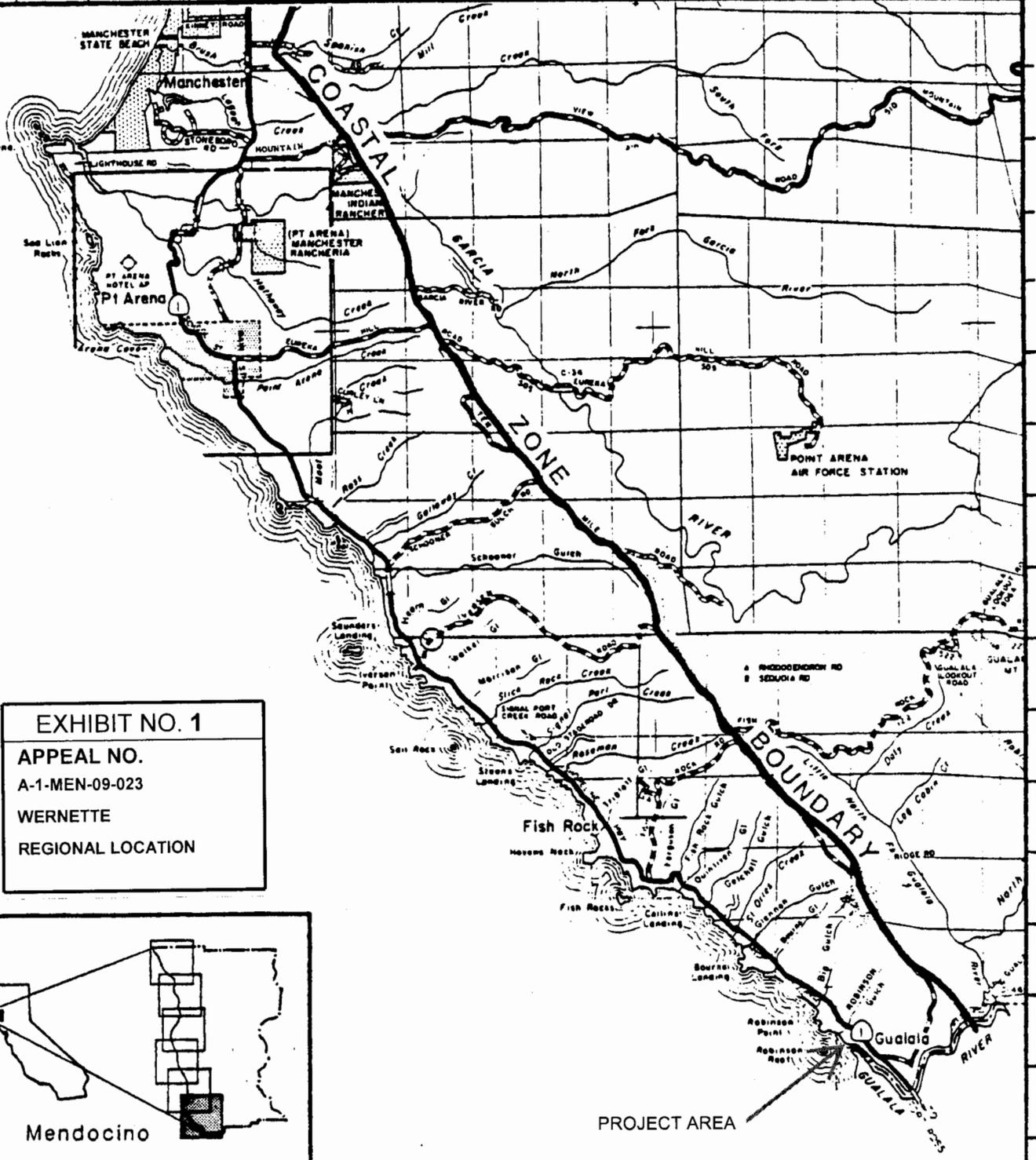
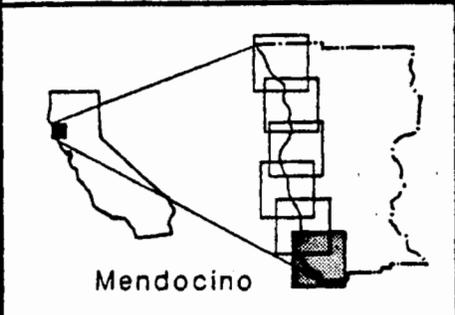


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EXHIBIT NO. 1
APPEAL NO.
A-1-MEN-09-023
WERNETTE
REGIONAL LOCATION



California Coastal Commission

LOCATION MAP



County of Mendocino

I. Project Location Map

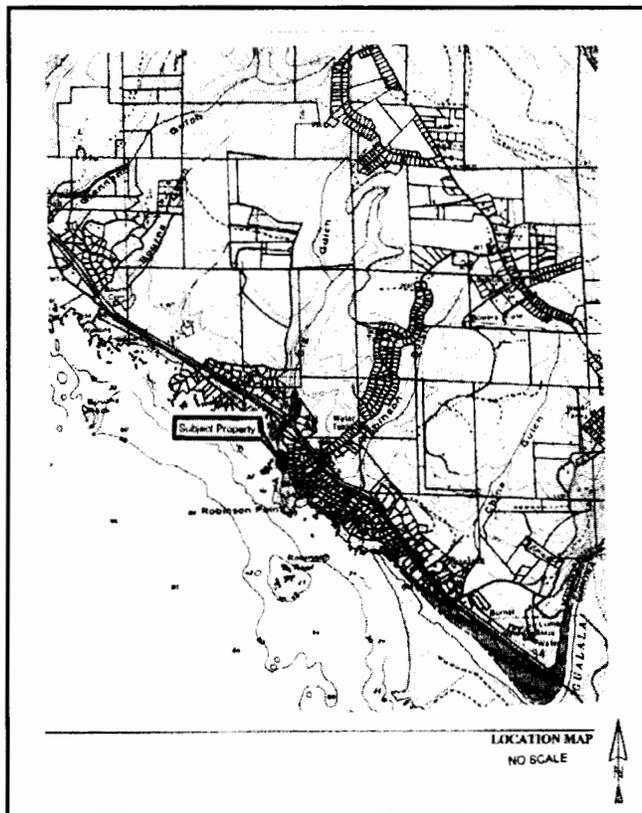
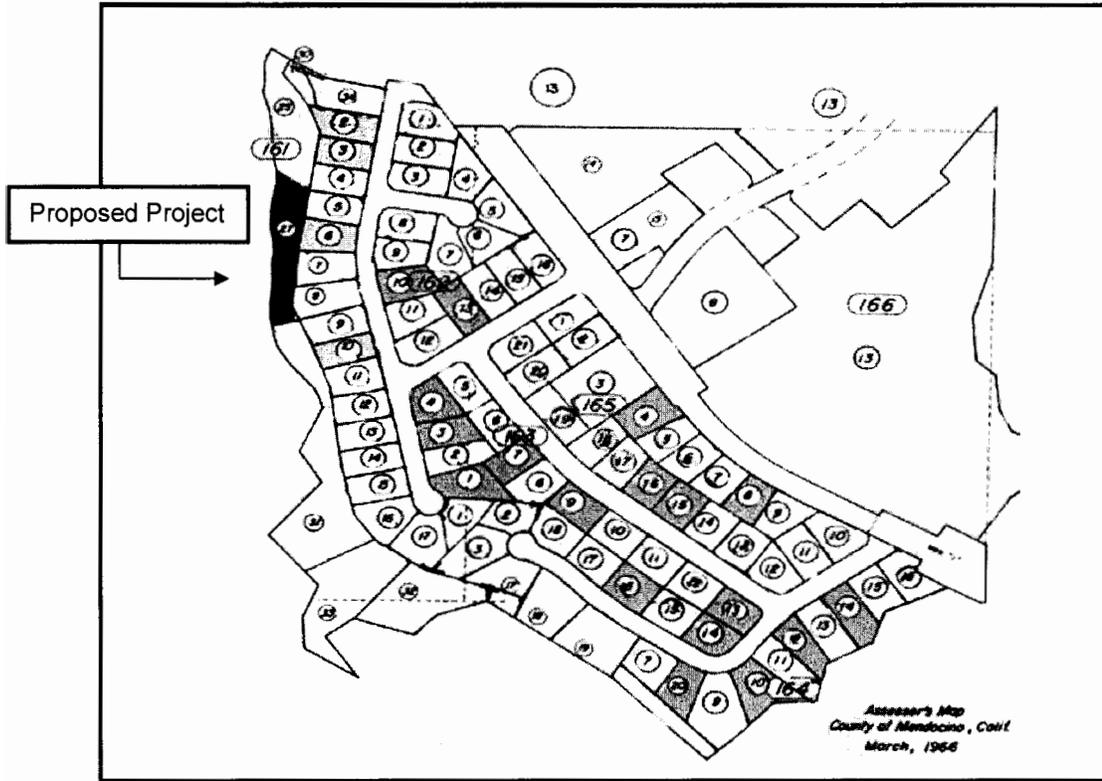
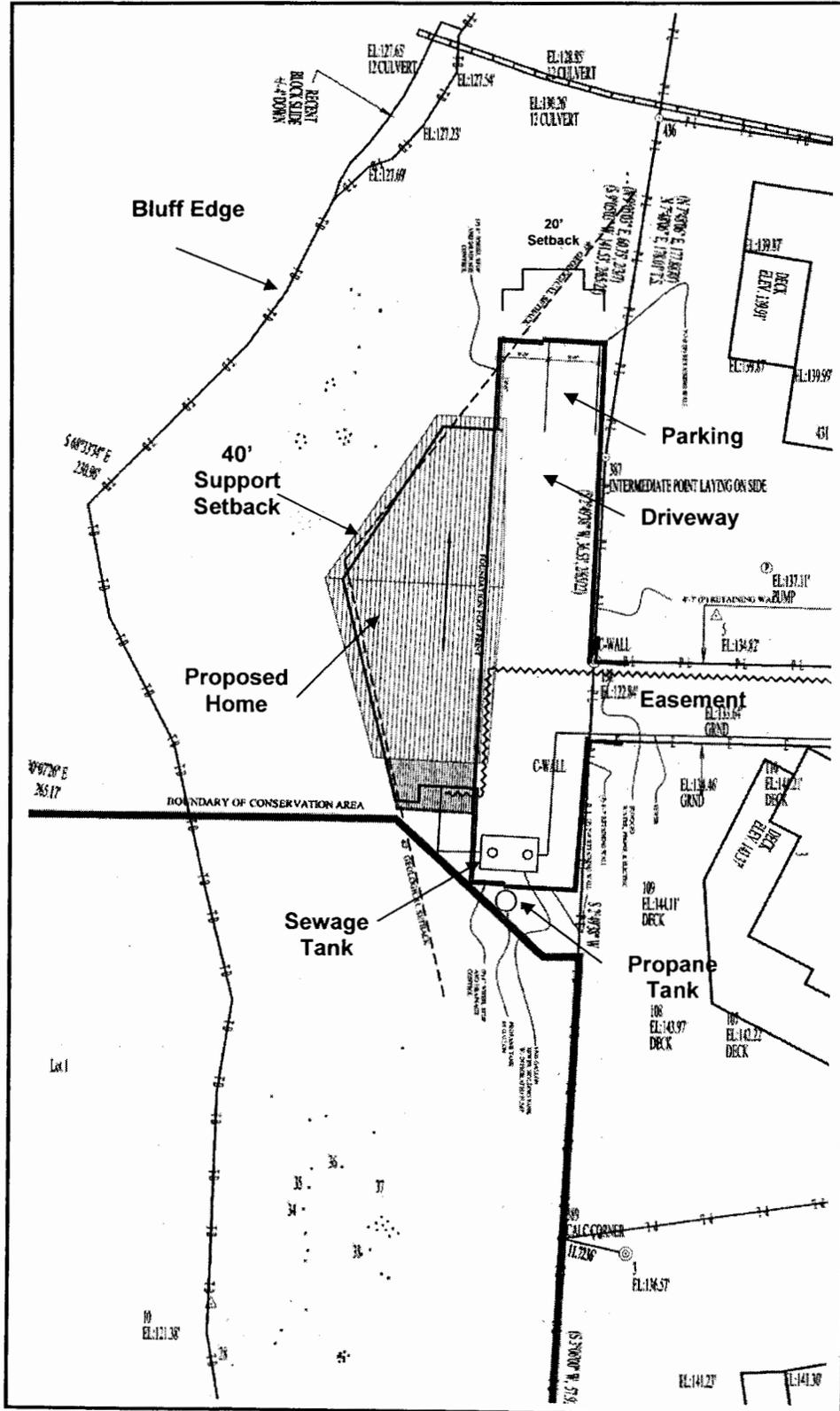


EXHIBIT NO. 2
APPEAL NO.
A-1-MEN-09-023
WERNETTE
VICINITY MAP

THE WERNETTE PROJECT
GUALALA, CALIFORNIA
Appeal Figure A-1 - Site Plan



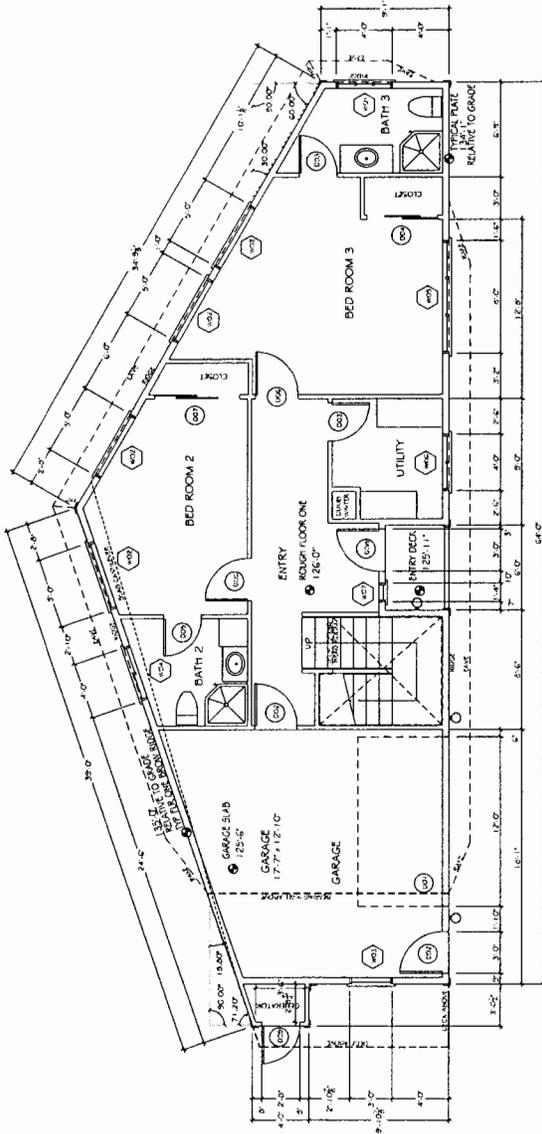
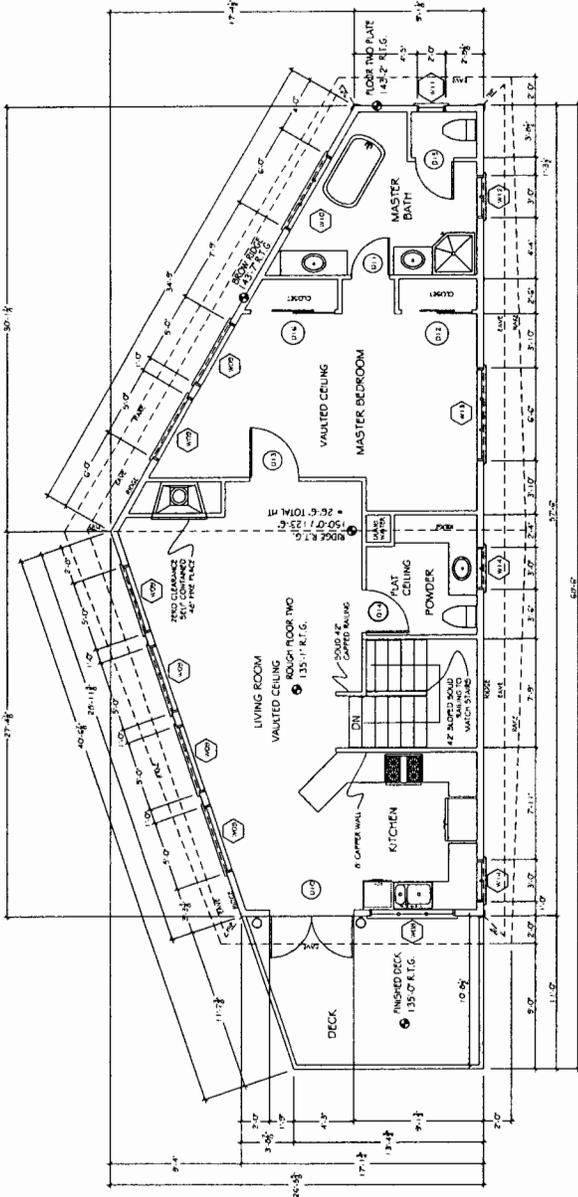
REVISIONS	DATE	DESCRIPTION

Wernette Residence

Residential Architecture
1000 N. Highway 101, Suite 100
San Jose, CA 95128
(408) 253-1111

Dinka Architects
Architects
1000 N. Highway 101, Suite 100
San Jose, CA 95128
(408) 253-1111

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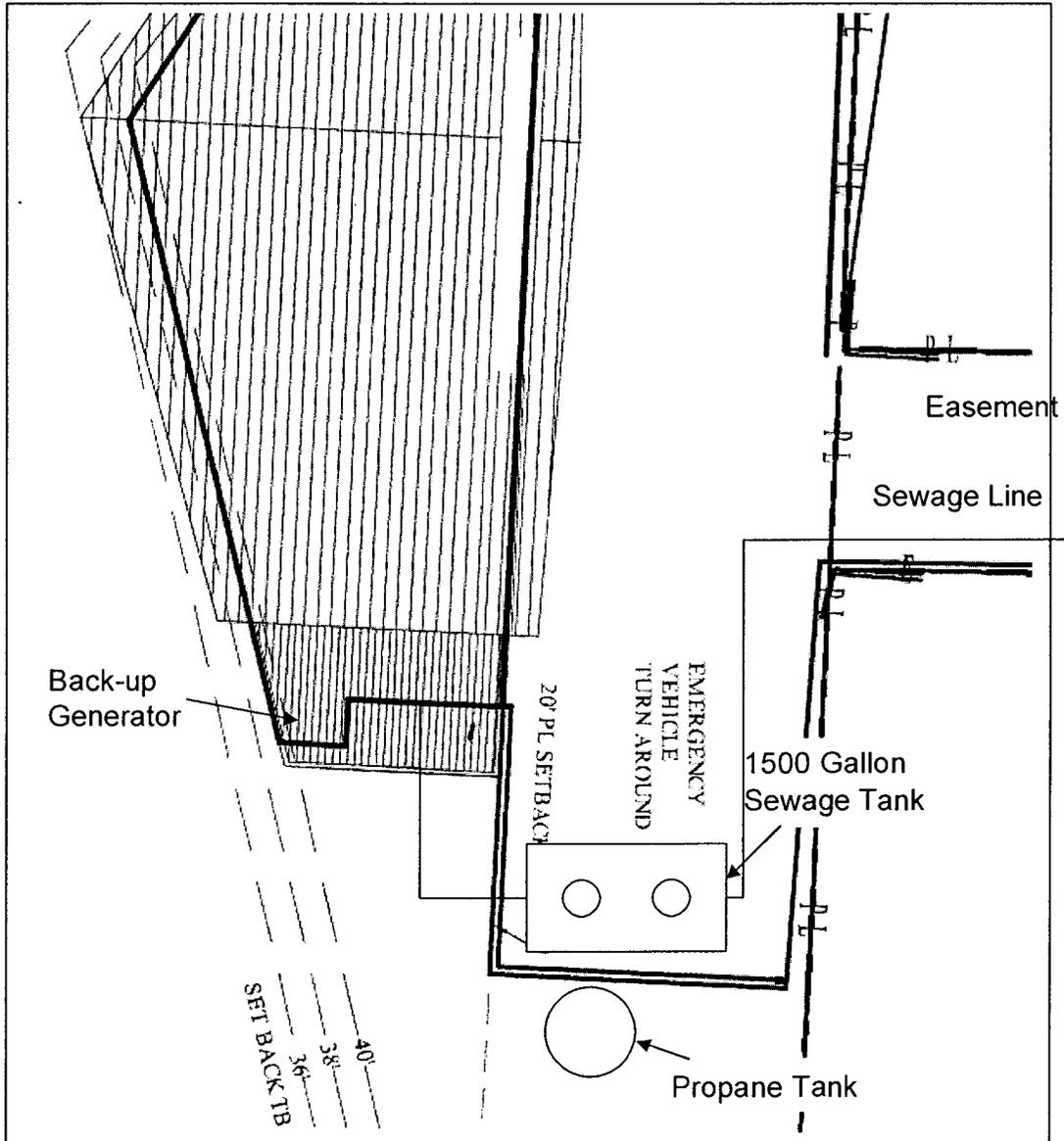


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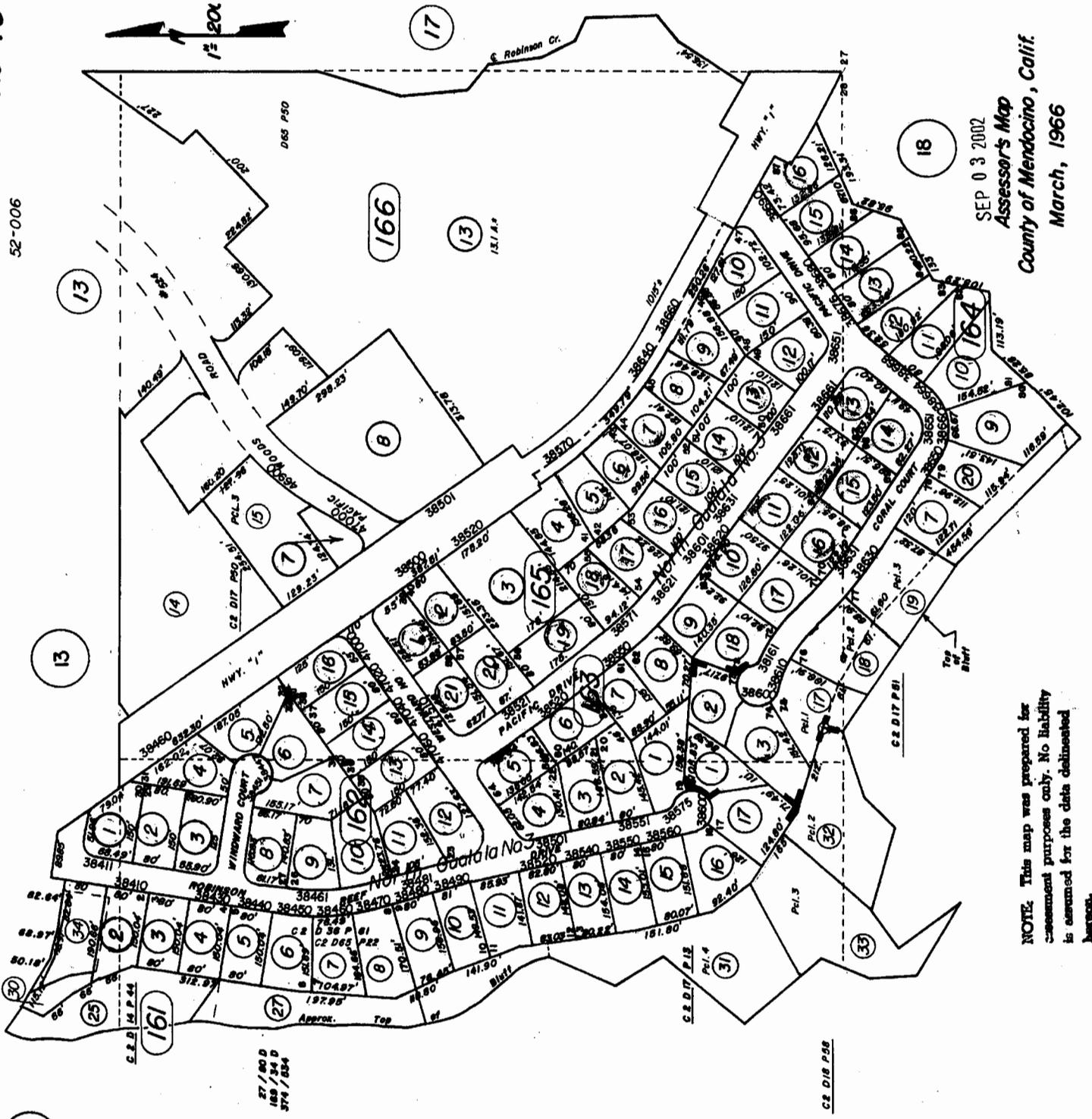
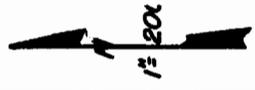
NUMBER	FLOOR	SIZE	DESCRIPTION
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THE WERNETTE PROJECT
GUALALA, CALIFORNIA
Figure 1. Site Plan- Revised Sewage Tank Detail



5 of 5



North Gualala
Subdivision No. 3



EXHIBIT NO. 4
APPEAL NO.
A-1-MEN-09-023
WERNETTE
PARCEL MAP

NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated hereon.

SEP 03 2002
Assessor's Map
County of Mendocino, Calif.
March, 1966



EXHIBIT NO. 5
APPEAL NO. A-1-MEN-09-023
WERNETTE
VISUAL SIMULATIONS

Current conditions observed August 25, 2010. View looking west at driveway easement between two parcels owned by Mr. Hines.



Visual analyses submitted by applicant August 2008, showing view looking west from Robinson Reef Drive with and without the project (above) and view from the Hines' home with and without the project (below)





2005 AERIAL IMAGE OF GUALALA SUBDIVISION No. 3,
ASSESSOR PARCEL MAP 145-16

(Numbers above houses represent parcel #, beginning with 145-161 unless otherwise noted)
Image source: CaliforniaCoastal Records Project, Image 200504147

EXHIBIT NO. 6

APPEAL NO.

A-1-MEN-023

WERNETTE

AERIAL IMAGE

EXHIBIT NO. 7

APPEAL NO.
A-1-MEN-09-023

WERNETTE

**SENSITIVE PLANTS
AND COMMUNITIES**

- ◆ Coastal_Bluff_Morning_Glory (2008 plants)
- ▲ Mendocino coast Indian paintbrush
- ▨ Proposed_Project_Outline
- Study Area
- coastal terrace prairie
- non-native vegetation
- pampas grass
- coastal scrub
- coastal bluff scrub
- ESHA, *Calystegia purpurata* ssp. *saxicola* (2010)
- ESHA, Potential Hybrid (2010)
- Non-ESHA, *Calystegia purpurata* ssp. *purpurata* (2010)



Natural Communities and Special Status Species
(Map adapted from GIS data layers provided by WRA August 2010)

Wernette Property
Gualala, California



Grading, Drainage, and Sewage Plans and Other Utilities and Services

Following are the overall descriptions of the grading, drainage, and sewage plans for the proposed project as well as utilities to provide drinking water, power, and telephone service. More detailed plans will be provided with construction drawings submitted with the building permit application. Presented as part of this application are those features that should fully inform the Coastal Permit Administrator, project coordinator, GMAC, neighbors, and other stakeholders of critical project features that could affect the feasibility and safety of the proposed project.

Grading Plan

Grading Targets- The subject parcel will need to be selectively graded to prepare the building footprint for the proposed structures, driveway, and parking areas. An integral element of the grading plan will be the construction of engineered retaining walls to secure the slopes on the east side of the parcel in a manner that will allow the parking area, turnaround, and driveway to be constructed within the 20 foot wide building set back.

The target elevation of the garage, driveway, parking area, and turnaround area will be approximately 126.5'. The target elevation for the building foundation floor is 127'.

Figure G-1 shows the areas that will need to be cut and filled to achieve these target elevations.

Table 1 displays the estimated volumes to achieve the design elevations and includes fill material that will be removed during the installation of the foundation piers.

Table 1: Estimated volumes for grading plan.

Process	Amount
Cut	175 cubic yards
Fill	85 cubic yards
Export to approved disposal site	90 cubic yards

EXHIBIT NO. 8

APPEAL NO.
A-1-MEN-09-023

WERNETTE

**GRADING AND DRAINAGE
PLAN (1 of 4)**

Retaining Walls- Retaining walls will be engineered to ensure the uphill slopes are properly sustained. The retaining walls will be constructed on the subject parcel and will incorporate drainage features that ensure water draining from neighboring properties will be allowed to flow westward through a buried horizontal perforated pipe dispersal drain system extending along the eastern

edge of the subject property. Figure G-2 shows the locations of the retaining walls and Figure G-3 displays representative cross sections of the walls.

The revised building and revised drainage design will require retaining walls that range from approximately seven feet high on the north to four feet high on the south. A sheet drain will be placed behind the retaining walls. The widths of the walls will range from 6 to 8" and foundation footings will extend three to four feet into the subject parcel and will be imbedded under the paved driveway and parking area. The uphill slope will be 2 to 1 and walls will extend six" above the retained slope. A "V" drain will be formed behind the walls.

Drainage Plan

The project engineer, Dave Paoli, in consultation with the project geologist, Jim Glomb, modified the proposed drainage strategy from that previously suggested.

While the capacity of the existing 12" culvert is adequate to handle the additional drainage imported from the proposed project, the applicant is concerned that the cumulative impact of adding drainage from the project, while small (< 0.25 CFS), could still be considered significant given current conditions. This previous strategy could indirectly affect other neighboring landowners who will be proposing to build homes in the future on their currently undeveloped lots within the drainage area defined by Mr. Paoli. Mr. Paoli estimated that at build out and with implementation of the necessary inlet improvements, drainage from the 3.2-acre drainage shed would increase flows in the 12" culvert by 0.82 cfs or 17.2%.

