



## Staff Report to the Zoning Administrator

Application Number: **211094**

**Applicant:** Dennis Anderson

**Owner:** Jill & Adam Swidler

**APN:** 052-321-30

**Site Address:** 119 Cormorant Way, Watsonville

**Agenda Date:** March 4, 2022

**Agenda Item #:** 3

**Time:** After 9:00 a.m.

**Project Description:** Proposal to construct an approximately 259 square foot and two covered decks on the first and second floor and an interior remodel to an existing single-family dwelling located in the SU (Special Use) zone district in Pajaro Dunes. Requires approval of a Coastal Development Permit.

**Location:** Property located on the west side of Rio Boca Road approximately 365 feet from the end of Cormorant Way located 119 Cormorant Way.

**Permits Required:** Requires a Coastal Development Permit

**Supervisory District:** District 2 (District Supervisor: Zach Friend)

### Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 211094, based on the attached findings and conditions.

### Project Description & Setting

Pajaro Dunes is a gated community that includes both single-family and multi-family dwellings that are developed along an area of coastal dunes lying between the Watsonville Slough to the northeast and the beach fronting onto the Pacific Ocean to the southwest. Many of the single-family homes have been custom designed and built by individual property owners and, therefore, exhibit many different styles and sizes ranging from two to three-story homes. Despite this range of styles and sizes, there is a sense of cohesiveness to the development due to the extensive use of wood siding and shingles and because the individual homes are all set within the rolling grassy dune landscape with no fences. Additionally, all of the homes are connected by a series of boardwalks and trails that link the entire development.

Vehicular access to the development is via Rio Boca Road that runs along the inland edge of the development adjacent to Watsonville Slough. There are a series of cul-de-sacs and parking areas that branch off this road into the development. Homes that have frontage onto these roads and

courts, including the subject site include on-site parking.

The existing structure, which was built in 1973 according to County Assessor records, is located on a sloped site with three levels of living space. The proposed project includes the addition of a new front porch, the expansion of an existing bedroom, and a new bathroom and closet on the first floor. Second floor improvements include a new office and covered deck. Third floor improvements include an interior remodel to the kitchen and window replacement.

A Coastal Development Permit is required because the project is located within the appeal jurisdiction of the Coastal Zone and does not qualify for an exclusion per County Code section 13.20.071. Additionally, this parcel is located within a mapped Visual Resource Area.

### **Zoning & General Plan Consistency**

The subject property is an 8,467 square foot lot, located in the SU (Special Use) zone district, a designation which allows residential uses. The existing single-family dwelling is a principal permitted use within the zone district and the proposed additions are allowed subject to meeting the required site standards. The zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

The subject property is located within a portion of the Pajaro Dunes Planned Unit Development (PUD) that allows structures up to 35 feet in height, without limitation on the number of stories, and where lot coverage and Floor Area Ratio do not apply for structures built within the approved building envelopes. The proposed first and second story additions, new deck, and third-story remodel are all within the approved building envelope, and the overall building height is approximately twenty-eight feet at its highest point.

### **Dune Habitat**

The proposed project has been designed so that, to the greatest extent possible, there is minimal impact to the existing dune area beneath the home. The proposal included the submittal of a Biotic Report Review that included a CA Legless Lizard Habitat Assessment and Botanical Assessment due to the potential impact to sensitive habitats and protected species on the subject parcel where the additions were being proposed (Exhibit H). Environmental Planning staff has reviewed these reports and added conditions of approval which address impacts to the sensitive habitats and special-status species.

### **Design Review**

The proposed project is subject to the County's Design Review Ordinance (County Code section 13.11) because of the subject parcel's location with the Coastal Zone and within a mapped Visual Resource area. The existing three-story home has grey shingle siding, a flat roof, and decks on the second and third floors with an overall height of approximately twenty-eight feet at its highest point. The proposed exterior modifications include new blue/grey shingle siding, new windows, and new wood decking with railings. The home will maintain its modern design and overall height, and the exterior will be updated with new shingles with modest colors that will complement the new home and be compatible with the houses in the surrounding neighborhood as it does now. Additionally, the final design is also subject to approval by the Pajaro Dunes

Association Design Committee.

### **Local Coastal Program Consistency**

The proposed project is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles. The project site is located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. The home is located in a gated community with access on Rio Boca Road which begins at the end of west Beach Road. Private coastal access to the nearest public beach from the subject site is approximately 110 feet west of the parcel along the existing boardwalk. Public access to the nearest public beach is at the end of West Beach Road where public parking is available and the walk is approximately 400 feet to the sand. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

#### General Plan Policy 5.10.2 (Development within Visual Resource Areas)

The project is located within a mapped Visual Resource area. Protection of Visual Resource areas is achieved through the application of the design criteria found in County Code section 13.20.130 of the County's zoning ordinance. Development is limited to the approved building envelope for the subject site. The footprint and exterior of the home will essentially be the same resulting in minimal site disturbance and visual impact. The home is barely visible from the public beach below because it is approximately 110 feet from the blufftop that sits above the public beach, and there is a row of single-family dwellings between the subject site at the edge of the cliff.

### **Conclusion**

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 211094, based on the attached findings and conditions.

**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.sccoplanning.com](http://www.sccoplanning.com)**

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 211094

Assessor Parcel Number: 052-321-30

Project Location: 119 Cormorant Way, Watsonville

**Project Description: Proposal to construct an approximately 259 square foot addition and two covered decks on the first and second floor, and interior remodel to an existing single-family dwelling in Pajaro Dunes located in the (SU) (Special Use) district.**

**Person or Agency Proposing Project: Dennis Anderson**

**Contact Phone Number: (831) 938-4230**

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).  
E. ☒ **Categorical Exemption**

Specify type: Class 1 – Existing Facilities

**F. Reasons why the project is exempt:**

Construct addition and modifications to an existing single-family dwelling on a parcel for residential uses.

In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Elizabeth Cramblet, Project Planner

Date: \_\_\_\_\_

**EXHIBIT A**



## **Coastal Development Permit Findings**

- 1) That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned SU (Special Use), a designation which allows residential uses. The proposed project is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

- 2) That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

- 3) That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style, and the proposed additions and exterior modifications will update the existing older home. Developed parcels in the area contain single-family dwellings with varying sizes and architectural styles. Colors and materials used for the proposed modifications and additions will complement one another and be compatible with homes in the surrounding neighborhood where there is a range of styles and colors.

- 4) That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that although the project site is located between the shoreline and the first public road, the proposed project will not interfere with public beach access, which is provided nearby at Palm State Beach at the end of West Beach Road. Further, the project will not interfere with the existing private pathway to the beach that is located approximately 110 feet west of the parcel along the existing boardwalk. The boardwalk will not be affected by the proposed development.

- 5) That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the SU (Special Use) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the pattern of development within the surrounding neighborhood.

### General Plan Policy 5.10.2 (Development within Visual Resource Areas):

The project is located within a mapped Visual Resource area. Protection of Visual Resource

areas is achieved through the application of the design criteria found in County Code section 13.20.130 of the County's zoning ordinance. Development is limited to the approved building envelope for the subject site. The footprint and exterior of the home will essentially be the same resulting in minimal site disturbance and visual impact. The home is barely visible from the public beach below because it is approximately 110 feet from the blufftop that sits above the public beach, and there is a row of single-family dwellings between the subject site at the edge of the cliff.

- 6) If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that the project site is located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. The home is located in a gated community with access on Rio Boca Road which begins at the end of west Beach Road. Private coastal access to the nearest public beach from the subject site is approximately 110 feet west of the parcel along the existing boardwalk. Public access to the nearest public beach is at the end of West Beach Road where public parking is available and the walk is approximately 400 feet to the sand. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

## **Development Permit Findings**

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the SU (Special Use) zone district as the primary use of the property will continue to be one single-family dwelling that meets and complies with all the site standards and requirements for the Pajaro Dunes Planned Unit Development.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the residential use will continue to be consistent with the use and density requirements specified for the R-UL (Urban Low Density Residential) land use designation in the County General Plan.

The proposed project will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties and meets all current site and development standards for the Pajaro Dunes Planned Unit Development. Since the modest additions remain within the approved building envelop and the overall height will remain the same, the single-family dwelling will not adversely shade adjacent properties and will result in minimal visual impact.

The proposed project will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed project will comply with the site standards for the Pajaro Dunes Planned Unit Development and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed project is to be constructed on an existing developed lot with one single-family dwelling. No additional traffic will be generated as a result of this proposed project.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed project is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed project will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

The existing three-story home has grey shingle siding, a flat roof and decks on the second and third floors with an overall height of approximately twenty-eight feet at its highest point. The proposed exterior modifications include new blue/grey shingle siding, new windows, and new wood decking with railings. The home will maintain its modern design and overall height, and the exterior will be updated with new shingles with modest colors that will complement the new home and be compatible with the houses in the surrounding neighborhood as it does now. Additionally, the final design is also subject to approval by the Pajaro Dunes Association Design Committee.

## Conditions of Approval

Exhibit D: Project plans, prepared by Anderson McKelvey, dated 1/12/2021.

- I. This permit authorizes the construction of additions to an existing single-family dwelling including approximately 259 square feet and two covered decks on the first and second floor, and interior remodel as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
    2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color

- and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
3. Grading, drainage, and erosion control plans.
  4. Details showing compliance with fire department requirements.
- B. Meet all requirements of the County Department of Public Works, Stormwater Management. Below are additional conditions of approval:
- 1) The application submittal shall adhere to Part 3 Section C of the CDC and County Code 7.79. Pre-development runoff patterns shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
  - 2) Final stormwater management plans and construction cross-section details shall be submitted with the building permit application. Plans shall show how runoff from impervious areas are conveyed.
  - 3) A site assessment shall be performed, and a note shall be added to the plans that states whether there are any existing drainage issues on or near the site and if any issues or impacts are anticipated resulting from the proposed improvements.
  - 4) Zone 7A fees will be assessed on the net increase in permitted impervious area following the Unified Fee Schedule in place at building permit issuance. Reduced fees (50%) are assessed for semi-pervious surfacing without liners (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials.
- C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- D. Meet all requirements of the Environmental Planning section of the Planning Department. Below are additional conditions of approval:
1. The applicant shall provide a signed and stamped copy of the accepted soils report and update(s).
  2. Building permit application plans shall reference the soils report and update(s), include contact information for the geotechnical engineer, and include a statement that the project shall conform to the recommendations of the geotechnical engineer.
  3. The applicant shall submit a signed and stamped Soils (Geotechnical) Engineer Plan Review Form to Environmental Planning. The plan review form shall reference each reviewed sheet of the final plan set by its last revision date. Any updates to the soils report recommendations necessary to address conflicts between the report and plans must be provided via a

separate addendum to the soils report. The author of the report shall sign and stamp the completed form. An electronic copy of this form may be found on our website: [www.sccoplanning.com](http://www.sccoplanning.com), under "Environmental", "Geology & Soils", "Assistance & Forms", "Soils Engineer Plan Review Form".

4. The applicant shall submit an updated Substantial Improvement Worksheet based on the submitted building permit plans. If the cost of improvements associated with the building permit plans exceeds 50% of the appraised value of the property the project will be required to comply with FEMA and County requirements for elevation of substantially improved structures in the Special Flood Hazard Area VE zone.
5. The building permit shall conform to the conditions of approval listed in the biotic approval letter for REV211455, dated November 10, 2021, and listed below.
  - a) Prior to any site disturbance, a pre-construction meeting shall be conducted. The purpose of the meeting will be to ensure that the conditions set forth in the proposed project description and Conditions of Approval are communicated to the various parties responsible for constructing the project. The meeting shall involve all relevant parties including the project proponent, construction supervisor, Environmental Planning Staff, and the project biologist.
  - b) All recommended Avoidance and Minimization measures starting on page 5 of the attached Legless Lizard Habitat Assessment dated June 22, 2021 prepared Bryan Mori Biological Consulting Services shall be adhered to.
  - c) If a special-status animal is identified at any time prior to or during construction, work shall cease immediately in the vicinity of the individual. The animal shall either be allowed to move out of harm's way on its own or a qualified biologist shall move the animal out of harm's way to a safe relocation site.
  - d) Every individual working on the Project must attend biological awareness training prior to working on the job site. The training shall be delivered by a qualified biologist and shall include information regarding the location and identification of sensitive habitats and all special-status species with potential to occur in the project area, the importance of avoiding impacts to special-status species and sensitive habitats, and the steps necessary if any special-status species is encountered at any time.
  - e) Prior to commencement of construction, the location and boundaries of existing Monterey paintbrush on the property shall

be re-confirmed by a qualified biologist. High visibility construction fencing or flagging shall be installed, with the assistance of a qualified biologist, to indicate the limits of work and prevent inadvertent grading or other disturbance within the surrounding sensitive habitats including rare plant colonies to be retained. Silt fencing shall also be installed around the protected plant colonies. No work-related activity including equipment staging, vehicular access, and grading shall be allowed within sensitive habitat areas.

- f) To compensate for impacts to Coastal Dune habitat, and habitat for special-status species, and to comply with the Santa Cruz County General Plan Policy 5.1.12, restoration of degraded sensitive habitat on site is required. All restoration activities shall follow the project-specific Mitigation Plan outlined below.
- g) All areas temporarily disturbed as a result of the project shall be re-vegetated with native dune plant species with the purpose of restoring the native plant structure and species composition of local Coastal Dune habitat.
- h) Permanent impacts to Coastal Dune habitat shall be compensated for by restoring degraded Coastal Dune habitat at a minimum 3:1 ratio (minimum 828 square feet) in suitable areas on site.
- i) A project-specific Mitigation Plan shall be prepared by a qualified biologist or restoration professional. Restoration activities shall be focused on restoring the native plant structure and species composition of local Coastal Dune habitat on the subject parcel. The Mitigation Plan must include the following minimum elements:
  - i. A map of all designated on-site and off-site restoration areas including:
  - ii. Identification of areas on site where temporary disturbance and re-establishment of native habitat shall occur.
  - iii. Identification of additional on-site restoration areas intended to compensate for permanently impacted dune habitat at 3:1 ratio.
  - iv. The location of existing special-status plant colonies on the property to be protected during and after construction and monitored for success.
  - v. Plan for removal of non-native species and a management strategy to control re-establishment of invasive non-native



species on the remainder of the parcel to help prevent the spread and continued encroachment of invasive species into restored areas.

