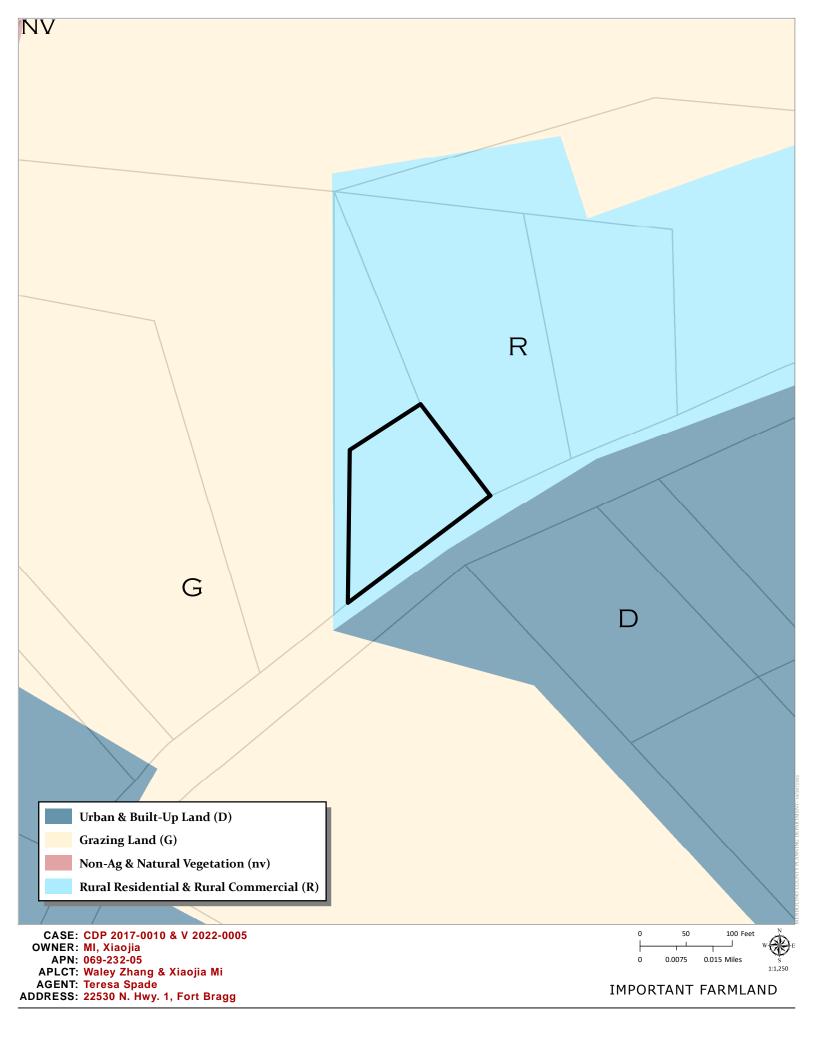












PRELIMINARY RESTORATION PLAN

FOR

WALEY ZHANG
(APN 069-232-05)
22530 NORTH HIGHWAY ONE
FORT BRAGG, CA
MENDOCINO COUNTY



prepared by:
Spade Natural Resources Consulting
Teresa R. Spade, AICP
(707) 357-5966
spadenrc@gmail.com

August 1, 2022

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1 PROJECT DESCRIPTION

1.1 LOCATION

The property is a ~24,393 square foot parcel located on the west side of Highway One, just north of the City of Fort Bragg city limits (Figure 1). The property is located in the Coastal Zone, approximately ¼ mile east of the Pacific Ocean and ~600 feet east of the Haul Road.