A revised drainage system was developed to accommodate the concentrated drainage from the roof/gutters/downspouts of the new structure as well as the concentrated drainage currently being discharged onto the subject parcel from the drop inlets at the top of the easement driveway between the Hines and Turnlund properties and down the easement itself during heavy rain events. Photographs of these drop inlets are provided on the CD in Section M.

The revised system's goals are to ensure that the proposed project will not cause more erosion or put neighboring properties at higher risk, ensure the longevity of the proposed project, and provide a net improvement in drainage and erosion conditions on the subject parcel that, as a by-product, will improve the safety of our neighbor's properties. The underlying rationale of the plan is eliminating an existing concentration of drainage flows at the easement and avoiding creating new drainage flow concentrations. Broadly dispersing drainage flows will more closely mimic natural physical processes and reduce the risks of accelerated local erosion and slip outs more commonly associated with drainage concentrations in developed coastal bluff areas.

Features of the revised drainage system include the following elements:

- A pervious concrete driveway, parking, and turnaround areas; open graded (no fines) rock under the concrete.
- Water distribution into a grid of perforated pipe under the house.
- Drain lines from the roof drains/downspouts into the pipe grid.
- Resurface easement access driveway to provide correct cross section slope and reinstall drop inlets so drainage is directed to grid of perforated pipe.
- Retaining wall system that ensures a drainage system that employs geogrid material to intercept water seepage integrated into retaining wall system.

Figure G-4 depicts the separate buried horizontal perforated pipe dispersal drain lines that will evenly distribute the drain water that will flow through the retaining wall at periodic intervals and onto the pervious concrete driveway east of the proposed house.

The pervious concrete proposed would be similar to that used for the new Mendo-Lake Credit Union building in Fort Bragg, CA. The approach recommended for this project will include an impermeable rubber sheet material that will protect the bottom of the floor slab followed by a layer of drain rock or sand, a layer of fill, and then the perforated pipe grid. Since the foundation and building support will be a drilled pier/grade beam foundation, the existence of drain water under the house will not raise structural issues.

Drainage Volumes- The proposed project, with the use of pervious concrete for the paved areas, will result in approximately 0.04 cfs from the structure (1,150 ft.²) and 0.09 cfs from the easement driveway and drop inlets (2,500 ft.²) being collected and distributed in a grid of perforated pipe under the house or dispersed through the pervious concrete east of the proposed house. The revised drainage strategy will enhance conditions that currently allow the concentrated drainage from the easement driveway and drop inlets to flow onto the subject property and cause more severe, focused erosion of the bluff edge.

Sewage Plan

Sewage from the proposed home will be collected in a storage tank and then pumped up hill through a drainage line installed under the easement to the main sewer line serving other homes along Robinson Reef Drive.

Features of the sewage system include the following elements:

- 1000 gallon concrete sewage holding tank with integrated pump
- Collection lines from facilities inside home to empty into 1000 gallon tank
- Install sewer line in the easement driveway.
- Connect the sewer line with sewer line along Robinson Reef Drive.

Utilities

Electrical, telephone, and drinking water services will be installed between the proposed structure and services imbedded in the street at Robinson Reef Drive. These connections will be installed in the easement as shown in Figure G-5.

Other Services

Refuse and recycling services will provide a challenge at the proposed project site. The applicant proposes to use a rechargeable motorized pallet to safely move recycling bins from the home to the street for routine servicing.

EXHIBIT NO. 9

APPEAL NO.

A-1-MEN-09-023

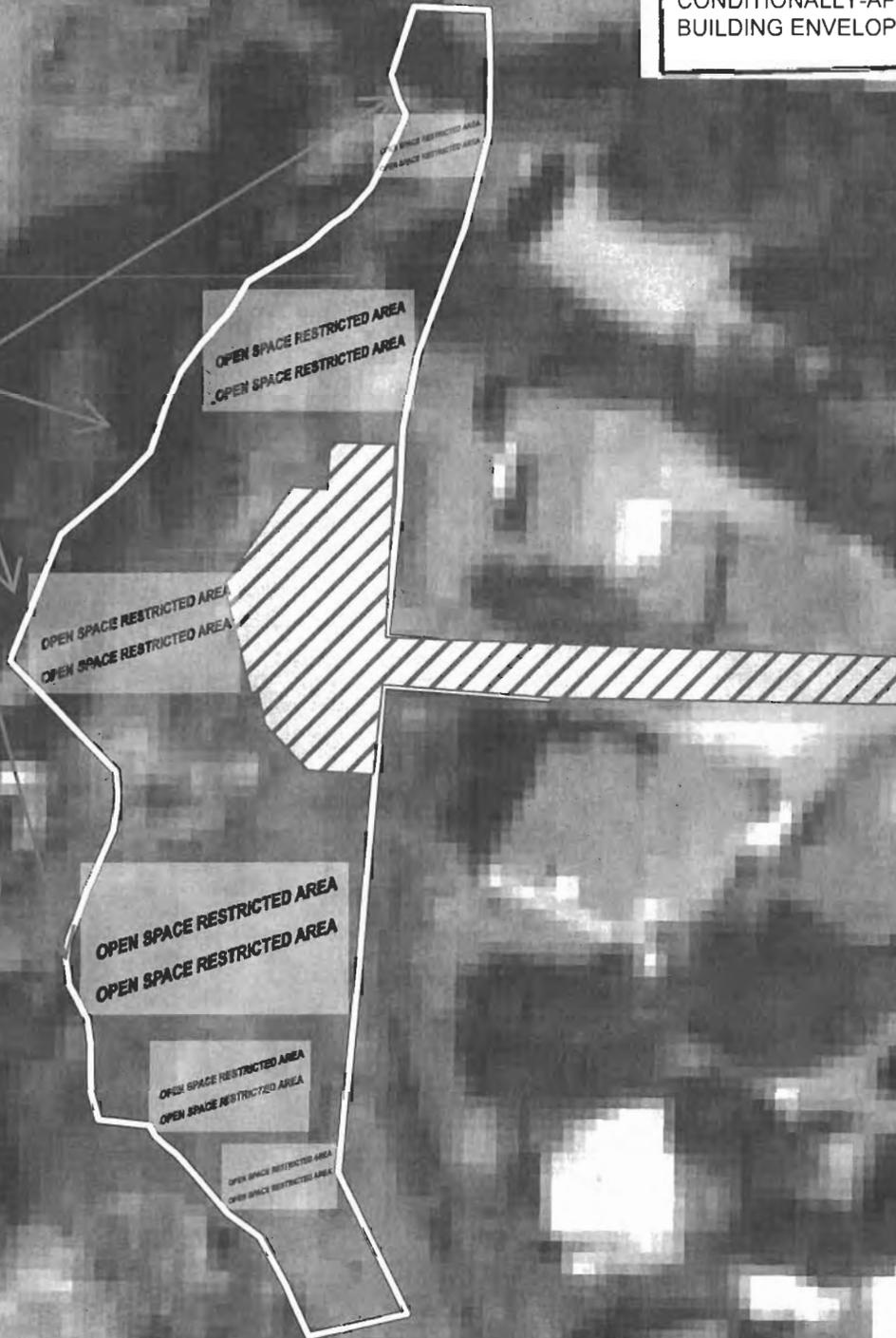
WERNETTE

CONDITIONALLY-APPROVED
BUILDING ENVELOPE

 Conditionally-approved Building Envelope

 Study Area

Bluff Edge



Conditionally-approved building envelope
(approximately 5,762 square feet, including driveway easement)

Wernette Property
Gualala, California



EXHIBIT NO. 10

APPEAL NO.

A-1-MEN-09-023

WERNETTE

OPEN SPACE RESTRICTED
AREA

-  Open Space Conservation Area
-  Study Area

Bluff Edge

BUILDING
ENVELOPE

Area Subject to Open Space Restrictions Pursuant to Special Condition No. 7

Wernette Property
Gualala, California





COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
790 SOUTH FRANKLIN STREET · FORT BRAGG · CALIFORNIA · 95437

IGNACIO GONZALEZ, DIRECTOR
Telephone 707-964-5379
FAX 707-961-2427
www.co.mendocino.ca.us/planning

May 4, 2009

RECEIVED
MAY 07 2009
CALIFORNIA
COASTAL COMMISSION

NOTICE OF FINAL ACTION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDP #51-2008
OWNER: Dr. George J. and Jerri Wernette
AGENT: Frank Wernette
REQUEST: Construct a two-story single-family residence with 1,950± sq. feet of living space and a 350± sq. foot attached garage. Install sewage pump tank and connect to off-site septic disposal services, connect to community water, install driveway, retaining walls, LPG tank, generator, on-site drainage infrastructure, and connect to utilities.
LOCATION: In the coastal zone, approx. ½ mile north of downtown Gualala, on a bluff top lot, 150 feet west of Robinson Reef Drive (CR 527), 400± feet north of its intersection with Westward Ho (CR 529), at 38454 Robinson Reef Drive, Gualala (APN 145-161-27).
PROJECT COORDINATOR: Teresa Spade

HEARING DATE: April 23, 2009

APPROVING AUTHORITY: Coastal Permit Administrator

ACTION: Approved with Conditions.

See staff report for the findings and conditions in support of this decision.

The project was not appealed at the local level.

The project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

EXHIBIT NO. 11
APPEAL NO. A-1-MEN-09-023
WERNETTE
NOTICE OF FINAL ACTION (1 of 119)

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP 51-2008 HEARING DATE: 4/23/09

OWNER: Wernette

ENVIRONMENTAL CONSIDERATIONS:

- Categorically Exempt
- Negative Declaration
- EIR

FINDINGS:

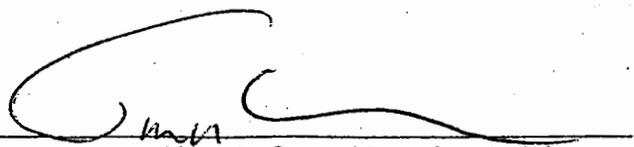
- Per staff report
- Modifications and/or additions

ACTION:

- Approved
- Denied
- Continued _____

CONDITIONS:

- Per staff report
- Modifications and/or additions


Signed: Coastal Permit Administrator

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-1

OWNERS/APPLICANTS:

Dr. George J. and Jerri Wernette
1039 Mountain Air Court
Reno, NV 89511

AGENT:

Frank Wernette
3041 Sunrise Blvd.
Rancho Cordova, CA 95742

REQUEST:

Construct a two-story single-family residence with 1,950± sq. feet of living space and a 350± sq. foot attached garage. Install sewage pump tank and connect to off-site septic disposal services, connect to community water, install driveway, retaining walls, LPG tank, generator, on-site drainage infrastructure, and connect to utilities.

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APR 13 2009
CALIFORNIA
COASTAL COMMISSION

LOCATION:

In the coastal zone, approx. ½ mile north of downtown Gualala, on a bluff top lot, 150 feet west of Robinson Reef Drive (CR 527), 400± feet north of its intersection with Westward Ho (CR 529), at 38454 Robinson Reef Drive, Gualala (APN 145-161-27).

APPEALABLE AREA:

Yes – Bluff Top Parcel

PERMIT TYPE:

Standard

TOTAL ACREAGE:

3/4± Acre

GENERAL PLAN:

RR-5 [SR 40,000]

ZONING:

RR: L-5 [SR: L-40,000]

EXISTING USES:

Undeveloped

ADJACENT ZONING:

North: RR:L-5 [SR:L-40,000]

SURROUNDING LAND USES:

North & South: Undeveloped Residential Parcels
East: Residential
West: Ocean

SUPERVISORIAL DISTRICT:

5

CA COASTAL RECORDS PROJECT:

Image 200504147

ENVIRONMENTAL DETERMINATION:

Categorically exempt from CEQA, Class 3(a)(d)(e)

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-2

OTHER RELATED APPLICATIONS:

CC 20-2008 – Although the Coastal Permit Administrator indicated at the March 27, 2008 hearing that the subject lot was legal by default (all surrounding lots are legally created), the applicant has submitted for a Certificate of Compliance, to ensure that the issue of legality is not raised in the future. CC 20-2008 should be processed around the same time this project goes to hearing.

CDP 96-2002 (Wernette) – On April 24, 2008, the Coastal Permit Administrator denied without prejudice a request to construct a two-story, 2,632 sq. foot single-family residence with an attached 448 sq. foot garage, for a total of 3,080 sq. feet, and a maximum average height of 28 feet above grade. Associated development requested was a paved driveway, a retaining wall, connect to community water and sewage systems, install a drainage collection tank and pump, an LPG tank, and a sewage pump tank. The project was to be located on the subject parcel.

CDP 57-98 (Wernette) – The Board of Supervisors denied through the process of appeal the construction of a two-story, 2,552 sq. foot single-family residence with an attached 486 sq. foot garage; maximum height to be 27 feet; construct a 3 foot tall, 40 foot long retaining wall at the driveway edge; pave the driveway access to the residence and connect to Gualala water and sewer systems. Install a drainage collection tank and pump to connect to an existing culvert discharging over the coastal bluff edge near the north property line. The project was to be located on the subject parcel.

PROJECT BACKGROUND: The subject parcel is located on a bluff top in the North Gualala Subdivision on the west side of Highway One. Existing development in this portion of the subdivision does not extend as far out toward the ocean as the proposed development. Undeveloped parcels exist to the north and south of the subject parcel. These undeveloped parcels have afforded the existing residences just east of the proposed project site a scenic buffer area. Development was previously proposed on the subject parcel;

Coastal Development Permit 57-98 was approved by the Coastal Permit Administrator, and then appealed to the Board of Supervisors. The appellant was Duane Hines of San Francisco, CA, owner of the property located at 38460 Robinson Reef Drive.

A memorandum from Doug Zanini, Project Coordinator, outlines the basis of the appeal and includes discussion as follows:

Mr. Hines' appeal is based on the following:

1. *The decision was made without considering a requested legal opinion from the County Counsel regarding the legality of the Wernette parcel. The Administrator made that determination himself.*

Discussion: The issue raised by the appellant regards a reduction in the width of the access easement to the Wernette parcel without an amendment to the subdivision map. Before the hearing staff had contacted Chief Deputy County Counsel, Frank Zotter, concerning this matter. According to Mr. Zotter, the change in the access easement does not make the parcel illegal and such a change would have no bearing on the consideration of the CDP.

2. *The Permit Administrator made the decision that the wetland present on the property was not significant and therefore construction would be permitted on the wetland. We believe this is*

an arbitrary decision and contrary to the Coastal Commission Code definition of a wetland. It also contradicts the wetland experts.

Discussion: Construction was allowed on the wetland because it had low habitat value, because its location precluded avoidance and because mitigation measures were adopted for this project to fund the restoration of wetlands off-site.

3. *Section 20.496.020 of the Coastal Land Code, Paragraph J, states that no structure shall interrupt the flow of groundwater within a buffer strip. This project building drainage, etc. is all on the wetland and ground water channels.*

Discussion: Section 20.496.020 K goes on to state that if development results in significant adverse impacts to an environmentally sensitive habitat area, then mitigation measures are required. Since mitigation measures were required, code requirements have been met.

4. *This project does not conform to the requirements of the Uniform Fire Code and has been given a blanket waiver by the local fire authorities. This is irresponsible under the fire conditions prevalent in the area. The South Coast Fire District Board should be asked to review the blanket waiver.*

Discussion: This project was referred to both CDF and the South Coast Fire District. Both agencies found the project in compliance with their requirements.

5. *Satisfactory final drainage plan has yet to be finalized, yet a decision was rendered before the public had an opportunity to know the final design.*

Discussion: A final drainage plan is not necessary for project approval. The preliminary plan indicates the location of the pump chamber, the location of the drop inlet and the location of the pipe transferring the drainage to the existing culvert. In addition, the engineer provided water flow calculations. This level of detail is adequate to analyze the project.

The Board of Supervisors granted the appeal and denied the application based on the following findings:

1. The wetland resource as identified will be significantly degraded by the proposed development.
2. All feasible mitigation measures capable of reducing or eliminating project impacts have not been adopted.

Coastal Development Permit 96-2002 was denied without prejudice by the Coastal Permit Administrator on April 24, 2008. The reasons for denial were as follows:

1. The project does not conform to the Local Coastal Plan in that adequate utilities, drainage, and other facilities cannot be provided without conflicts with LCP policies.
2. The project does not provide adequate clarity to assure feasibility without further study.

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP #51-2008 (Wernette)
April 23, 2009
CPA-4

PROJECT DESCRIPTION: The applicant describes the project as follows:

The proposed project is located in the coastal zone, in Gualala, on a bluff top lot adjacent to the North Gualala Subdivision No. 3. The parcel is 150± feet west of Robinson Reef Drive (CR 527) and 400± feet north of its intersection with Westward Ho (CR 529), at 38454 Robinson Reef Drive, Gualala (APN 145-161-27) (Section B, page 2). The applicant proposes to:

Residence: Construct a two-story, 2,300± sq. foot single family residence with 1,950± sq. feet of living space and a maximum height of 25± feet and average height of 21± feet above finished grade, on an undeveloped bluff top lot. The residence would have a 350± sq. foot attached garage on the first floor and a 150± sq. foot deck on the second story.

Drainage System: Surface the driveway, parking, and turnarounds with "Pervious Concrete" and install open graded rock under the concrete. Install a grid of perforated pipe under the house to distribute runoff directed into down drains from the roof of the proposed home and from runoff from drainage structures, easement driveway, and residences immediately east of the project. Install a geogrid material behind retaining walls described under Other Facilities to intercept water seepage from properties to the east and distribute that water through a system of buried horizontal perforated pipe dispersal drain lines along 100± feet of the eastern edge of the subject property.

Other Facilities: Install a buried 1,500 gallon sewage pump tank and connection to local sewage services; connection to a community water supply; retaining walls extending 100± feet along the eastern boundary of the subject parcel at heights ranging from 2'± to 10'± feet; 500 gallon LPG tank to provide heat and fuel for an enclosed low-decibel level back-up generator during power outages; and, other service connections for power and telephone (see Section G of the application file for details).

Grading: Remove the vegetation and grade the allowable building envelope to achieve a driveway and parking area elevation of 126.5± feet and a first floor elevation of 127'± feet. (Section G of the application file)

Other Project Features: The applicant also proposes the following additional project elements including: (See Additional Project Elements contained in Section B, Article II of the application file):

- Additional Project Elements contained in Section B, Article II including:
- Geological Protection and Assurances Element
- Erosion Control and Reduction Element
- Design Element
- Natural Resources Protection Plan Element
- Cultural Resources Element
- Service Element

The applicant will also use the exterior materials and colors as described in Table 1, page CPA-9 and employ the exterior lighting plan as shown in Exhibit X.

LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION: The proposed project is consistent with the applicable goals and policies of the Local Coastal Program (LCP) as described below.

Gualala Municipal Advisory Council

The project was considered at the regularly scheduled Gualala Municipal Advisory Council (GMAC) meeting held November 6, 2008. GMAC voted 6-0 in favor of approving the following notes as a motion (GMAC does not recommend approval or denial of the project):

The following concerns are not listed in order of priority but carry equal weight from the Council.

1. Drainage.

The Council believes the drainage plan needs to be fully reviewed and include a comprehensive study of the water flow and debris on the pervious driveway and parking area as well as the grid of perforated pipe underneath the house over multiple storm events (and throughout the rainy season) to ensure that the proposed system will be able to process the runoff load during similar periods.

2. Fire Code.

Several provisions of the Uniform Fire Code (UFC) have been waived by the South Coast Fire Protection District. DPBS should request that these waivers should be accompanied by specific explanations of why such waivers are appropriate for this project.

3. Proximity to Environmentally Sensitive Habitat Areas (ESHAs).

We are concerned about the project's proximity to the ESHA. Enclosed with this letter is a color printout of the property's building envelope that is outside the 50' buffer zone from the two designated ESHAs. The current project proposes that approximately 60% of the house will be located well within this mandatory buffer zone. The drawings indicate that the exterior walls of the house will be as close as 20' from the ESHA. Clearly, during the course of construction, materials, machinery, and people will be on the exterior of the building - coming even closer to the ESHA than 20'. It is simply impossible to believe that the building crew will be scaling the walls in order to build and finish the exterior.

4. Absence of story poles.

While there are short plastic pipes on the property designating the building site, no story poles were erected in advance of GMACs hearing which made it difficult for us to assess the true size of the project and determine if it is in keeping with the neighborhood.

The agent for the project, Mr. Frank Wernette, has written a letter, responding to GMAC concerns. Staff has reviewed the letter and concurs with the content. The letter and supporting materials are included as Appendix A. As outlined in this report, staff has reviewed all GMAC concerns as applicable to zoning code and LCP, and other regulatory requirements and finds the project in conformance with all applicable requirements.

Land Use

The parcel is classified on the Coastal Plan Map as Rural Residential Five Acres Minimum with an alternate density of Suburban Residential 40,000 Square Foot Minimum (RR-5 [SR-40,000]). The parcel is similarly zoned; RR:L-5 [SR L-40,000]. The Suburban Residential zone is applied. The proposed single family residence and associated development are permitted uses within the Suburban Residential Zoning District, and are consistent with the Suburban Residential land use classification.

The required yard setbacks for a parcel in an SR zone are 20 feet from front and rear property lines, and 6 feet from side property lines. A corridor preservation setback of 25 feet applies along Robinson Reef

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-6

Drive, resulting in a front yard setback of either 45 feet from the road corridor centerline or 20 feet from the property line, whichever is greater. As shown on the Site Plan, the structures comply with setbacks required by the County Zoning Code.

The site is not within a designated highly scenic area, therefore the height limit is 35 feet above average finished grade. The proposed 21-foot± average height of the residence complies with the height limit.

Maximum lot coverage for a lot in an SR zone is 50%. Lot coverage is the percentage of the gross lot area covered by structures. The lot is approximately 31,500 square feet in size. The Site Plan shows roughly 4,450 square feet of coverage, or 14%. The project complies with lot coverage limits.

Public Access

The project site is located west of Highway 1, but is not designated as a potential public access trail location on the LUP maps. The site is located upon a bluff top and access to the shoreline is not feasible from this location. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast.

Hazards

Faults: The Final Engineering Geologic Investigation Report was prepared by Jim Glomb on August 13, 2002 outlines faulting and seismicity hazards on page 3 as follows:

Like most of California, the site will be subject to future strong ground shaking from an earthquake. The intensity of future earthquake shaking will depend on the distance from the site to the earthquake focus, magnitude, and the response of the structures to the underlying soil and/or bedrock. During the 1906 San Francisco earthquake, structural damage in Gualala was relatively minor in comparison with structural damage in surrounding areas. However, the earthquake caused several landslides and seriously damaged the wagon bridge over the Gualala River south of town (California Geology, February, 1977). The intensity of future earthquake shaking will depend upon the distance from the site to the earthquake focus, magnitude, and the response of the structures to the underlying soil and/or rock. No saturated relatively clean, granular soils considered susceptible to densification or liquefaction are known to exist at the site.

An inactive fault dipping southwest at 58 degrees was observed at the base of the sea cliff. The active San Andreas fault lies 2 miles northeast of the site. The project is not located within a current Alquist-Priolo Special Studies Zone as designated by the State Geologist (Glomb 2002).

Structural stability for earthquake safety is addressed as part of the building permit process.

Bluffs: The primary hazard affecting site development is proximity to the coastal bluff. The applicant has provided an analysis of proposed geologic protections and assurances as part of the project application (Section B: Project Application Addendum, III. Geological Protection and Assurances Element). This analysis is included as Appendix B.

Coastal Element policies addressing development on bluff top parcels are as follows:

- 3.4-7 *The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years)...*

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-7

- 3.4-8 *Property owners should maintain drought tolerant vegetation within the required bluff top setback. The County shall permit grading necessary to establish proper drainage or to install landscaping and minor improvements in the bluff top setback.*
- 3.4-9 *Any development landward of the bluff top setback shall be constructed so as to ensure that surface and subsurface drainage does not contribute to the erosion of the bluff face or to the instability of the bluff itself.*

There have been several geological investigations performed on this site. Jim Glomb Jr., Consulting Engineering Geologist, performed an Engineering Geologic Investigation on June 5, 1992. A Geologic & Soils Investigation was prepared by David Paoli, Civil Engineer, on August 13, 1997 and revised on August 20, 1998. An Updated Engineering Geologic Investigation report was prepared by Jim Glomb on April 9, 1999. A Final Engineering Geologic Investigation Report was prepared by Jim Glomb on August 13, 2002.

In conjunction with the new CDP application, supplemental foundation recommendations were prepared by Jim Glomb, and are outlined in his July 15, 2008 letter. The letter indicates that loose soils and unengineered fill materials overlay stable sandstone bedrock by a depth of two to seven feet at the building site. The letter outlines a detailed recommendation for supporting the structure on steel reinforced piers embedded a minimum of ten feet in the hard, strong bedrock. Special Condition Number 1 requires that the residence be constructed in accordance with the setback, foundation, and drainage recommendations of Mr. Glomb.

The proposed bluff setback for the residence is 40 feet. The setback was previously proposed at 35.5 feet in association with CDP 96-2002. Although the information in the 2002 geotechnical report by Jim Glomb, submitted in 2002, is still relevant for the project, the updated setback takes into consideration a recent slip-out that occurred north of the proposed residence. Mr. Glomb and his assistant rappelled the bluff face, observing and noting key features of the topography in their recent assessment. The revised setback assures the required 75 year lifespan of the proposed structure based on recent information regarding the site.

Tsunami: The project is not located in a tsunami hazard zone. The project site is approximately 120 feet above sea level.

Landslides: According to the 2002 geologic report by Jim Glomb, "Deep seated landsliding within the bedrock does not appear to have occurred at the site or within the vicinity (page 3)." Mr. Glomb notes earlier on (page 2) that shallow sliding is common on California coastal bluffs in association with coastal erosion processes (Glomb 2002). A recent slide occurred north of the project site in association with a drainage feature. Jim Glomb's 2008 update includes an assessment of that slip-out and the geologic setback was revised upon consideration of this feature.

Erosion: Section 20.500.020(E)(4) of the Mendocino County Coastal Zoning Code requires a special condition be attached to all coastal permits for bluff top lot residential or commercial development, prohibiting the construction of seawalls in perpetuity with the requirement that the structures be removed from the property if threatened by bluff retreat. The restriction also requires that the landowner be responsible for any clean up associated with portions of the development that might fall onto a beach or into the ocean. The applicant has provided a draft deed restriction sufficient for this purpose (Section I of the application file). Special Condition Number 2 is recommended to assure the deed restriction is recorded prior to issuance of the Coastal Development Permit.

Fire: Fire danger was raised as a potential hazard issue at the GMAC meeting, and by project opponents. For this reason, the applicant has provided a review of documents and issues pertaining to fire safety concerns, submitted with the application as Section H: Issues, IV. Access and Fire Safety Issues, included as Appendix C of this report. Staff has reviewed the summary provided by the applicant, and finds the information to be factual. The applicant has additionally submitted a supplemental letter dated January 29, 2009, indicating that a new fire hydrant has been recently installed even closer to the proposed residence site than the closest existing fire hydrant. The new hydrant is approximately 700 feet from the project site, whereas the previously closest fire hydrant is 1,200 feet away.

The proposed development is located in an area with a "Moderate" fire hazard according to the CalFire hazard severity rating system. This is the lowest rating (least hazardous) assigned to any site. Concerns regarding fire hazards were brought up at the GMAC meeting and by project opponents in association with past projects in this location, however this is not one of the listed reasons for denial of past projects in this location, and staff maintains that the project does not pose any unusual risk of fire danger.

The South Coast Fire Protection District is the local fire district responsible for structural fire protection in Gualala. Fire Chief Leighton Nelsen of the South Coast Fire District has reviewed the project site in the past and commented that: "...Our trucks would have no problem fighting a fire at this location; we have additional water and we carry enough hose to reach the closest fire hydrant to this location."

Flood: The property is not in a 100-year flood zone.

Grading, Erosion, and Runoff

The project would require approximately 175 cubic yards of cut and 85 cubic yards of fill on a bluff lot within 100 feet of Environmentally Sensitive Habitat Areas. The maximum height of the cut slope would be approximately ten feet, and the maximum height of the fill slope would be approximately three feet. Approximately 90 cubic yards of exported material would go to the Hay Industrial Park in Point Arena, or another approved site.

The applicant has provided a grading and drainage plan. The plan features retaining walls along the east side of the proposed development area. As shown in Exhibit AA, these retaining walls would range in height from approximately ten feet along the north side, to two to four feet along the south side. The retaining walls would incorporate drainage features that would allow water draining from neighboring properties to continue draining westward, so that the current hydrology would not be significantly impacted by the walls. The applicant also proposes pervious concrete paving and a perforated pipe grid system under the residential structure, and the roof runoff would be tied into the pipe grid, to ensure that drainage would not be hindered by the development. Drainage features are shown in Exhibit O. The floor slab of the residence will be protected by an impermeable rubber sheet material, followed by a layer of drain rock or sand, a layer of fill, and then the perforated pipe grid. The proposed drilled pier /grade beam foundation would not be detrimentally impacted by the presence of water, so long as the bottoms of the pier foundations are dry prior to the placement of reinforcement and concrete, as recommended by Mr. Glomb in his July 15, 2008 supplemental recommendations letter.

Within Chapter 20.492, Grading, Erosion and Runoff, the following sections of the Mendocino County Coastal Zoning Code are relevant to the proposed development:

Sec. 20.492.010 Grading Standards.

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-9

(A) Grading shall not significantly disrupt natural drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in surface runoff.

(B) Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum.

(E) The permanently exposed faces of earth cuts and fills shall be stabilized and revegetated, or otherwise protected from erosion.

(F) Adjoining property shall be protected from excavation and filling operations and potential soil erosion.

(G) The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans.

Sec. 20.492.015 Erosion Standards.

(A) The erosion rate shall not exceed the natural or existing level before development.