- vi. A planting plan with species, size, and locations of all restoration plantings. These plantings shall occur at sizes and ratios determined by the restoration specialist to adequately restore native habitat while maximizing plant health and survivability of individual plants.
  - vii. Information regarding the methods of irrigation for restoration plantings.
  - j) The Restoration Plan shall include a 5-year Management Plan for maintenance and monitoring of restored areas, including a proposed mechanism for evaluating success. Annual reports outlining the progress and success of the restoration and monitoring shall be submitted to the County Environmental Coordinator by December 31 of each monitoring year.
  - k) In addition to the required 5-year annual monitoring and reporting, a 10-year monitoring report shall be prepared and submitted to the County Environmental Coordinator outlining the continued implementation and results of annual Coastal Dune Scrub Management over the 10-year period.
- 6. The Mitigation Plan shall be submitted to Environmental Planning staff for approval prior to implementation and shall be implemented prior to final building inspection.
  - 7. Any seed mix used for erosion control purposes on exposed soils shall be limited to seeds of native species common to the surrounding habitat and/or sterile seeds.
  - 8. Pursuant to SCCC Section 13.20.130(B)(2) removal of mature trees should be avoided if possible.
- E. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
  - F. Pay the current fees for Parks mitigation. Currently, these fees are \$4.51 per square foot for single family dwellings.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be

installed.

- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

#### IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

#### V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.
- D. Successors Bound. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Jocelyn Drake  
Deputy Zoning Administrator

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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.





ANDERSON  
MCKELVEY  
ARCHITECTS  
1179 CORNWALL WAY  
PALARO DUNES, CA 95076  
APN: 052-02-130  
TEL: 415.227.2724  
FAX: 415.227.2724



# SWIDLER BEACH HOUSE 119

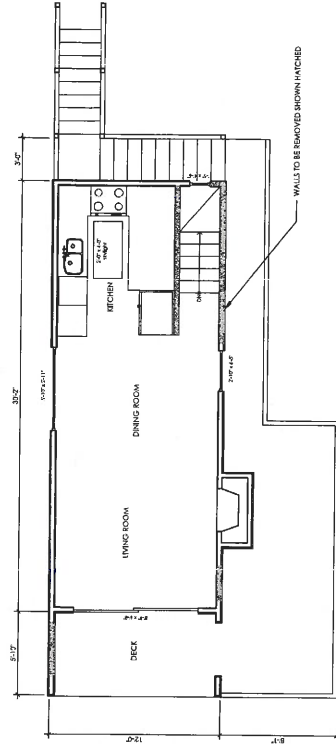
RESIDENTIAL REMODEL & ADDITION  
PALARO DUNES, CA 95076  
APN: 052-02-130



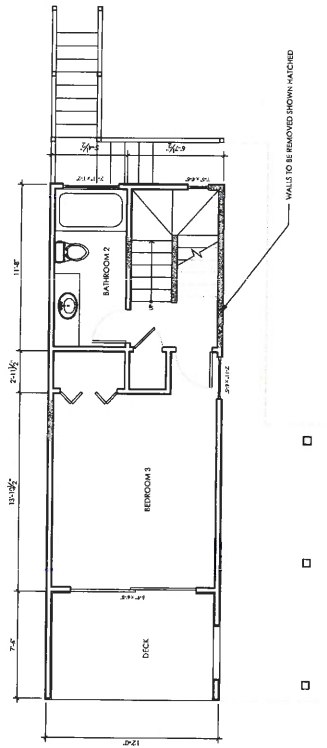
EXISTING  
FLOORPLANS  
&  
ELEVATIONS

DESIGN: RCH  
SCALE: AS SHOWN  
DATE: 12 JANUARY 2021

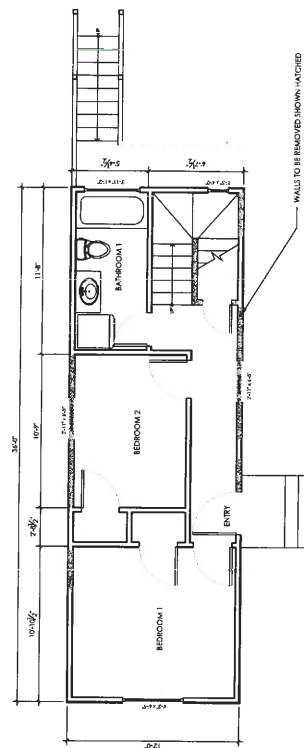
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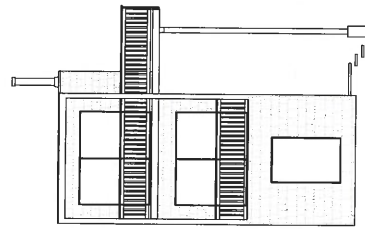
3 EXISTING THIRD FLOOR PLAN  
Scale: 1/4" = 1'-0"



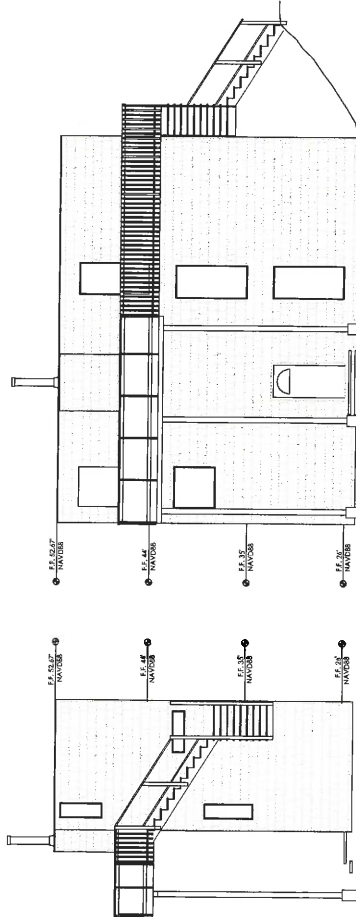
2 EXISTING SECOND FLOOR PLAN  
Scale: 1/4" = 1'-0"



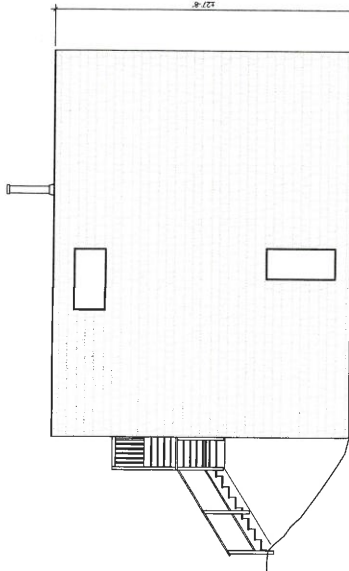
1 EXISTING FIRST FLOOR PLAN  
Scale: 1/4" = 1'-0"



6 EXISTING WEST ELEVATION  
Scale: 3/16" = 1'-0"



4 EXISTING SOUTH ELEVATION  
Scale: 3/16" = 1'-0"



7 EXISTING NORTH ELEVATION  
Scale: 3/16" = 1'-0"

5 EXISTING EAST ELEVATION  
Scale: 3/16" = 1'-0"





ANDERSON  
MCKELVEY  
341 SPODIE AVENUE  
FALGOUT, CA 94024  
TEL: 415.327.1300  
FAX: 415.327.1301



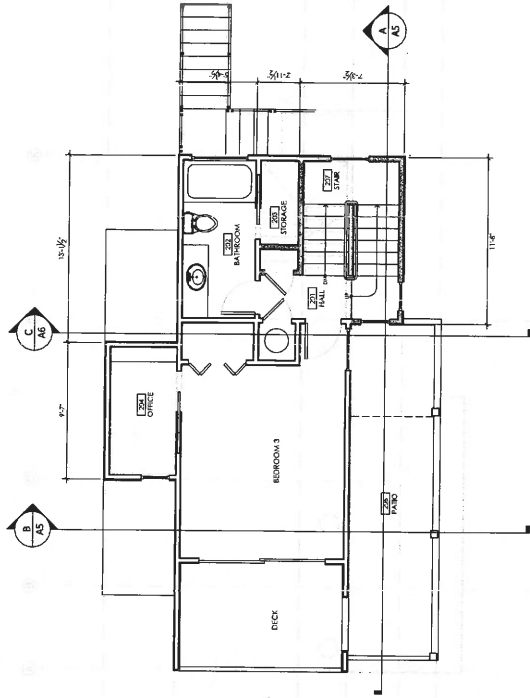
SWIDLER BEACH HOUSE 119  
RESIDENTIAL REMODEL & ADDITION  
119 CORNBORANT WAY  
PALMDALE, CA 93626  
APN: 063-02-130



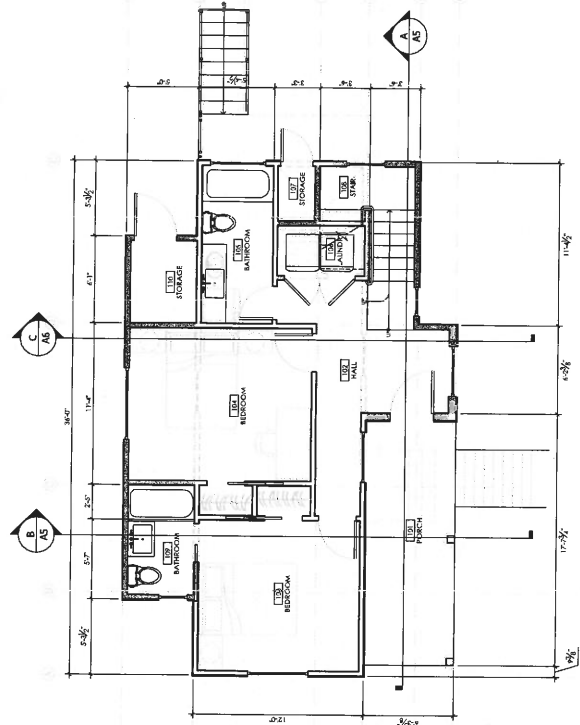
PROPOSED  
FLOOR PLANS

FOR  
DRAWN: JRM  
CHECKED: JRM  
DATE: 12 NOVEMBER 2020

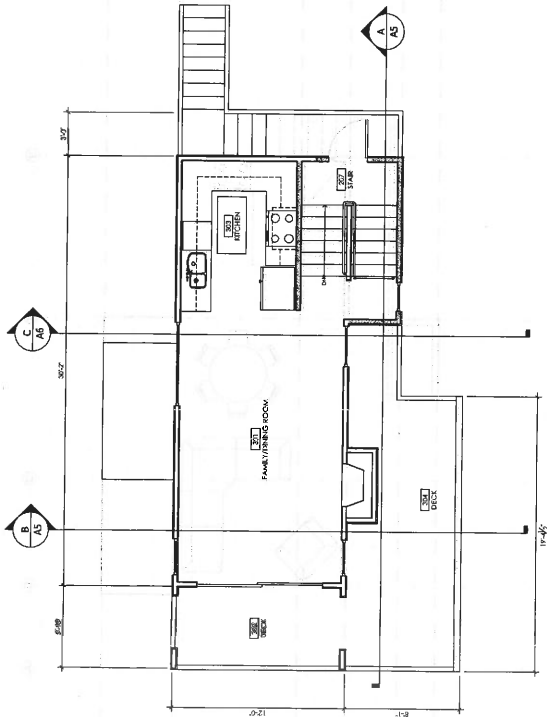
A3



2 PROPOSED SECOND FLOOR PLAN  
Scale: 1/4" = 1'-0"



1 PROPOSED FIRST FLOOR PLAN  
Scale: 1/4" = 1'-0"



3 PROPOSED THIRD FLOOR PLAN  
Scale: 1/4" = 1'-0"

WALL LEGEND

- (N) 2x8 @ 16" O.C. WALL
- (E) 2x4 WALL
- WALL TO BE REMOVED
- CEILING BEAM





ANDERSON  
MCKELVEY  
ARCHITECTS  
1199 CALIFORNIA STREET  
SAN FRANCISCO, CA 94108  
TEL: 415.398.1234  
FAX: 415.398.1235

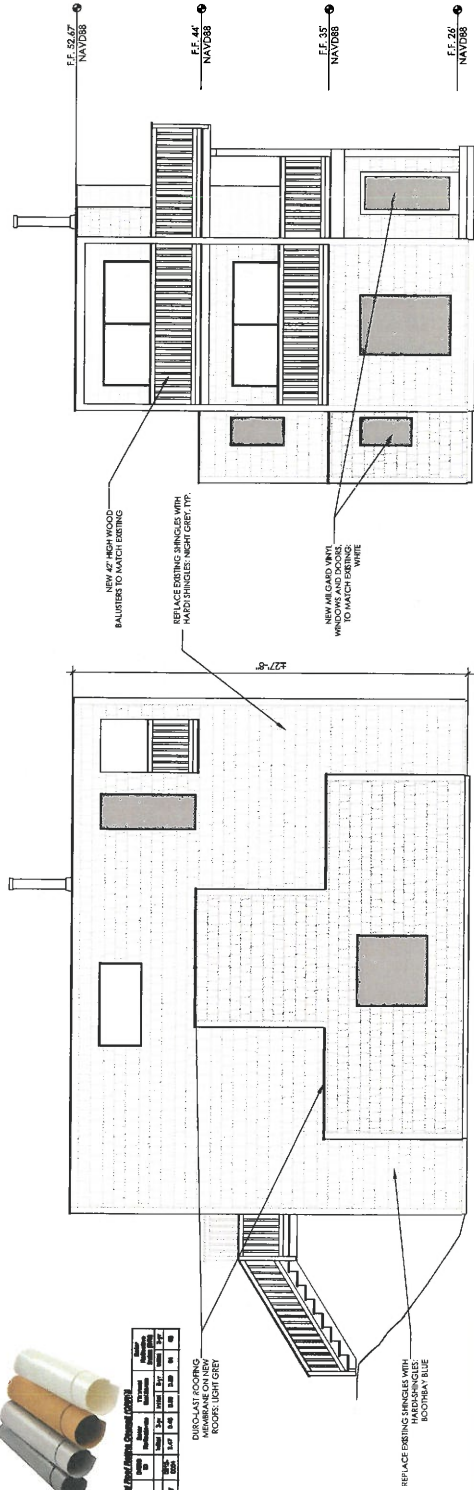


SWIDLER BEACH HOUSE 119  
119 CORMORANT WAY  
PALM BEACH, FL 33480  
ARCHITECT: ANDERSON MCKELVEY  
DATE: 02-23-10

**DURO-LAST**  
THE WORLD'S BEST ROOF®

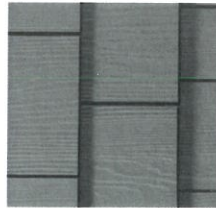


Color	Material	Weight	Thickness	Length	Width	Area	Volume
White	1/2" Duro-Last	1.5	1/2"	12'	48"	144	0.03
White	3/4" Duro-Last	2.25	3/4"	12'	48"	144	0.045
White	1" Duro-Last	3.0	1"	12'	48"	144	0.06
White	1 1/2" Duro-Last	4.5	1 1/2"	12'	48"	144	0.09
White	2" Duro-Last	6.0	2"	12'	48"	144	0.12