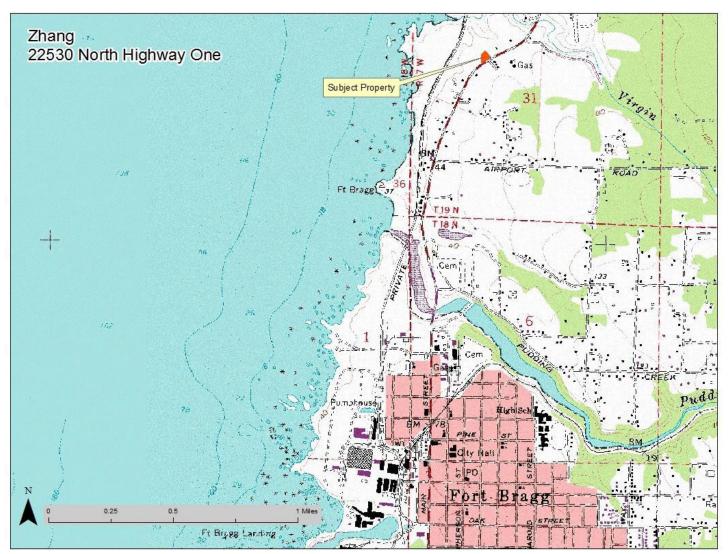


Figure 1. Location Map.

1.2 PROJECT BACKGROUND

Natural resources surveys were conducted between 2016 and 2022 on a ~24,393 square foot property to locate special-status plants and plant communities, wetland and riparian areas, and special-status animal habitat to determine if they would be directly or potentially impacted by proposed future residential development. The property and areas within 100 feet contain dune mat habitat, a freshwater wetland marsh, two special status plant species and one special status invertebrate species. Additionally, active bird nests were observed on several of the abandoned residential structures present. A population of Federally Endangered/California Threatened Howell's spineflower (*Chorizanthe howellii*) plants are present within the dune mat habitat on the property. A population of CNPS 1B.2 special status dark-eyed gilia (*Gilia millefoliata*) plants are also present in the dune mat habitat. Globose dune beetle (*Coelus globosus*, G1G2 S1S2) presence was observed in the dune mat habitat. Dune mat habitat is approximately 1200 square feet in size, and the soft

Preliminary Restoration Plan

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rush/water parsley wetland marsh is a small stream that runs along the east side of the property, on the other side of the property boundary. The remainder of the property is significantly disturbed, containing abandoned residential structures, non-native grassland, overgrown landscaping, and invasive plants, trees and woody vines. Due to the small size of the property, there is no feasible location for new residential structures that is at least 50 feet from wetlands and rare plants/rare plant communities.

The proposed residence would be replaced in the existing residential footprint, and would be served by a new septic system and well which are needed for the development. The driveway is being relocated in order to accommodate the septic design, and is as far from the resource areas as feasible, with a footprint that is limited to that which is required for access per County and CalFire requirements.

There are patches of non-native iceplant and areas where Brewer's rush is mixed within the thick non-native grassland. Those areas have been identified as appropriate locations for restoration of dune mat habitat. The proposed dune mat restoration is expected to improve habitat for the rare plants, Howell's spineflower and dark eyed gilia, which will mitigate for the restored residential use of the property.

1.3 RESPONSIBLE PARTIES

The party responsible for completion of restoration activities is the current property owner. The responsibility for restoration and for ongoing stewardship of the habitat present is expected to run with the land.

This preliminary restoration plan was written by:

Teresa R. Spade, AICP Environmental Planner Spade Natural Resources Consulting spadenrc@gmail.com 707-357-5966

2 EXISTING CONDITIONS

2.1 VEGETATION ALLIANCES

The vegetation alliances found on and near the property are described below. Figure 2. shows the updated surveyed extent of the dune mat habitat as of 2022, and the approximate 2016 extent of the off-site wetland to the east.

2.1.1 Dune Mat (Abronia latifolia – Ambrosia chamissonis Herbaceous Alliance G3 S3)

The Manual of California Vegetation is the current standard for California vegetation alliance classification, and classifies vegetated coastal dunes as Dune Mat. Membership in this classification is fairly open, requiring only that Abronia latifolia, *Ambrosia chamissonis* and/or other non-woody dune plants are characteristically present. On the subject property, characteristic species present include yellow sand verbena (*Abronia latifolia*), seaside fiddleneck (*Amsinckia spectabilis*), and beach evening primrose (*Camissoniopsis cheiranthifolia*).