(C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat areas, the revegetation shall be achieved with native vegetation. In buffer areas adjacent to environmentally sensitive habitats, non-native vegetation may be used provided that it is non-invasive and would not adversely affect the environmentally sensitive habitat area.

The applicant indicates on page 7 of Section B, Project Application Addendum, ii. Erosion Reduction, that substantial ground disturbances will be limited to the dry season (April 15 to October 31), and that All areas of disturbed soil are to be mulched, seeded or planted and covered with vegetation as soon as possible after disturbance, with a goal to achieve 100 percent coverage within 90 days after seeding. Erosion seeding is to consist of a native, non-invasive seed mix. Additionally, the grading plan and mitigations outlined as conditions of approval, listed as Special Condition Number 4, are sufficient to assure that the project is in compliance with applicable requirements of the LCP.

Visual Resources

The project site is not located within a designated "highly scenic area." The maximum allowed building height in the suburban residential zone district is 35 feet. The subject project measures 21 feet using the average height method used by the County. This height is within the maximum building height allowed, and is consistent with surrounding development. The materials proposed are shown in Table 1.

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-10

Table 1. Proposed exterior materials and colors.

	Material	Color
Siding	Hard Plank or equivalent siding consistent with building code	Alpine Frost or equivalent
Fascia	Hardi Cedarmill or equivalent trim consistent with building code	Monterey Taupe or equivalent
Trim	Hardi Cedarmill or equivalent trim consistent with building code	Monterey Taupe or equivalent
Roofing	Timberline - 30 yr Comp.	Grey or equivalent
Window Door Trim	Vinyl/Fiberglass	Monterey Taupe or equivalent
Window Trim	Milguard Fiberglass	Monterey Taupe or equivalent
Decks/Ramps	Pressure Treated Sunboard	Natural

The project site is located within the portions of Gualala subject to the Development Criteria established in Section 20.504.020(C) of the Zoning Code which dictates the development criteria for projects in the Gualala Town Plan area:

- (1) *The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*
- (2) *New development shall be sited such that public coastal views are protected.*
- (3) *The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.*
- (4) *Building materials and exterior colors shall be compatible with those of existing structures.*

In addition Policy 3.5-1 of the Coastal Element and Section 20.504.020 (D) of the Coastal Zoning Code require that all development within the coastal zoning comply with the following:

The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.

The project is compatible with the materials, colors, height and bulk of surrounding structures. As shown on the Coastal Records Project map (<http://www.californiacoastline.org/cgi-bin/image.cgi?image=200504147&mode=big&lastmode=sequential&flags=0&year=current>), two-story houses, and houses with light and contrasting exterior colors are common in this area. The bulk of the project was analyzed in 2005 when the applicants proposed a 3,037 sq. foot structure. That analysis remains valid, as the current project is smaller than what was previously proposed.

Section 20.504.035 of the Coastal Zoning Code addresses the impact of exterior lighting within the coastal zone.

- (A) *Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.*
 - (1) *No light or light standard shall be erected in a manner that exceeds either the height limit*

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-11

designated in this Division for the zoning district in which the light is located or the height of the closest building on the subject property whichever is the lesser.

(2) Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.

The applicant has provided details regarding the exterior lighting plan, attached as Exhibit X. As shown in Exhibit X, the proposed exterior lights will be fully downcast and shielded, in compliance with exterior lighting requirements of the Mendocino County Coastal Zoning Code.

The applicant has additionally submitted a view impact analysis (Appendix D), describing in detail how the applicant has considered the neighbor's views when designing the project, and how the final roof design and elevation reflects this consideration. The applicant proposes landscaping to buffer the view impact to the neighbors. This was not included as a required condition of approval because the project would not result in impacts to public views.

As proposed, the project is in compliance with visual resource policies.

Natural Resources

The project site is a 0.72 acre undeveloped bluff parcel adjacent to developed residential lots on the east side. The project site is mostly flat, terraced slightly below the adjacent residential lots, with a gentle slope toward the ocean, ending to the west at the steep bluff face, approximately 100 feet above the ocean. The lot is vegetated primarily by lower growing brush and grass known as coastal scrub type plants, interspersed with non-native grasses and herbaceous plants. Some invasive plants are also present, including iceplant, pampas grass, and French broom. Runoff from the road and adjacent developments drains down the site from the existing driveway, from roof runoff, and through a drainage pipe that crosses the parcel, emptying drainage off the bluff in the northerly portion of the parcel.

The property has been professionally surveyed for biological resources by WRA Environmental Consultants numerous times over the past nine years in association with previous project applications, and include most recent visits in May and July of 2008. The property was also surveyed specifically for potential special status butterflies by Richard Arnold of Entomological Consulting Services, Ltd., in 2005. The current biological report for the project, *Biological Report of Compliance for a Mendocino County Coastal Development Permit, Wernette Project, Gualala, Mendocino County, California* (referred to hereafter as "the biological report"), by WRA Environmental Consultants, dated August 2008, incorporates information from previous surveys and provides up-to-date information regarding site conditions.

The survey report follows the Department of Fish and Game's *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* as revised May 8, 2000, and includes the reduced buffer analysis required by Section 20.496.020 of the Mendocino County Coastal Zoning Code when a reduced buffer is considered. Planning staff visited the site with Rick Macedo of the Department of Fish and Game on December 13, 2007. After also reviewing the most recent survey report, reduced buffer analysis and supplemental letter dated February 23, 2009, planning staff and DFG are in agreement with WRA regarding which resource areas warrant protection, and that with mitigations proposed by WRA, the project, including reduced buffers, will not result in detrimental impacts to natural resources of concern on the site.

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-12

Natural resource areas warranting protection under the Local Coastal Program (LCP) are defined as Environmentally Sensitive Habitat Area (ESHA) in Section 20.308.040(E)(F) of the Mendocino County Coastal Zoning Code as follows:

"Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.

Areas designated as ESHAs warrant protection from development and other human activities that have the potential to cause degradation or disturbance. The designation of an area or areas as ESHA is a discretionary call made by the authorized jurisdiction (County, in this case) as they apply the definition of ESHA to information provided by the consulting biologist. (At times this call is made in advance by the consulting biologist, who, through familiarity with the process and the resources may foresee the determination, however the authority of designation falls upon the jurisdiction authorized to ensure Coastal Act compliance.) Often the jurisdiction will work closely with applicable resource agencies such as the California Department of Fish and Game and/or the U. S. Fish and Wildlife Service when making this determination and setting boundaries. In this case, County staff worked closely with the Department of Fish and Game in considering information provided by the biologist in defining areas on the site that warrant protection as ESHAs.

Exhibit M illustrates important vegetative features on the parcel, including locations of rare plants, areas of non-native and invasive vegetation, and native plant communities. Rare plants found on the site are Mendocino coast Indian paintbrush (*Castilleja mendocinensis*) and coastal bluff morning glory (*Calystegia purpurata* ssp. *saxicola*). The coastal bluff morning glory plants are ranked¹ S2.2 by the Department of Fish and Game (DFG), and ranked 1B.2 by the California Native Plant Society (CNPS). Mendocino coast Indian paintbrush is ranked similarly ranked S2.2 by DFG and 1B.2 by CNPS. Additionally, the coastal terrace prairie plant community is listed by DFG as a rare community.

As we learn more about ecology, our determinations of ESHA become more appropriate. At the present time, we are transitioning towards plant community, or appropriate habitat based protection, as opposed to drawing circles around individual species. Donna Shorrock, a California Native Plant Society (CNPS) vegetation ecologist notes:

...a plant community is an association of species that interact in a shared, physical environment. As such, the response of vegetation to environmental changes can serve as an indicator of the overall health of the ecosystem and the species contained within it. It is also within vegetation, or plant communities, that one can measure biological diversity. This typically includes the number of different native species, the variety of different habitats, the variety of interactions between species, and the range of genetic variation among individuals within a species. When conservation efforts look only at individual species, none of these other elements are preserved (CNPS Bulletin 2008).

Additionally, we are recognizing that the definition of ESHA is a two part definition. In the *Appeal Substantial Issue & De Novo* for Arena Union Elementary School District (A-1-MEN-07-044) staff

¹ A key to the CNPS and DFG ranking systems can be found on the CNPS website at: <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi/Html?item=NewModifRank.html>.

report, Melissa Kramer of the California Coastal Commission outlines a discussion of the ESHA definition as follows:

ESHA, as defined in Section 30107.5 of the Coastal Act and Section 3.1 of the certified Mendocino County LUP, is "...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities." Thus, Section 30107.5 and LUP Section 3.1 set up a two part test for determining an ESHA. The first part is determining whether an area includes plants or animals or their habitats that are either: (a) rare; or (b) especially valuable because of their special nature or role in an ecosystem. If so, then the second part asks whether such plants, animals, or habitats could be easily disturbed or degraded by human activities. If so then the area where such plants, animals, or habitats are located is deemed ESHA by Section 30107.5 and LUP Section 3.1 (Kramer, p. 46).

In his letter dated February 23, 2009 (included as Appendix E), Tim DeGraff of WRA Environmental Consulting provides additional information regarding habitat conditions for the rare plants at the site.

Mr. DeGraff explains that the southern portion of the parcel supports a more intact native plant community where the subject rare plants are typically found. This portion of the parcel contains the majority of rare plants and the coastal terrace prairie plant community area. Due to the presence of two rare plant species within typical natural habitat conditions, as well as the presence of the small (0.001 acre) area of coastal terrace prairie, the southern portion of the project site warrants protection as an Environmentally Sensitive Habitat Area.

The middle portion of the parcel is dominated by invasive plants, and does not support any rare plants. The residence is proposed in the middle portion of the parcel.

The northern portion of the parcel contains a small, shaded, protected area where two individual coastal bluff morning glory plants were observed. Mr. DeGraff notes in his February 23, 2009 letter that the area is not typical habitat for these two individuals, is not likely to support additional rare plants, and is not likely a sustainable, long-term habitat area (page 3). Mr. DeGraff also notes in his letter that coastal bluff morning glory is known to thrive locally in areas disturbed by mowing (page 2). For these reasons the two individuals in the northern portion of the parcel do not meet the second part of the ESHA definition, and staff finds that the northern area does not warrant ESHA protective status.

This decision was made in consultation with Rick Macedo of the Department of Fish and Game, who met with planning staff on February 25, 2009 to review the project information including the project file, biological report, and February 23, 2009 letter from Tim DeGraff. Planning staff and Rick Macedo discussed the case over a conference call with Tim DeGraff, and all parties stated that they were in agreement that the northern parcel area containing the two coastal bluff morning glory individuals did not constitute an ESHA.

The applicant has provided a Natural Resources Protection Plan Element, which consists of:

1. Establishment and management of the Conservation Area
2. Northern ESHA Mitigation Measures
3. Construction Avoidance Measures
4. Comprehensive Monitoring and Reporting Procedures
5. Project Area Landscaping

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-14

The Natural Resources Protection Plan is included as Appendix H. As outlined in the Natural Resources Protection Plan, the two northerly coastal bluff morning glory individuals are to be protected from disturbance during development activities. Special Condition Number 3 includes requirements to adhere to protective measures outlined in the application and biological report, so that the two coastal bluff morning glory plants are protected during construction activities as a condition of approval.

The applicant proposes residential development that would be located 50 feet away from the closest rare plants/community areas within the southern designated ESHA area. The LCP has provisions for protection of ESHAs with a buffer zone. Section 20.496.020(A)(1) of the Mendocino County Coastal Zoning Code outlines protocol for the establishment of ESHA buffer areas as follows (pertinent part):

(A) Buffer Areas. A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.

(1) Width. The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.

The proposed 50 foot buffer area is consistent with the LCP requirements for a ESHA buffer zone in that no development is proposed within 50 feet of the resource area, a reduced buffer analysis was conducted by the biologist and is included in the biological report (also included as Appendix F), and planning staff and DFG agree that 100 feet is not necessary to protect the resources of this particular habitat from possible significant disruption caused by the proposed development, given the proposed mitigation measures outlined in the biological report (included as Appendix G). The mitigation measures include execution and recordation of a non-revokable deed restriction protecting the ESHA and its 50 foot buffer in a Conservation Area protected from development and disturbance. The conservation area would be protected with temporary silt fencing during construction activities, which would be replaced by a permanent fence after construction is done. Invasive plants would be removed from the site, and exotic plants would not be allowed in the conservation area. Special status bird and bat surveys would be required prior to substantial ground disturbance during the breeding season. Erosion control measures, including seasonally allowed ground disturbance and timely soil stabilization measures would ensure minimal erosion impacts. Special Condition Number 3 includes these measures.

As conditioned, the project would not result in significant impacts to natural resources, and would be in compliance with natural resources policies as outlined in the LCP.

Archaeological/Cultural Resources

The project for CDP 57-1998 (subject parcel) was reviewed by the Northwest Information Center of the California Historical Resources Inventory at Sonoma State University. The Information Center responded that the project area has the possibility of containing unrecorded archaeological sites and recommended a study. The application was reviewed by the Mendocino County Archaeological

**STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT**

**CDP # 51-2008 (Wernette)
April 23, 2009
CPA-15**

Commission on November 10, 2004, which determined that no survey was necessary. Standard Condition Number 8 is recommended, advising the applicant of the requirements of the County's Archaeological Ordinance (Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Groundwater Resources

The site is located within an area mapped as Critical Water Resources (CWR). The project would connect to the North Gualala Water Company (NGWC) community water system and the Gualala Community Services District (GCSD) community sewage system.

NGWC did not respond to the referral.

GCSD responded with concerns regarding the proposed 1000 gallon septic tank size, stating a preference for a 1500 gallon sized tank. GCSD also commented that the proposed size of the hole for the septic tank did not appear sufficient, indicating that a 1000 gallon tank is 5ft high by 6 ft wide by 10 ft long, and a 1500 gallon tank is 5 ft high by 6 ft wide by 13 ft long. GCSD commented that the proposed partition over the tank would not be acceptable because they would need complete access to the tank for inspections and maintenance. Finally, GCSD commented that the tank will require a traffic slab if it is located in an area where it might be driven over. Mr. Wernette responded to GCSD comments by revising his plan. In his letter to GCSD dated 11-18-2008, Mr. Wernette responded that the project is to be modified to include a larger, 1500 gallon holding tank with placement and size specifications as recommended, and that the tank would have a two foot cover and would be protected by a traffic slab. A revised partial site plan was submitted, illustrating the proposed modifications, and is included as Exhibit K.

Special Condition Number 4 is included to ensure that a will serve letter is received from GCSD and from NGWC before the issuance of the building permit, and ensure that the fees are paid prior to issuance of the building permit.

Transportation/Circulation

The project would contribute incrementally to traffic on local and regional roadways. The cumulative effects of traffic due to development on this site were considered when the Coastal Element land use designations were assigned. No adverse impacts would occur. The County Department of Transportation has reviewed the proposed plans and is satisfied as to the feasibility of constructing a driveway for the subject property.

Zoning Requirements

The project complies with the zoning requirements for the Rural Residential District set forth in Chapter 20.376, and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-16

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-17

5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. All applicable recommendations of the geotechnical investigation prepared by Jim Glomb shall be incorporated into the project design. A letter of compliance from Mr. Glomb or another certified engineering geologist shall be submitted prior to issuance of the building permit. The letter shall summarize a review of the final building plans, and shall include a review of and approval of proposed foundation, drainage improvements and the proposed retaining wall on the east side of the parcel, relative to bluff stability.
2. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction in a form and content acceptable to the Coastal Permit Administrator which shall provide that:
 - a) The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and landowner assumes the risk from such hazards:

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-18

- b) The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project, including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
 - c) The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d) The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
 - e) The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the bluff top, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;
 - f) The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
3. The Environmentally Sensitive Habitat Area (ESHA) and its 50 foot buffer, shown as the Conservation Area on Exhibit L, shall be protected from development and disturbance in perpetuity. No development or impacts shall occur within the ESHA or its 50 foot buffer unless prior approval is obtained from the County of Mendocino. All measures outlined in the Resource Protection Plan (Appendix H) and by Wetland Research Associates in *Biological Report of Compliance for a Mendocino County Coastal Development Permit, Wernette Project, Gualala, Mendocino County, California, Dated August 2008* (Appendix G), shall be mandatory requirements of the permit, specific modifications outlined here as follows:

Mitigation Measure 1a: Areas outside of the construction impact zone (Exhibit S) shall be maintained in a condition similar to that which occurred within the project area prior to disturbance. No landscaping, paving, or other disturbance shall be allowed in this area. No activities may occur that would negatively impact native vegetation, topography, or hydrology in the ESHAs or the 50-foot ESHA buffer areas, either during or following construction. Some examples of these activities are vehicle parking or storage of other heavy materials, regular foot traffic, and clearing of vegetation (except for exotic species removal and other native habitat management activities).

Mitigation Measure 1b: Prior to issuance of the Coastal Development Permit, the landowner shall execute and record a non-revocable deed restriction which shall provide

that the Conservation Area as outlined in the Resource Protection Plan (Appendix H), depicted in Exhibit L, shall be protected from development and disturbance (with the exception of restoration and other preservation activities) in perpetuity.

Mitigation Measure 1c: Prior to final inspection if the residence, permanent fencing shall be installed to the satisfaction of the Coastal Permit Administrator, along the conservation area boundary as shown on Exhibit L. Only foot traffic, for restoration, monitoring, and maintenance shall be allowed beyond the fencing. Detailed descriptions of restoration and maintenance activities to be performed in the mitigation area and septic tank area can be found in the Resource Protection Plan (Appendix H).

Mitigation Measure 1d: Fencing and restoration of the Conservation Area shall be monitored annually by a qualified biologist for five years from completion of the initial invasive plant removal work, or completion of construction, whichever occurs later. Details on invasive plant removal work and mitigation monitoring to be performed are provided in the Resource Protection Plan. The first report shall be submitted prior to final inspection of the residence, and annual reports will be due on a yearly basis within 30 days of the anniversary of the first submission. The first mitigation monitoring visit and report may be combined with the construction completion report (see Mitigation Measure 2c). The biologist shall submit all reports to the County Planning Division, Coast Office.

Mitigation Measure 1e: Both during and following development of the site, no exotic plants shall be planted in the Conservation Area. Landscaping outside of the Conservation Area shall be limited to local native plants or plants listed in the Gualala Town Plan Landscaping List (as modified by the February 9, 2007 Memorandum). Native plants are recommended for all exterior landscaping, as the entire construction impact zone is located within 100 feet to special plant areas. When possible, planting should be of local stock to preserve local genetic diversity. Plant species listed as invasive ("High," "Moderate," and "Limited" impacts) on the California Invasive Plant Council's California Invasive Plant Inventory (Cal-IPC 2006) shall not be installed anywhere in the project area as it would pose a risk to onsite ESHAs and the coastal scrub plant community. The Resource Protection Plan provides further guidance on removal of invasive species, and any new or existing occurrences that threaten the preservation of the native plant community in the Conservation Area (generally those species listed as "High" or "Moderate") should be a target for removal in perpetuity, when feasible.

Mitigation Measure 2a: During construction, combination construction fence and silt fence shall be installed around the construction impact zone (see Exhibit S) to indicate the limits of ground and vegetation disturbance. In most areas, this fencing will be located just inside the permanent Conservation Area fencing, so the permanent fencing need only be installed by the time construction is complete and temporary fencing is removed. Construction fence and silt fence encompass the two individual northerly rare plants (coastal bluff morning glory) outside of the ESHA area, placement of fence allowing a radius of at least 20 feet of protective area. The fencing shall not be placed within the designated buffers of the special status plant and coastal terrace prairie ESHAs. The barrier/s shall be constructed in a manner that precludes access to areas beyond the construction impact zone by humans and equipment. No grading, placement of fill material, or other ground disturbance or material placement shall occur beyond the

fencing. The temporary fencing shall be maintained in place until construction activities are finished, and the permanent fencing is erected.

Mitigation Measure 2b: It shall be the responsibility of the applicant to provide a copy of the mitigation measures outlined in this Coastal Development Permit as recommended by the consulting botanist, DFG, and planning staff, prior to construction activities, to any contractors, organizations, or volunteer groups engaged to perform work on the site in order that they are fully aware of the conditions of this permit and that all work performed is in compliance with all applicable mitigation measures and conditions. The significance of the flagging and temporary fencing shall be explained to all parties accessing the construction area. All contractors and subcontractors shall be required to have a copy of these mitigation measures on hand whenever on the site.

Mitigation Measure 2c: The locations of flagging and construction fencing shall be monitored by a qualified biologist. The biologist shall monitor the site weekly until the project is completed to ensure fencing is intact and that no impacts are occurring beyond the construction zone. Upon completion of construction, the biologist shall inspect the site for protection of the ESHAs and compliance with these mitigation measures. The biologist will then submit a construction completion report detailing the condition of the site to the County Planning Division and California Department of Fish and Game. Initial restoration activities (specifically removal of iceplant, pampas grass, and French broom) as provided in the Restoration Plan should also be performed by the time of completion of construction, if feasible. If that is the case, the first mitigation monitoring report may be combined with the construction completion report.

Mitigation Measure 2d: All activities that require substantial ground disturbance shall take place during the dry season (April 15 through October 31) to minimize erosion impacts. The only construction related activities allowed outside the dry season are planting and activities that do not result in ground disturbance or construction vehicle access to unpaved areas.

Mitigation Measure 2e: Areas of disturbed soil shall be mulched, seeded, or planted and covered with vegetation as soon as possible after disturbance, but no less than one hundred percent coverage within 90 days after seeding. Mulches may be used to cover ground areas temporarily. Erosion control seeding shall consist of native, non-invasive seed mix that will not adversely impact the adjacent ESHA. Existing native vegetation shall be maintained in the construction impact zone to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.

Mitigation Measure 2f: Solid materials, including wood, masonry/rock, glass, paper, or other materials shall be stored only within the construction impact zone as shown on Exhibit S. Solid waste materials shall be properly disposed of offsite. Fluid materials, including concrete, wash water, fuels, lubricants or other fluid materials used during construction shall not be disposed of onsite and shall be stored or confined as necessary to prevent spillage into natural habitats including the ESHA buffer areas. If a spill of such materials occurs, the area shall be cleaned immediately and contaminated materials disposed of properly off-site. The affected area shall be restored to its natural vegetated condition.

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-21

Mitigation Measure 3: Construction activities requiring substantial ground disturbance shall take place outside the breeding bird season, which occurs from March through August. If construction cannot occur between September and October 31, surveys for special status bats and special status breeding birds shall be conducted by a qualified biologist prior to ground disturbance. If active breeding bird nests are observed, no substantial ground disturbance activities shall occur within a 100 foot exclusion zone for special status passerine birds, and within a 300 foot exclusion zone for special status raptors and other special status non-passerine bird species. These exclusion zones shall remain in place around the active nest until all young are no longer dependant upon the nest, ground disturbance activities cease, or the breeding bird season ends, whichever is sooner. A biologist shall monitor the nest site weekly while the exclusion zone is in place to ensure the buffer is sufficient to protect the nest site from construction related disturbances. If special status bat species are found to be roosting in trees that will be removed by construction, removal of those trees shall occur only between September 1 and the end of February, when roosting bats are absent.

4. Prior to issuance of the building permit for the residence, the applicant shall submit copies of "Will Serve" letters from the North Gualala Water Company and the Gualala Community Services District to the Planning Division indicating that all applicable fees have been paid for connection to the utilities.

Staff Report Prepared By:

April 8, 2009

Date

Teresa Spade

Teresa Spade
Planner II

Attachments:	Exhibit A	Location Map
	Exhibit B	Zoning Display Map
	Exhibit C	Land Use Map
	Exhibit D	100 Year Flood Map
	Exhibit E	California Natural Diversity Database Map
	Exhibit F	Orthophoto
	Exhibit G	US Geological Survey Map
	Exhibit H	Topographic Map
	Exhibit I	Topographic Map 2
	Exhibit J	Site Plan
	Exhibit K	Septic Tank Modification to Site Plan
	Exhibit L	Conservation Area Map
	Exhibit M	Site on Habitat Map
	Exhibit N	Botanical Resources Map
	Exhibit O	Drainage Detail
	Exhibit P	Retaining Walls
	Exhibit Q	Relative Distribution Foundation Support Piers
	Exhibit R	Utilities
	Exhibit S	Construction Zone

**STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT**

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-22

Exhibit T	Floor Plans
Exhibit U	Building Elevations
Exhibit V	Building Heights
Exhibit W	Color Elevations
Exhibit X	Exterior Lighting Plan
Exhibit Y	Proposed Lighting Fixtures
Exhibit Z	Grading Plan Detail
Exhibit AA	Retaining Wall Cross Sections

Appendix A	Applicant response to GMAC concerns
Appendix B	Geologic Protection and Assurance Element
Appendix C	Access and Fire Safety Issues
Appendix D	View Impact Analysis
Appendix E	February 23, 2009 letter from Tim DeGraff
Appendix F	Reduced Buffer Analysis
Appendix G	ESHA Mitigation Measures
Appendix H	Resource Protection Plan

Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$945 (For an appeal to the Mendocino County Board of Supervisors.)

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	CDP 96-02, CDV 1-98, CDP 57-98, 56-75, SV 75-18; request to be notified 1993 William Rachie and Molly Randall (included on notification list).
Department of Transportation	Recommend a standard private driveway approach, an encroachment permit, and applicant needs to trim hedge in right of way to improve sight distance.
Environmental Health – Fort Bragg	Please refer to GCSD for comments regarding septic system.
Building Inspection – Fort Bragg	No comment.
Assessor	No response.
Friends of Schooner Gulch	No response.
Department of Fish & Game	Comments outlined in Natural Resources section.
U.S. Fish and Wildlife Service	No response.
Native Plant Society	No response.
South Coast Fire Department	Various responses relative to this property outlined in the project file.
North Gualala Water	No response.
Coastal Commission	No response.
Gualala Community Services District	Tank size would prefer 1500 gallon to proposed 1000 gallon. Hole specs incorrect – need 5' high x6' wide x13' long for 1500 gallon or 5' high by 6' wide by 10' long for 1000 gallon tank. The tank is in an area where it can be driven over – it needs a traffic slab.

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 51-2008 (Wernette)
April 23, 2009
CPA-23

GMAC	GMAC voted to make recommendations as outlined starting on page CPA-4.
Friends of the Gualala River	No response.
Environmental Commons	No response.
Dr. Peter Baye	No response.
CalFire	Sent a copy of their file.

REFERENCES:

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<http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi/Html?item=NewModifRank.html>
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- Ferry, Stephen. 2004. *Environmental Law*. Third Edition. Aspen Publishers Inc., New York, NY.
- Glomb, Jim. 2002. *Final Engineering Geologic Investigation Report*, Project 434. Jim Glomb Geotechnical and Environmental Consulting, Sebastopol, CA.
- Kramer, Melissa. 2008. *Appeal Substantial Issue & De Novo, Arena Union Elementary School District (A-1-MEN-07-044)*. California Coastal Commission, Eureka, CA.
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- State of California Department of Fish and Game, 2000. *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities*. <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/guideplt.pdf> March 31, 2009.
- Wetland Research Associates, 2008. *Biological Report of Compliance for a Mendocino County Coastal Development Permit, Wernette Property, Gualala, Mendocino County, California*. San Rafael, CA.