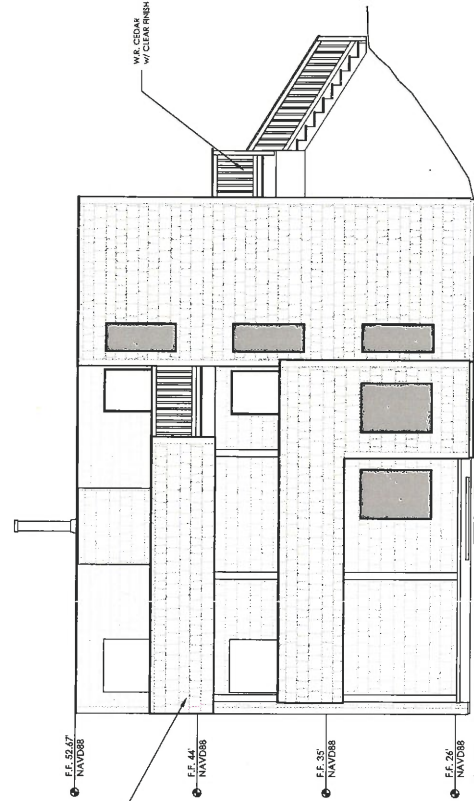
2 PROPOSED WEST ELEVATION  
Scale: 1/4" = 1'-0"

4 PROPOSED NORTH ELEVATION  
Scale: 1/4" = 1'-0"

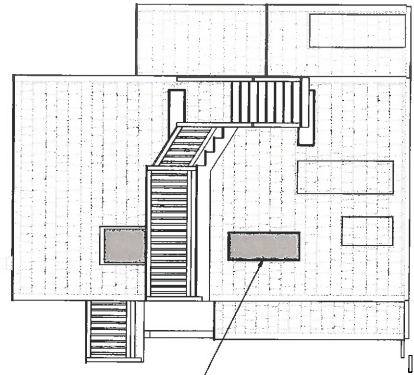


PROPOSED  
ELEVATIONS

DRAWN: RCP  
SCALE: 1/4" = 1'-0"  
DATE: 12 January 2021



1 PROPOSED SOUTH ELEVATION  
Scale: 1/4" = 1'-0"



3 PROPOSED EAST ELEVATION  
Scale: 1/4" = 1'-0"



A4



ANDERSON  
MCKELVEY  
ARCHITECTS  
1115 CALIFORNIA STREET  
SAN FRANCISCO, CA 94109  
TEL: 415.398.2374  
FAX: 415.398.2375

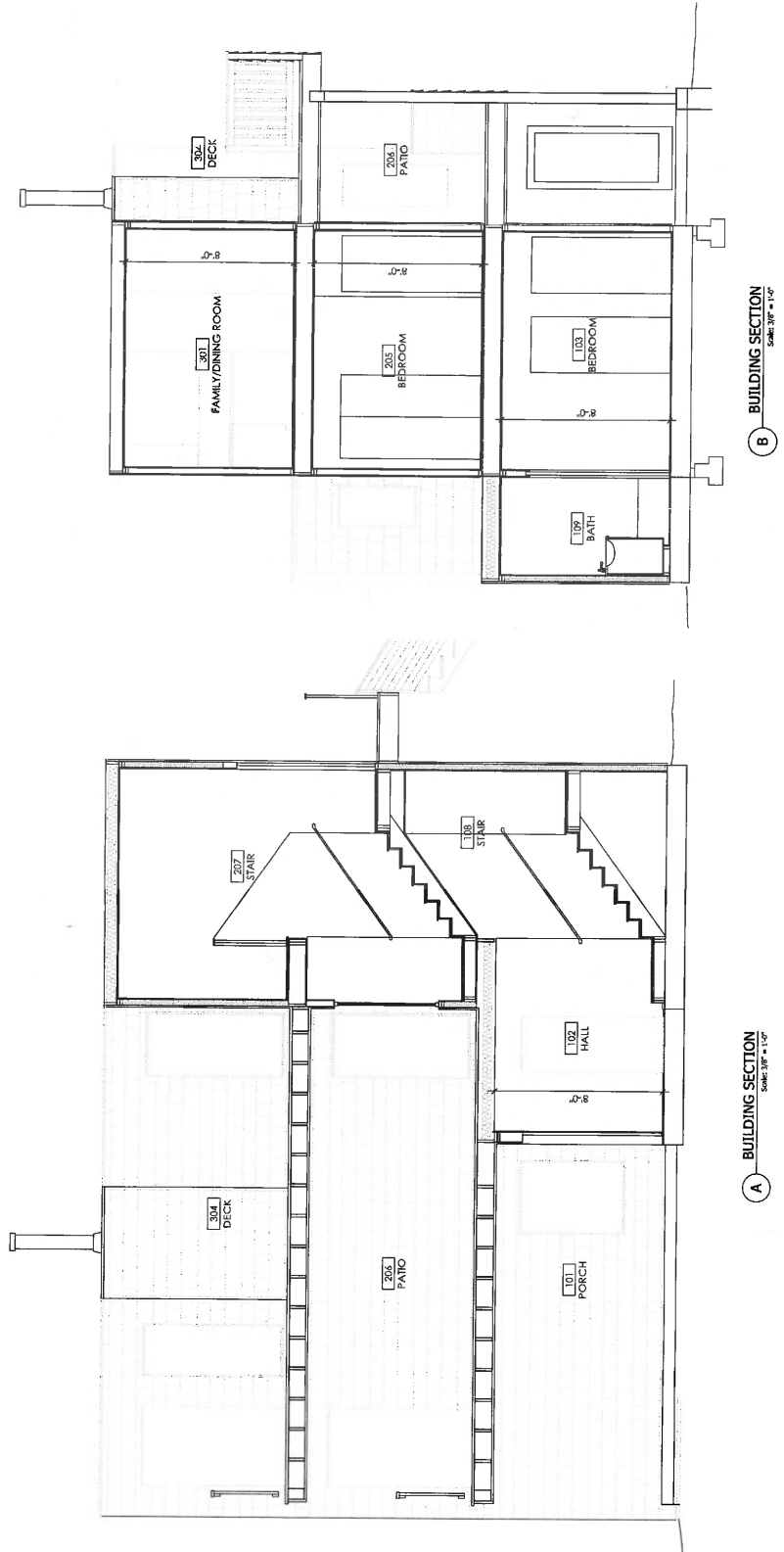


RESIDENTIAL REMODEL & ADDITION  
SWIDLER BEACH HOUSE 119  
PALMBO DRIVE, CA 94074  
APN: 052-02-130

# BUILDING SECTIONS

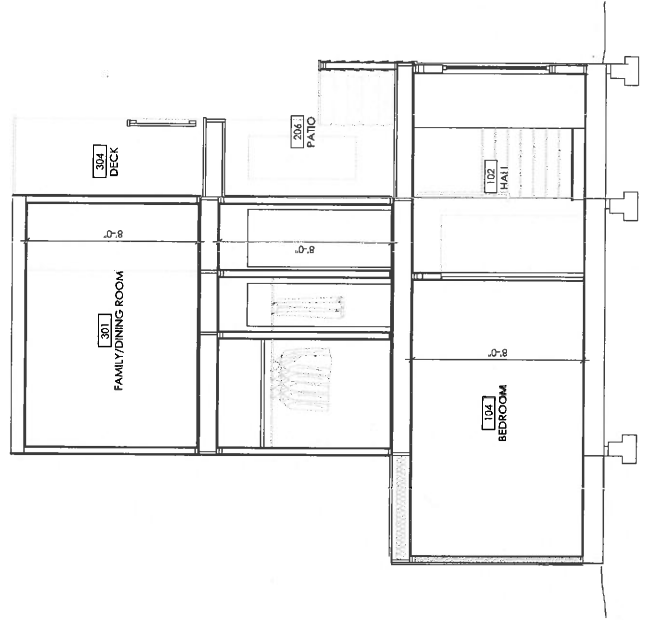
CS  
SCALE 3/8" = 1'-0"  
DATE 12 January 2023

A5





C BUILDING SECTION  
Scale: 3/8" = 1'-0"



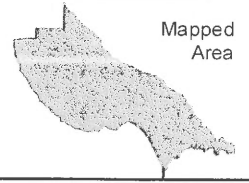
BUILDING SECTIONS

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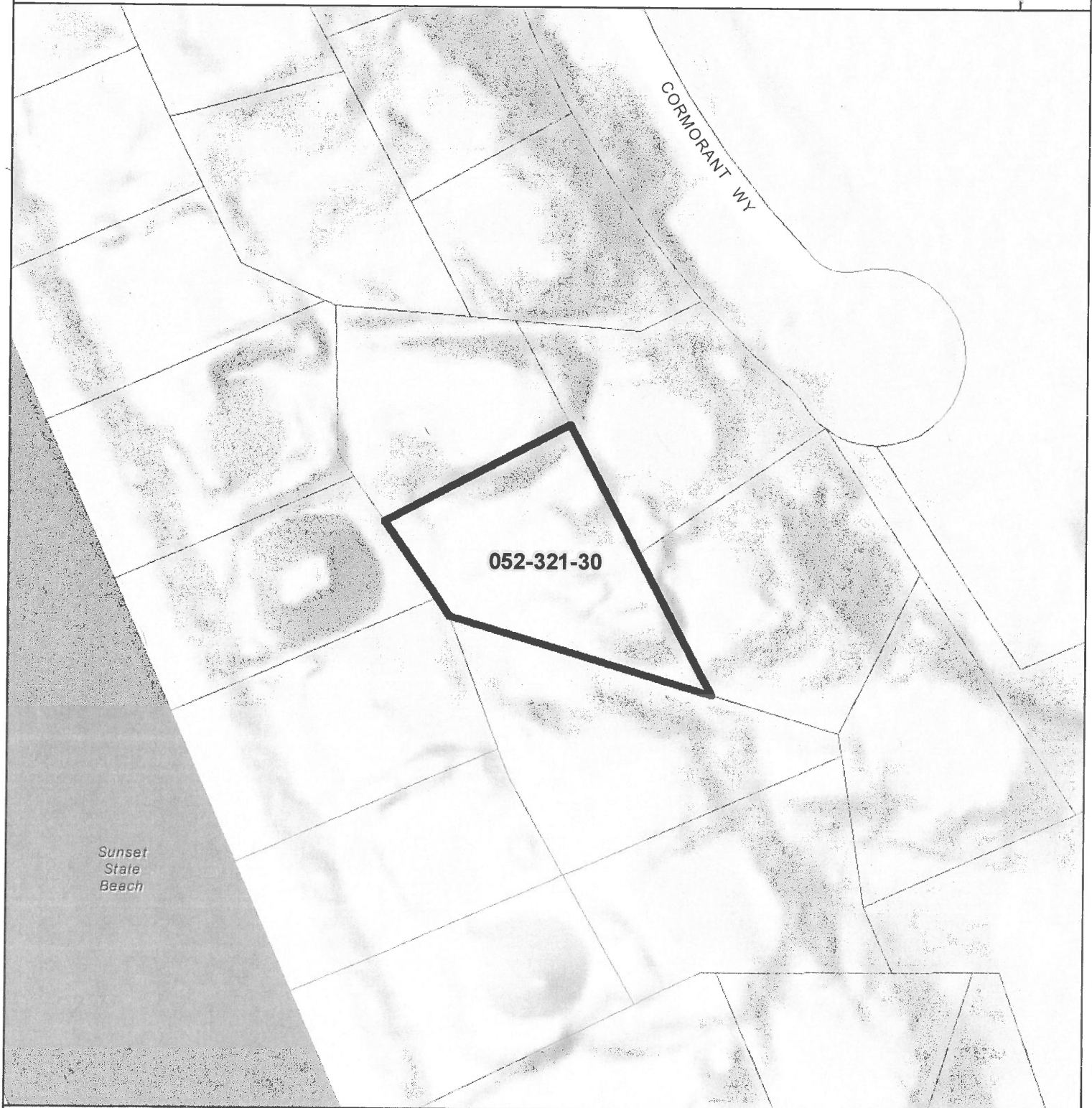
RESIDENTIAL REMODEL & ADDITION  
119 CORMORANT WAY  
PALMARO DUNES, CA 95076  
APN: 062-02-130



ANDERSON  
MCKELVEY  
ARCHITECTS  
119 CORMORANT WAY  
PALMARO DUNES, CA 95076  
TEL: 415.225.1224  
FAX: 415.225.1225



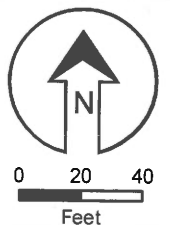
## Parcel Location Map



**Parcel: 05232130**

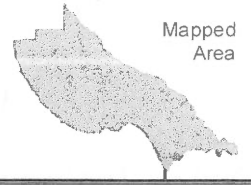
-  Study Parcel
-  Assessor Parcel Boundary
-  Existing Park