Dune mat covers approximately 1200 square feet of the property, and is associated with a larger area of dune mat located to the north west of the property, across the neighbor's driveway. It is habitat or has the potential to be habitat for the federal and state endangered Howell's spineflower (*Chorizanthe howellii*), CNPS 1.B1 dark-eyed gilia (*Gilia millefoliata*), and globose dune beetle (*Coelus globosus*).

2.1.2 Soft Rush and Water Parsley Marsh (*Juncus effusus* Herbaceous Alliance G4 S4 /

Oenanthe sarmentosa Herbaceous Alliance G4 S2)

A freshwater wetland swale is present along the east property line. The swale is approximately 1300 square feet in size, spanning nearly the entire length of the boundary line, and is approximately seven to nine feet wide. The wetland is dominated by soft rush and water parsley, and also contains a significant presence of tall flat sedge (*Cyperus eragrostis*),

purple velvet grass (*Holcus lanatus*), and water cress (*Nasturtium officinale*). The non-wetland bank west of the swale contains English ivy (*Hedera helix*), Himalaya blackberry (*Rubus armeniacus*), and a cultivated rose briar (*Rosa* sp.)

2.1.3 Non-Native Grassland, and Iceplant

Much of the property is covered by an annual grassland, dominated by ripgut brome (*Bromus diandrus*), rattlesnake grass (*Briza maxima*) and wild oats (*Avena barbata*). Iceplant (*Carpobrotus edulis*) is also present within the non-native grassland in patches.

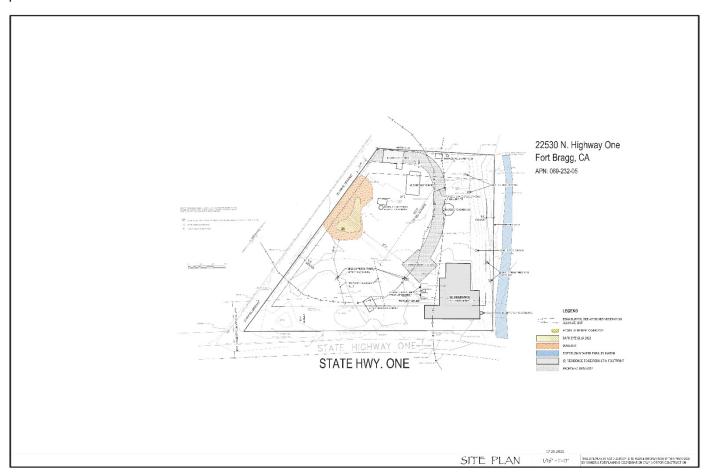


Figure 2. Special status vegetation alliances and special status plants.

2.2 SPECIAL STATUS PLANTS

2.2.1 Howell's spineflower

Howell's spineflower (*Chorizanthe howellii*) is listed as endangered under both the federal and state Endangered Species Acts. Howell's spineflower is an annual herbaceous member of the buckwheat family, endemic to seven miles of coastal dunes extending from the City of Fort Bragg to the Ten Mile River. Critical habitat has not been designated for this species, however a recovery plan was approved in March 1988.

A small population of Howell's spineflower plants were observed on the property within the dune mat habitat in 2016-2021, most current locations as shown in Figure 2.



Figure 3. Howell's spineflower on the subject property (SpadeNRC 2016).

2.2.2 Dark-eyed Gilia

Dark-eyed gilia (Gilia millefoliata) is not on any State or Federal lists, so is not protected under the Federal or State Endangered Species Acts, but is listed by the California Native Plant Society as a 1.B2 ranked species, which means it is considered fairly endangered in California. It grows along the coastline in dune mat habitat from the northern end of Oregon to San Francisco.

On the subject property, dark-eyed gilia was found within the dune mat habitat during 2016-2021 surveys. The 2021 location of the dark-eyed gilia is shown in Figure 2.