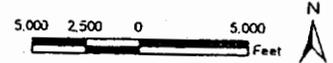
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STANDARD PERMIT

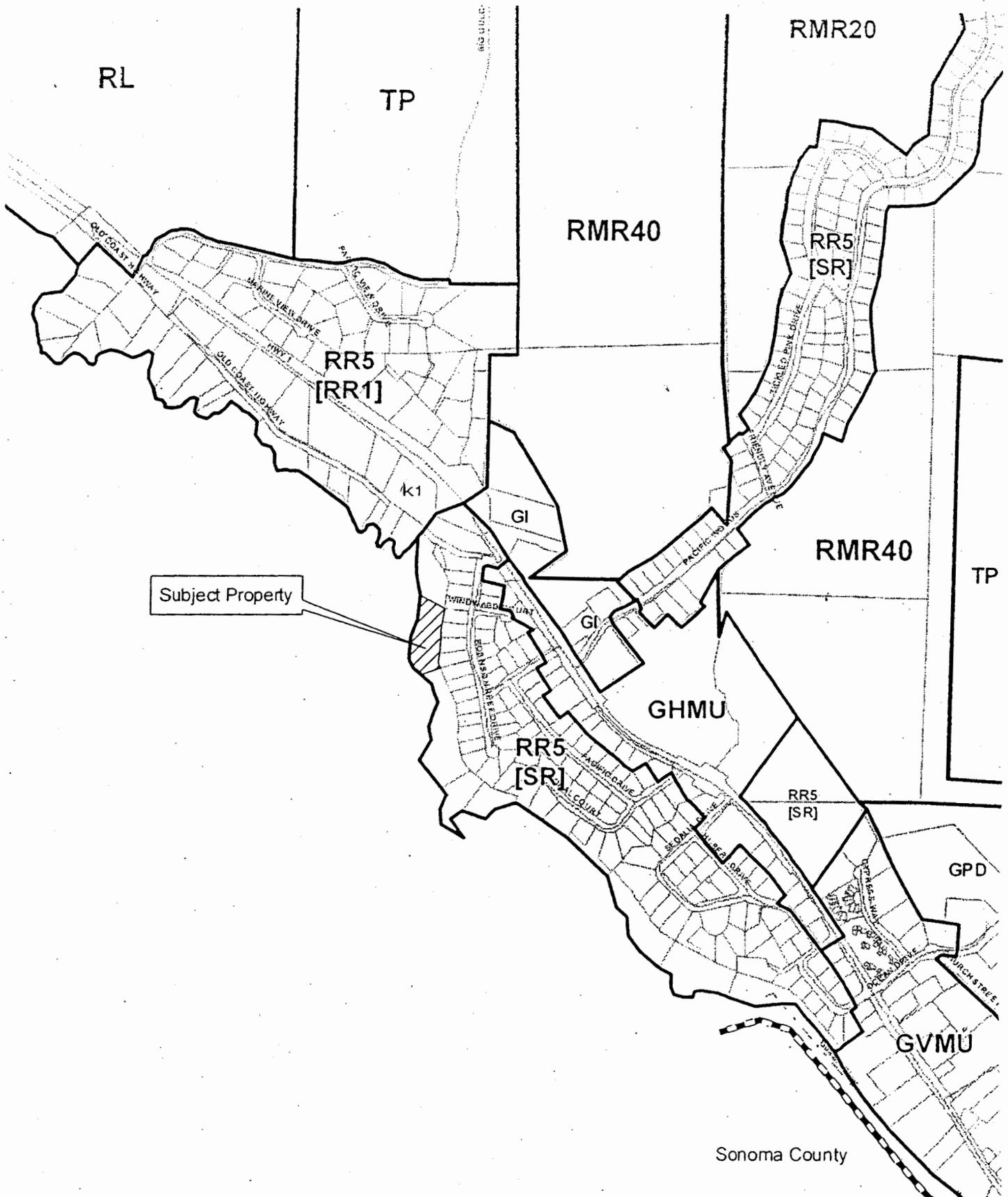
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April 23, 2009

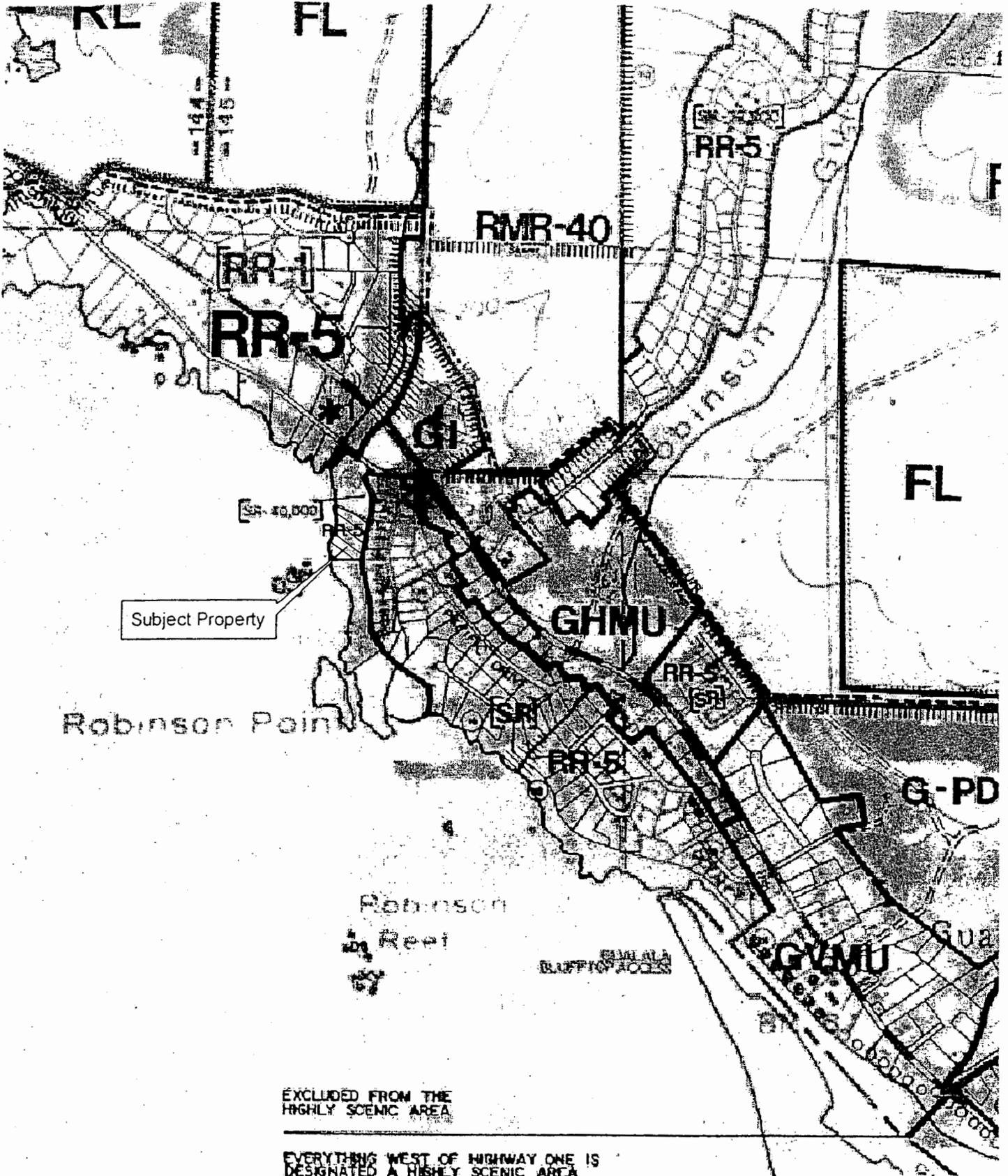


EXHIBIT A

LOCATION MAP







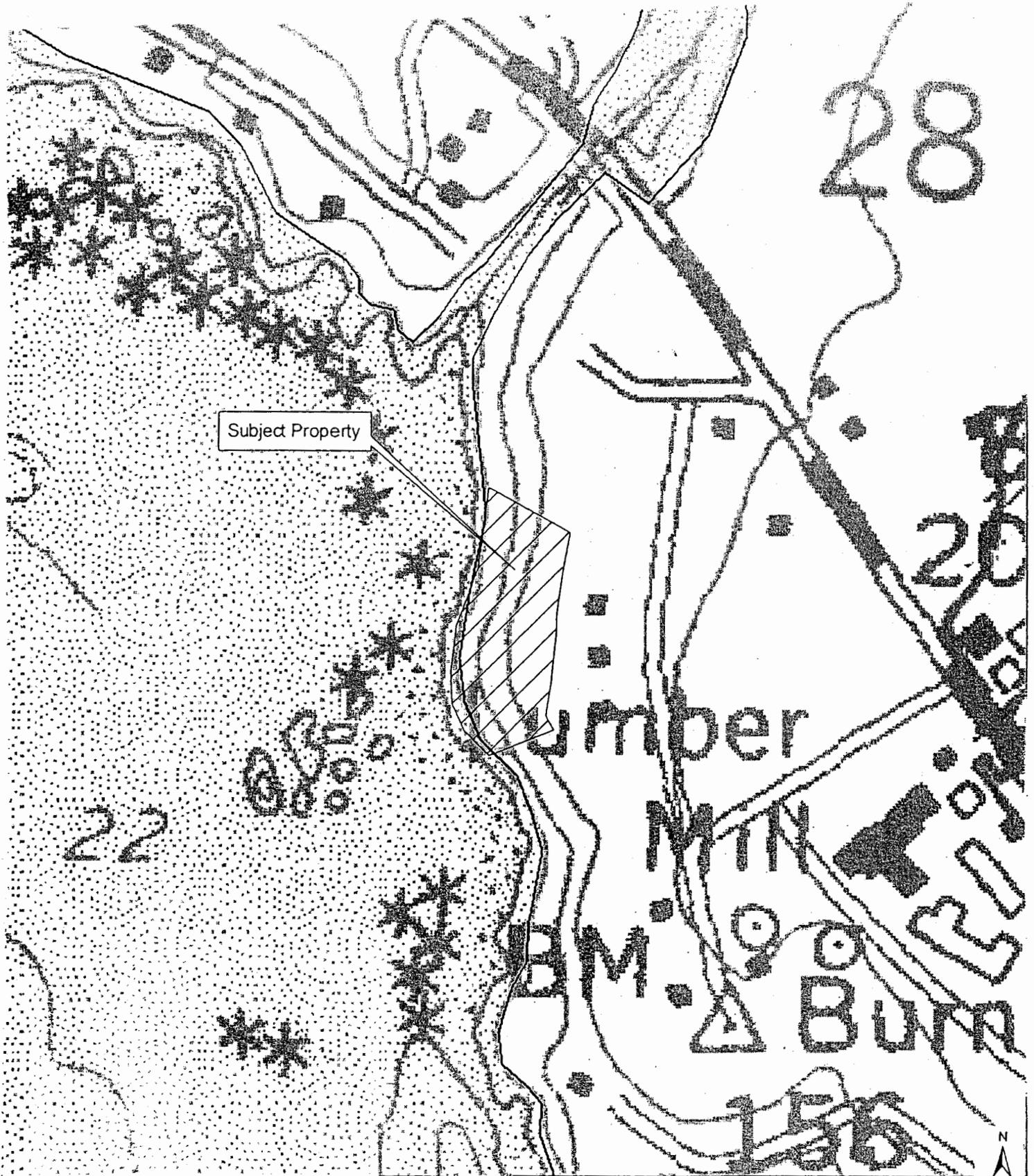
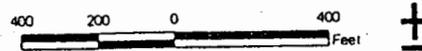
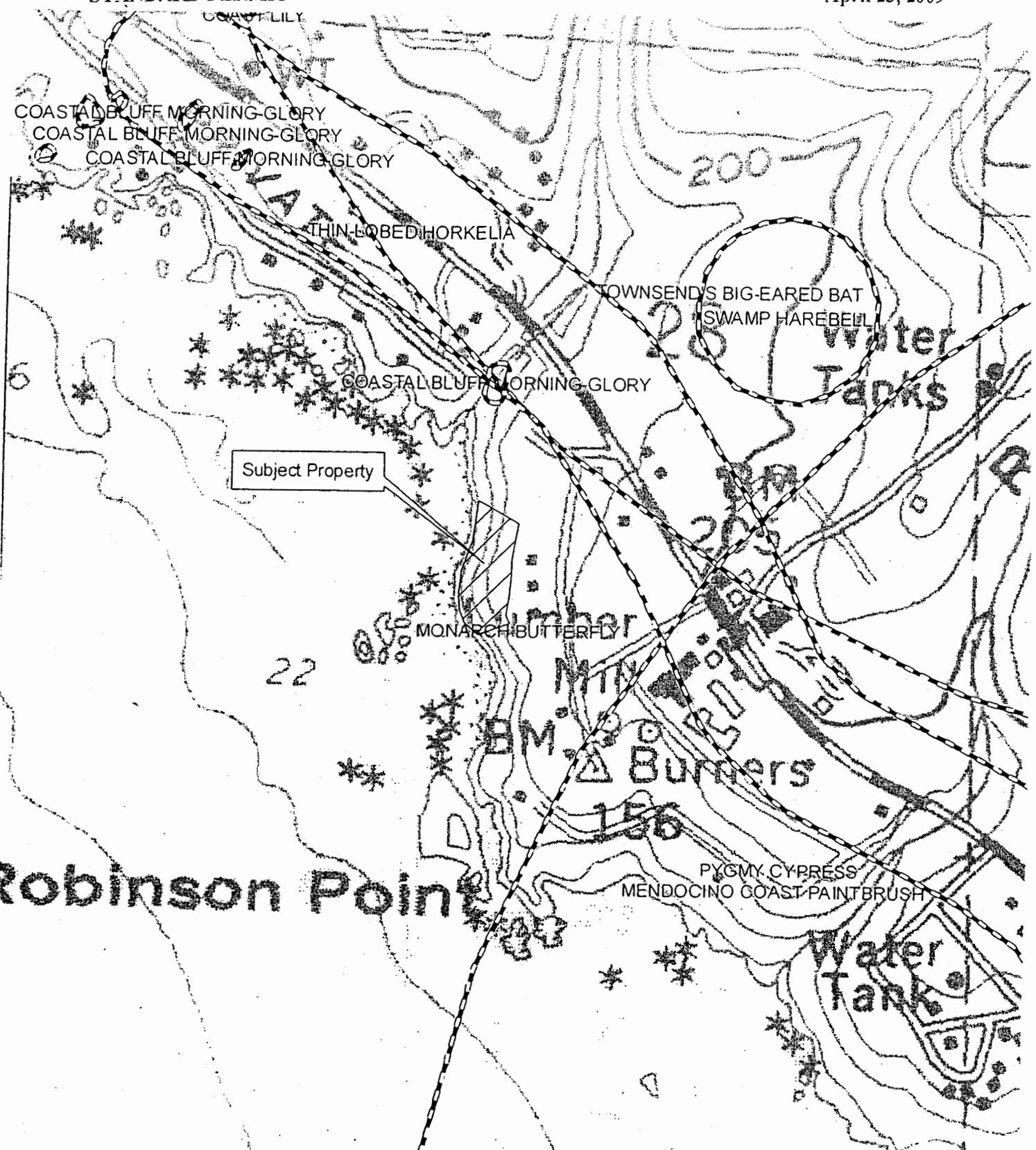


EXHIBIT D

 100 YEAR FLOOD ZONE and
COASTAL FLOOD VELOCITY (WAVE ACTION)





Subject Property

EXHIBIT F

ORTHOPHOTO
August 2005



100 50 0 100
Feet

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)

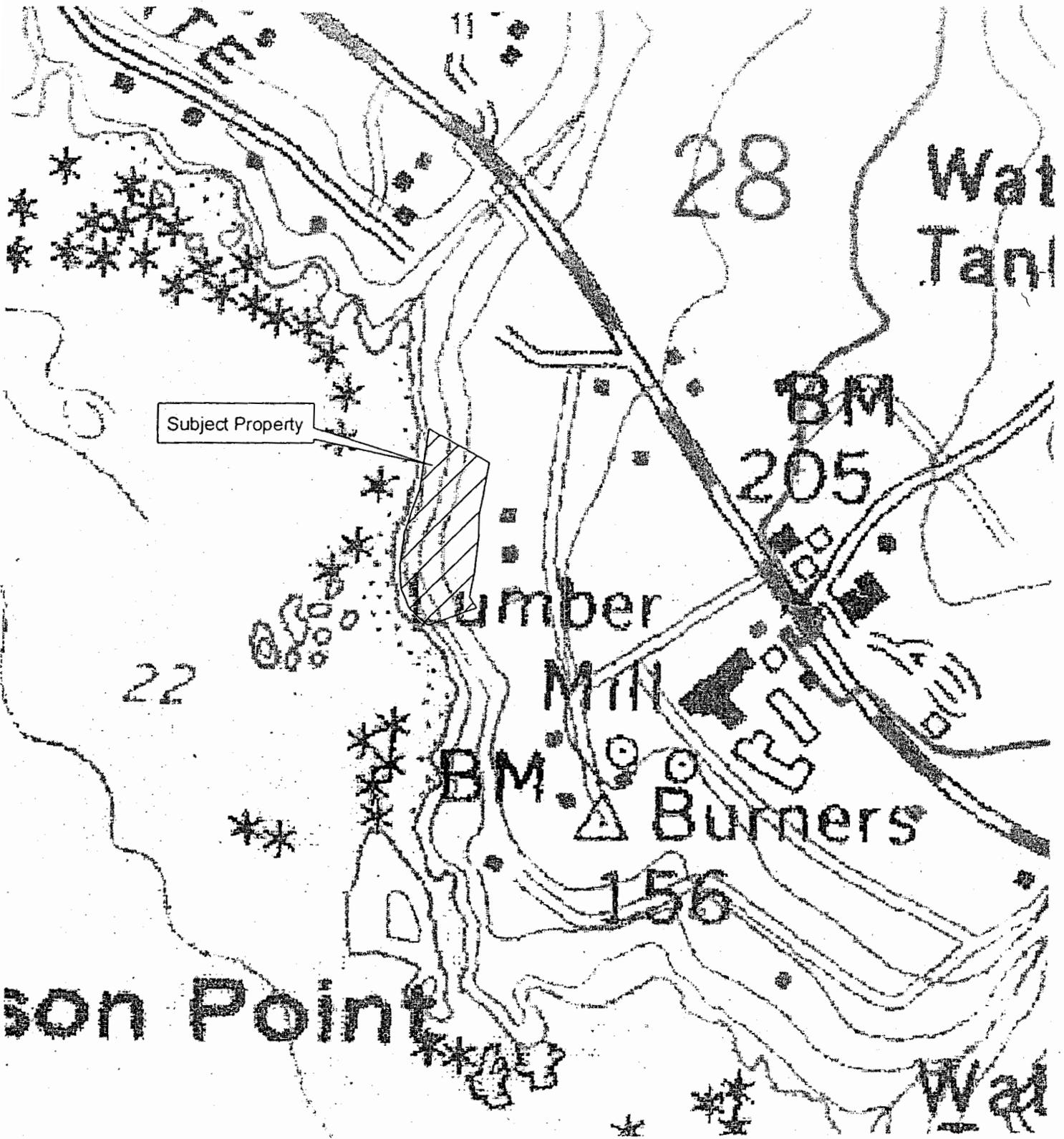


EXHIBIT G

US GEOLOGICAL SURVEY MAP
CONTOUR INTERVAL 40 FEET



Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)



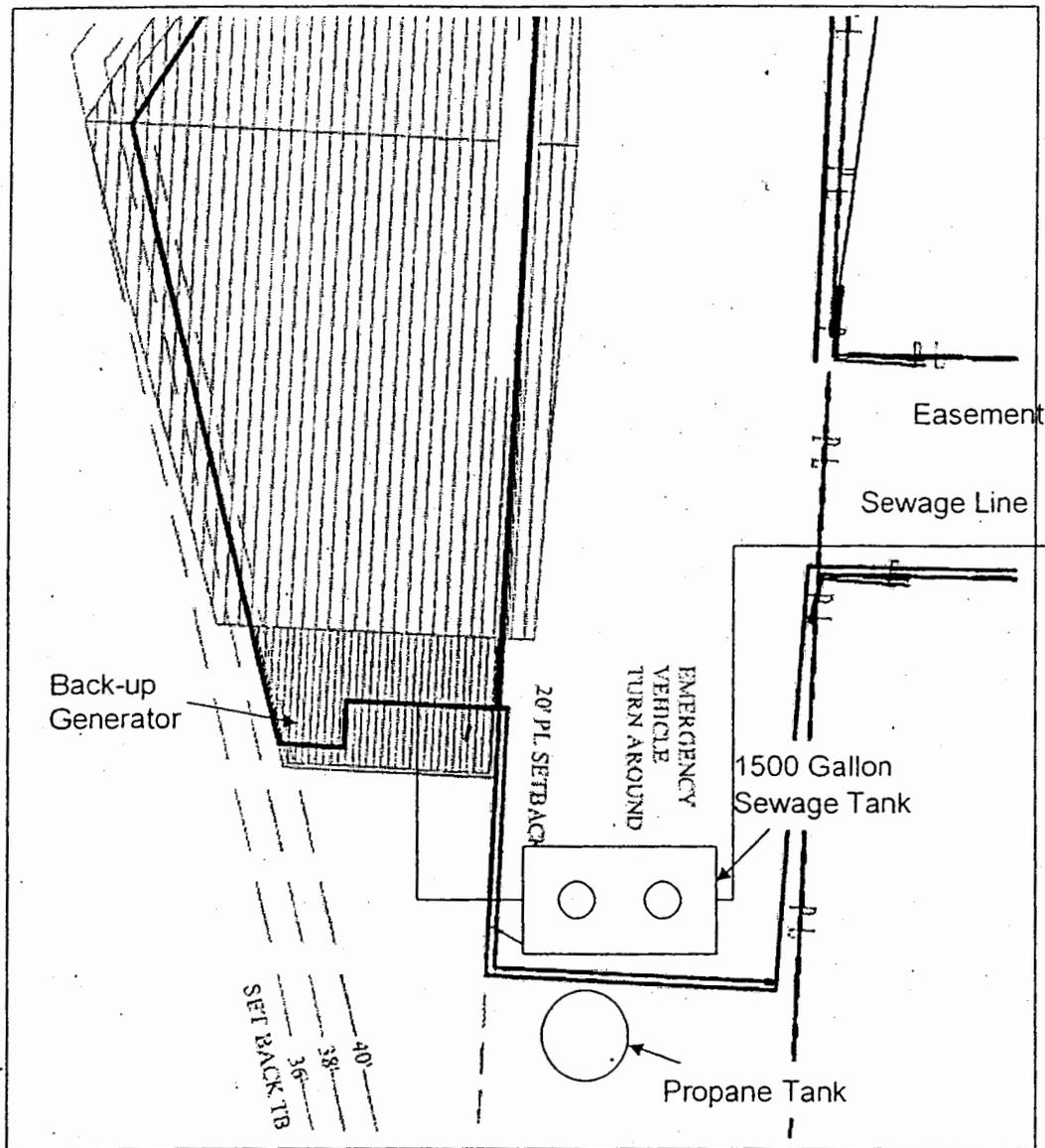


EXHIBIT H

TOPOGRAPHIC MAP

NO SCALE





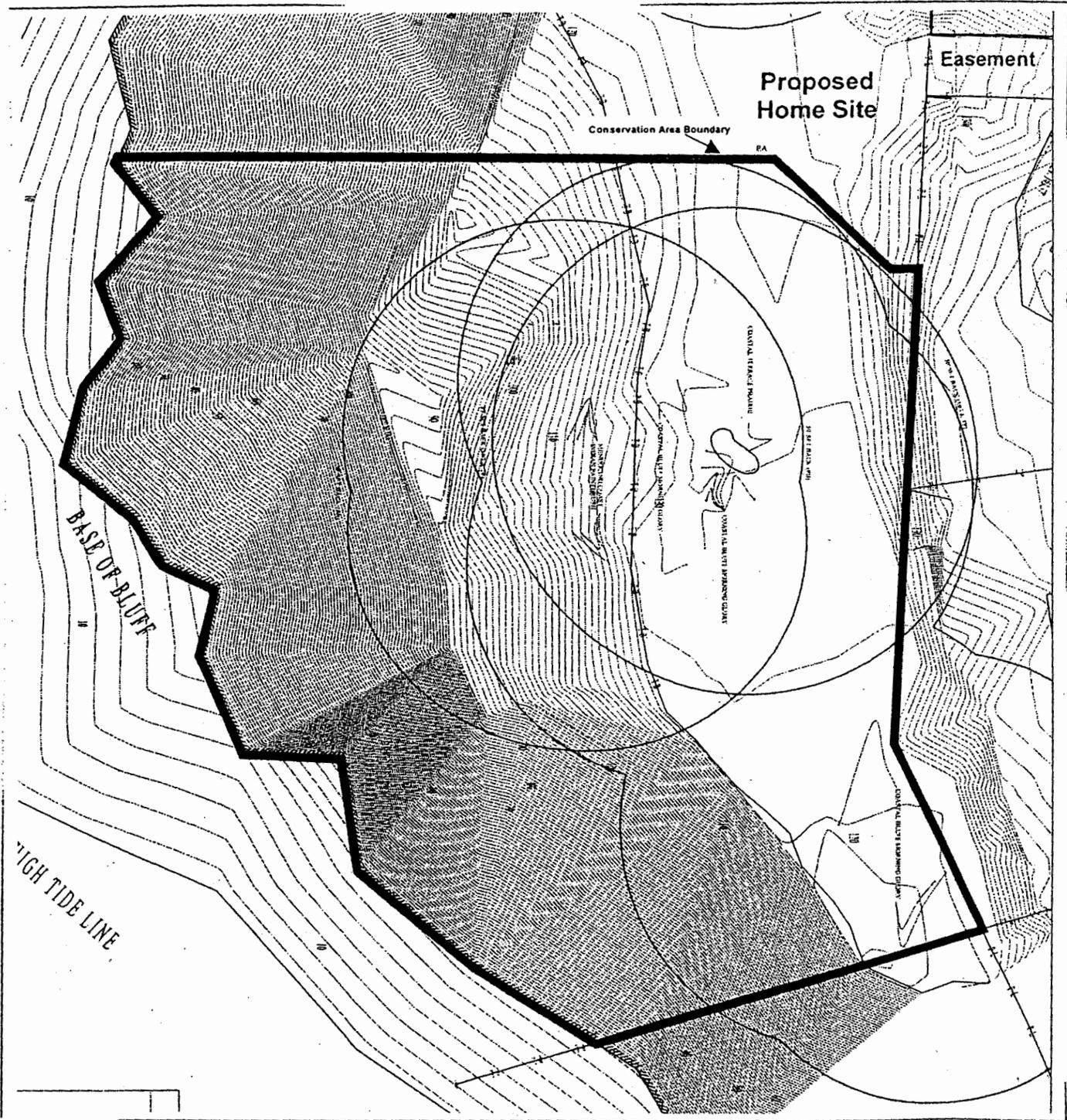


EXHIBIT L

CONSERVATION AREA MAP
Includes 50 Foot Buffer Area to ESHA



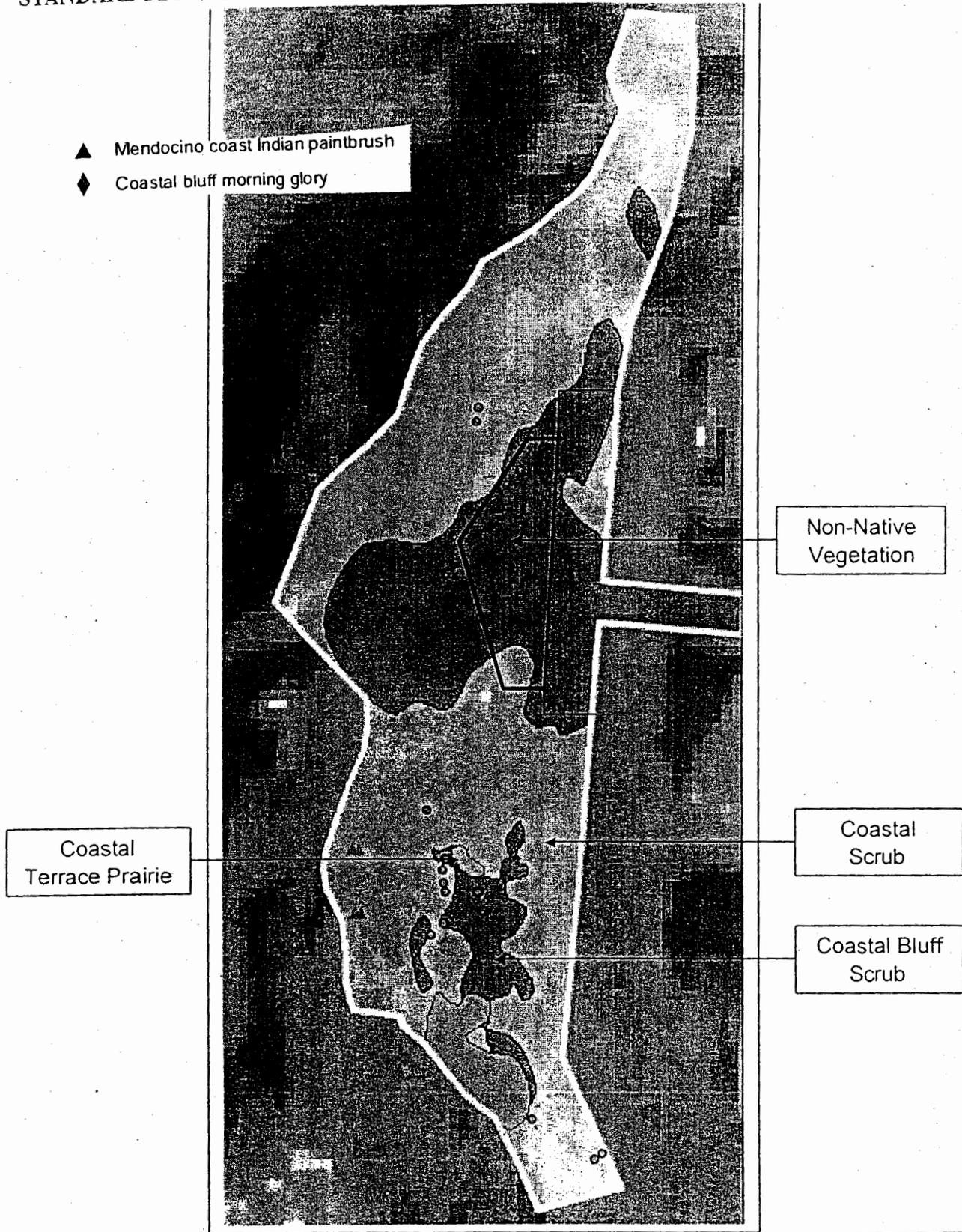
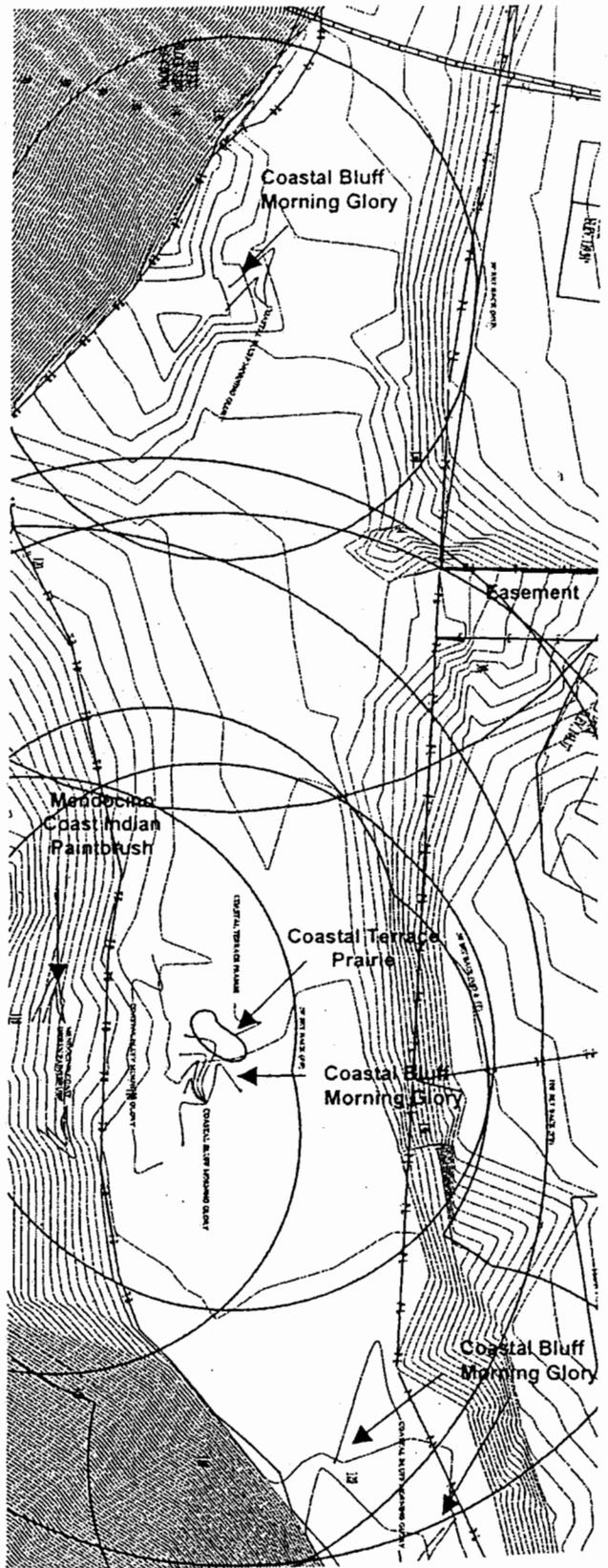