Map printed: 10 Jan. 2022

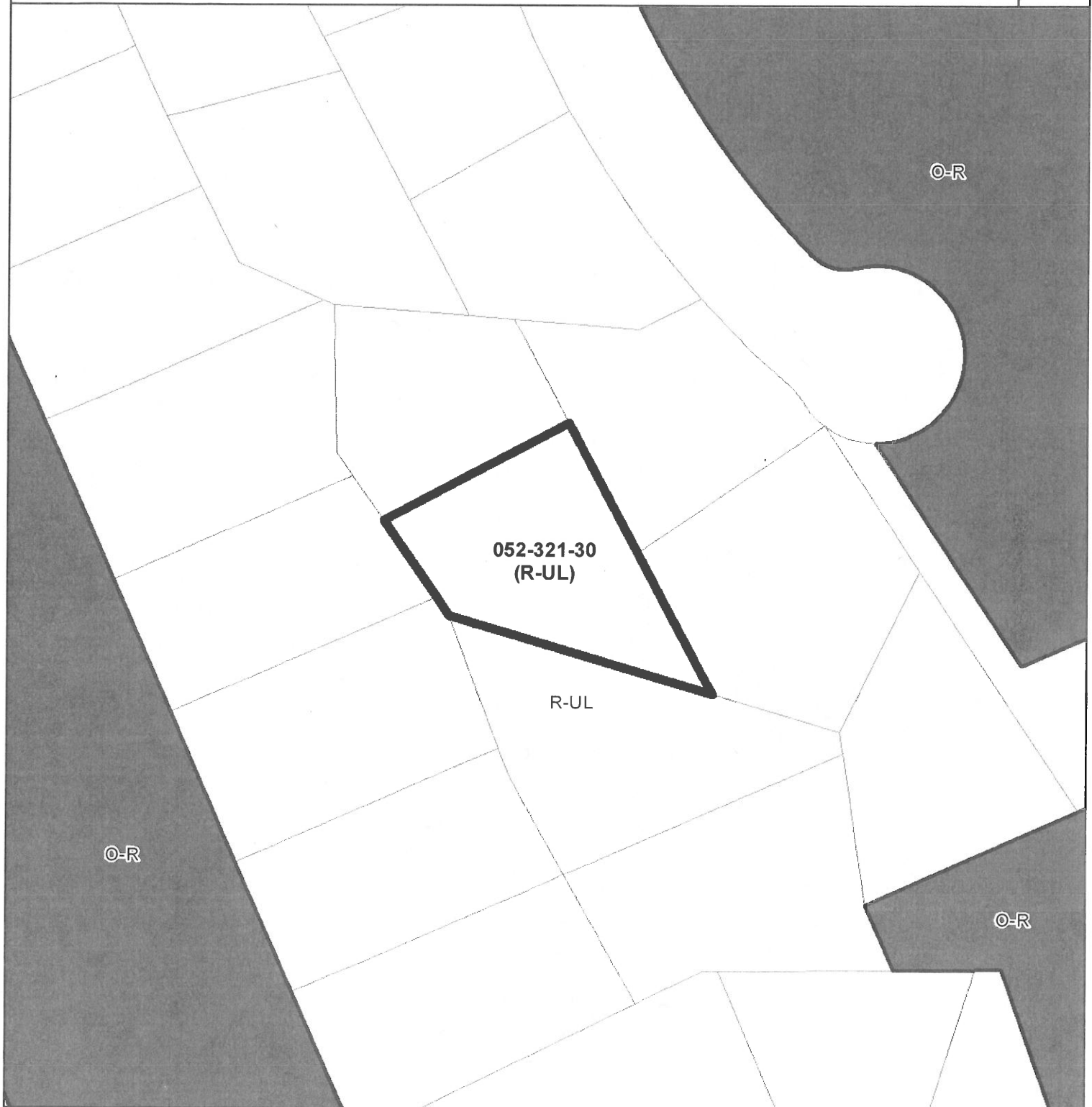




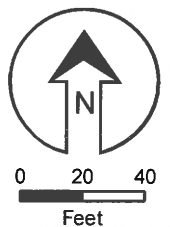
# Parcel General Plan Map



Mapped  
Area



- O-R *Parks, Recreation & Open Space*
- R-UL *Res. Urban Low Density*



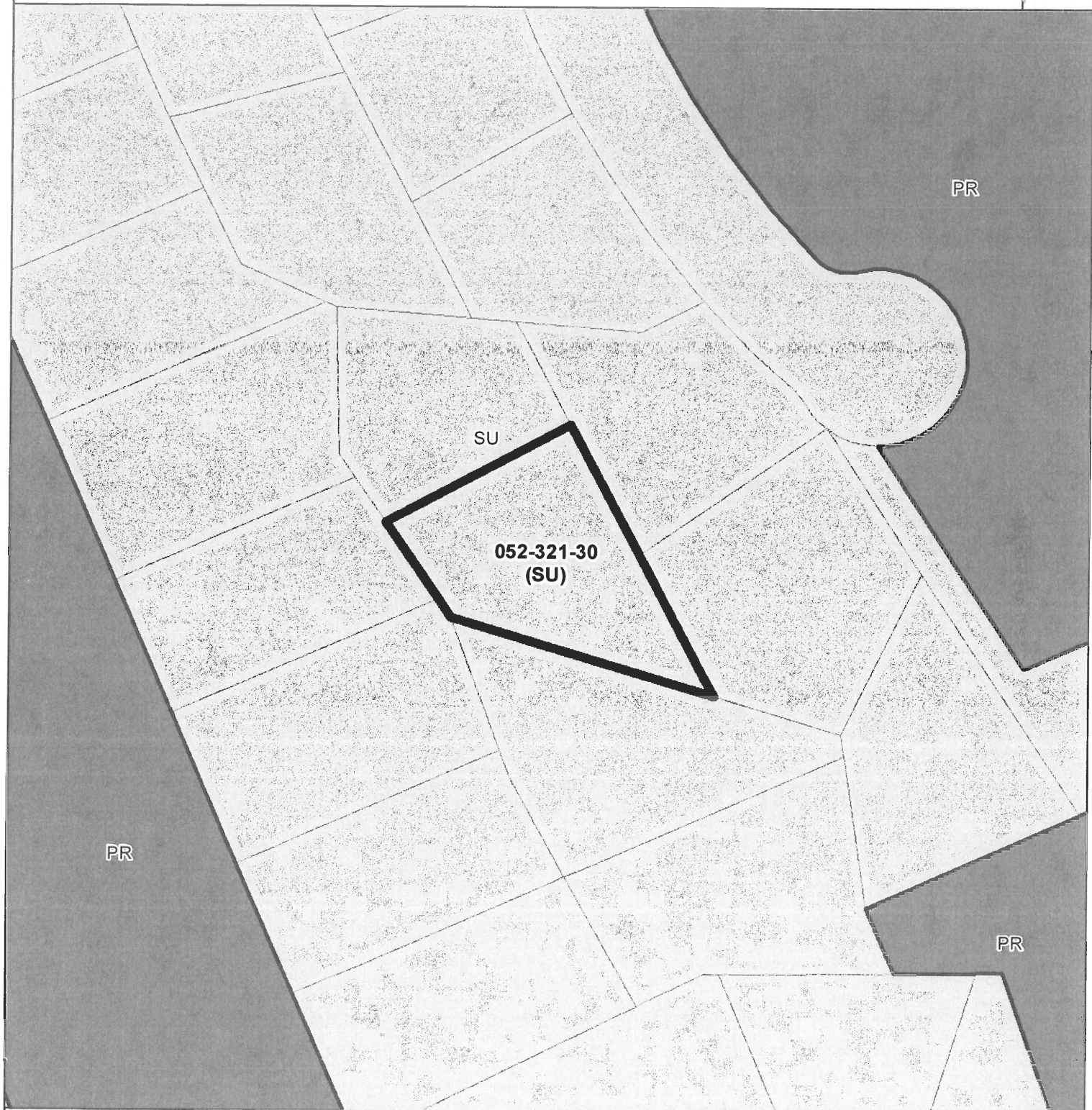




SANTA CRUZ COUNTY PLANNING DEPARTMENT

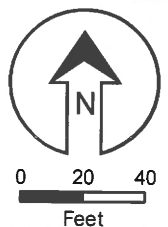
# Parcel Zoning Map



Mapped  
Area



-  PR Parks, Recreation, & Open Space
-  SU Special Use

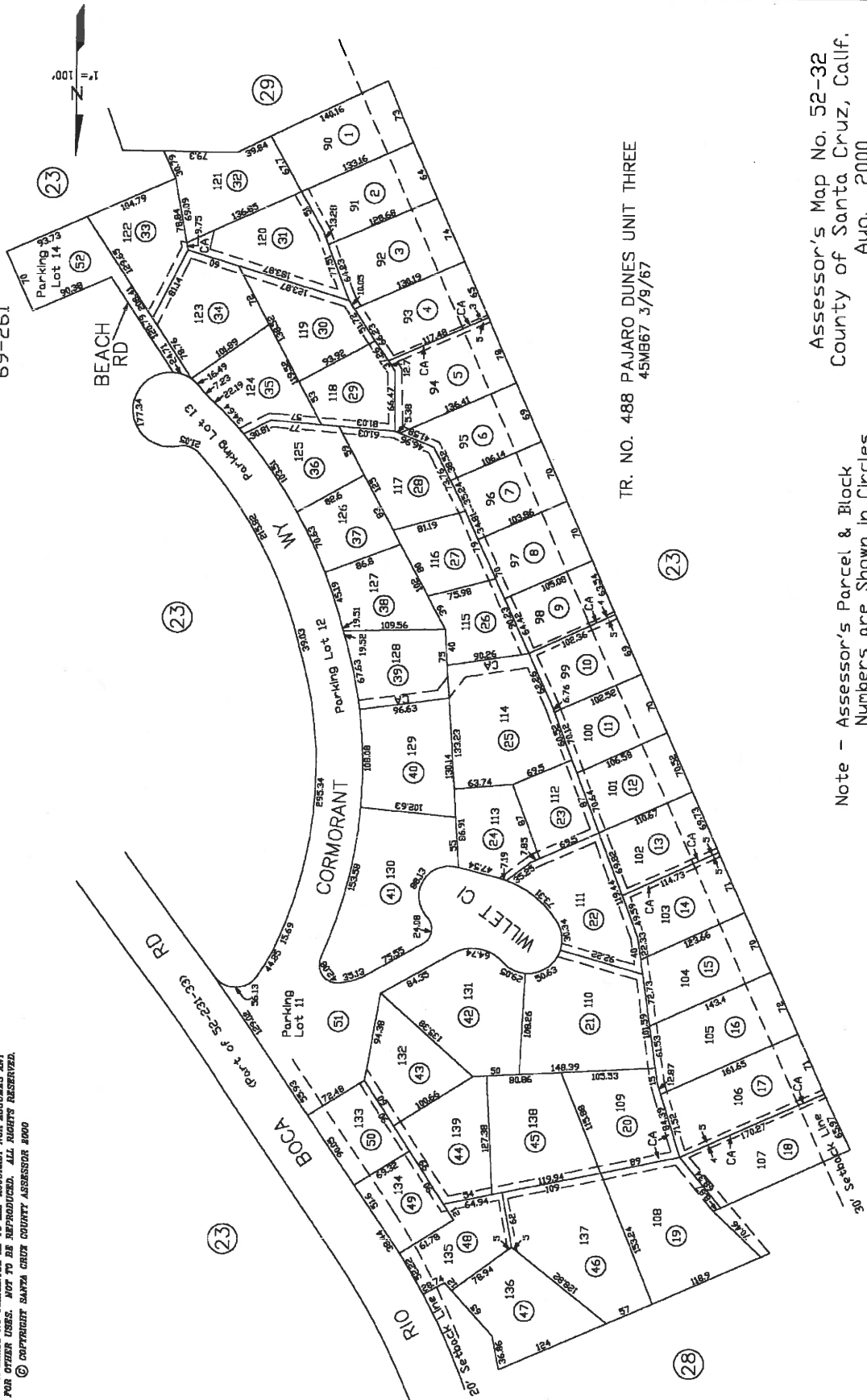


FOR TAX PURPOSES ONLY  
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY  
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

PDR, SEC. 25, T.12S., R.1E., M.D.B. & M.

Tax Area Code  
 69-261

52-32



TR. NO. 488 PAJARO DUNES UNIT THREE  
 45MB67 3/9/67

Assessor's Map No. 52-32  
 County of Santa Cruz, Calif.  
 Aug. 2000

Note - Assessor's Parcel & Block  
 Numbers are Shown in Circles.

Revised 1/30/02 from 8/22/00 KSA  
 Electronically prepared 8/22/00 KSA

## Parcel Information

### Services Information

Urban/Rural Services Line:   X   Inside      Outside  
Water Supply: City of Watsonville  
Sewage Disposal: Septic  
Fire District: Pajaro Valley FPD  
Drainage District: Zone 7

### Parcel Information

Parcel Size: 8,467 square feet  
Existing Land Use - Parcel: Residential  
Existing Land Use - Surrounding: Residential  
Project Access: Rio Boca Road  
Planning Area: San Andreas  
Land Use Designation: R-UL (Urban Low Density Residential)  
Zone District: SU (Special Use)  
Coastal Zone:   X   Inside      Outside  
Appealable to Calif. Coastal Comm.:   X   Yes      No

**Technical Reviews:** Biotic Review (REV211455) & Soils Report Review (REV211198)

### Environmental Information

Geologic Hazards: 100-Year flood zone (VE)-coastal beach dunes  
Fire Hazard: Not a mapped constraint  
Slopes: Majority 10-15%; some 30% (GIS)  
Env. Sen. Habitat: Beach dunes  
Grading: Minimal  
Tree Removal: No trees proposed to be removed  
Scenic: Scenic  
Archeology: Not mapped/no physical evidence on site





# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

24 August 2021

Jill & Adam Swidler <aswidler@yahoo.com>  
1566 Siesta Drive  
Los Altos, CA 94024

Subject: Review of the Geotechnical Investigation - Design Phase for Proposed Residential Development at 119 Cormorant Way/APN 052-321-30 revised 28 May 2021 by Butano Geotechnical Engineering Inc. - Project No. 19-11-SC

Project Site: 119 Cormorant Way  
APN 052-321-30  
Application No. REV211198

Dear Applicant:

The purpose of this letter is to inform you that the Planning Department has accepted the subject geotechnical investigation report. The following items shall be required:

1. All project design and construction shall comply with the recommendations of the report;
2. Final plans shall reference the report by title, author and date. Final Plans should also include a statement that the project shall conform to the report's recommendations; and
3. After plans are prepared that are acceptable to all reviewing agencies, please submit a completed Soils (Geotechnical) Engineer Plan Review Form to Environmental Planning. The author of the soils report shall sign and stamp the completed form. Please note that the plan review form must reference the final plan set by last revision date.

Any updates to report recommendations necessary to address conflicts between the reports and plans must be provided via a separate addendum to the soils report.

Electronic copies of all forms required to be completed by the Geotechnical Engineer may be found on our website: [www.sccoplanning.com](http://www.sccoplanning.com), under "Environmental", "Geology & Soils", and "Assistance & Forms".

After building permit issuance the soils engineer *must remain involved with the project* during construction. Please review the Notice to Permits Holders (attached).

Our acceptance of the report is limited to its technical content. Other project issues such as zoning, fire safety, septic or sewer approval, etc. may require resolution by other agencies.

EXHIBIT G

REV211198  
APN 052-321-30  
24 August 2021  
Page 2 of 3

Please note that this determination may be appealed within 14 calendar days of the date of service. Additional information regarding the appeals process may be found online at: [http://www.sccoplanning.com/html/devrev/plnappeal\\_bldg.htm](http://www.sccoplanning.com/html/devrev/plnappeal_bldg.htm)

If we can be of any further assistance, please contact the undersigned at:  
831.454.3168 or [rick.parks@santacruzcounty.us](mailto:rick.parks@santacruzcounty.us)

Respectfully,



Rick Parks, GE 2603  
Civil Engineer – Environmental Planning

Cc: Environmental Planning, Attn: Leah MacCarter  
Butano Geotechnical Engineering Inc., Attn: Philip Edwards, PE  
Dennis Anderson, Architect <dennis@andmck.com>

Attachments: Notice to Permit Holders



**NOTICE TO PERMIT HOLDERS WHEN A SOILS REPORT HAS BEEN PREPARED,  
REVIEWED AND ACCEPTED FOR THE PROJECT**

After issuance of the building permit, the County requires your soils engineer to be involved during construction. Several letters or reports are required to be submitted to the County at various times during construction. They are as follows:

1. **When a project has engineered fills and / or grading**, a letter from your soils engineer must be submitted to the Environmental Planning section of the Planning Department prior to foundations being excavated. This letter must state that the grading has been completed in conformance with the recommendations of the soils report. Compaction reports or a summary thereof must be submitted.
2. **Prior to placing concrete for foundations**, a letter from the soils engineer must be submitted to the building inspector and to Environmental Planning stating that the soils engineer has observed the foundation excavation and that it meets the recommendations of the soils report.
3. **At the completion of construction**, a *Soils (Geotechnical) Engineer Final Inspection Form* from your soils engineer is required to be submitted to Environmental Planning that includes copies of all observations and the tests the soils engineer has made during construction and is stamped and signed, certifying that the project was constructed in conformance with the recommendations of the soils report.