2.3 WILDLIFE HABITAT

2.3.1 Globose dune beetle



Figure 5. Dune beetle husk found on the property (Photo credit Spade NRC)

Globose dune beetle (*Coelus globosus*) is listed as a G1 S1S2 status species, an indication that this species is considered critically imperiled worldwide. This species is not currently protected by the federal or state endangered species acts. The historic species range is listed on NatureServe as along the coastline from central California into Mexico, ranging eastward between 30 and 300 meters. Globose dune beetle is a flightless beetle that lives in sand dunes. This is a nocturnal species that feeds on dead vegetation that accumulates on the sand.

Within the coastal dune mat habitat and under iceplant on the subject property, beetle husks were observed, and for this reason, this species is presumed present on the property.

2.3.2 Northern red-legged frog

Northern red-legged frog (*Rana aurora aurora*) is listed as a California Department of Fish and Wildlife Species of Special Concern. The range extends from the southwest British Colombia coast to central Mendocino County. Often found in woods adjacent to streams and streamsides with plant cover, northern red-legged frog breeds in permanent water sources, including lakes, ponds, reservoirs, slow streams, marshes, bogs, and swamps.

The wetland swale on the north side of the property may be breeding habitat for northern red-legged frogs. They may also be found in upland areas on the property during migration.

2.3.3 Western Pond Turtle

The western pond turtle is present year round throughout Mendocino County. They are normally associated with permanent ponds, lakes, streams, irrigation ditches, or permanent pools along intermittent streams. Basking sites include partially submerged logs, rocks, mats of floating vegetation, or open mud banks. Nests are generally along sandy banks but have been reported as far away as 325 feet from water, in many soil types, from sandy to hard. Nests must have a relatively high internal humidity in order for eggs to develop and hatch properly.

A permanent pond, approximately 700 square feet in size, is located 50 feet north of the property. The bottom of the wetland swale on the east side of the property may be potential nesting habitat for Western pond turtle, if also present in the pond. These areas are off property.

3 RESTORATION PLAN

3.1 RESTORATION AREA and BASIS FOR DESIGN

Patches of iceplant and areas of non-native grassland with Brewer's rush present as a minor component were identified as appropriate areas for dune habitat restoration on the property. The presence of iceplant and Brewer's rush are indicators that the substrate is sandy. Iceplant and the thick coverage of non-native grasses and forbs in these identified areas prevents establishment of Howell's spineflower and dark-eyed gilia - these rare plants are found in areas that are sparsely covered by vegetation and contain a sandy substrate. Careful removal of iceplant and native grasses is expected to result in more habitat for the rare plants as the sparsely vegetated sandy areas are the limiting factor for habitat. This is discussed in greater detail in the 2021 Zhang survey update letter. Areas where restoration potential is present are shown in Figure 6.

Figure 7 shows where permanent development of the driveway will displace dune mat restoration potential within 50 feet of the dune mat, and temporary impacts from the septic system installation will occur within 50 feet of the dune mat habitat in potential dune mat restoration areas. Approximately 700 square feet of potential restoration area will be permanently lost due to the necessity to provide driveway access in the 50 foot buffer to the dune mat habitat. An additional 700 square feet of restoration area is proposed to be created over the installed septic system at the time of installation to make up for this loss.



Zhang Parcel
Soft Rush and Water Parsley Marsh
Restoration Area
Dune Mat

BREWERS RUSH AND ICEPLANT DUNE RESTORATION AREAS 22530 N HIGHWAY ONE APN 069-232-05

Figure 6. Areas with dune mat restoration potential.