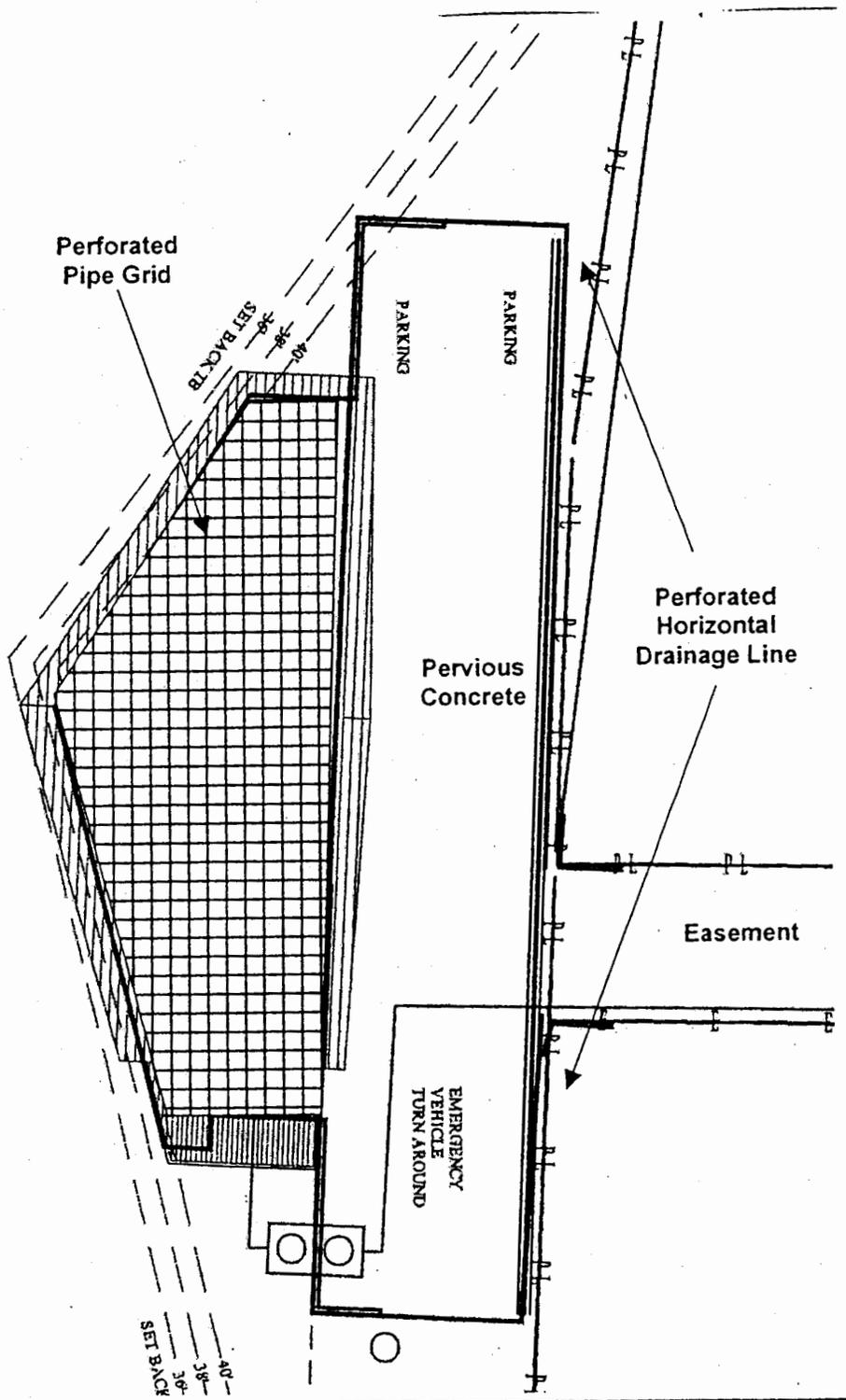
EXHIBIT M

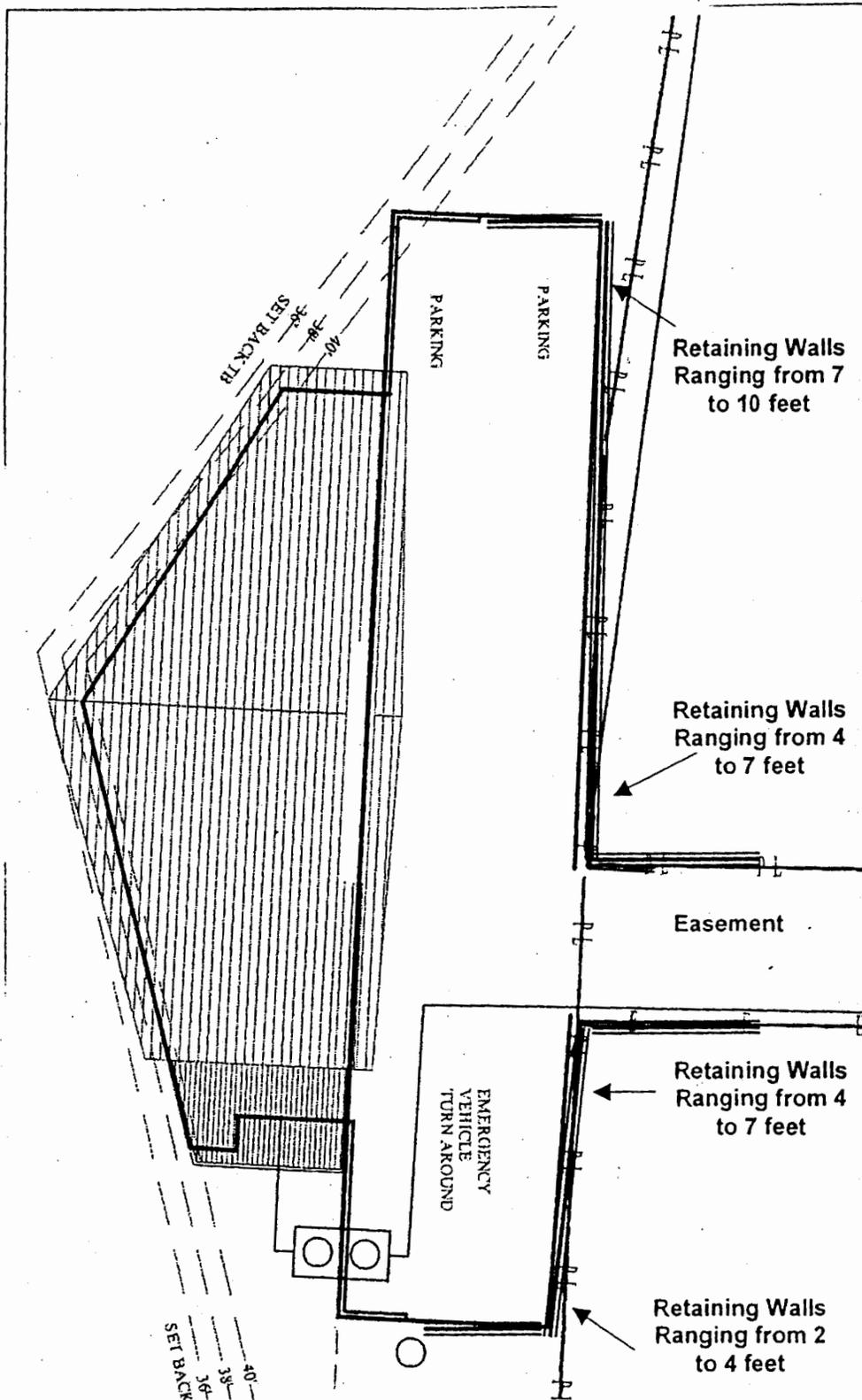
SITE ON HABITAT MAP

NO SCALE









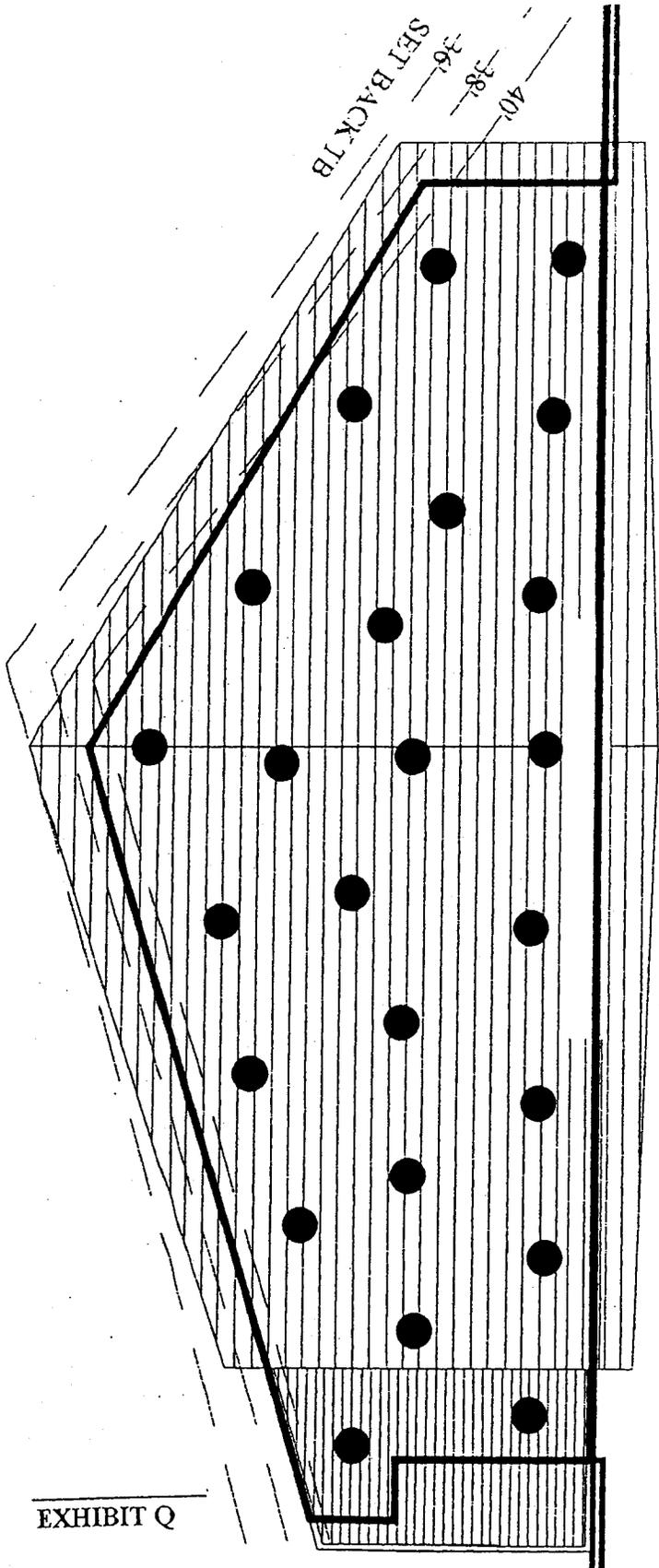
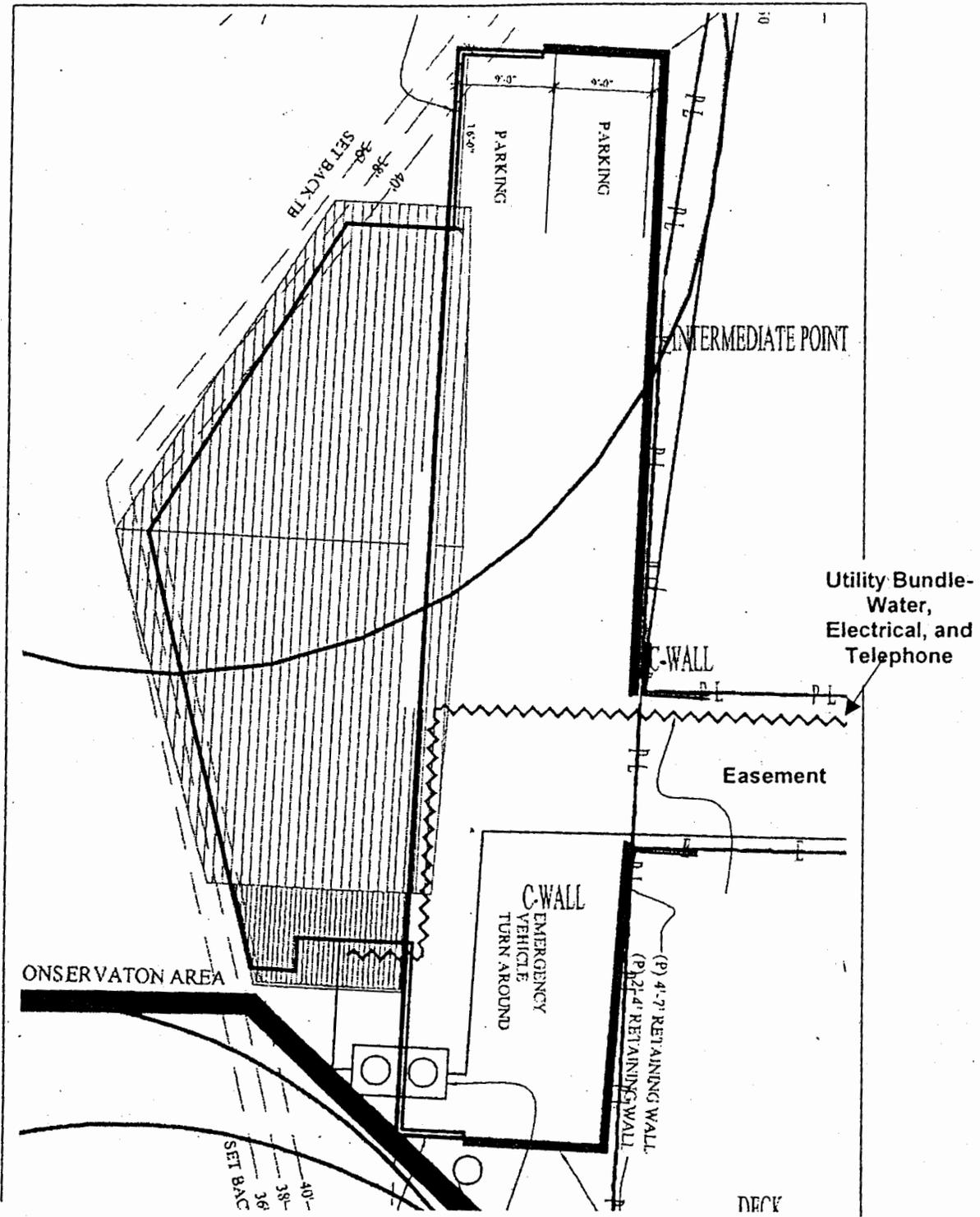


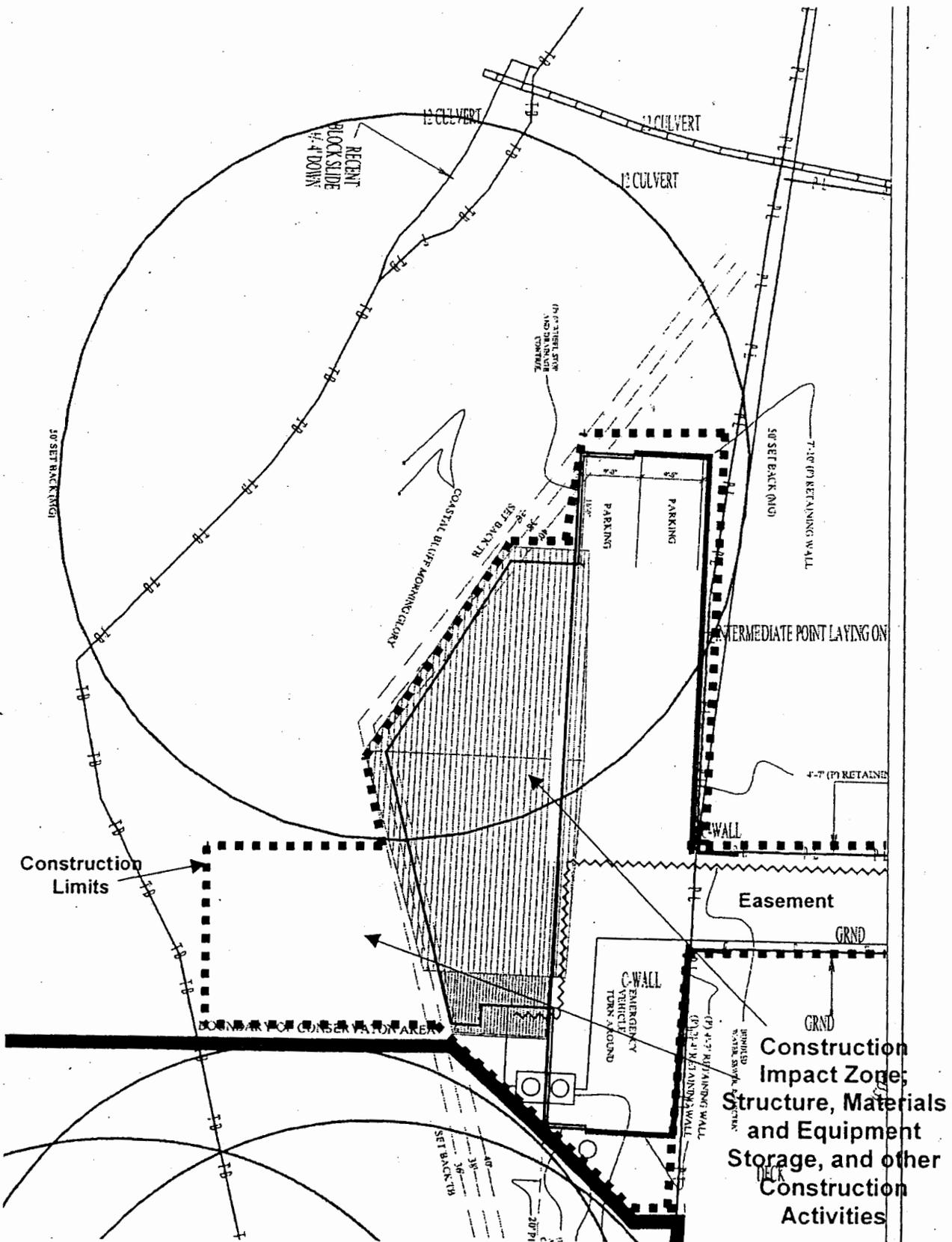
EXHIBIT Q

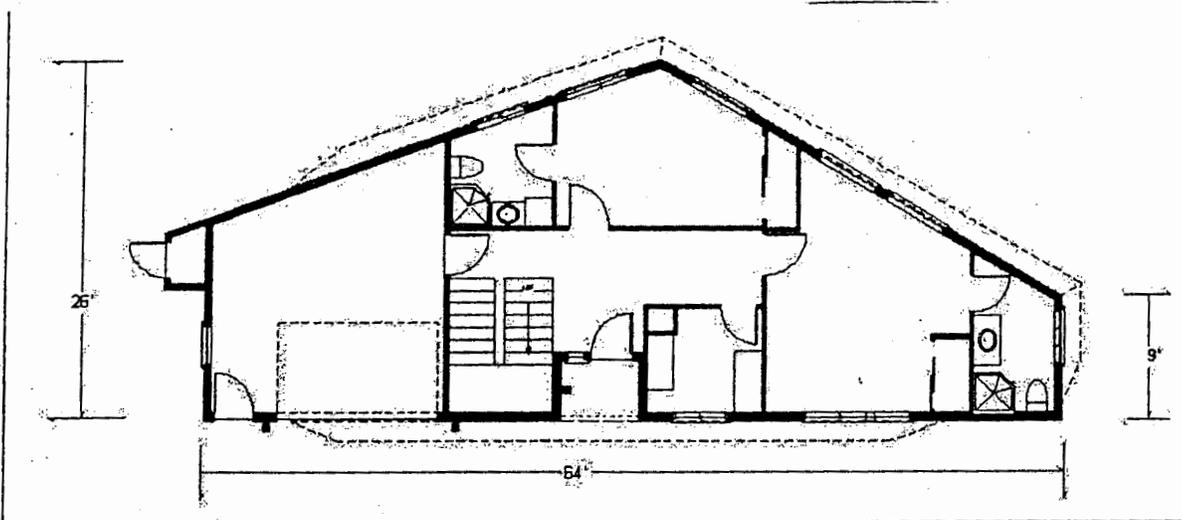
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FOUNDATION SUPPORT PIERS