If the *Final Inspection Form* identifies any portions of the project that were not observed by the soils engineer, you may be required to perform destructive testing in order for your permit to obtain a final inspection. The soils engineer then must complete and initial an *Exceptions Addendum Form* that certifies that the features not observed will not pose a life safety risk to occupants.



## County of Santa Cruz

### PLANNING DEPARTMENT

701 Ocean Street, 4th floor, Santa Cruz, Ca 95060  
(831) 454-2580 Fax: (831) 454-2131 Tdd: (831) 454-2123

November 10, 2021

Jill and Adam Swidler  
c/o Dennis Anderson  
Anderson McKelvey Architects  
536 Soquel Avenue  
Santa Cruz, CA 95062  
dennis@andmck.com

**Subject:** 119 Cormorant Way Biotic Report Review and Conditioned Approval

**APN:** 052-321-30

**Application #s:** REV211455; 211094

**Attachment 1.** Legless Lizard Habitat Assessment

**Attachment 2.** Botanical Assessment

Dear Mr. Anderson,

The Planning Department received and reviewed a CA Legless Lizard Habitat Assessment dated June 22, 2021 prepared by Bryan Mori Biological Consulting Services, and a Botanical Assessment dated September 29, 2021 prepared by Biotic Resources Group for 119 Cormorant Way. These reports are included as Attachments 1 and 2. The Biotic Report Review was required because of the potential for sensitive habitats and protected species on this parcel where remodeling of an existing residence is proposed. The project is located at 119 Cormorant Way in the Pajaro Dunes gated community and is accessed from a pedestrian walkway. There is no vehicular access to the parcel.

The proposed project involves construction of an addition to an existing single-family home including a new 108 square foot porch and expansion of the existing residence on both the north and south sides by a total of approximately 168 square feet. The development footprint of the home will be increased by 276 square feet. An additional 1,066 square feet of temporary impacts is expected to result from construction access in an estimated construction zone around the proposed development.

#### **Baseline Environmental Conditions**

The Study Area covered in the biotic reports includes the entire approximately 0.19-acre parcel 052-321-30 located within the Coastal Zone. The parcel is currently developed with one single family dwelling and a small wooden walkway. The Botanical Assessment identifies two community types in the study area: coastal dune scrub and barren dunes.

*119 Cormorant Way Biotic Report Review*

EXHIBIT G

Coastal dune scrub on the property consists of both native dune habitat dominated by silver bush lupine and mock heather, and degraded dune habitat which supports dense stands of non-native European dune grass and ice plant. Several pockets of Monterey paintbrush (*Castilleja latifolia*), a locally unique plant species, are present in the coastal dune scrub located southeast of the existing residence. Habitat types identified on the parcel and the location of special-status plant species are depicted in Figure 2 of the attached Botanical Assessment.

### **Analysis**

Coastal Dune Scrub, Dune Plant Habitat, and habitat for special-status species are considered sensitive under Santa Cruz County's Sensitive Habitat Protection ordinance (Chapter 16.32). The purpose of Chapter 16.32 is to minimize the disturbance of biotic communities which are rare or especially valuable because of their special nature or role in an ecosystem. The project site is located on a coastal dune and the entire parcel is considered sensitive habitat.

Biological Resources including special-status species and their habitats and other sensitive natural communities as identified by local policies, CDFW, or USFWS are also protected under the California Environmental Quality Act (CEQA). Additionally, Coastal Dune Scrub, Dune Plant Habitat, and habitat for special-status species are offered special protections under the California Coastal Act as Environmentally Sensitive Habitat Areas (ESHA). Santa Cruz County Code Section 13.20.130(B)(2) includes requirements for minimizing site disturbance associated with grading, earth moving, and removal of major vegetation in the Coastal Zone.

The parcel contains Coastal Dune Scrub habitat which supports Monterey paintbrush scattered throughout the southeast corner of the property. The project site contains suitable habitat for two wildlife State Species of Special Concern: Northern California legless lizard (*Anniella pulchra*) and coast horned lizard (*Phrynosoma blainvillii*).

The proposed project will impact approximately 1342 square feet of coastal dune scrub habitat including 276 square feet of permanent impacts associated with the home remodel, and approximately 1,066 square feet of temporary impacts resulting from construction access (10-foot construction zone outward of the final structure). Project impacts are depicted in Figure 10 of the attached Botanical Assessment.

Conditions have been included below to compensate for temporary and permanent impacts to sensitive habitats and special-status species.

### **Conclusion**

Dune habitat occurs throughout the property and cannot be avoided by an alternative project design. This project involves minimal expansion to the existing house footprint which would permanently impact approximately 276 square feet. The anticipated impacts were minimized during project design by concentrating development directly adjacent to the existing structure where only barren sand occurs.

Areas of in-tact native dune habitat and impacts to Monterey paintbrush on the property will be avoided during construction. Conditions have been included below that require protection of this species during construction. All areas of temporary habitat disturbance must be re-vegetated with native dune plant species following a restoration plan prepared and implemented by a qualified restoration professional.

There are sensitive habitat constraints on the project site associated with coastal dune scrub habitat, and special-status species that must be considered prior to and during project implementation. Conditions have been included below to ensure that impacts to special-status species, their habitats, and other sensitive habitats will be *less than significant*.

The Conditions of Approval below shall be incorporated into all phases of development for this project and shall also apply to all future development activities engaged in on the property.

If you have any questions regarding this letter, please feel free to contact me by email or telephone at [Juliette.Robinson@santacruzcounty.us](mailto:Juliette.Robinson@santacruzcounty.us) or 831-454-3156.

Sincerely,

A handwritten signature in blue ink, appearing to be 'JR' followed by a horizontal line.

Juliette Robinson  
Resource Planner IV, Biologist

CC: Matt Johnston, Environmental Coordinator  
Leah MacCarter, Area Resource Planner  
Elizabeth Cramblet, Project Planner

## Conditions of Approval

In order to conduct development activities on APN 052-321-30, the following conditions shall be adhered to. The Conditions of Approval below shall be incorporated into all phases of development for this project (211094) and shall also apply to all future development activities proposed on the property.

1. Prior to any site disturbance, a pre-construction meeting shall be conducted. The purpose of the meeting will be to ensure that the conditions set forth in the proposed project description and Conditions of Approval are communicated to the various parties responsible for constructing the project. The meeting shall involve all relevant parties including the project proponent, construction supervisor, Environmental Planning Staff, and the project biologist.
2. All recommended Avoidance and Minimization measures starting on page 5 of the attached Legless Lizard Habitat Assessment dated June 22, 2021 prepared Bryan Mori Biological Consulting Services shall be adhered to.
3. If a special-status animal is identified at any time prior to or during construction, work shall cease immediately in the vicinity of the individual. The animal shall either be allowed to move out of harm's way on its own or a qualified biologist shall move the animal out of harm's way to a safe relocation site.
4. Every individual working on the Project must attend biological awareness training prior to working on the job site. The training shall be delivered by a qualified biologist and shall include information regarding the location and identification of sensitive habitats and all special-status species with potential to occur in the project area, the importance of avoiding impacts to special-status species and sensitive habitats, and the steps necessary if any special-status species is encountered at any time.
5. Prior to commencement of construction, the location and boundaries of existing Monterey paintbrush on the property shall be re-confirmed by a qualified biologist. High visibility construction fencing or flagging shall be installed, with the assistance of a qualified biologist, to indicate the limits of work and prevent inadvertent grading or other disturbance within the surrounding sensitive habitats including rare plant colonies to be retained. Silt fencing shall also be installed around the protected plant colonies. No work-related activity including equipment staging, vehicular access, and grading shall be allowed within sensitive habitat areas.
6. To compensate for impacts to Coastal Dune habitat, and habitat for special-status species, and to comply with the Santa Cruz County General Plan Policy 5.1.12, restoration of degraded sensitive habitat on site is required. All restoration activities shall follow the project-specific Mitigation Plan outlined below.
7. All areas temporarily disturbed as a result of the project shall be re-vegetated with native dune plant species with the purpose of restoring the native plant structure and species composition of local Coastal Dune habitat.
8. Permanent impacts to Coastal Dune habitat shall be compensated for by restoring degraded Coastal Dune habitat at a minimum 3:1 ratio (minimum 828 square feet) in suitable areas on site.

9. A project-specific Mitigation Plan shall be prepared by a qualified biologist or restoration professional. Restoration activities shall be focused on restoring the native plant structure and species composition of local Coastal Dune habitat on the subject parcel. The Mitigation Plan must include the following minimum elements:
  - a. A map of all designated on-site and off-site restoration areas including:
    - i. Identification of areas on site where temporary disturbance and re-establishment of native habitat shall occur.
    - ii. Identification of additional on-site restoration areas intended to compensate for permanently impacted dune habitat at 3:1 ratio.
    - iii. The location of existing special-status plant colonies on the property to be protected during and after construction and monitored for success.
  - b. Plan for removal of non-native species and a management strategy to control re-establishment of invasive non-native species on the remainder of the parcel to help prevent the spread and continued encroachment of invasive species into restored areas.
  - c. A planting plan with species, size, and locations of all restoration plantings. These plantings shall occur at sizes and ratios determined by the restoration specialist to adequately restore native habitat while maximizing plant health and survivability of individual plants.
  - d. Information regarding the methods of irrigation for restoration plantings.
  - e. The Restoration Plan shall include a 5-year Management Plan for maintenance and monitoring of restored areas, including a proposed mechanism for evaluating success. Annual reports outlining the progress and success of the restoration and monitoring shall be submitted to the County Environmental Coordinator by December 31 of each monitoring year.
  - f. In addition to the required 5-year annual monitoring and reporting, a 10-year monitoring report shall be prepared and submitted to the County Environmental Coordinator outlining the continued implementation and results of annual Coastal Dune Scrub Management over the 10-year period.
10. The Mitigation Plan shall be submitted to Environmental Planning staff for approval prior to implementation and shall be implemented prior to final building inspection.
11. Any seed mix used for erosion control purposes on exposed soils shall be limited to seeds of native species common to the surrounding habitat and/or sterile seeds.
12. Pursuant to SCCC Section 13.20.130(B)(2) removal of mature trees should be avoided if possible.

A copy of this biotic approval, including all attachments, should be submitted with any future permit applications.

**BRYAN MORI BIOLOGICAL CONSULTING SERVICES**

1016 Brewington Avenue, Watsonville, CA 95076

831.728.1043 (O) 310.408.6690

[moris4wildlife@earthlink.net](mailto:moris4wildlife@earthlink.net)

June 22, 2021

Dennis Andersen  
 Andersen McElvey Architects  
 536 Soquel Avenue  
 Santa Cruz, CA 95062

**RE: BEACH HOUSE 119 (CORMORANT WAY) CALIFORNIA LEGLESS LIZARD HABITAT  
 ASSESSMENT**

Dear Dennis:

This letter-report presents the findings of the California legless lizard (CLL) (*Anniella pulchra*) habitat assessment performed at 119 Cormorant Way, Pajaro Dunes Resort, Watsonville, CA. The assessment is intended to fulfill the need for a biological report to be included in the permit application for the Santa Cruz County Planning Department.

In summary, the dune habitat surrounding the property is marginal for legless lizards, due to past construction of the current dwelling unit and the dominance of invasive plants, such as beach grass and ice plant. Regardless, the absence of CLL cannot be determined on the assessment level. Therefore, pre-construction surveys and construction monitoring for CLL are recommended and are included in this report.

**Existing Conditions**

The project site is located in Pajaro Dunes Resort, a beachfront community between the Pajaro Rivermouth and Palm State Beach, west of Watsonville, CA (**Figure 1**). The property presently supports a single-family dwelling unit and is surrounded by dune vegetation, consisting of a mosaic of introduced European beach grass (*Ammophila arenaria*) and ice plant (*Carpobrotus edulis*) and native dune scrub species, such as mock heather (*Ericameria ericoides*), Chamisso bush lupine (*Lupinus chamissonis*), bush lupine (*L. arboreus*), coast Indian paintbrush (*Castilleja affinis*) and beach evening primrose (*Camissoniopsis cheiranthifolium*). The proposed project involves ground floor expansion along the north and south sides of the existing unit, where the substrate is largely bare, presumably due to historic construction activities. The south side supports sparse to moderate cover of beach grass, ice plant and beach primrose, while the north side is characterized by a sparse cover solely of beach grass (**Figures 2 and 3**).



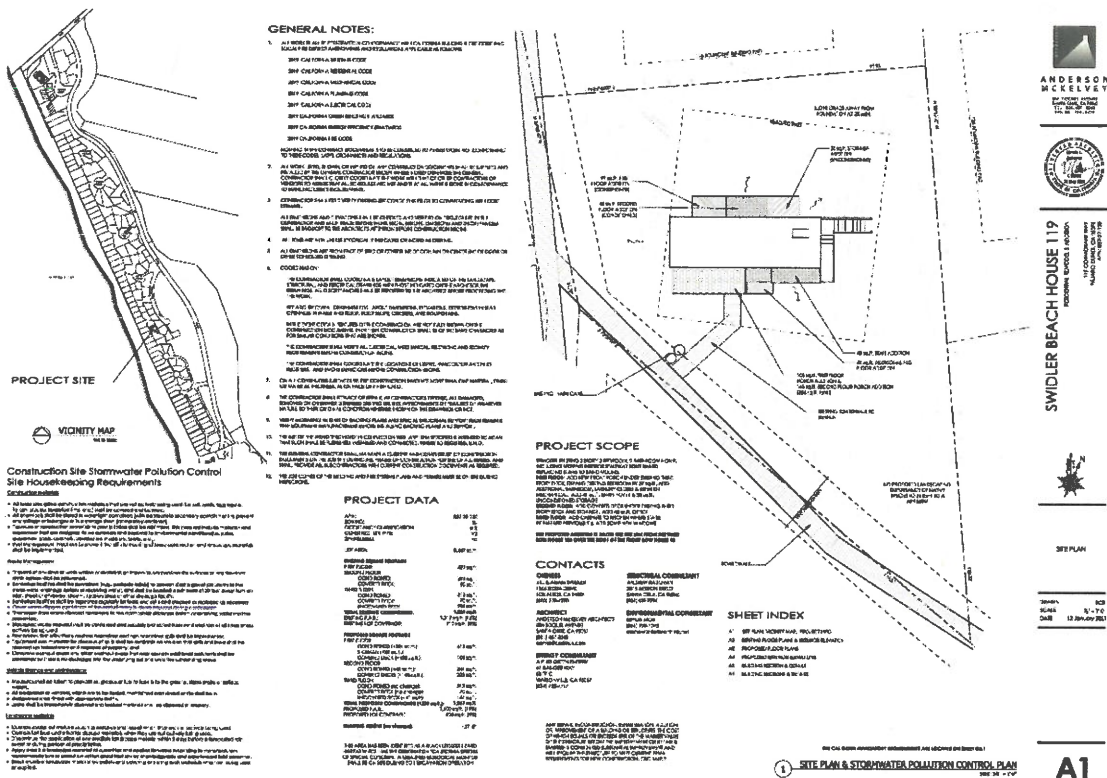


Figure 1. Project plans showing the site location.