3.2 RESTORATION AND ACTIVE MANAGEMENT PERFORMANCE GOALS

3.2.1 RESTORATION GOALS

The goals for the dune mat restoration are as follows

- 1. Create new dune mat habitat, doubling the existing onsite sparsely vegetated sandy substrate dune mat. No existing dune mat will be displaced by the development, however the reconstruction of the residence and re-establishment of the residential use cannot result in a loss of habitat. The creation of new habitat widens the buffer between the existing dune mat and areas to be used residentially.
- 2. Reduce invasive and non-native plants which otherwise have the potential to further encroach within the dune mat and reduce the rare plant habitat. Residential use of the property has the potential to result in a continued encroachment of non-native and invasive plants into the rare plant habitat. The hand removal of iceplant and other grasses and forbs in the vicinity of the dune mat will keep these plants from further displacing habitat in the existing dune mat area, which will negate the potential for displacement resulting from the re-establishment of residential use. Removal of highly invasive plants, including English ivy (Hedera helix), Himalayan blackberry (Rubus armeniacus) and iceplant (Carpobrotus edulis) to the extent feasible from all areas of the property will additionally reduce the potential for displacement of habitat.
- 3. Retain any potential seedbank for rare species that may be present in the sandy substrate under iceplant and other plant species to be removed, by careful hand removal of rare plants. By retaining potentially viable rare plant seeds by minimizing disruption to the soil during hand removal of invasive plants, the potential for establishment of new populations of rare plants is increased over the current configuration.
- 4. Protect existing dune mat, special status wildlife and rare plants from impacts during restoration. The restoration activities need to be conducted in such a way that the existing dune mat, special status wildlife, and special status plants are not detrimentally impacted.

3.2.2 ACTIVE MANAGEMENT GOALS

- Improve habitat value by maintaining a reduced invasive plant presence. Invasive plant removal should be
 maintained at a success rate of 95 to 100% eradication for any invasive plant species with a Cal-IPC rating of
 MODERATE to HIGH in the restoration areas, and with a success rate of 85 to 100% in all other areas of the
 property.
- Take care to reduce the possibility of future development displacement of habitat by maintaining a low stature
 fence around the habitat area in good working order. Interpretive signs should be located along the fenceline to
 inform visitors of the special nature of the protected area. These signs should be maintained and replaced as
 needed.

3.3 RESTORATION and ACTIVE MANAGEMENT COMPONENTS

3.3.1 RESTORATION COMPONENTS

Restoration will consist of the following components:

- 1. Careful removal of iceplant by hand in dune habitat and restoration areas will occur between October 1 and February 1, to avoid impacts to annual rare plants and during the day, when the dune beetle will not be likely to be on the surface. If dune beetles are observed in the restoration area during iceplant removal, they will be removed to a nearby shaded sandy area with vegetation for cover. Dead duff matter under the removed iceplant will be carefully hand raked and removed. Iceplant and associated duff will be removed from the property and disposed of in a legal disposal location outside of the Coastal Zone.
- 2. Hand removal of grasses and forbs in dune habitat and restoration areas will occur between October 1 and February 1 to avoid impacts to annual rare plants. Removal will occur with on-site supervision and/or conducted by a qualified botanist familiar with plant species on the site.

Preliminary Restoration Plan

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- Removal of invasive plants on the property that are outside of the dune mat and outside of the restoration areas
 will occur by hand or with small handheld equipment. All areas of dune mat and designated restoration areas will
 be avoided during this removal.
- 4. Restoration areas within the footprint of the septic system will be accomplished by scraping the topsoil layer after hand removal of vegetation has occurred from areas with sand presence, and stockpiling it on a tarp outside of the 50 foot ESHA. After the septic system has been installed and covered, the sandy topsoil will be replaced.

3.3.2 ACTIVE MANANGEMENT COMPONENTS

Active management will consist of the following components:

- 1. Invasive plant removal of species with a moderate to high CALIPC rating, to meet success criteria by ten years.
- 2. Bi-yearly (every other year) reporting of restoration and active management progress for the reporting period until success criteria is achieved.
- 3. Ongoing land stewardship and maintenance of low stature fencing and signage. The property owner and any guests or employees thereof will refrain from development in restoration and dune mat areas for the life of the approved residential development, and will maintain the low stature fencing and signage for that duration.

4 IMPLEMENTATION

4.1 FINAL RESTORATION PLAN

A final restoration plan will be drafted for agency approval after consultation and input from the US Fish and Wildlife Service and California Department of Fish and Wildlife, incorporating any edits they have to the plan.

4.2 BASELINE INVENTORY

For the first bloom season after approval of the plan, a survey will occur, including mapping and inventory of the locations and numbers of Howell's spineflower and dark-eyed gilia plants on the site. This information will be included in the first reporting, with photographs during the bloom.