NO SCALE

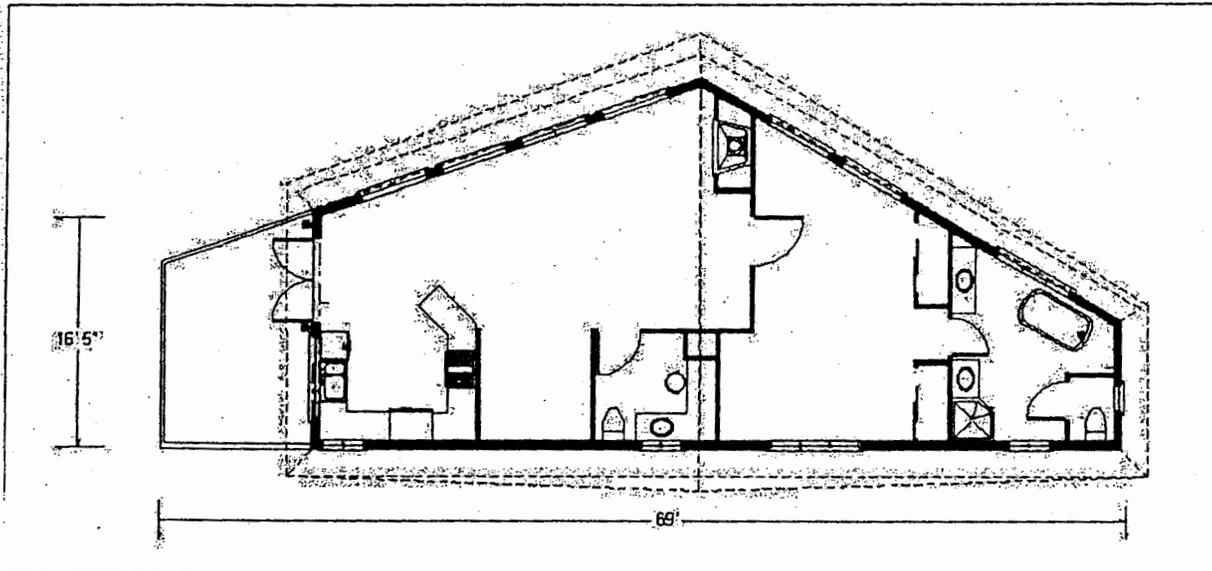








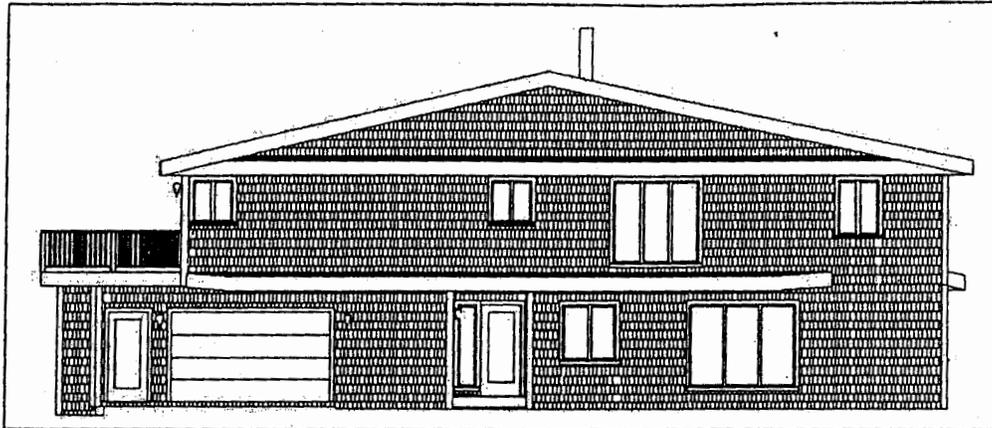
PROPOSED FIRST FLOOR PLAN



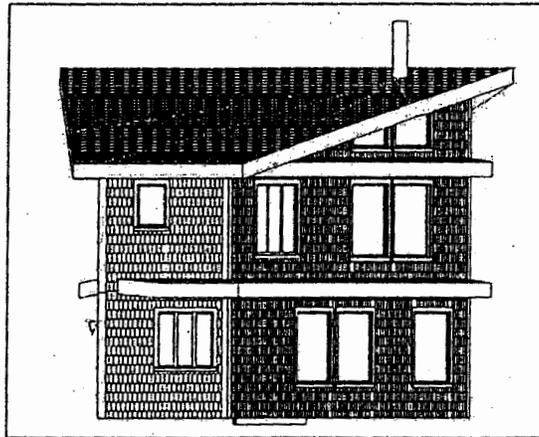
PROPOSED SECOND FLOOR PLAN



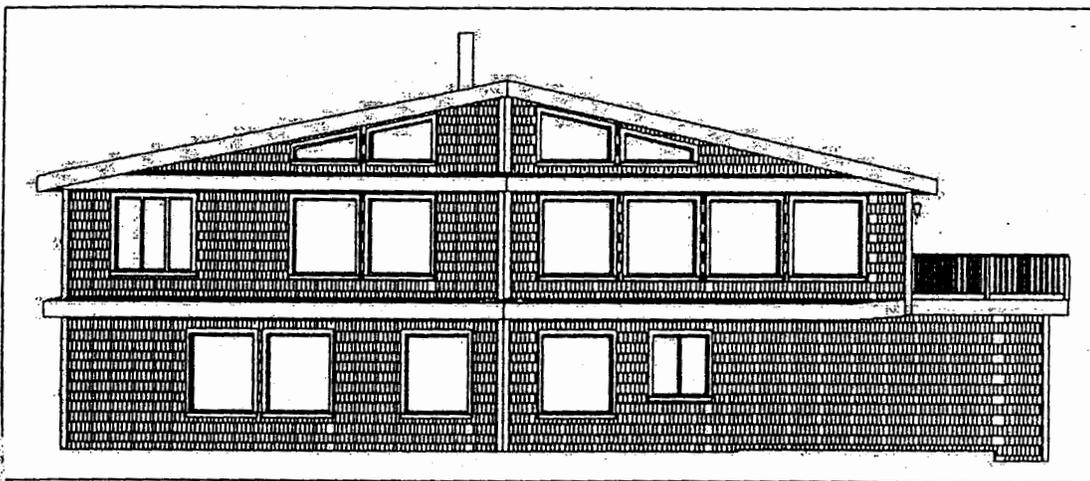
East
Elevation



South Elevation



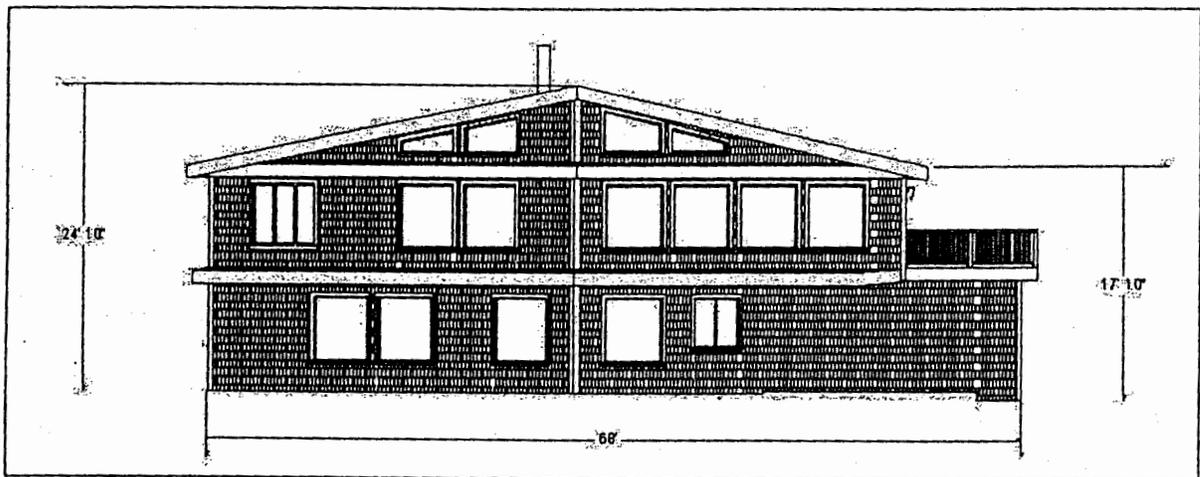
North Elevation



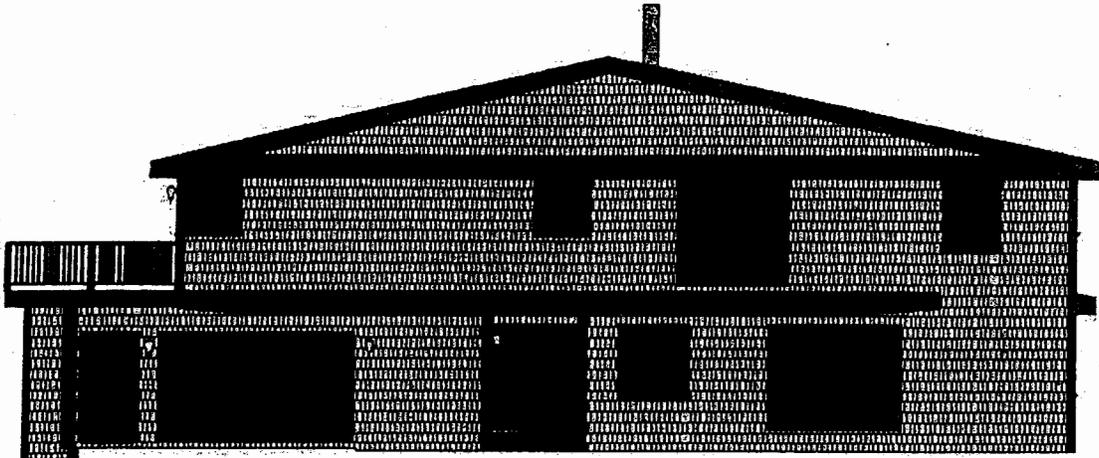
West
Elevation



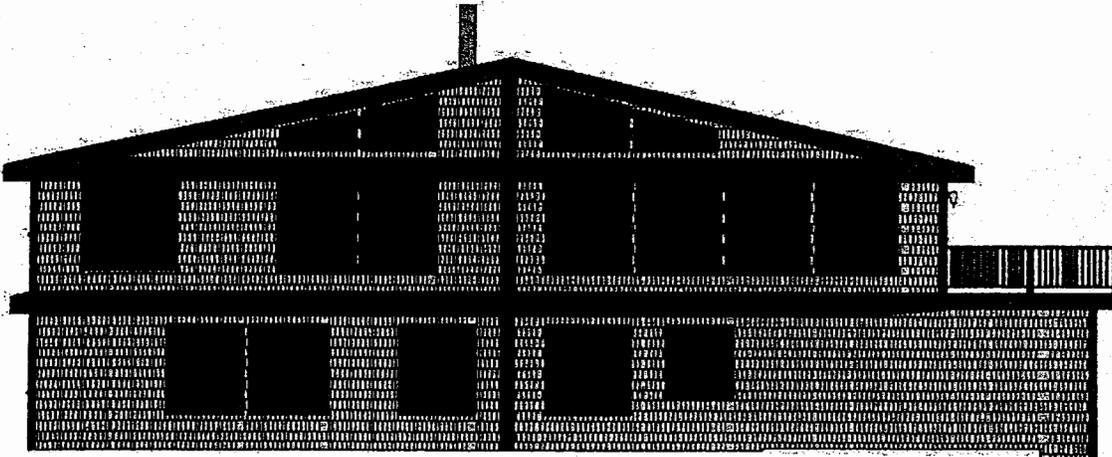
South Elevation



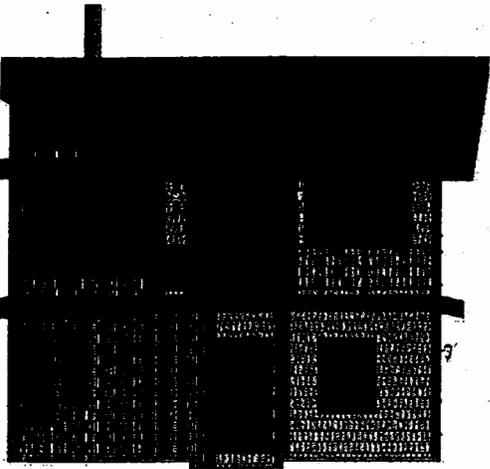
West Elevation



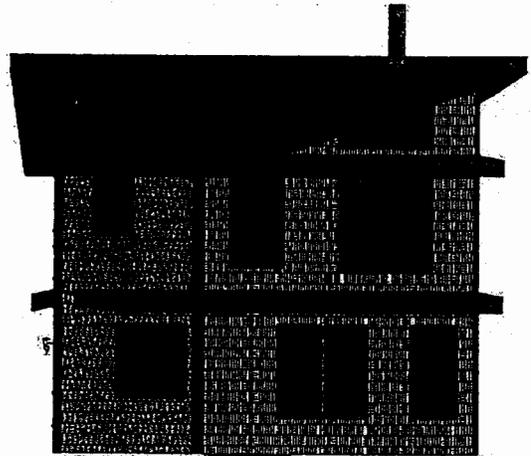
East Elevation



West Elevation



South Elevation



North Elevation

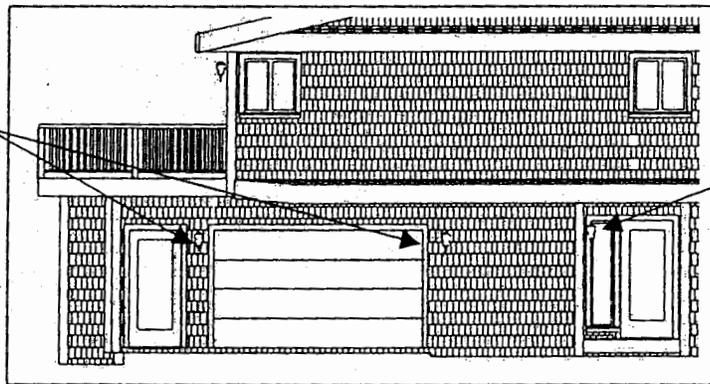
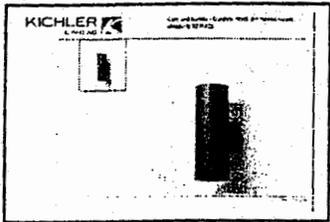
EXHIBIT W

COLOR ELEVATIONS

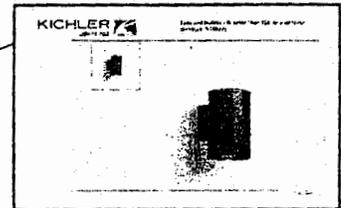
NO SCALE



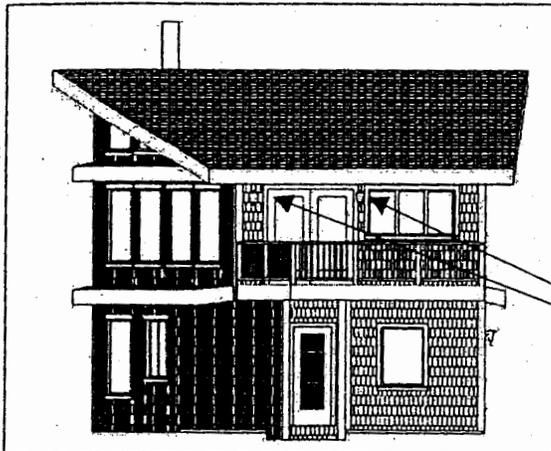
9246 AZ



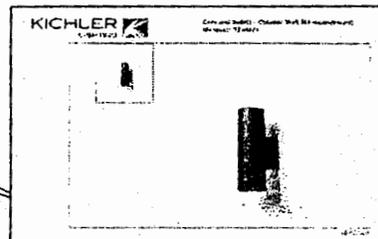
9236 AZ



East View

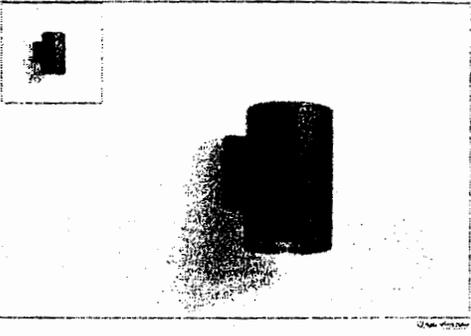


9244 AZ



South View

KICHLER LIGHTING  **Cans and Bullets - Outdoor Wall 1Lt Incandescent (Product: 923AAZ)**



KICHLER LIGHTING  **Cans and Bullets - Outdoor Wall 1Lt Incandescent**

90WALZ
\$68.20 MSRP
USD MSRP

Overall Width: 5.9 in
Body Height: 5.9 in

Available Finishes:
Architectural Bronze 

This one light, Wall Cylinder features our Architectural Bronze finish and uses a DR-10 bulb that produces 120-watts (equiv.) of pure light. It

Technical Information **Finish Specifications**

Type:	Outdoor Lights	Available Dimensions:	4.78 X 4.6 X 6.9 in
Style:	Contemporary / Modern	Other finishes:	N
Finish Group:	Brass	Primary Bulb Count:	1
Room:	Outdoor	Primary Wall Mount:	15W
Depth/Height:	5.0 in	Primary Mount Base:	Medium
Width:	5.9 in	UL, CSA Listed:	Y
Extension:	3.5 in	Body Material:	ALUMINUM
Extra Lead:	0.8 in		

KICHLER LIGHTING  **Cans and Bullets - Outdoor Wall 2Lt Incandescent**

924AAZ
\$96.20 MSRP
USD MSRP

Overall Width: 5.9 in
Body Height: 5.9 in

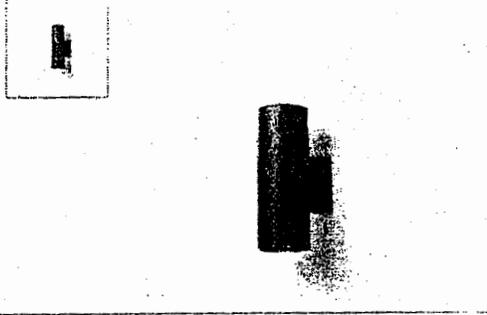
Available Finishes:
Architectural Bronze 

This two light, Wall Cylinder features our Architectural Bronze finish and uses two DR-10 bulbs that produce 240-watts (equiv.) of pure light. It

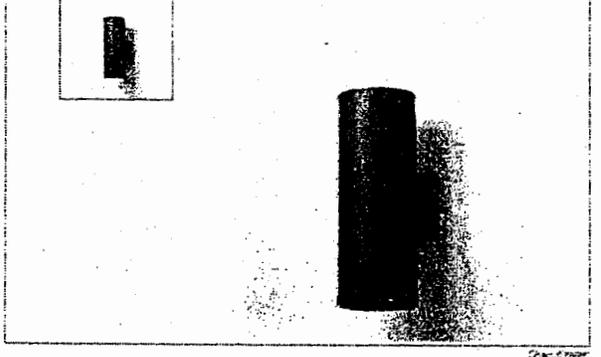
Technical Information **Finish Specifications**

Type:	Outdoor Lights	Available Dimensions:	4.78 X 4.6 X 6.9 in
Style:	Contemporary / Modern	Other finishes:	N
Finish Group:	Brass	Primary Bulb Count:	2
Room:	Outdoor	Primary Wall Mount:	15W
Depth/Height:	5.0 in	Primary Mount Base:	Medium
Width:	5.9 in	UL, CSA Listed:	Y
Extension:	3.5 in	Body Material:	ALUMINUM
Extra Lead:	0.8 in		

KICHLER LIGHTING  **Cans and Bullets - Outdoor Wall 2Lt Incandescent (Product: 924AAZ)**



KICHLER LIGHTING  **Cans and Bullets - Outdoor Wall 2Lt Incandescent (Product: 924AAZ)**



KICHLER LIGHTING  **Cans and Bullets - Outdoor Wall 2Lt Incandescent**

924AAZ
\$112.20 MSRP
USD MSRP

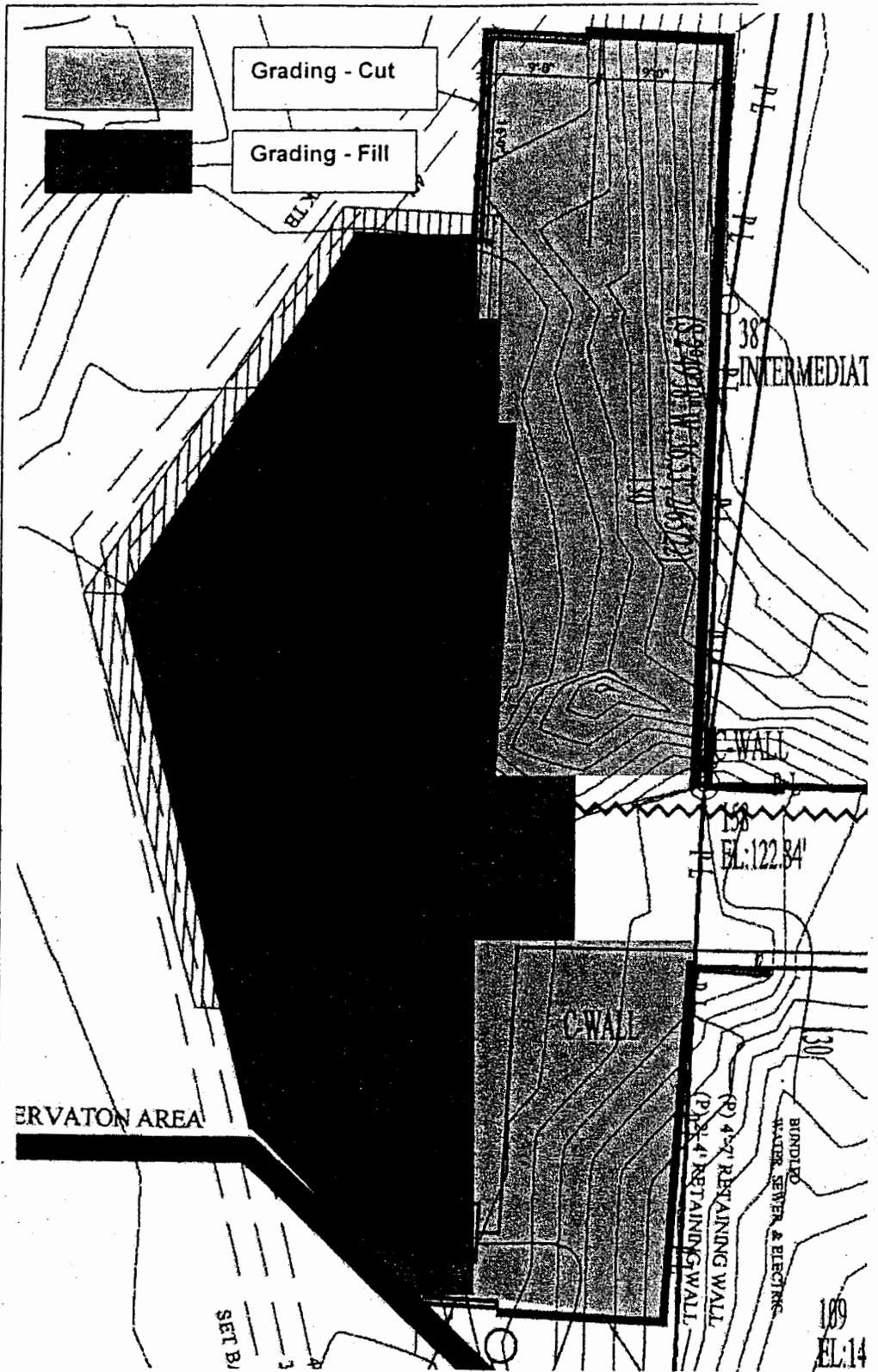
Overall Width: 5.9 in
Body Height: 5.9 in

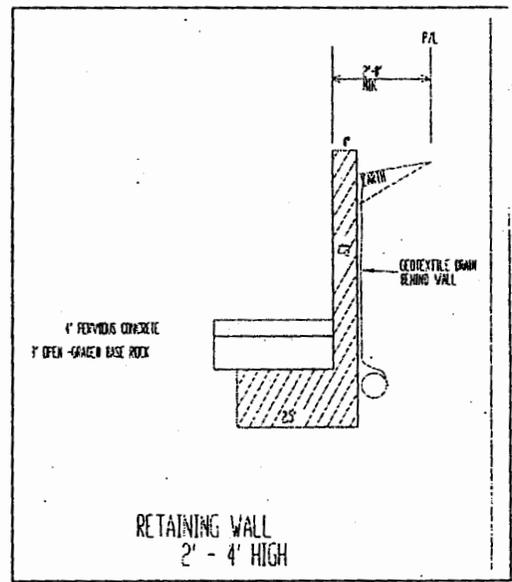
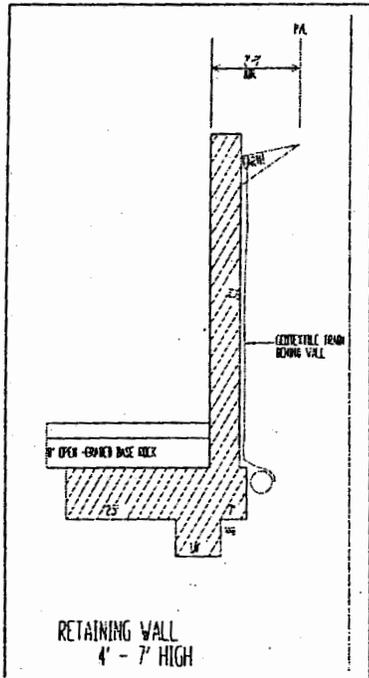
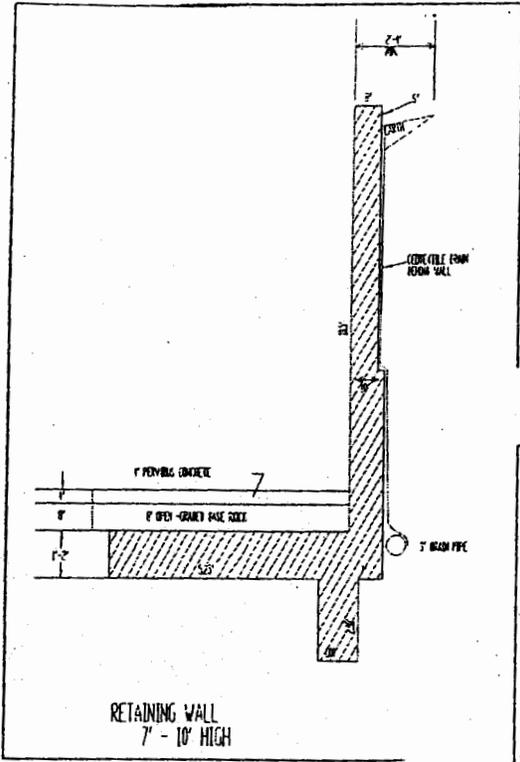
Available Finishes:
Architectural Bronze 

This two light, Wall Cylinder features a unique, multi-light design that allows light to wash up and down your walls. It includes our Architectural Bronze finish and

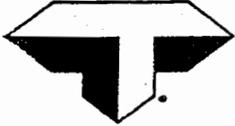
Technical Information **Finish Specifications**

Type:	Outdoor Lights	Available Dimensions:	5.78 X 4.8 X 7.75 in
Style:	Contemporary / Modern	Other finishes:	N
Finish Group:	Brass	Primary Bulb Count:	2
Room:	Outdoor	Primary Wall Mount:	15W
Depth/Height:	5.0 in	Primary Mount Base:	Medium
Width:	5.9 in	UL, CSA Listed:	Y
Extension:	3.5 in	Body Material:	ALUMINUM
Extra Lead:	0.8 in		





Appendix A



TRI TOOL INC.

3041 Sunrise Blvd., Rancho Cordova CA 95742-6502 USA • 888-TRITool • 916-288-6100 • Fax 916-288-6160
www.tritool.com

January 29, 2009

*Received
2/2/09*

Teresa Spade, Planner II
Planning and Building Services Department
790 S. Franklin Street
Fort Bragg, CA 95437

Subject: Coastal Development Permit Application #51-2008; Wernette Project in Gualala, California

Dear Ms. Spade:

The purpose of this letter is to respond to the comment letters received during agency review of the Wernette's (Applicant) application and to clarify issues raised during the November 6 Gualala Municipal Advisory Council (GMAC) meeting and summarized in GMAC's Agency Referral Response dated November 19, 2008.

A. Agency Comment Letters

Two agencies commented during agency review of the subject project. The Mendocino County Department of Transportation and the Gualala Community Services District submitted comment letters.

1- Mendocino County Department of Transportation (MDOT)-

In its December 8, 2008 letter, the MDOT commented that to address traffic safety concerns the Applicant needed to provide the specified sight distance to the south of the driveway exiting the project parcel onto Robinson Reef Drive. MDOT recommended that the Applicant obtain an encroachment permit prior to the start of construction to modify an existing cypress hedge that interferes with achieving the sight distance of 165 feet as specified in MDOT Standard No. A53. MDOT also recommended that, prior to occupancy, the Applicant complete a standard driveway approach onto Robinson Reef Drive in conformance with MDOT Standard Nos. A51A, A51C, and A52.

Should these recommendations be incorporated as conditions of a Coastal Development Permit, the Applicant will agree to those conditions.

Teresa Spade
January 29, 2009
Page Two

2- Gualala Community Services District (GCSD)-

In its September 23, 2008 letter, the GCSD commented that they preferred a larger, 1500-gallon holding tank and specified the tank's dimensions and placement. In response to those comments, the Applicant agreed to the larger tank and adjusted the tank's location (See Figure 1 and the attached letter dated December 22, 2008 which documents the agreed upon approach).

Please consider these changes as part of the Applicant's project description. If GCSD's recommendations are incorporated as conditions of a Coastal Development Permit, the Applicant will agree to those conditions.

B. GMAC Issues

At its November 6, 2008 meeting and in its November 19, 2008 Agency Referral Response, GMAC took no position on the subject proposed project. GMAC and other participants did raise concerns related to the drainage plan, the general design of the project, fire safety, story poles, and ESHA protection. Presented below is information relative to those areas and associated issues raised during the GMAC meeting:

1- Drainage Plan-

The proposed drainage plan was designed to restore natural drainage patterns to encourage natural processes, avoid concentrating drainage and the attendant concentrated erosional forces, and add to the longevity of the parcel and its ESHAs

Holding Tank- To clarify the project description, there is no drainage holding tank proposed for the current drainage plan.

Pervious Concrete- This technology is an element of the comprehensive drainage plan for the proposed project. Pervious concrete supports flow rates that reduce storm water runoff, provides solutions in environmentally sensitive areas, and contributes to improving water quality. Flow rates from 288 to 770 inches per hour are provided which are typically higher than local site soils (<http://www.perviouspavement.org/engineering%20properties.htm>).

Research has determined that 97.6 to over 99 percent of oils introduced into pervious pavements are trapped and biodegraded [Ferguson, Bruce K., (2005) *Porous Pavements*, Taylor and Francis, p. 159-160; and, Pratt, C.J., A.P. Newman, and P.C. Bond, (1999), "Mineral Oil Bio-degradation within a permeable pavement: long term observations," *Water Science and Technology*, v. 39, p. 103-109.]

The project engineer, Dave Paoli, has found that sedimentation has not been a problem on constructed sites using pervious concrete. He did state that it is important to keep sediment from choking the pervious concrete and the natural ground outside of the developed area. Because of the proposed project design and since most of the runoff onto the permeable concrete area will be across pavement, very little dirt or sediment should be present. EPA recommends that pervious concrete be cleaned regularly to prevent clogging. Methods include quarterly vacuum sweeping and high-pressure washing (<http://www.epa.gov/npdes/pubs/porouspa.pdf>).

Should similar cleaning recommendations be incorporated as conditions of a Coastal Development Permit, the Applicant will agree to those conditions.

Performance During High Rainfall Years- The current drainage plan was developed using criteria based on rainfall and runoff assumptions typically used on the Mendocino County Coast. Methodology considered the rainfall and runoff associated with a 1-hour maximum rate that, on average, occurs every 25 years. In most locations, this equates to 4.5 inches of rain in one hour. Using cumulative rainfall over a winter for engineering purposes is not typically done because of modeling difficulties.

2- Project Design-

Retaining Wall Engineering and Seismic Safety- Similar to other engineered structures on the Mendocino County Coast, the proposed project has been designed for a 50 year windstorm and an approximately 100 year seismic event. This is roughly equal to a 6.0 to 6.5 Richter earthquake, and a distance from the seismic event of approximately 2 miles (distance to the San Andreas Fault). The proposed project will be designed to limits that exceed the design limits of all the current buildings and structures in the immediate neighborhood, because the codes have gotten more stringent with periodic updates. The latest update occurred in January 2008. The engineering approach will be similar to that used for the Guisso house, which is four houses south of the proposed project. Drilled piers were used for that home and garage. Retaining walls of similar height were used on the garage entrance. There has been no problem with the piers or the retaining walls at the Guisso house.

Design Review- Retaining walls have been used for many years and drilled piers have been used on the Mendocino County Coast for at least 40 years. County Planning and Building Services Department staff are familiar with these methods and are capable of completing thorough reviews and oversight of projects using these features. Furthermore County Planning and Building Services Department staff always have the option of using the services of an independent, outside plan check agency or company, at the applicant's expense, if staff feel that it is needed.

Back up Generator- The back-up generator is located in a separate, sound insulated room adjacent to the garage. Figure 1 depicts its location.

3- Fire Protection-

Issues were raised about fire safety during the November 6, 2008 GMAC meeting. To recap, we followed the requirements of Section 103.1.3 of the fire code relative to the local fire chief modifying the code to address parcels with special circumstances consistent with providing fire protection and documented that in our application. In addition, as requested during previous project reviews, a safety vehicle turnaround was incorporated into the current proposed project. Finally, the North Gualala Water District recently added a new fire hydrant located approximately 700 feet from the proposed project (Figure 2). Prior to its installation, the closest hydrant to fight fires at the proposed house or adjacent neighbors' homes was approximately 1,200 feet (Figure 2).

In the Applicant's view, Chief Nelsen's findings dated July 28, 2008 pursuant to Section 103.1.3 of the fire code, combined with the addition of a turnaround and installation of a nearby fire hydrant fully address fire safety issues related to the proposed project. This section of the fire code does not require the chief to provide specific, detailed explanations for the appropriateness of the waiver for this project or other projects. Chief Nelsen made his determination consistent with the provision that "... the spirit of the code shall be complied with, public safety secured and substantial justice done." (from Section 103.1.3 of the fire code)

4- Story Poles-

The Applicant installed four-foot sections of PVC pipe to accurately mark the outline of the currently proposed home on the Wernette parcel. Out of respect to the Applicant's closest neighbors, the Hines and Turnlunds, taller poles equivalent to the height of the proposed home were not installed. Instead the Applicant commissioned its drafter, Dirk Jahelka, to create a computer simulation of the home and to depict it from the perspective of our two neighbor's homes and from the public's perspective looking west from Robinson Reef Drive. The Applicant's intent was to provide an alternative but effective tool to allow GMAC and others to assess the view impacts of the proposed project and, in combination with the other information contained in the application package, to assess the true size of the project and determine its consistency with the neighborhood.

5- ESHA Protection-

Several GMAC members and two members of the public commenting at the November 6, 2008 GMAC meeting expressed concerns that a portion of the proposed home would be constructed as close as 20 feet from two morning glory plants located in the northern portion of the proposed project parcel. Their underlying concern was ensuring consistency with the ESHA protection policy of the certified LCP.

ESHA Determination- To date, no formal findings have been made whether all occurrences of coastal bluff morning glory at the project site are ESHA. The high quality complex of coastal bluff morning glory, Mendocino coast Indian paintbrush, and coastal terrace prairie in the south half of the parcel in association with coastal bluff scrub will likely be classified as an ESHA. These plants and plant communities are rare and especially valuable and could be easily disturbed or degraded by the proposed development and related construction activities. However, the two isolated coastal bluff morning glory in the north half of the parcel in poor quality coastal scrub adjacent to an extensive area of non-native vegetation is not likely an ESHA. While this plant subspecies is classified as CNPS rare these isolated plants are not especially valuable and are not likely to be easily disturbed or degraded by the proposed development and related construction activities. Under separate cover, Tim DeGraff of WRA is forwarding his written rationale that would support a conclusion that the two isolated morning glory plants are not ESHA.

Since ESHA analyses are site and species specific, County Planning and Building Services Department and Department of Fish and Game (DFG) staff can conclude that isolated individuals of a CNPS listed species that would not be easily disturbed or degraded by human activity are not ESHA. Ninety-five percent of the proposed home and driveway would be constructed on non-native habitat (Figure 3) that does not support coastal bluff morning glory plants or other sensitive species or plant communities and provides no ecologically significant buffer. Focusing impacts to this non-native habitat and excluding construction closer than 20 feet from the two morning glory plants in question allowed the project botanist, Tim DeGraff of WRA, to conclude that disturbance from the proposed project is not likely to impact these plants.

The proposed project was developed and buffer analysis completed consistent with the ESHA protection policy of the certified LCP. The project incorporated a conservation strategy and mitigation measures to protect all the rare plants and plant communities with appropriate buffers and construction barriers installed under the supervision of the project botanist. The conservation strategy included plant monitoring and a trigger for additional measures based on that monitoring.

Based on the site-specific conditions at the proposed project site, we respectfully request that Mendocino County conclude that the two isolated coastal bluff morning glory plants in the northern portion of the project parcel are not ESHA and find that the project design and siting prevents impacts that would significantly degrade environmentally sensitive habitat areas and that our proposed project is compatible with the continuance of the environmentally sensitive habitat areas by maintaining their functional capacity and their ability to be self-sustaining and maintain natural species diversity.

Allowable Building Area and Project Feasibility- Two parties commenting at the November 6, 2008 GMAC meeting, referencing an outdated figure, asserted that a previously proposed building footprint remained feasible and should have been used again by the Applicant for the current project in order to avoid construction within 50 feet of the two morning glory plants at the north end of the project parcel. The previously identified allowable building area, however, is no longer feasible. It does not reflect the project geologist's recent findings and latest professional recommendation for a 40-foot setback from the Top of Bluff to address geologic safety issues raised during previous project reviews.