Figure 2. The north face work area of the existing unit. Note the sparse cover of beach grass.





Figure 3. Photograph showing the south (front) side of the existing unit work area. Note the sparse to moderate cover of mostly beach grass and ice plant, with scattered beach primrose.

### California Legless Lizard

The California legless lizard is a State species of special concern (CDFW 2021; Thompson *et al* 2016). The legless lizard is nearly endemic to California, distributed along the coastal ranges from Contra Costa County to Baja California, as well as portions of the San Joaquin Valley (Thompson *et al* 2016; Jennings and Hayes 1994). Within the range of the species, a melanistic form, the black legless lizard, is largely restricted to the immediate coastal region of the Monterey Bay (Hunt 1983; Bury 1985; USFWS 1998) and scattered localities from Morro Bay south to Guadalupe (Thompson *et al* 2016). Black legless lizards inhabit well-drained sand or sandy loam soils of coastal dune scrub, but also occur in chaparral, scrub, oak woodland and Monterey pine forest (Miller 1944; Jennings and Hayes 1994; USFWS 1998; Kuhn 2001). Non-native grasslands and exotic plantings, such as ice plant (*Carpobrotus edulis*), are considered low-quality habitats and tend to support lower numbers of legless lizards (Kuhn 2001). Soil moisture and the presence of perennial shrubs appear to be key characteristics of optimal habitat (Kuhn 2001). Adequate soil moisture helps to moderate high temperature extremes and facilitate shedding (Jennings and Hayes 1994), while perennial shrubs produce leaf litter, which support primary prey items, such as beetle and lepidopteran (moths and butterflies) larvae (Jennings and Hayes 1994), help to moderate moisture loss and temperature change (Kuhn 2001) and provide cover. Legless lizards are largely fossorial in nature and can be found at depths down to 46 cm, creating elaborate burrow systems (Kuhn 2001). Legless lizards also occupy the ecotone between the soil surface and leaf litter during foraging and, perhaps, mating and can occur on the surface during the early morning and evening periods (Jennings and Hayes 1994; Kuhn 2001). During the mating season, legless lizards often can be found beneath surface objects such as rocks, logs and boards (Jennings and Hayes 1994; Kuhn 2001). Largely sedentary, this species has been tracked moving an average of 11.4 cm/day (Kuhn 2001). The breeding

period is presumed to extend from early spring to July with live young born from September through November (Jennings and Hayes 1994). Primary threats to this species include habitat loss and degradation, due to coastal development, ORV use, trampling of habitat by pedestrians, and the establishment and spread of extensive stands of introduced invasive plant species, such as ice plant (*Mesembryanthemum* sp. and *Carpobrotus* sp.) and beach grass.

**Local Occurrences:** For the purposes of this assessment, the California Natural Diversity Data Base (CNDDDB 2021) was accessed and literature review performed to search for CLL records within 2.5 miles of the project site. Several CLL observations were found between Sunset State Beach and Moss Landing Harbor, the most recent of which is from 2017 (**Figure 4**).

**Site Assessment:** The status of this species at the project site is uncertain, as no focused surveys were performed as part of this assessment. The habitat surrounding the property appears marginal, due to the dominance of beach grass and ice plant and the development of Pajaro Beach Dunes Resort. However, the low quality of the habitat, alone, does not eliminate the potential for CLL occurrence, as demonstrated by studies performed by Kuhn at nearby Moss Landing (2001) and a personal observation at Pebble Beach (Bryan Mori Biological Consulting Services 2016).



Figure 4. Map showing the project site location and relevant CLL records in the project region.



### Potential Impacts

The proposed remodeling project involves the expansion of the ground floor bedroom space outwards ~5 feet from the north side of the existing unit, and ~6 feet outwards from the south side, for an elevated front deck (**Figure 1**). The proposed construction areas encompass sparse to moderate cover of ice plant, beach grass and scattered beach primrose, and the substrate appears to be a mix of fill material and dunes. The scarcity of ground cover likely is attributable to past construction activities. No habitat disturbances are proposed in the adjacent dune scrub vegetation, beyond the proposed development envelope, and the staging of materials will be located at the subdivision parking lot and along the existing boardwalk, leading to the front entrance of the house.

### Recommendations

The following measures are recommended to minimize/avoid the potential take of CLL during construction.

1. Prior to the start of the project, a qualified biologist shall rake potential habitat within the construction envelope to survey for CLL, using a depletion method. If a legless lizard is found on the first day, another survey should be performed after 24 hours. This procedure will continue for three days or until no legless lizards are captured. If legless lizards are found on the third day, the California Department of Fish and Wildlife (CDFW) should be consulted for further direction. Additional surveys may be necessary, until depletion can be determined. All legless lizards captured shall be photographed, measured and sexed/aged, then placed into adjacent suitable habitat out of harm's way. The relocation site should be photographed and its GPS coordinates recorded. CDFW approval to perform legless lizard surveys and relocation should be obtained, prior to the start of the project.
2. If CLL are found during the pre-construction survey, or at any time during construction, an exclusion fence shall be installed around the margins of the construction envelope to prevent additional CLL from entering. A standard silt fence buried 8 – 12 inches will be adequate to serve as an exclusion fence.
3. Prior to the start of construction activities, a CLL awareness training should be provided to the work crew, summarizing the species' legal status and natural history and the protection measures to be implemented, as part of the project.
4. A qualified biologist shall be present to monitor vegetation removal, initial grading, trenching and pot-holing. Where vegetation removal is necessary, the vegetation should be removed by hand and with hand tools only.
5. All pot-hole work should be completed (i.e., backfilled) or covered daily with a plywood coverboard or similar object to prevent wildlife from falling in.
6. Vertical-walled trenches shall have wood planks installed at both ends of the trench to allow for entrapped wildlife to escape.
7. Orange construction fencing shall be erected around the perimeter of the construction envelope to signify environmentally sensitive areas that are off-limits for staging of materials and equipment, and habitat disturbances.
8. No biological monitoring will be necessary for construction activities within the

existing building footprint.

9. A final biological monitoring report shall be submitted to CDFW and the County.

If you have any questions or comments regarding this assessment, please feel free to contact me anytime.

Sincerely,

Bryan Mori  
Wildlife Consultant

Cc: Terris Kasteen, Region 3 CDFW Biologist; Elizabeth Cramblet, Santa Cruz County Planning.

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# Biotic Resources Group

Biotic Assessments ♦ Resource Management ♦ Permitting

September 29, 2021

Adam and Jill Swidler  
C/o Dennis Anderson  
Anderson McKelvey Architects  
536 Soquel Avenue  
Santa Cruz, CA 95062

**RE: APN 052-32-130, 119 Cormorant Way, Botanical Assessment**

Dear Mr. and Ms. Swidler,

The Biotic Resources Group has conducted a botanical assessment of your property, as requested. The results of this assessment are described in this report.

## EXECUTIVE SUMMARY

A remodel and addition are proposed for an existing single-family residence on the parcel at 119 Cormorant Way. The parcel is located within the Pajaro Dunes development and is accessed from Beach Road and Rio Boca Road. The property is located within the Santa Cruz County coastal zone.

A botanical assessment was conducted in early fall 2021 to document plant resources on the property, with a focus given to areas proposed for residential development (addition to structure). The parcel was found to support coastal dune scrub, including degraded scrub dominated by ice plant mat and European dune grass. Bare ground is also present around the edge of the existing dwelling. Coastal dune scrub and dunes are considered to be a sensitive habitat under County Code. One locally unique plant species was found to occur on site: Monterey paintbrush.

The parcel currently supports a single-family residence, with a development footprint of 1,038 square feet (existing pathway and residence, including second and third story decks). The post-project ground surface footprint will be increased by 276 square feet (Site Plan, Anderson McKelvey, January 12, 2021). The areas affected are currently bare sand or support degraded scrub (ice plant mat and European dune grass). A 10-foot construction zone outward of the final structure will temporarily disturb approximately 1,066 square foot of degraded dune scrub; these areas currently support ice plant mat and European dune grass. All construction material staging will occur off-site within the Cormorant Way parking lot. As compensation for project impacts, areas temporarily affected by construction will be restored/enhanced at a 1:1 ratio (1,066 square feet). Permanent impacts will be compensated by restoring/enhancing degraded dune scrub on the parcel at a 3:1 ratio (828 square feet). Successful implementation of these measures will reduce impacts to sensitive botanical resources to a less than significant level.

### Intended Use of this Report

The findings presented in this biological report are intended for the sole use of the current property owners (Adam and Jill Swidler), Anderson McKelvey Architects, and Santa Cruz County in evaluating the proposed residential project. The findings presented by the Biotic Resources Group in this report are for information purposes only; they are not intended to represent the interpretation of any State, Federal or County law or ordinance pertaining to permitting actions within sensitive habitat or endangered species. The interpretation of such laws and/or ordinances is the responsibility of the applicable governing body.

## INTRODUCTION

The Biotic Resources Group assessed the botanical resources of the parcel in early fall 2021. The focus of the assessment was to identify sensitive botanical resources on the parcel and evaluate potential impacts to such resources from the proposed development. Measures to avoid, reduce or compensate for significant impacts were also identified. The findings of this evaluation are presented in this report.

### Proposed Project

The project site is located along the west side of Cormorant Way within the Pajaro Dunes residential development. The 8,467 square-foot parcel is accessed from a pedestrian walkway on Cormorant Way; there is no vehicular access to the parcel.

The parcel currently supports a single-family residence, with a development footprint of 1,038 square feet (existing pathway and residence, including second and third story decks). The proposed project is a remodel of the interior and additions to the exterior. On the ground level, the additions include a new 108 square foot front porch (under an existing third floor deck) and expanding the residence on the north and south side by 168 square feet. Other work includes a new 148 square foot second story deck (under existing third story deck) and adding 48 square feet of building on the north side (above the first-floor addition). The post-project ground surface footprint will be increased by 276 square feet (Site Plan, Anderson McKelvey, January 12, 2021).

The project will result in permanent impact to 276 square feet of ground. The areas affected are currently bare sand or degraded scrub (ice plant mat and European dune grass). A 10-foot construction zone outward of the final structure will temporarily disturb approximately 1,066 square foot of degraded dune scrub; these areas currently support ice plant mat and European dune grass. All construction material staging will occur off-site within the Cormorant Way parking lot.

As compensation for project impacts, areas temporarily affected by construction will be restored/enhanced at a 1:1 ratio (1,066 square feet). Permanent impacts will be compensated by enhancing degraded dune scrub on the parcel at a 3:1 ratio (828 square feet).

### Project History

A California legless lizard habitat assessment of the parcel was completed in June 2021 (Bryan Mori Biological Consulting Services, June 22, 2021). The County requested additional information on sensitive habitats on the parcel, such as native dune scrub, patches of rare plants, and additional analysis of potential impacts to such habitats/species by the project (email from Juliette Robinson to Bryan Mori, September 2021).



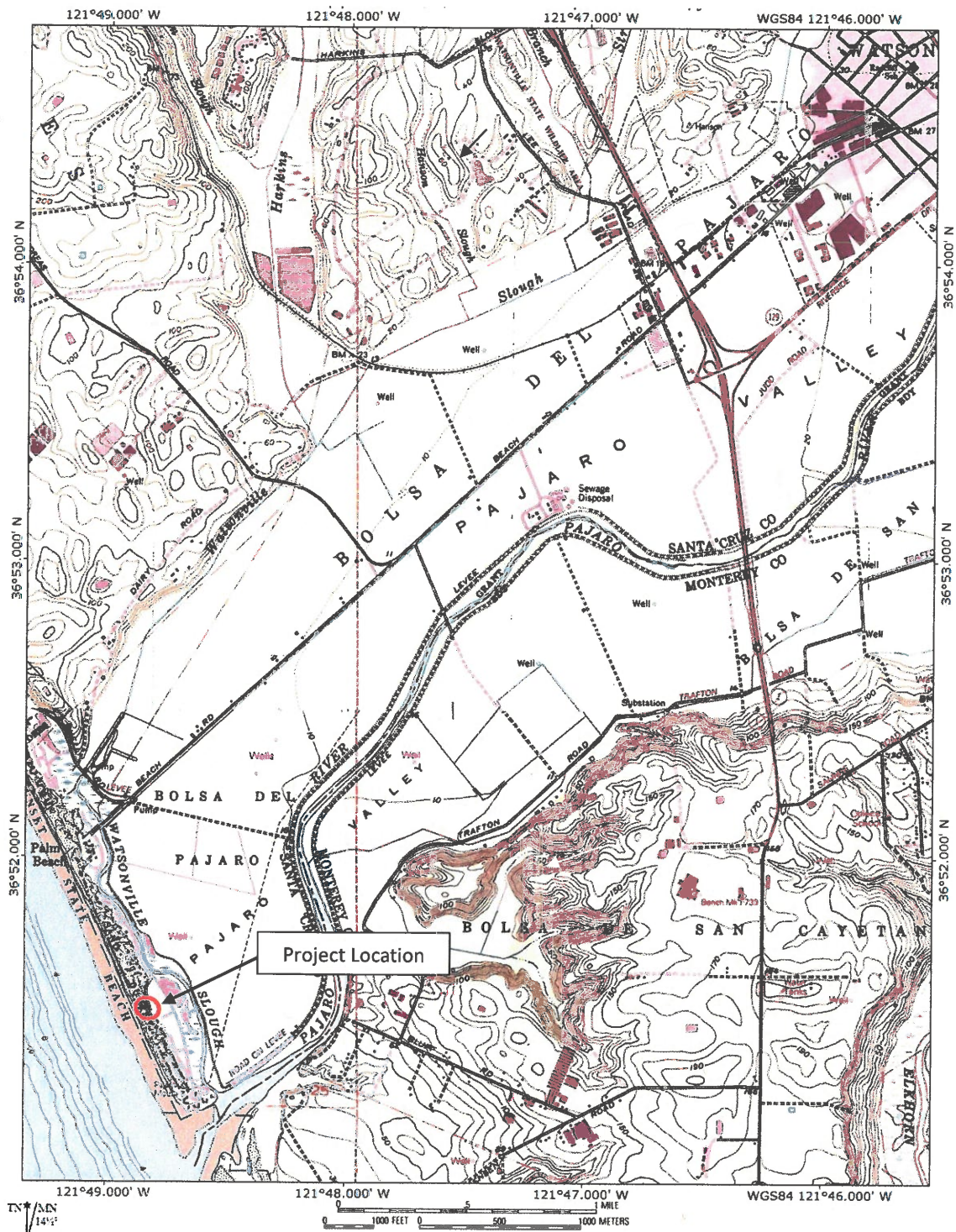


Figure 1. Location of 119 Cormorant Way (USGS Watsonville West Topographic Map)



## METHODOLOGY

The botanical resources on the parcel were assessed through literature review and field observations. A site survey was conducted by Kathleen Lyons (plant ecologist) on September 20, 2021 to assess the proposed development area and surrounding areas of the parcel for sensitive habitat and/or potential rare species/habitat. The proposed development area outward of the footprint of the existing dwelling and surrounding portions of the property were traversed on foot to identify biological resources and habitat conditions. Site features were recorded in a notebook.