4.3 INVASIVE PLANT REMOVAL

Any invasive species identified in the first monitoring report will be removed to the greatest extent feasible in compliance with the methods discussed in this plan. If any new non-native invasive plants have been accidentally introduced during ground disturbing and construction activities, those plants will also be removed to the greatest extent feasible.

5 SUCCESS CRITERIA

5.1 SUCCESS CRITERIA

The following criteria will serve for determination of successful restoration:

- 1. New areas of sandy substrate created in the restoration area have a non-native plant coverage of less than 5%.
- 2. Highly invasive plants on the remainder of the property, including but not limited to Himalaya blackberry, English ivy and iceplant have been removed at a rate of 85 to 100% removal over the baseline conditions.
- 3. The area of dune mat habitat onsite has at least doubled. This success is identified as the creation of areas where sandy surface soil is present and invasive plants are removed.
- 4. Rare plants continue to be present on the property in the same numbers and coverage or at a higher level of presence than prior to development and restoration activites.

6 ADAPTIVE MANAGEMENT

Restoration ecology is an emerging field, and our understanding of restoration management is constantly improving. The intent of the plan is to use the best-known practices to manage the ecosystem for habitat and diversity. If it becomes clear that implementation as outlined in this guidance document is not resulting in success,

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and other techniques would be more appropriate, the cooperative management plan implementation can be modified through consultation and written approval from the California Department of Fish and Wildlife. Likewise, if performance goals and success criteria are determined to warrant modification, such modification can occur through consultation and written approval from the California Department of Fish and Wildlife. Such written approval documentation will need to be kept with the official copy of the Restoration Plan at the California Department of Fish and Wildlife office, and also in the Coastal Development Permit Project file at the County of Mendocino Planning office.

7 MONITORING

After the baseline inventory and first year report are submitted, on a bi-yearly (every other year) basis, for the duration of the monitoring period of at least 10 years and until goals have been achieved, a short, one to two-page memo will be written and provided to the California Department of Fish and Wildlife and County of Mendocino Planning Division. These short summaries will describe the methods used during that monitoring period to eradicate weeds, and documentation of numbers of and locations of Howell's spineflower and dark eyed gilia observed, and any recommendations for the next monitoring period. Any new invasive plant species observed will be described as well as efforts to eradicate. Pictures at determined photo points will be included, and a description of whether and how performance goals were met will be noted. A Department of Fish and Wildlife site visit may suffice in lieu of a monitoring report for some of the required bi-yearly reports. The baseline inventory monitoring report is required, and written monitoring memos must follow at least once every four years during the 10-year monitoring period, otherwise the property owner can opt for a Department of Fish and Wildlife site visit in lieu of the report. In such cases, the property owner or their agent will need to be available on-site with prior documentation for DFW review, and any notes on current management issues.

While oversight is required for the just first decade, the property owners will need to continue to manage the forest, according to the newest and best scientific method, for the life of the residential project.

Reports will be sent by US Mail to:

Attn: Senior Planner County of Mendocino Planning Division 120 West Fir Street Fort Bragg, CA 95437

Attn: Mendocino Habitat Conservation California Department of Fish and Wildlife 619 Second Street Eureka, CA 95501

Attn: Mendocino County Representative US Fish and Wildlife Service 1655 Heindon Road Arcata, CA 95521

Reports will include the following information:

- Name and contact information of person in charge of qualified person approved by the agencies that is monitoring activities, and name and contact information of the property owner responsible for reporting.
- The first monitoring report will include baseline information on the number and location of rare plants found.
- Color photos at two or more established photo points of the dune mat, restoration/active management areas
 at the beginning and end of the reporting period. These photo points will be selected by the person writing the
 first monitoring report and should give a good view of a representative portion of the management area. A

field marker or other identifier should be used to ensure subsequent photos are taken from the same photo points.

- A summary of any issues encountered and management steps taken during the reporting period.
- Methods used during that monitoring period to eradicate weeds and improve habitat.
- Any new invasive plant species observed and methods used to eradicate will be described.

8 REFERENCES

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