Furthermore, the current site plan is based on an updated topographic map that is more accurate in terms of locating the Top of Bluff and the CNPS listed rare plants and plant communities. This more accurate data indicated that the previously proposed home would have intruded into buffers for the coastal bluff morning glory located in the north and south. The previously proposed home would have also presented significantly greater construction challenges related to avoiding impacts to the plants and communities in the south (Figure 4).

Figure 5 depicts the outdated project footprint and how it compares to the newly defined footprint. No further avoidance measures or project modifications were possible without making the project infeasible. The identified building site for the current project is the only feasible site on the subject parcel that will allow a structure to be built safely from a geologic perspective, that is consistent with geologic hazard policies, complies with minimum off-street parking requirements, allows an adequate turnaround area, and supports a feasible home that is in conformance with the sizes and styles of homes in the surrounding neighborhood. Eliminating construction within 50 feet of the two northern morning glory plants would restrict any structure to less than 400 sq. ft. of living space and be inconsistent with the local character of the neighborhood. This alternative would result in parking deficiencies and no turnaround.

Coincidentally, the site now proposed will allow the home to be primarily constructed using standard construction methods and will not require the home to be built from the inside out; the feasibility of which was a significant concern previously. Only a small section of the home will now require specialized techniques to construct the home and install pre-painted siding to avoid impacting the two morning glory plants in the north.

GMAC, in its November 19, 2008 referral response, raised the issue of the feasibility of building and finishing the building's exterior without intruding even closer than 20 feet from the two morning glory plants. Temporary barriers will effectively exclude material, machinery, and people from intruding into the 20-foot construction exclusion zone.

Coastal Bluff Morning Glory Protection and Mitigation Adequacy- The Applicant fully understands the desire of its neighbors and GMAC to protect CNPS listed plants located on the Wernette parcel and it share that interest. To that end, the Applicant presented a comprehensive conservation strategy ensuring that construction activities would be greater than 50 feet from 84.6% of the other morning glory plants, 100 % of the Mendocino Coast Indian paintbrush, and 100% of the Coastal Bluff prairie. The Applicant dedicated a Conservation Area that encompassed those plants and their buffers and outlined specific mitigation measures to avoid and offset any impacts to the remaining two morning glory plants. Thus, even if not deemed an ESHA, the Applicant is committed to protecting the two morning glory plants located in the northern portion of the project parcel and has incorporated all feasible mitigation measures into the proposed project to accomplish that goal.

In the Applicant's view, any alternative approach such changing the location and design of the current project would not reduce impacts but would instead create greater impacts from increased geologic instability, conflict with neighborhood consistency requirements, and result in more significant impacts to ESHA.

Findings- Considering the available biological evidence the Applicant believes the County can find that it has proposed a project that, consistent with the certified LCP and ESHA protection policies, will not significantly degrade any environmentally sensitive habitat area, represents the least environmentally damaging feasible alternative, and incorporates all feasible mitigation measures capable of reducing or eliminating project-related impacts.

The biological surveys performed for the proposed project are comprehensive, accurate, and current. The results of those surveys provide the evidentiary foundation for the County, in consultation with the DFG, to find that the two isolated morning glory plants in the northern portion of the project parcel are not ESHA. The surveys do support a finding that the rare plants and sensitive plant communities in the south half of the project parcel are ESHA and that the buffer analysis concluding that the reduced buffer of 50 feet was adequate to protect those ESHAs is accurate.

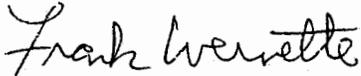
The Applicant believes the County has sufficient evidence to determine that the proposed project is consistent with LCP policies requiring the protection of environmentally sensitive habitat areas.

Teresa Spade
January 29, 2009
Page Eight

In conclusion, thank you for the opportunity to provide this additional information. We have enclosed, for your use, a CD with electronic versions of this supplemental information to aid you in preparing the staff report.

Please contact me at 916-288-6100 or f.wernette@tritool.com if you have any immediate questions, concerns, or information needs.

Sincerely,

A handwritten signature in cursive script that reads "Frank Wernette".

Frank Wernette

Attachments and Enclosures

Appendix B

III. Other Project Features

a. Geological Protection and Assurances Element:

i. Protection

Jim Glomb, as the project's registered geologist, has been key to designing a project that can be safely built on the subject parcel while ensuring the integrity of the bluff is not compromised and project implementation will not increase risks to our neighbors' properties. Mr. Glomb complied with Section 1377 (h) (2) and other relevant sections of the Coastal Commission's administrative regulations in defining the bluff edge, bluff setbacks, and allowable building area to ensure the project's safety and longevity and avoid any adverse effects on adjacent properties.

Mr. Glomb previously determined bluff retreat rates ranged from 0.5 feet per year for most of the parcel to 0.15 feet per year in selected locations. The building setback lines, therefore, ranged from 37.5 feet to 11.25 feet respectively for the period of 75 years.

However, because of the location of the proposed project and related bluff stability and geological issues, the need to ensure compliance with Coastal Commission and Mendocino County regulations, as well as concerns raised by neighbors, GMAC, and others during past project reviews, the project geologist, as an added degree of safety, redefined the allowable building footprint so that building support structures would be 40± feet from the top of bluff. The proposed residence has been reduced in size and otherwise modified consistent with the building footprint defined by applying this more conservative setback line.

Section C contains figures that depict the top of bluff, the more conservative setback line, the redefined building footprint, and the relative position of the building's support piers.

ii. Structure Stability

The project geologist developed specific design and construction criteria to ensure that the proposed two-story wood framed home with a concrete slab on grade beam floor will be stable on the subject parcel, resist seaward ground movement, and avoid affecting the stability of the bluff.

Subsurface exploration during prior investigations of the building area by the project geologist identified un-engineered fill and loose soils to depths of between 2 and 7 feet. These materials were considered geotechnically unsuitable for foundation support while underlying the surface fill and soil is hard, strong, competent sandstone bedrock that is considered suitable for foundation support. The project geologist, therefore, recommended that the proposed residence be supported on steel reinforced piers embedded in the bedrock in the manner described below.

Pier Foundations

Foundation support for the residence will be achieved by means of drilled, cast-in-place, reinforced concrete piers. It will be necessary for all exterior and interior piers to be structurally tied together with reinforced concrete grade beams and tie beams so that they act as a rigid unit. The piers will be constructed based on the following design criteria:

DRILLED PIER CRITERIA

Diameter:	Minimum 18 inches
Depth:	Minimum depth of 10 feet into bedrock for rock-socketing, or as determined by the geotechnical engineer during drilling. Final total depths may be greater, depending on subsurface conditions encountered or for structural support as determined by the structural designer.
Friction Value:	Maximum friction value of 800 psf, which may be increased by 1/3 for wind and seismic loads (disregard the upper 2 to 7 feet of native soil and fill layers for support).
Spacing:	Minimum 3 pier diameters center to center; maximum spacing as determined by the structural designer.
Lateral Creep Load:	Minimum of 60 pcf (equivalent fluid pressure) for native soil and fill to depths of 2 to 7 feet (as applicable for each pier) from the ground surface over two times the diameter of the piers.
Lateral Resistance:	Maximum of 350 pcf (equivalent fluid pressure) against the individual piers and below the minimum 2 to 7 feet of soil or fill from the ground surface for 1½ times the width of the piers.

The design and reinforcement requirements for the piers and grade beams should be as recommended by the project structural designer in accordance with applicable current CBC or ACI standards. The weight of the drilled pier concrete may be disregarded.

Difficult pier drilling may be encountered due to possible bedrock hardness, which could require pre-drilling with pilot holes or special equipment. If pier shafts will not stand open, temporary casing may be necessary to support the sides of the pier shafts until concrete is placed.

The bottoms of the pier excavations should be dry and free of loose cuttings or slough prior to placement of reinforcement and concrete. It is possible that some or all pier holes may encounter ground water. In such cases, the water should be removed by pumping or the pier concrete should be tremied to "float" the water above the concrete. The tremie hose should maintain a minimum 5-foot head of concrete at all times during hose removal. The structural designer or the permitting agencies may require special inspection of the pier reinforcement and concrete.

In the area of the building envelope, no evidence of seaward movement that would require additional design for lateral resistance has been found nor is anticipated during the life of the proposed structure. Furthermore, the project geologist found that the 10-foot minimum pier embedment provides adequate rock-socketing.

The slab thickness for the home will range from approximately 4" to 12" and will be reinforced with ¼" rebar and include a vapor barrier.

iii. Compliance Assurances

The permittee will provide a letter of compliance from the project's certified engineering geologist prior to obtaining the building permit for the approved project. The letter will summarize the following:

- A review of the final building plans
- A review and approval of proposed drainage improvements
- A review and approval of the retaining walls on the east side of the parcel concerning stability of the bluff and the slopes of immediately adjacent properties.

iv. Liability Assurances

The permittee will execute and record a deed restriction in a form and content acceptable to the Coastal Permit Administrator. This deed restriction outlines the assumed risks, indemnification of Mendocino County, owner obligations, and other restrictions related to the special circumstances associated with constructing and maintaining this project in an area of extraordinary geologic and erosion hazards. A proposed draft of this document is included in Section I.

b. Erosion Control and Reduction Element:

i. Revised Drainage System

The project engineer and geologist both concur with stakeholders who, in the past, have expressed a concern about increasing discharge to the existing 12" culvert at the north edge of the subject parcel. There is a current concern about existing drainage from this culvert, which presently drains an area of approximately 3.2 acres (David Paoli's letter report dated July 10, 2001), due to a recent slip out on the subject parcel near two adjacent neighbors, the Turnlunds and Schnieders.

While the capacity of the existing 12" culvert is adequate to handle the additional discharge from the proposed project, the cumulative impact of the additional discharge adding drainage from the project, while small (< 0.25 CFS), could still be potentially significant given current conditions.

Furthermore, it should be anticipated that, in addition to the discharge from the proposed project, neighboring landowners will be proposing to build homes in the future on their currently undeveloped lots within the drainage area defined by Mr. Paoli. Mr. Paoli estimated that at build out and with implementation of the necessary inlet improvements, drainage from the 3.2-acre drainage shed would increase flows in the 12" culvert by 0.82 cfs or 17.2%.

A revised drainage system was developed to accommodate the concentrated drainage from the roof/gutters/downspouts of the new structure as well as the concentrated drainage currently being discharged onto the subject parcel from the drop inlets at the top of the easement driveway between the Hines and Turnlund properties. The revised system's goals are to ensure that the proposed project will not increase erosion or risk to neighboring properties, ensure the longevity of the proposed project, and provide a net improvement in drainage and erosion control on the subject parcel that, as a by-product, will improve the safety of our neighbors' properties.

Features of the revised drainage system include the following elements:

- A pervious concrete driveway, parking, and turnaround areas; open graded (no fines) rock under the concrete.
- Water distribution into a grid of perforated pipe under the house.
- Drain lines from the roof drains/downspouts into the pipe grid.
- Resurface easement access driveway to provide correct cross section slope and reinstall drop inlets so drainage is directed to grid of perforated pipe.
- Retaining wall system that ensures a drainage system that employs geogrid material to intercept water seepage integrated into retaining wall system

Section G includes diagrams that depict the proposed features of the revised drainage system.

ii. Erosion Reduction

The permittee will limit construction activities that require substantial ground disturbance to the dry season (April 15 through October 31) to minimize erosion impacts.

Areas of disturbed soil will be mulched, seeded, or planted and covered with vegetation as soon as possible after disturbance. The goal will be to achieve one hundred percent coverage within 90 days after seeding. Mulches may be used to cover disturbed ground areas temporarily. Erosion control seeding will consist of a native, non-invasive seed mix that will not adversely impact the Conservation Area.

Appendix C

IV. Access and Fire Safety Issues

GMAC members and neighbors have previously raised concerns about access, fire, and life safety issues associated with prior project proposals at this location. Landowners have expressed legitimate concerns about the safety of their homes in the event of a fire upwind from their properties. Citing the requirements of the Uniform Fire Code they have sought to ensure that the fire and life safety protections intended by the code would be provided.

There are significant constraints associated with the location and configuration of the parcel and the limited size of the allowable building envelope after easement width, property setbacks, bluff setbacks, and other limiting factors are taken into consideration. The easement driveway leading to the project site is approximately 150 feet long and 14 feet wide with a grade of approximately 14 percent. It provides access to the Hines' home currently and would provide access to the proposed home.

Below is a summary of relevant fire code sections, results of past reviews by fire personnel, recent correspondence with the South Coast Fire District, and the current proposed project.

Fire Code Review-

Stakeholders reviewing previous applications for the subject parcel listed relevant sections of the fire code as areas of concern. Those sections included:

- 902.2.1 – Required Access – If greater than 150' approved route around building is required.
- 902.2.2.1 – Dimensions – Fire apparatus access roads shall have a width of 20'
- 902.2.2.4 – Dead Ends – If greater than 150' approved provisions for turning around shall be provided.
- 903.2- Required Water Supply for Fire Protection – Hydrants are required where property is more than 150 ft. from a public street.
- 1223.02 – Roadway surfaces shall be capable of supporting a 40,000-pound load.
- 127.03 – Roadway grades - The grade for all roads, streets, private lanes, and driveways shall not exceed 16%.
- 1273.05 – Roadway turnarounds - All dead end roads should have a turnaround; minimum radius to be 40 feet. In the case of a hammerhead turnaround, the "T" shall be 60 feet in length.

In the past, local fire control personnel were contacted to address the concerns previously raised. The results of those reviews and contacts are summarized below:

Past Fire Department Review-

The project was referred to both CDF (now CAL FIRE) and the South Coast Fire District for review and comment.

CDF commented, in a December 14, 2000 letter from Tracy Boudreaux, Fire Prevention Specialist II, that because the subject parcel was less than an acre and the driveway less than 300' long that CDF found that no exemption was needed for the driveway, no turnaround was necessary, and that setback requirements were not under the purview of CDF since the parcel was under an acre.

In his letter dated December 12, 2005, Chief Leighton Neisen, considering the requirements of the Uniform Fire Code, determined that the South Coast Volunteer Fire Department could effectively and efficiently fight a fire on the proposed property and protect adjacent properties. County planning staff also previously contacted Chief Neison. Staff were informed that the district would have no problem fighting a fire at the proposed project location because the fire district had approximately 2,700 feet of supply hose and three water trucks ranging in size from 1,500 gallons to 3,000 gallons and, therefore, had the additional water needed and fire hose necessary to reach the closest fire hydrant.

Additional Fire Code Review-

Section 103.1.3 of the Uniform Fire Code addresses projects that have "practical difficulties". It provides that the chief of the responsible fire district may modify, using defined the manner, any of the provisions of the fire code under specified conditions that secure public safety.

Section 902.2.1-3 of the 1999 Uniform Fire Code further states that when there are not more than two Group R, (single-family residences) the access requirements of the fire code may be modified by the chief.

Current Fire Department Review-

In July 2008, the applicant requested a waiver, pursuant to Section 103.1.3 of the Fire Code, of the following provisions of the code due to the practical difficulties related to implementing the proposed Wernette Project at 38454 Robinson Reef Drive in Gualala, California; Sections 902.2.1, 902.2.2.1, 902.2.2.4, 903.2, 1223.02, 127.03, and 1273.05.

This waiver was requested because of geologic and access limitations and required environmental safeguards restricted the allowable building footprint to such an extent that those code sections posed significant barriers to implementing the project. The applicant acknowledged that any waiver would need to ensure that the spirit of the code would be complied with and public safety secured.

In his response letter dated July 28, 2008, Chief Leighton Neisen, South Coast Volunteer Fire Department, granted the waiver and entered his decision into his department's records. A copy of his letter and the original waiver request are contained on the enclosed CD in Section M of this application.

Current Proposed Project-

A turnaround next to the proposed residence is provided should fire personnel choose to approach the building. Fire personnel, however, will likely elect to engage any structure fire from a greater distance to ensure firefighter safety and preserve equipment if the structure is fully involved.

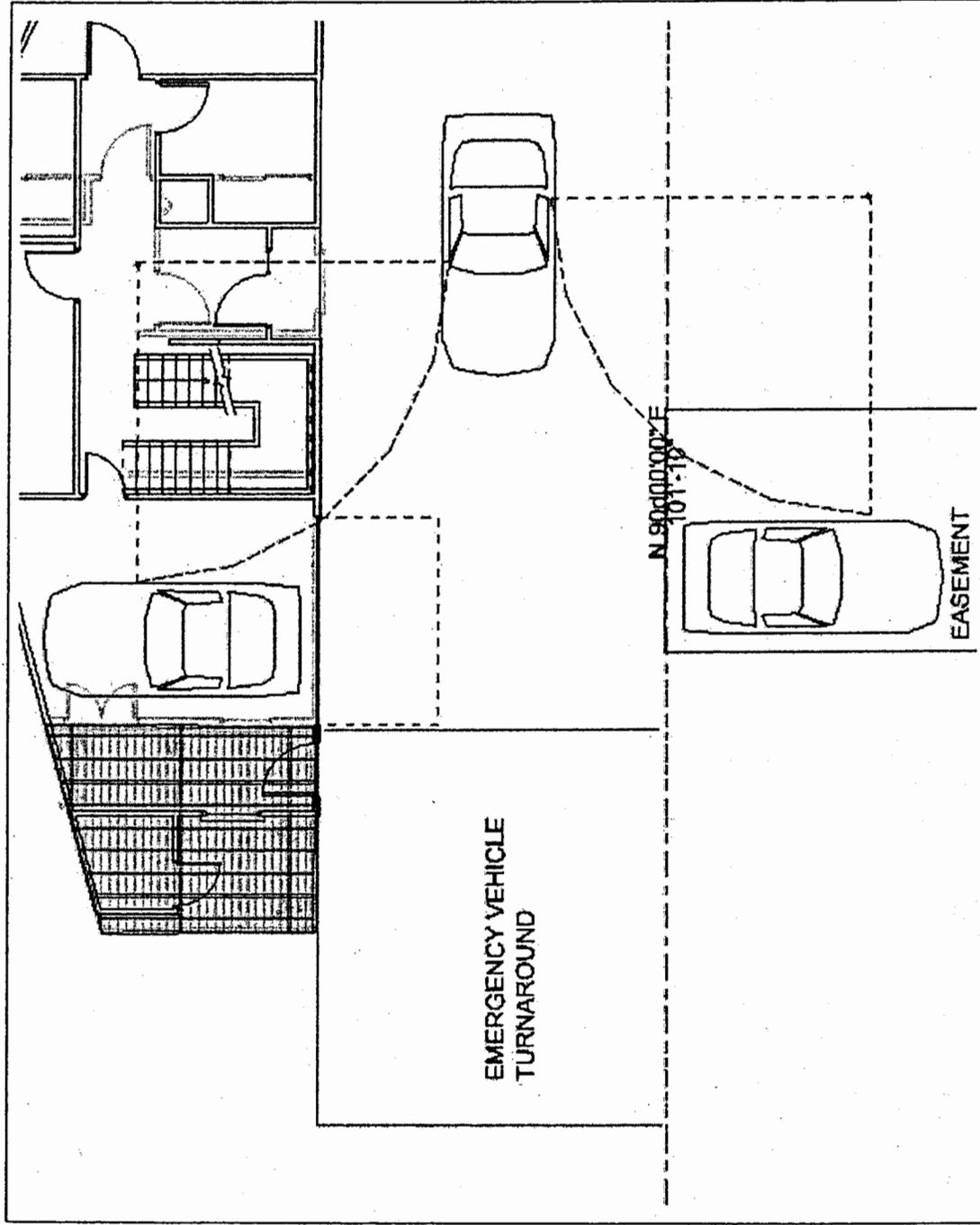
The turnaround next to the proposed residence will provide adequate ingress and egress access for other safety or medical personnel such as paramedics.

The following figure titled "Vehicle Parking and Ingress and Egress for the Proposed Project" in this Section displays how vehicles may access the property and negotiate entering the garage and parking in uncovered parking areas. All parking and turnaround areas are shown and radii depictions inserted into the diagrams. An emergency vehicle turnaround area is provided which could accommodate the emergency equipment used by the South Coast Volunteer Fire Department. Medical emergency vehicles could also be accommodated. The figure titled "Fire Safety Vehicle Ingress and Egress for the Proposed Project" depicts the access provided by the proposed project.

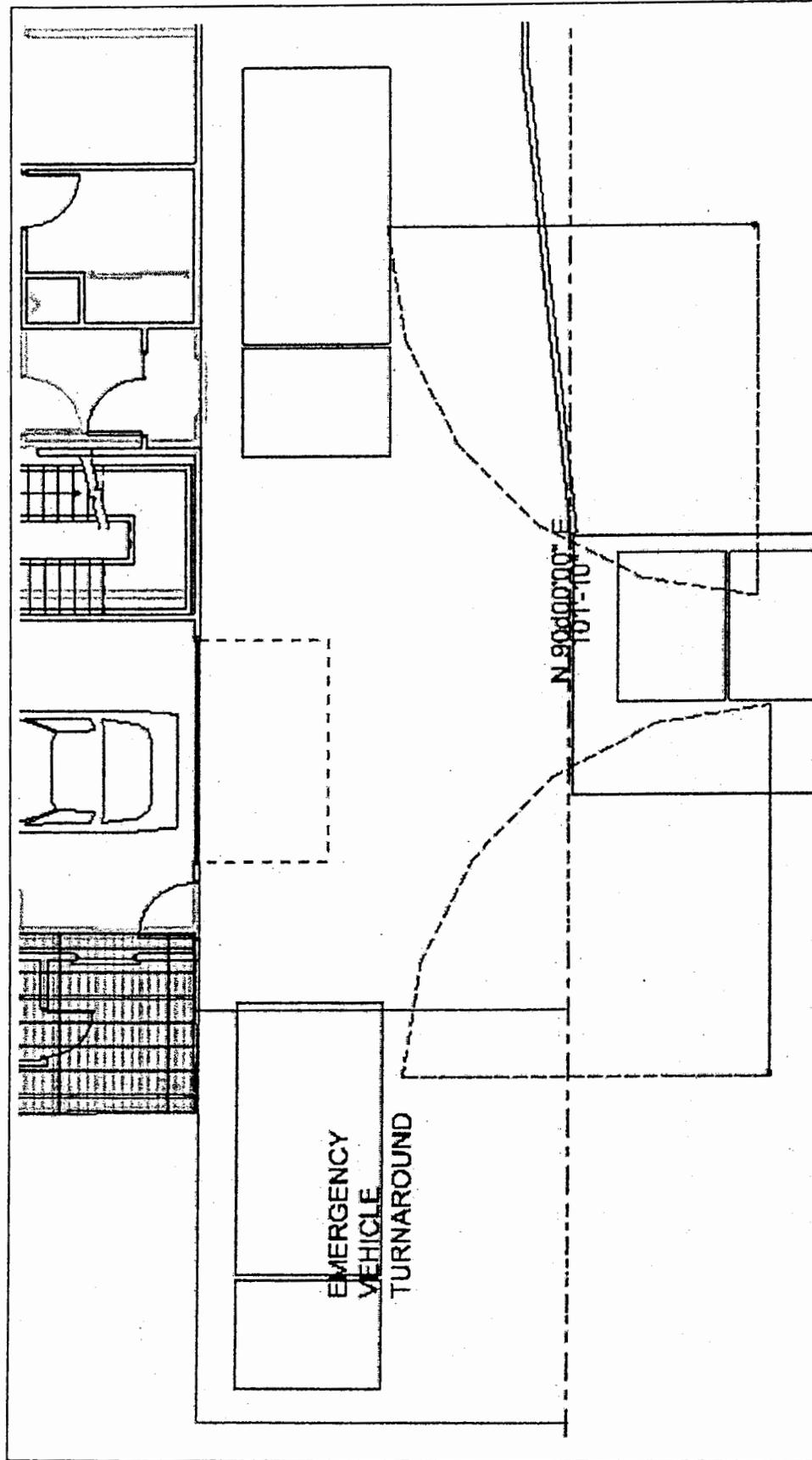
Copies of the following relevant correspondence are contained on the enclosed CD in Section M of this application.

- Letter from Robert A. Rodello, Fire Captain Specialist with the Department of Forestry and Fire Protection regarding fire safety issues with the Wernette Project dated September 3, 1998.
- Letter to Bob Rodello, Fire Captain Specialist with the Department of Forestry and Fire Protection from Ed McKinley regarding fire safety issues with the Wernette Project dated November 10, 2000.
- Letter from Tracy Boudreaux, Fire Prevention Specialist II with the Department of Forestry and Fire Protection regarding fire safety issues with the Wernette Project dated December 14, 2000.
- Letter from Chief Leighton Nelsen, South Coast Volunteer Fire Department dated December 12, 2005.
- Letter to Chief Leighton Nelsen dated July 9, 2008.
- Letter from Chief Leighton Nelsen, South Coast Volunteer Fire Department dated July 28, 2008.

Vehicle Parking and Ingress and Egress for the Proposed Project



Fire Safety Vehicle Ingress and Egress for the Proposed Project



Appendix D

View Impact Analysis

Introduction

Efforts to design and site a home on the subject parcel in a manner that minimized adverse environmental impacts were successful. Impacts on private ocean views, however, could not be avoided. After reducing the size of the home and its height, the project will still reduce ocean and coastline views for Duane and Darlene Hines and Richard and Judith Turnlund, the owners of the two homes immediately east of the subject parcel. The proposed home will not reduce the views of those walking or driving down Robinson Reef Drive.

While view impacts to our neighbors could not be avoided they were reduced compared to impacts of larger and taller homes originally proposed for the subject parcel. The intent of this analysis is to disclose the extent of the proposed project's impact on views of our closest neighbors. It is not intended to demonstrate that these impacts are not significant since any impact on the views that they have enjoyed since they acquired their homes may be perceived as significant.

The results of this analysis influenced the selection of the final roof design and foundation elevation that affected the height of the proposed home relative to our neighbors.

Project History

The size of the currently proposed home was generally defined by geologically driven setbacks resulting from the project's geotechnical engineer and civil engineer applying current Coastal Commission policies and procedures and ensuring the proposed structure met the requirements for the 75 year analysis. Also taken into consideration was the 20-foot building setback required by current zoning code. The establishment of the Conservation Area that focused on protecting the bulk of the CNPS rare plants and the special status plant community located in the south half of the parcel added the final constraint on the available construction footprint.

These constraints resulted in a proposed home of approximately 1950 square feet of living space and 350 square feet of garage. The proposed living space for the original project application ten years ago, in July of 1998, was 98% larger than the current project.

A previous proposed maximum building height was 28', 12% taller than the currently proposed project of 25' (Figure E-2). With the current roof design, the average roof height is 21' and the lowest roof elevation is approximately 18'.

Methods

The following methods were used to present the impacts of the proposed project on our neighbors' views. Pre-project measurements, in degrees of angle, were made of both the vertical and horizontal views of the ocean and coastline from the Hines' and Turnlund's homes assuming a view four feet above the heights of the decks of their homes. See figures L-1 and L-2 as examples of how these measurements were made. Vertical dimensions were averaged by taking into account view restrictions associated with heavily vegetated berms and structures that blocked a portion of the view both in the pre-project and post-project condition.

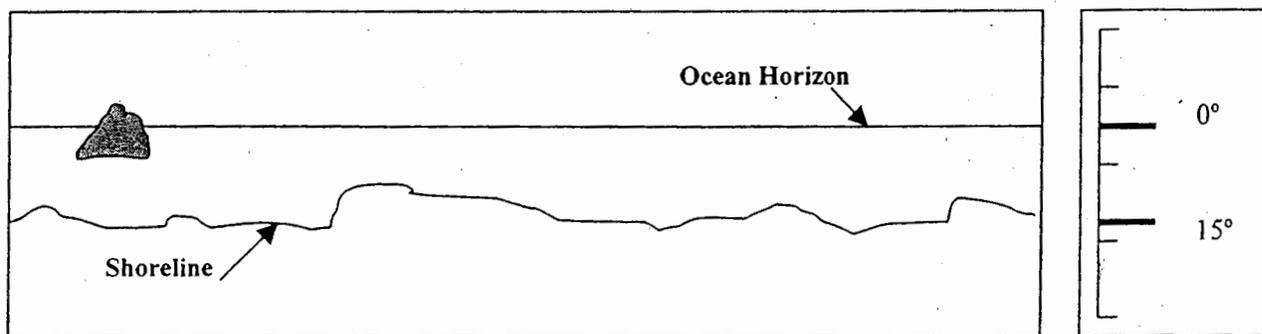


Figure L-1. Vertical Dimension

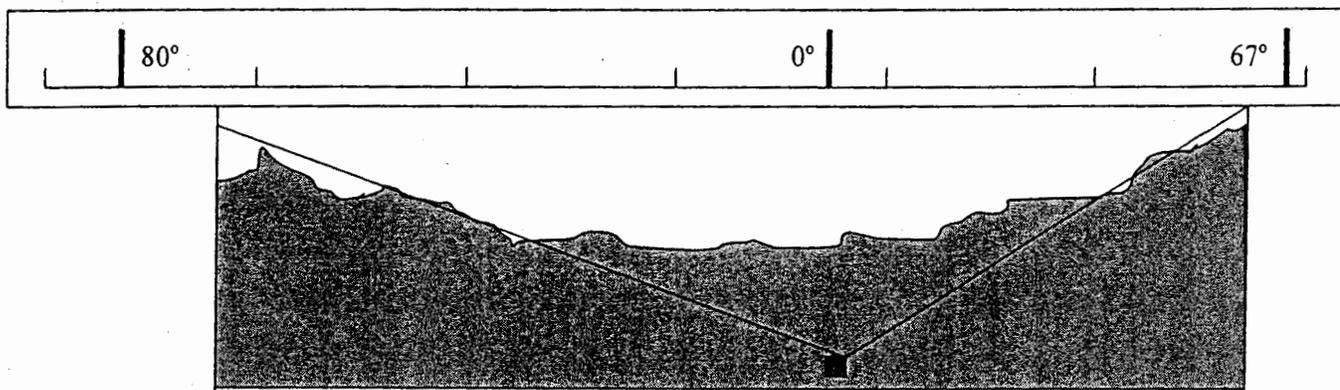


Figure L-2. Horizontal Dimension

Using the examples shown the view envelope was calculated by multiplying the vertical degree value of 15 by the horizontal degree value of 147 for a view envelope index of 2205 ($15 \times 147 = 2205$).