Vegetation was documented during the field surveys. The major plant communities on the parcel, based on the classification system in California Natural Communities List (CaCode) (California Department of Fish and Game, 2020) and *A Manual of California Vegetation* (Sawyer and Keeler-Wolf 1995) and as amended to reflect site conditions, were identified during the field survey. Modifications to the classification system's nomenclature were made, as necessary, to accurately describe the site's resources. The *Jepson Manual – Vascular Plants of California* (Baldwin, et al, 2012) and *An Annotated Checklist of the Vascular Plants of Santa Cruz County, California* (CNPS, 2013) were the principal taxonomic references used for the botanical work.

To assess the potential occurrence of special status botanical resources, two electronic databases were accessed to determine recorded occurrences of sensitive plant communities and sensitive species. Information was obtained from the California Native Plant Society's (CNPS) Electronic Inventory (2021), and California Department of Fish & Wildlife (CDFW) RareFind database (CDFW, 2021) for the Watsonville West USGS quadrangle and surrounding quadrangles. The September 2021 field survey was conducted outside the blooming/identification period for several special status plant species; however, the suitability of the site to support such species was determined based on a review of soil conditions, compaction, and condition of existing vegetation and the plant ecologist's knowledge of the field conditions required for the species.

## RESULTS

The project site supports two vegetation types: coastal dune scrub and barren dunes. As portrayed in Table 1 below, areas of intact coastal dune scrub, comprised of silver bush lupine and mock heather, occur on site. Degraded dune scrub areas are also present; these areas support dense stands of European dune grass and non-native ice plant. The distribution of these vegetation types is presented on Figure 2.

**Table 1. Plant Community Types, 119 Cormorant Way**

General Plant Community Type	CDFW Alliance	Alliance Code	Sensitive?
Coastal Dune Scrub	Silver bush lupine – mock heather scrub	32.160.00	Y (CNDDDB) Y (County)
	European beach grass swards	42.010.00	N (CNDDDB) Y (County)
	Ice Plant Mat	None	N (CNDDDB) Y (County)
Stabilized Dune	Bare	None	N (CNDDDB) Y (County)

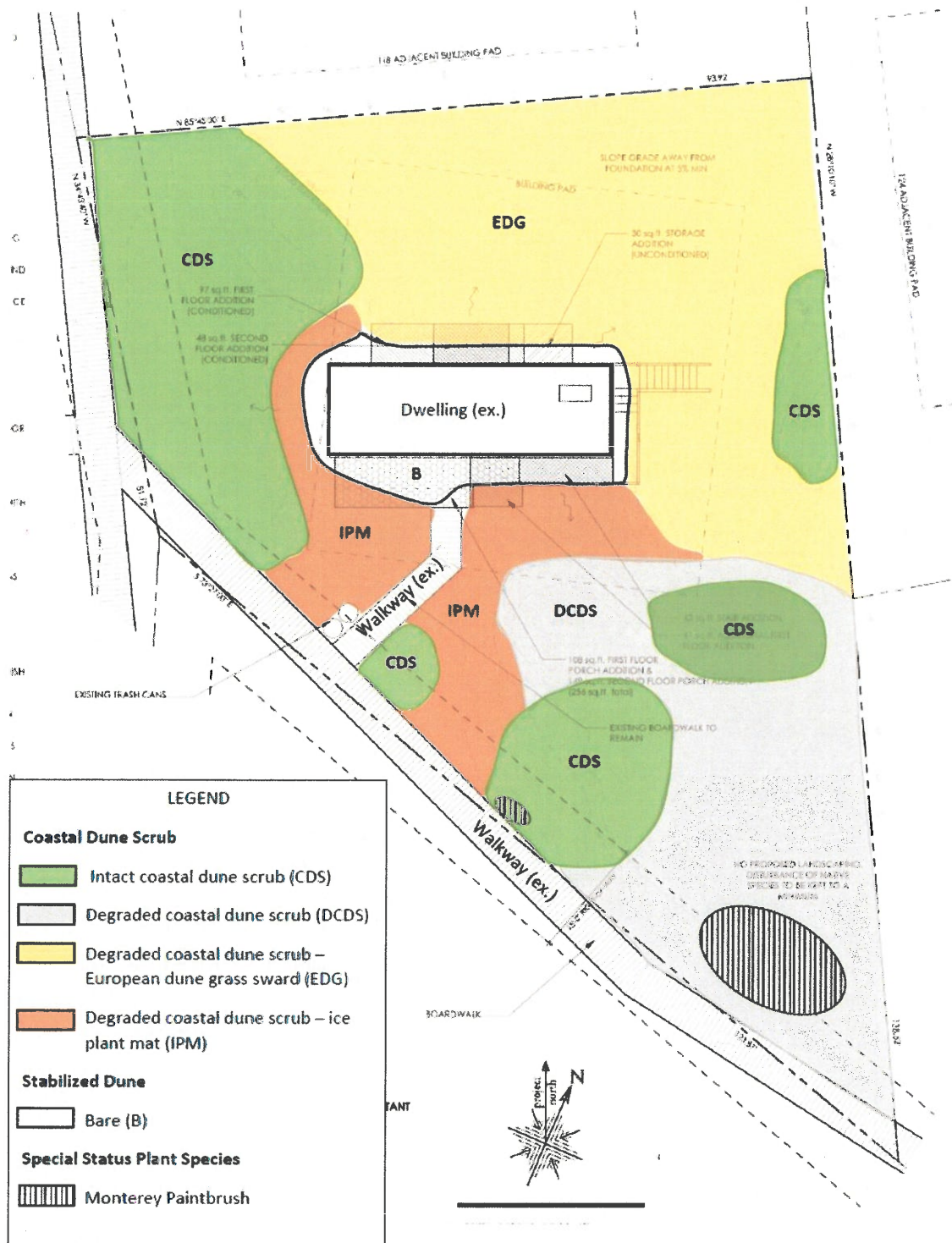


Figure 2. Distribution of Vegetation Types and Locally Unique Species, September 2021



September 29, 2021

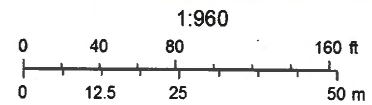


Figure 3. Location of Parcel on Aerial Photo (Source: Santa Cruz County GIS)



### Coastal Dune Scrub

The dune scrub on the parcel is a mosaic of native and non-native plant species, all of which are growing on a stabilized sand dune that occurs around the existing dwelling.

Intact coastal dune scrub (CDS) is comprised of a dense growth of native plant species and occurs west and south of the dwelling (see Figure 2). These areas are co-dominated by silver bush lupine (*Lupinus chamissonis*) and mock heather (*Ericameria ericoides*), with lesser amounts of beach sagewort (*Artemisia pycnocephalus*), yellow bush lupine (*Lupinus arboreus*), and beach primrose (*Camissoniopsis cheiranthifolia*). There is low cover (10%) by non-native, invasive plant species, such as European dune grass (*Ammophila arenaria*) and ice plant (*Carpobrotus edulis*). These areas could be considered to be silver bush lupine – mock heather scrub, as per CDFW CaCode 32.160.00.

Areas of degraded coastal dune scrub occur north and south of the existing dwelling. Degraded scrub (DCDS) occurs southeast of the existing dwelling. This scrub supports native shrub; however, the percentage of non-native plant species (primarily ice plant and European dune grass is higher), exceeding 40% cover in some areas. A non-native succulent, pig's ear (*Cotyledon orbiculata*), also grows in this degraded dune scrub. Growing amid the scrub and ice plant; however, are stands of Monterey paintbrush (*Castilleja latifolia*), a locally unique plant species (see Special Status Plant Species).

North and east of the dwelling are dune areas degraded by the dominance of European dune grass. Mapped as European dune grass (EDG) these areas have over 90% cover of dune grass, and lesser amounts of ice plant (10%). Native plant species are limited to mock heather (5% cover) and yellow bush lupine (2% cover). These areas could be considered the European beach grass sward community, as per CDFW CaCode 42.010.00.

Other dune areas are degraded by the dominance of ice plant. Mapped as ice plant mats (IPM), these areas are comprised of non-native ice plant (90% cover), with lesser amounts of beach primrose.

Most of the areas immediately adjacent to the existing dwelling are bare sand. The character of these dune communities is depicted in Figures 4 -9.



Figure 4. Character of dune scrub along western edge of property, showing dense growth of native shrubs, with some non-native ice plant in foreground, September 2021



Figure 5. Character of degraded dune scrub in southeastern portion of parcel, showing European dune grass and ice plant amid native shrubs, September 2021



Figure 6. Character of degraded dune scrub – European dune grass sward - in north and eastern portion of parcel, September 2021



Figure 7. Character of degraded dune scrub – ice plant mat- along boardwalk entrance, September 2021



Figure 8. Character of bare dunes on south side of existing dwelling, September 2021



Figure 9. Character of bare dunes on north side of existing dwelling, September 2021

### **Sensitive Botanical Resources**

Sensitive habitats are defined by local, State, or Federal agencies as those habitats that support special status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high biological diversity.

The project area is located within an unincorporated area of Santa Cruz County, within the Coastal Zone. County Code (Sensitive Habitat Protection, Section 16.32) recognizes dune plant habitats as sensitive habitat. Under County Code only resource dependent uses are allowed in sensitive habitat. For dune areas, permitted uses include scientific research and education and wooden boardwalks for trails are required. In granting approval for development, County Code requires the development to mitigate significant impacts, protect undisturbed area, and restore degraded areas commensurate with the scale of the development. The coastal dune scrub and bare dunes on the parcel meets the requirement of sensitive habitat as defined in County Code. This is due to the general presence of the dune plant community (albeit some areas are degraded due to the presence of invasive, non-native plant species), but also the presence of one locally unique plant species (Monterey paintbrush).



The USACE regulates activities within waters of the United States pursuant to congressional acts: Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (1977, as amended). Section 10 of the Rivers and Harbors Act requires a permit for any work in, over, or under navigable waters of the United States. Navigable waters are defined as those waters subject to the ebb and flow of the tide to the Mean High-Water mark (tidal areas) or below the Ordinary High-Water mark (OHWM) (freshwater areas). Areas with a significant hydrological connection to navigable waters are also regulated by the USACE. The parcel is located outside of USACE jurisdiction.

Water quality in California is governed by the Porter-Cologne Water Quality Control Act and certification authority under Section 401 of the Clean Water Act, as administered by the Regional Water Quality Control Board (RWQCB). The Section 401 water quality certification program allows the State to ensure that activities requiring a Federal permit or license comply with State water quality standards. Water quality certification must be based on a finding that the proposed discharge will comply with water quality standards which are in the regional board's basin plans. The Porter-Cologne Act requires any person discharging waste or proposing to discharge waste in any region that could affect the quality of the waters of the state to file a report of waste discharge. The RWQCB issues a permit or waiver that includes implementing water quality control plans that take into account the beneficial uses to be protected. Waters of the State subject to RWQCB regulation extend to the top of bank, as well as isolated water/wetland features and saline waters. Should there be no Section 404 nexus (i.e., isolated feature not subject to USACE jurisdiction); a report of waste discharge (ROWD) is filed with the RWQCB. The RWQCB interprets waste to include fill placed into water bodies. The parcel is located outside of RWQCB jurisdiction.

California Department of Fish and Wildlife (CDFW) is a trustee agency that has jurisdiction under Section 1600 et seq. of the Sections 1600-1603 of the California Fish and Game Code. CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel or bank of any river, stream or lake which supports fish or wildlife. CDFW also regulates the deposit of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. CDFW defines a "stream" as a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation. The parcel is located outside CDFW jurisdiction under Section 1600. CDFW also identifies sensitive natural communities. The silver bush lupine – mock heather scrub (CaCode 32.160.00) is considered sensitive (CDFW, 2020).

#### **Special Status Plant Species**

Species of concern include those listed by either the Federal or State resource agencies as well as those identified as rare by CNPS (List 1B). Based on a search of the CNPS and CNDDB inventories, there are several species of concern within the greater project area, as listed in Table 2. Two species have been recorded from the greater Pajaro Dunes region: Monterey spineflower (federally listed as endangered) and Monterey paintbrush, a locally unique species (CNPS List 4, Watch list).

The September survey period was conducted outside the blooming period for many annual species, such as Monterey spineflower; however, a colony of the perennial Monterey paintbrush was observed.

**Monterey spineflower (*Chorizanthe pungens* var. *pungens*).** This species is federally listed as threatened under the Federal Endangered Species Act (FESA). This species is also listed as rare (List 1B.1) by the California Native Plant Society and is considered rare by the County of Santa Cruz. The species is not listed under the California Endangered Species Act (CESA). The Monterey spineflower is an annual species that

grows in sandy soils within portions of Santa Cruz County; there are several known occurrences from dune scrub habitat in the Pajaro Dunes development and from nearby Sunset State Beach. The spineflower is characterized by its whitish to pinkish flowers, low-growing habit and spiny bracts surrounding the flowers.

No individuals of Monterey spineflower were observed on the parcel during the September field survey; however, the survey was conducted outside the identification period. Suitable habitat is present on site within the coastal dune scrub and in some of the loose, bare sandy areas in the degraded dune scrub. The European dune grass area is not suitable habitat for this species, nor is the dense carpets of ice plant or the barren, compacted sand/gravel areas immediately adjacent to the existing dwelling.

**Monterey paintbrush (*Castilleja latifolia*).** Individuals of Monterey paintbrush, a locally unique species, were observed on the parcel during the September field survey. This hemiparasitic perennial plant grows amid the degraded dune scrub in the southeastern portion of the parcel (adjacent to the common area boardwalk). The plants are intermixed with other native dune plant species, but also ice plant.

The location of this species is depicted on Figure 2. Figure 10 depicts this species on the site.



Figure 10. Monterey paintbrush on site

**Table 2. List of Special Status Plant Species Evaluated for 119 Cormorant Way**

Species	CNPS Ranking	State Status	Federal Status	Habitat Preference; closest Known Occurrences
<b>Watsonville West Quadrangle</b>				
Hooker's manzanita ( <i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i> )	List 1B.2	None	None	Sandy slopes, often intermixed with oak woodland; known from Buena Vista area; not observed
Pajaro manzanita ( <i>Arctostaphylos pajaroensis</i> )	List 1B.1	None	None	Sandy slopes, often intermixed with oak woodland; recorded from NW of Watsonville/ Prunedale area; not observed
Congdon's tarplant ( <i>Centromadia parryi</i> ssp. <i>congdonii</i> )	List 1B.2	None	None	Mesic grassland, heavy clay, alkaline; recorded from Ellicott Slough NWR; no suitable habitat



**Table 2. List of Special Status Plant Species Evaluated for 119 Cormorant Way**

Species	CNPS Ranking	State Status	Federal Status	Habitat Preference; closest Known Occurrences
Monterey spineflower ( <i>Chorizanthe pungens</i> var. <i>pungens</i> )	List 1B.2	None	Threatened	Sandy slopes, can be intermixed with oak woodland/maritime chaparral; recorded from Fiesta Way area, Manresa and Sunset State beaches; Day Valley area; Pajaro Dunes; not observed; marginal habitat on site
Robust spineflower ( <i>Chorizanthe robusta</i> var. <i>robusta</i> )	List 1B.1	None	Endangered	Sandy slopes, often intermixed with oak woodland/maritime chaparral; recorded from Manresa State Beach; NE of Ellicott Pond, Aptos HS area; not observed; marginal habitat site
Sand-loving wallflower ( <i>Erysimum ammodendrum</i> )	List 1B.2	None	None	Coastal dunes; recorded from Sunset State Beach, along Shell Road; not observed
Sand gilia ( <i>Gilia tenuiflora</i> ssp. <i>arenaria</i> )	List 1B.2	Threatened	Endangered	Coastal dunes; recorded from Sunset State Beach; not observed; marginal habitat on site
Santa Cruz tarplant ( <i>Holocarpha macradenia</i> )	List 1B.1	Endangered	Threatened	Grasslands, often on coastal terrace deposits; recorded from Harkins Slough area and Watsonville area; no suitable habitat.
Kellogg's horkelia ( <i>Horkelia cuneata</i> ssp. <i>sericea</i> )	List 1B.1	None	None	Oak woodland and edges of grasslands; recorded from NW of Watsonville at Ellicott NWR; no suitable habitat
Woodland woollythreads ( <i>Monolopia gracilens</i> )	List 1B.2	None	None	Chaparral; serpentine grassland; sandy/rocky areas; recorded from Corralitos area (1958); no suitable habitat
Dudley's lousewort ( <i>Pedicularis dudleyi</i> )	List 1B.2	None	None	Woodlands; historic (1884) occurrence from Aptos; no suitable habitat
Choris's popcorn flower ( <i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i> )	List 1B.2	None	None	Mesic grasslands, often on coastal terrace deposits; recorded from north end of Watsonville Airport; no suitable habitat
<b>Surrounding Quadrangles (Laurel, Loma Prieta, Watsonville East, Prunedale, Mt. Madonna, Soquel and Moss Landing)</b>				
Bent-flowered fiddleneck ( <i>Amsinckia lunaris</i> )	List 1B.2	None	None	Grassland; recorded from Scotts Valley and Davenport; no suitable habitat
Anderson's manzanita ( <i>Arctostaphylos andersonii</i> )	List 1B.2	None	None	Chaparral and forests; recorded from UCSC area and Bonny Doon; not observed
King's Mountain manzanita ( <i>Arctostaphylos regismontana</i> )	List 1B.2	None	None	Chaparral and forests; recorded from Skyline area; not observed
Santa Cruz Mtns. pussypaws ( <i>Calyptidium parryi</i> var. <i>hesseae</i> )	List 1B.1	None	None	Ponderosa pine and chaparral in Zayante sands; known from Felton and Ben Lomond area; not observed
Deceiving sedge ( <i>Carex saliniformis</i> )	List 1B.2	None	None	Mesic areas, marshes; historic record from Scotts Valley; no suitable habitat

**Table 2. List of Special Status Plant Species Evaluated for 119 Cormorant Way**

Species	CNPS Ranking	State Status	Federal Status	Habitat Preference; closest Known Occurrences
Coyote ceanothus ( <i>Ceanothus ferrissae</i> )	List 1B.1	None	Endangered	Chaparral, on serpentine; recorded from Anderson Reservoir and Uvas Canyon area; not observed
Ben Lomond spineflower ( <i>Chorizanthe pungens</i> var. <i>hartwegiana</i> )	List 1B.1	None	Endangered	Ponderosa pine and chaparral in Zayante sands; recorded from Bonny Doon and Felton areas; not observed; not suitable habitat
Scotts Valley spineflower ( <i>Chorizanthe robusta</i> var. <i>hartwegii</i> )	List 1B.1	None	Endangered	Grassland on sandstone outcrops; known only from Scotts Valley area; no suitable habitat
Seaside birds-beak ( <i>Cordylanthus rigidus</i> ssp. <i>littoralis</i> )	List 1B.1	Endangered	None	Maritime chaparral and closed cone forests; recorded from Monterey Co.; not observed; not suitable habitat
Santa Clara Valley dudleya ( <i>Dudleya abramsii</i> ssp. <i>setchellii</i> )	List 1B.1	None	Endangered	Serpentine chaparral and rock outcrops; no suitable habitat
Eastwood's goldenbush ( <i>Ericameria fasciculata</i> )	List 1B.1	None	None	Chaparral and coastal scrub; recorded from Monterey Co.; not observed; not suitable habitat
Hoover's button-celery ( <i>Eryngium aristulatum</i> var. <i>hooveri</i> )	List 1B.1	None	None	Mesic areas, vernal pools in grassland; recorded from San Benito Co.; no suitable habitat
Ben Lomond wallflower ( <i>Erysimum teretifolium</i> )	List 1B.1	Endangered	Endangered	Ponderosa pine and chaparral in Zayante sands; known from Felton and Ben Lomond area; no suitable habitat
Minute pocket moss ( <i>Fissidens pauperculus</i> )	List 1B.2	None	None	Sandstone outcrops in grassland and oak woodland; recorded from Scotts Valley region; no suitable habitat
Fragrant fritillary ( <i>Fritillaria liliacea</i> )	List 1B.2	None	None	Moist serpentine areas in grassland; recorded from Santa Clara Co; no suitable habitat
Loma Prieta hoita ( <i>Hoita strobilina</i> )	List 1B.1	None	None	Talus in chaparral and woodlands; 1936 herbarium record from Santa Cruz; no suitable habitat
Smooth lessingia ( <i>Lessingia micradenia</i> var. <i>glabrata</i> )	List 1B.2	None	None	Serpentine soils in chaparral and grasslands; recorded from Santa Clara Co; no suitable habitat
Arcuate bush-mallow ( <i>Malacothamnus arcuatus</i> )	List 1B.2	None	None	Chaparral and cismontane woodland; not observed; not suitable habitat
Hall's bush-mallow ( <i>Malacothamnus hallii</i> )	List 1B.2	None	None	Chaparral and coastal scrub; not observed; not suitable habitat
Santa Cruz Mtns. beard's tongue ( <i>Penstemon rattanii</i> var. <i>kleei</i> )	List 1B.2	None	None	Woodland and chaparral; herbarium collections from Ben Lomond Mtn.; no suitable habitat
White-rayed pentachaeta	List 1B.1	None	None	Cismontane woodland, valley and foothill

**Table 2. List of Special Status Plant Species Evaluated for 119 Cormorant Way**

Species	CNPS Ranking	State Status	Federal Status	Habitat Preference; closest Known Occurrences
<i>(Pentachaeta bellidiflora)</i>				grassland (often serpentinite); no suitable habitat
Monterey pine ( <i>Pinus radiata</i> )	List 1B.1	None	None	Native stands limited to Ano Nuevo and Monterey peninsula; not observed
Yadon's piperia ( <i>Piperia yadonii</i> )	List 1B.1	None	Endangered	Coastal scrub and oak woodland, often on talus/rocky areas; not observed; no suitable habitat
San Francisco popcorn flower ( <i>Plagiobothrys diffusus</i> )	List 1B.2	Endangered	None	Mesic grasslands, often on coastal terrace deposits; no suitable habitat
Scotts Valley polygonum ( <i>Polygonum hickmanii</i> )	List 1B.1	None	Endangered	Grasslands, on coastal terrace deposits; no suitable habitat
Pine rose ( <i>Rosa pinetorum</i> )	List 1B.2	None	None	Closed cone pine forests; no suitable habitat
Most-beautiful jewel-flower ( <i>Streptanthus albidus</i> ssp. <i>peramoenus</i> )	List 1B.2	None	None	Serpentine grassland; no suitable habitat
Santa Cruz Clover ( <i>Trifolium buckwestiorum</i> )	List 1B.1	None	None	Mesic grasslands; no suitable habitat
Saline clover ( <i>Trifolium depauperatum</i> var. <i>hydrophilum</i> )	List 1B.2	None	None	Mesic grasslands, alkaline; no suitable habitat

**CNPS Status: List 1B:** These plants (predominately endemic) are rare through their range and are currently vulnerable or have a high potential for vulnerability due to limited or threatened habitat, few individuals per population, or a limited number of populations. List 1B plants meet the definitions of Section 1901, Chapter 10 of the CDFG Code.

## IMPACT ASSESSMENT AND RECOMMENDATIONS

### Impact Criteria

The thresholds of significance presented in the CEQA Guidelines were used to evaluate project impacts and to determine if implementation of the proposed Project would pose significant impacts to botanical resources. For this analysis, significant impacts are those that substantially affect, either directly or through habitat modifications:

- A species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- Riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS;
- State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;

- f) Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation plan, or other approved local, regional, or state habitat conservation plan.

## Impact Analysis

- a) **Special Status Species.** The site supports one locally unique species (Monterey paintbrush). The proposed residential project is not located near the plants; therefore, no direct or indirect impact to this species are anticipated.

Portions of the parcel provide open areas, with loose, sandy soil that is suitable for growth of Monterey spineflower; however, these suitable habitat areas are not located within the project work area. Given the compacted condition of soil around the existing dwelling and presence of ice plant mat and European dune grass in the remainder of the work area, the potential for presence of this species is considered low. As it is unlikely that Monterey spineflower occur within these work areas, no direct or indirect impact to this species are anticipated; however, avoidance measures are identified in Recommendation BIO-1, if the species occurs outside the work area.

**Recommended Measure BIO-1 Special Status Plant Species.** Prior to construction, install orange construction fencing at the limit of work. This fence will be located 10-feet outward of the structural additions. If during fence layout, the 10-foot zone enters areas supporting intact coastal dune scrub, the fence location will be modified to exclude these areas from the temporary construction zone. The temporary construction area will be in areas identified as bare, ice plant mat and European dune grass. Retain a qualified botanist to field check the placement of the fencing prior to any other site work.

- b) **Sensitive Habitat.** The site supports coastal dune scrub, a sensitive habitat under County Code. The dune scrub supporting bush lupine and mock heather is ranked S3 (sensitive/imperiled) by CDFW. The project will result in 276 square feet of permanent disturbance and 1,066 square feet of temporary disturbance. The permanent and temporary impact areas will occur in areas currently bare or supporting degraded coastal dune scrub (ice plant mat and European dune grass). Impacts by resource type are presented in Table 3. Figure 11 depicts the temporary and permanently impacted areas and plant community types.

**Table 3. Impacts to Plant Community Types**

Habitat	Existing Resources (sq. ft.)	Residential Development Permanent Impact (Sq. ft.)	Residential Development Temporary Impact (Sq. ft.)	Total Impact by Resource (Sq. ft.)
Intact Coastal Dune Scrub	7,429	0	0	0
Degraded Dune Scrub – Ice Plant Mat		14	546	560
Degraded Dune Scrub – European Dune Grass		27	390	417
Degraded Dune (bare sand and gravel)		235	130	365
Existing Dwelling	1,038	0	0	0
<b>Total</b>	<b>8,467</b>	<b>276</b>	<b>1,066</b>	<b>1,342</b>

**Recommended Measure BIO-2. Coastal Dune Scrub Restoration and Revegetation.** The project will affect degraded dune scrub areas; these are areas currently dominated by non-native ice plant and European dune grass. Although degraded, these areas are still considered to be sensitive habitat under

County Code (pending confirmation from the County). To compensate for these impacts, the landowner shall implement a dune restoration/enhancement plan that provides a 1:1 restoration or enhancement to impact ratio for temporary impacts and a 3:1 dune restoration/enhancement to impact ratio for permanent impacts to this habitat. These ratios will provide suitable mitigation by restoring areas temporarily impacted by construction and enhancing a portion of the existing degraded scrub. The plan shall specify restoration/enhancement of a minimum of 1,894 square feet of dune scrub on site.

A preliminary layout of areas suitable for restoration/enhancement actions is depicted on Figure 12. This layout shows the areas for restoration and enhancement. The primary actions would be removal of non-native ice plant from intact coastal dune scrub (CDS), degraded dune scrub (DCDS), and areas mapped as ice plant mat (IPM). In addition, areas temporarily disturbed by construction would be revegetated with native coastal dune scrub plant species by direct seeding and/or outplanting of container stock plants. Restoration/enhancement areas should be maintained and monitored for 5 years, with annual monitoring results submitted to the County each year, or as so indicated by County Conditions of Approval.

- c) **Wetlands.** No impact, none on site.
- d) **Wildlife.** Refer to wildlife report by Bryan Mori Biological Consulting Services.
- e) **Local Policies.** Section 16.32 Sensitive Habitat Protection in County Code regulates activities within the dune scrub and areas that support special status species. Provision within this code are applicable to the proposed project. Recommended measures BIO-1 and 2 provide compensatory mitigation as allowed in the code.
- f) **Conflict with HCP or NCCP.** The site is not located within an area covered by an HCP or NCCP.







## LITERATURE CITED AND REFERENCES

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Sawyer & Keller-Wolf, 1995. A Manual of California Vegetation. California Native Plant Society, Sacramento, CA

Please let me know if you have any questions on this report.

Sincerely,



Kathleen Lyons  
Plant Ecologist



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### **Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Report review letters
- H. Letter from Pajaro Dunes Association Design Committee (8/29/21)



PAJARO DUNES ASSOCIATION

House 119 – Approval of Plans

8/29/21

Jill and Adam Swidler  
The Xhemali/Swidler Trust H 119  
1566 Siesta Drive  
Los Altos CA 94024

Dear Jill and Adam Swidler:

The plans submitted to the Pajaro Dunes Association Design Committee (PDADC) for H119 have been reviewed and opened to comments by neighboring homeowners.

The PDADC granted approval of the plans as submitted and reviewed at their August 18<sup>th</sup>, 2020 meeting.

As this is a major construction project please submit any updated plans (post permitting) and all materials and color selections to the committee for final review before construction begins.

The Design Committee reviews the design and aesthetics of submitted plans. Permitting, engineering and other hazard mitigations are the responsibility of the homeowner. We thank you for working with us through this process and hope you enjoy the updates to your home.

Sincerely,

FOR THE DESIGN COMMITTEE

Sarah Mansergh  
Secretary  
Pajaro Dunes Association Design Committee  
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EXHIBIT H