Digital photographs were taken from the properties of the Hines and Turnlunds during the collection of GPS based elevation data for an updated topographic map for the proposed project.

The proposed building footprint was depicted on the updated topographic map and impacts on the horizontal view angle due to the proposed project were measured from a perspective of four feet above the decks of the Turnlund's and Hines' homes (figures L-3 and L-4). View impact calculations were aided by computer-generated depictions of the proposed home.

Measurements were calculated based on the maximum building height of 25 feet in the center of the proposed home and height of 18 feet at the north and south sides of the proposed structure.

Results and Discussion

Turnlund Home- From their home, the Turnlunds currently have ocean and coastal views of 152° horizontally and 12.5° vertically for a view envelope index of 1900. Figures L-5 and L-6 (contained in Section L of the enclosed CD) display the view from their deck looking northwest and southwest respectively. The proposed project will reduce their view by 34° and result in a view index of 1450 or a 23.7% reduction. To visually illustrate the effects of the proposed project, Figure L-7 (on the enclosed CD) represents the current view condition without the proposed project compared to an artistic rendition of the view with the project in Figure L-8.

Hines Home- From their home, the Hines currently have ocean and coastal views of 173° horizontally and 15° vertically for a view envelope index of 2595. Figures L-9 and L-10 (contained in Section L of the enclosed CD) display the view from their deck looking southwest and northwest respectively. The proposed project will reduce their view by 23° and result in a view index of 2250 or a 13.3% reduction. To visually illustrate the effects of the proposed project, Figure L-11 (on the enclosed CD) represents the current view condition without the proposed project compared to an artistic rendition of the view with the project in Figure L-12.

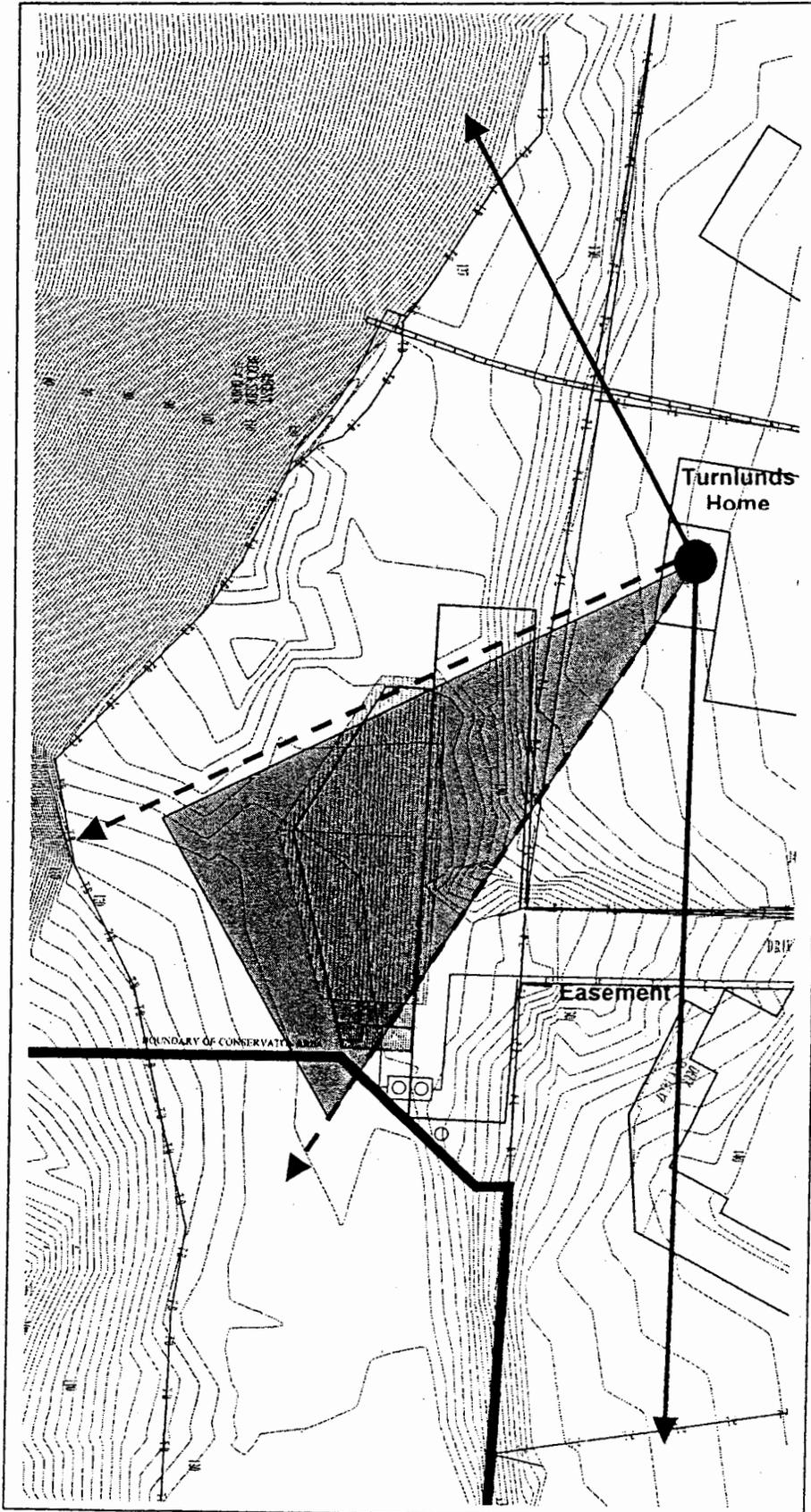
Driveway Easement- Figures L-13 and L-14 (contained in Section L of the enclosed CD) depict the with and without project view from the top of the driveway easement looking west from Robinson Reef Drive.

Other Mitigation Measures

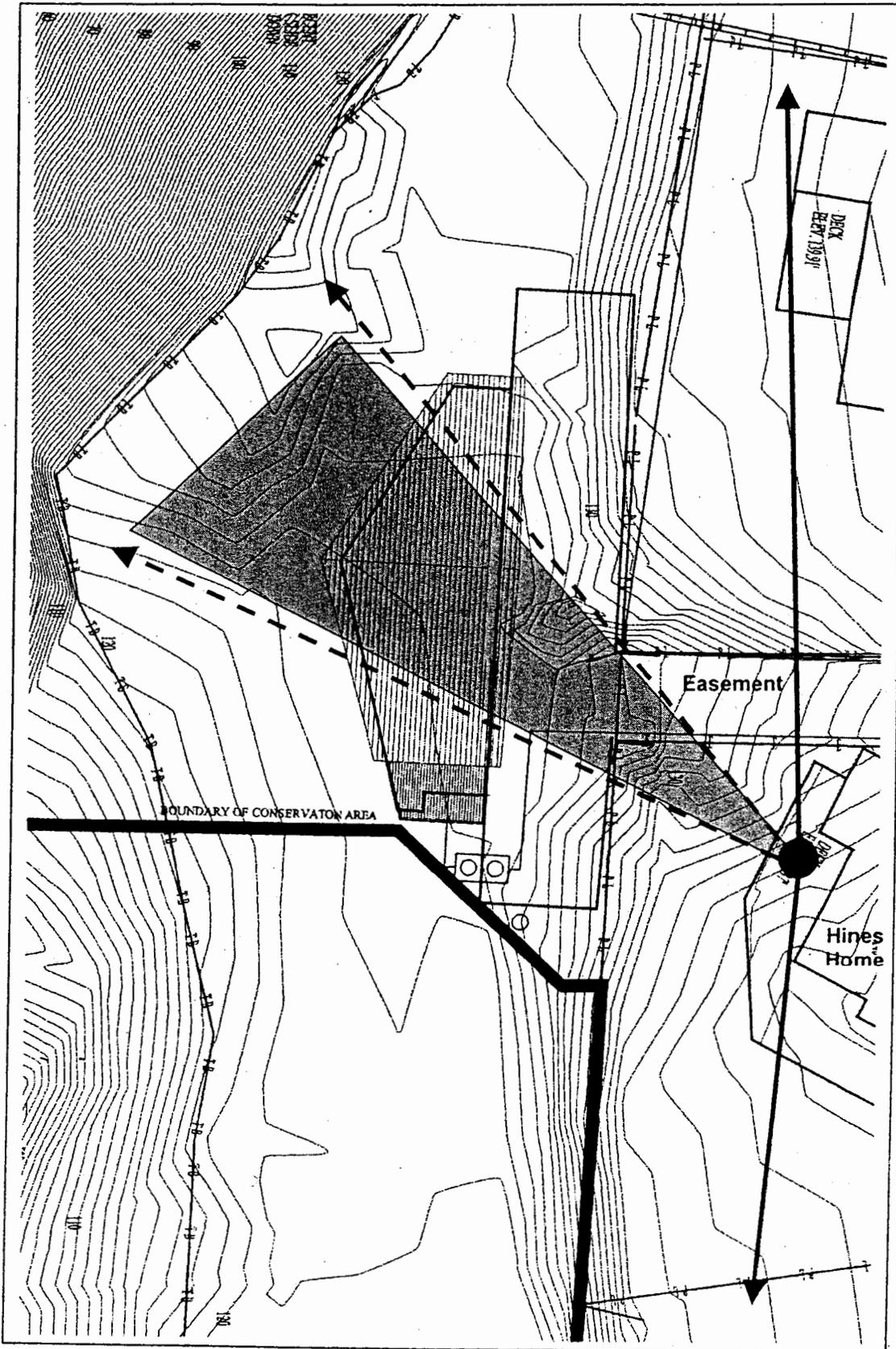
To reduce the visual impact of the proposed home to neighbors to the east of the proposed project a landscaping plan will be implemented as part of the project. The following native species will be used and planted according to a landscaping plan similar to that depicted in Figure L-15.

Common Name	Scientific Name
Blue Blossom	<u>Ceanothus thyrsiflorus</u>
Carmel Ceanothus	<u>Ceanothus griseus</u>
Toyon	<u>Heteromeles arbutifolia</u>
Coast Silk Tassel	<u>Garrya elliptica</u>
Wax Myrtle	<u>Myrica californica</u>

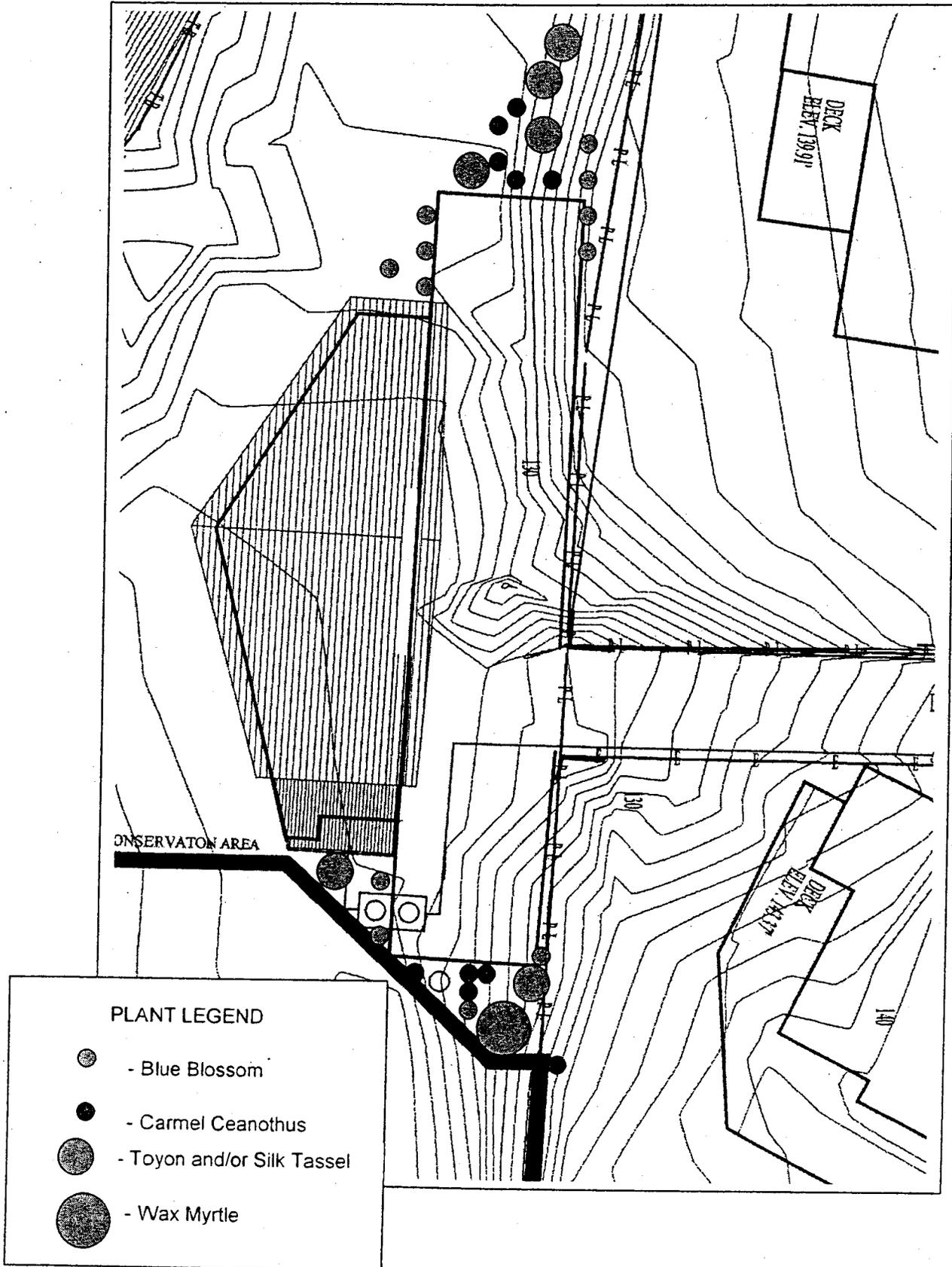
THE WERNETTE PROJECT
GUALALA, CALIFORNIA
Figure L-3 View Impacts from the Turnlunds Home



THE WERNETTE PROJECT
GUALALA, CALIFORNIA
Figure L-4 View Impacts from the Hines Home



THE WERNETTE PROJECT
GUALALA, CALIFORNIA
Figure L-11 View Impact Mitigation Using Native Plant Landscaping



Appendix E



February 23, 2009

Teresa Spade
Mendocino County Planning and Building
790 South Franklin Street
Fort Bragg, CA 95437-5456

Dear Teresa,

The following is a discussion of the coastal bluff morning glory (*Calystegia purpurata* spp. *saxicola*) and plant communities observed at 38454 Robinson Reef Drive (APN 145-161-27). The intent of this discussion is to provide the County of Mendocino and California Department of Fish and Game information to assist them in determining which of the site's plant communities and habitats will be designated Environmentally Sensitive Habitat Areas (ESHAs). Thirteen specimens of this CNPS List 1B subspecies were identified in the parcel by WRA. This number includes potential hybrid plants that exhibited characteristics of both the listed and common subspecies, western morning glory (*C. purpurata* ssp. *purpurata*). Several additional specimens were observed in the southern half of the parcel and near Robinson Reef Drive that fit the taxonomic description of western morning glory. WRA has also identified Coastal Terrace Prairie and Mendocino coast Indian paintbrush (*Castilleja mendocinensis*) in the southern half of the parcel.

This letter describes the similarities and differences of the southern portion of the parcel where eleven coastal bluff morning glory are located, the center of the parcel dominated by non-native species, and the northern portion of the parcel, where two isolated coastal bluff morning glory plants are located. Development of a single-family residence is proposed for the center portion, which is dominated by non-native species. Vegetation throughout the parcel can generally be described as a coastal scrub community. The southern portion supports a more intact native community with low coastal scrub species and native grasses, as described in more detail below. In contrast, the center and northern portions are heavily invaded by non-native species and also support a cluster of trees. A vegetation community map depicting the approximate locations of these communities in relation to the coastal bluff morning glory is attached to this letter.

The coastal scrub on slopes and the southern portion of the parcel is dominated by native species typical of shrubby bluff habitats. Dominant species include California blackberry (*Rubus ursinus*), coyote brush (*Baccharis pilularis*), Pacific reedgrass (*Calamagrostis nutkaensis*), ceanothus (*Ceanothus foliosus* and *C. gloriosus* var. *gloriosus* [CNPS List 4]), silver lupine (*Lupinus albifrons*), tufted hairgrass (*Deschampsia cespitosa* var. *holciformis*), salal (*Gaultheria shallon*), and cow parsnip (*Heracleum lanatum*). In this area, specimens identified as the rare coastal bluff morning glory were found climbing the 1-3'-tall shrubs (see Photo 1 below), near the edges of grassy clearings.

Non-native vegetation mixed with common natives is dominant in the center of the parcel, where no morning glory species were observed. This area is dominated by non-native and invasive species including iceplant (*Carpobrotus edulis*), pampas grass (*Cortaderia jubata*), French broom (*Genista monspessulana*), slender wild oat (*Avena barbata*), velvet grass (*Holcus lanatus*), rattlesnake grass (*Briza maxima*), and red hot poker (*Kniphofia uvaria*). This habitat is not likely to be suitable for new recruitment of coastal bluff morning glory due to competition from invasive species.



Photo 1. Low-growing coastal scrub in the southern portion of the parcel. Red flags signify coastal bluff morning glory plant locations.

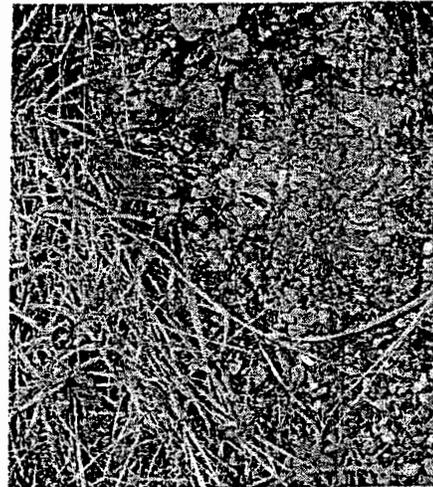


Photo 2. Coastal bluff morning glory climbing up grasses and the steep rocky slope beneath trees (located between the two red flags in Photo 3).

Calystegia species are known to be sensitive to competition, especially from non-native grasses. Several greenhouse experiments conducted have found Calystegia's growth and abundance to decline in the presence of other species (Guntli 1999). We have spoken with a local botanist who has observed Calystegia species thriving in areas known to be consistently mowed (pers. comm. Matt Richmond, 2008). Vegetation disturbance, such as mowing, in areas near Calystegia species can help to remove or reduce competition from other species and create additional open spaces to allow for seedling establishment. Absent invasive



Photo 3. Red flags indicate the locations of 2 coastal bluff morning glory individuals in the northern portion of the parcel, surrounded by larger shrubs and trees and non-native grassland.

plant control in the center portion of the parcel, this area is unlikely to provide habitat for the coastal bluff morning glory and would not meet the definition of an ESHA.

In the northern portion of the parcel the coastal scrub is mixed with larger shrubs and trees, including Douglas-fir (*Pseudotsuga menziesii* var. *menziesii*), wax myrtle (*Myrica californica*), coffeeberry (*Rhamnus californica*), and California bay (*Umbellularia californica*). The two coastal bluff morning glory are growing below the wind-pruned trees, climbing up the rocky nearly vertical slope and within Pacific reedgrass, in an area relatively protected from wind (Photos 2 and 3). This habitat is very different from the non-native grass-dominated clearing

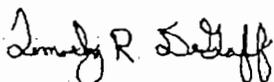
located directly southeast, where residential development is proposed. The relatively shady and protected conditions where these two plants are located are unlike the exposed coastal bluff habitat with low native shrubs and native grasses in which the subspecies is typically documented to occur, such as on bluffs at Point Reyes National Seashore.

In summary, the two isolated coastal bluff morning glory locations are in atypical habitat that may be unsuitable for sustaining these plants, and is not likely to support natural recruitment of new individuals. The immediate vicinity of the plants is dominated by shady habitat, large shrubs and trees, and adjacent habitats are also dominated by invasive species such as pampas grass, iceplant, and annual grasses. As the trees and shrubs continue to grow and invasions expand, this may prove to be unsuitable habitat for the plants, whether development occurs in the vicinity of these morning glory plants or not. It is our opinion that these two isolated coastal bluff morning glory plants do not meet the definition of an ESHA, as the supporting habitat is not rare or sensitive, and is not likely to sustain the existing plants or population in the long-term.

In addition, the development plan does not propose to impact the grasses or steep slope on which the two isolated plants are climbing or the surrounding trees, and fencing and construction crew education are proposed as mitigation measures to prevent any direct disturbance. Therefore, the proposed development will allow for the persistence of these plants. A more direct threat to these plants is that they will be naturally shaded out or overgrown by the surrounding trees and shrubs or invasive species.

Please do not hesitate to contact me if you have any questions or if you require additional information.

Sincerely,



Tim DeGraff
Senior Vice President

Encl.

References

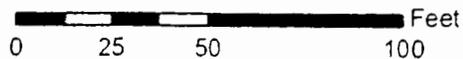
- Corrigan, E. E. 2003. New England Conservation Program. *Calystegia spithamea* (L.) Pursh ssp. *spithamea*. Low Bindweed. Conservation and Research Plan for New England prepared for New England Wild Flower Society.
- Guntli, D., S. Burgos, I. Kump, M. Heeb, H. Pfirter, and G. Defago. 1999. Biological Control of Hedge Bindweed (*Calystegia sepium*) with *Stagonospora convolvuli* Strain LA39 in Combination with Competition from Red Clover (*Trifolium pratense*). *Biological Control* 15: 252-258
- Personal Communication with Matt Richmond, Botanist, December 30, 2008.
- Ushimaru, A., and K. Kikuzawa. 1999. Variation of Breeding System, Floral Rewards, and Reproductive Success in Clonal *Calystegia* Species (Convolvulaceae). *American Journal of Botany* 86(3): 436-446

Study Area

- ▲ Mendocino coast Indian paintbrush
- ◆ Coastal bluff morning glory
- coastal terrace prairie
- non-native vegetation
- ▨ pampas grass
- coastal scrub
- ▨ coastal bluff scrub



Natural Communities and Special Status Species



Wernette Property
Gualala, California



ENVIRONMENTAL CONSULTANTS

Date: July 2008
 Base Photo: NAIP, 2005
 Map By: Derek Chan
 File: L:\Acad 2000 Files\10000\10083\gis\arcmap\July08\
 Fig2_RarePlants_07_18_08.mxd

Appendix F

8.0 BUFFER AREA ANALYSIS

Projects that propose construction with a buffer of less than 100 feet from an ESHA must provide information that indicates a lesser buffer distance will not have a significant adverse impact on the habitat. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. The buffer area analysis utilizing Mendocino LCP Zoning Ordinance 20.496.020(A) [(1) through (4)(k)] is described below in Table 1.

<p>Table 1. Buffer Area Analysis Mendocino County Coastal Zoning Code Section 20.496.020</p>	
<p>A. Buffer Areas. A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such areas.</p>	
<p>Sections 1 - 3: Development between 50 and 100 feet from ESHAs</p>	
<p>1. Width. The width of the buffer area shall be a minimum of one hundred feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer areas shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas (ESHAs) and shall not be less than fifty feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent ESHA.</p>	<p>A single family residence is proposed for placement such that a corridor of coastal scrub and bluff habitat will be preserved and all ESHAs located in the southern half of the Study Area will be protected in a contiguous Conservation Area.</p> <p>Due to the small parcel size, the proposed building footprint is within 100 feet of most ESHAs on the site. A 50-foot buffer is expected to be adequate to protect the special status plants and Coastal Terrace Prairie ESHAs, since they will be protected in a corridor of protected native habitat. They are already in a location that is largely fragmented from other bluff habitats along the coastline due to surrounding development. Impacts due to construction within the 100-foot buffer would be mitigated as proposed in Section 9.0.</p> <p>With the exception of two individual plants, structures will not encroach upon a 50-foot buffer area around the ESHAs. No structures or construction will encroach upon the 50-foot buffers for 84.6% of the coastal bluff morning glory (11 of 13), 100% of the Mendocino coast Indian paintbrush, and 100% of the coastal terrace prairie located in the Study Area. Due to the combined geotechnical, building setback, and ESHA constraints, the most suitable development area requires construction within the 50-foot buffer of two coastal bluff morning glory plants.</p>

<p>1 (a). Biological Significance of Adjacent Lands. The degree of significance depends upon the habitat requirements of the species in the habitat area. Where a significant functional relationship exists, the land adjacent to a wetland, stream, or riparian habitat area shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships.</p>	<p>The required geotechnical setback along with 50-foot buffers around the ESHAs protects most of the native-dominated habitat in the Study Area, and will provide areas for future seedling establishment. Mitigation measures include protection, monitoring, and restoration which will ensure protection of the genetic resources on this remnant fragment of coastal scrub and prairie ESHAs. Lands to the east of the Study Area consist of residences and dense populations of invasive and exotic plants; they have very limited value as buffers for ESHAs or the surrounding native habitats. Therefore, protection and restoration of the contiguous native-dominated bluffs and Conservation Area should be adequate to preserve the functions of the existing habitats and ESHAs contained within.</p>
<p>1 (b). Sensitivity of Species to Disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following:</p> <ul style="list-style-type: none"> (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species; (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance; (iii) An assessment of the impact and activity levels of the proposed development on the resource. 	<ul style="list-style-type: none"> (i) It is expected that common species of avian wildlife and other small mammals will utilize the steep bluffs. No special status wildlife species are likely to occur in the Study Area. In addition, a specific assessment for Behren's silverspot butterfly and Lotis blue butterfly determined that the Study Area does not contain suitable habitat for either species. Resting rocks utilized by pelagic species such as cormorants are located below the bluffs, but this area is already surrounded by residential development. The proposed project is not expected to create a significant source of disturbance as long as mitigation measures to prevent disturbance of nesting and breeding birds are implemented (see Section 9.0). (ii) The ESHAs are not likely to be adaptable to extensive human disturbance, so the project will protect the entire southern portion of the Study Area using fencing and other protective mitigation measures. Adaptability to human disturbance is not expected to be a factor in their survival, since they will be protected by 50-foot buffers and other measures. Invasive species, especially iceplant, French broom, and pampas grass, appear to be a more significant threat to these ESHAs in the short-term. (iii) The proposed project will result in low level impacts to the existing conditions in the buffer areas and no direct impacts to ESHAs given implementation of the mitigation measures within this report. A reduced 50-foot buffer should be adequate to protect the ESHAs. The mitigation measures aim to prevent direct disturbance from foot or vehicle traffic. The construction avoidance measures and Resource Protection Plan will also serve to prevent direct or

	<p>indirect disturbance of ESHAs and buffer areas, particularly by controlling encroachment of invasive species in the short-term. However, the longer-term viability of the site is limited due to coastal bluff erosion and existing development east of the Study Area; the proposed project would not significantly increase the existing threats to the ESHAs of historic fragmentation and continued erosion.</p>
<p>1 (c). Susceptibility of Parcel to Erosion. The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.</p>	<p>Development will occur on a relatively flat portion of the Study Area, where runoff and eroding sediments generally move west toward the bluffs, and that condition will not be affected by the proposed project and its drainage plan. Impervious surface coverage will be approximately 1,150 square feet, which would have a minor impact on runoff characteristics of the site. However, a runoff pumping station is planned to collect runoff from the residence and driveway, to avoid impacts from an increase in impervious surfaces. In addition, the driveway and parking area will be constructed with permeable paving or other pervious materials. The proposed project is not expected to affect the ESHAs through changes in runoff or erosion.</p>
<p>1 (d). Use of Natural Topographic Features to Locate Development. Hills and bluffs adjacent to ESHAs shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHAs. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.</p>	<p>To the greatest extent possible, consistent with geotechnical and other legal requirements, the applicant designed the proposed project to use natural topographic features. The Conservation Area and bluff faces will not be developed or altered. Construction impacts will occur on the flatter portions of the Study Area that are primarily dominated by non-native plant species.</p>
<p>1 (e). Use of Existing Cultural Features to Locate Buffer Zones. Cultural features (e.g. roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads; dikes, irrigation canals, flood control channels, etc. away from the ESHA.</p>	<p>The existing easement will continue to provide the only access to the proposed project. No cultural features are present that could be used as a buffer.</p>

<p>1 (f). Lot Configuration and Location of Existing Development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred feet, additional mitigation measures (e.g. planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.</p>	<p>The Study Area is located on a relatively flat ledge to the west of an existing row of residences. Existing development in the vicinity is generally located 30 to 100 feet from the top of bluffs. The proposed project is positioned so that support structures are at least 40 feet from the top of bluff. Unlike the proposed project, adjacent lots do not contain large areas of preserved coastal scrub and are more densely developed, resulting in the Study Area supporting a very small remnant fragment of coastal terrace habitat. In addition, neighboring developed parcels already encroach upon the 100-foot buffer areas of several Study Area ESHAs.</p>
<p>1 (g). Type and Scale of Development Proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations will be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands have been developed, and the type of development in the area.</p>	<p>The proposed project is a single-family residence and associated structures on approximately 0.08 acre on a 0.72-acre parcel. Temporary construction impacts and the adjacent easement increase the total construction footprint to 0.16 acre. This is consistent with the scale and type of use on surrounding parcels. A majority of the flat portion of the Study Area will be protected from both long-term and temporary construction impacts by the 50-foot buffer areas, and mitigation measures including restoration activities described in the Resource Protection Plan. This area of coastal scrub is already largely isolated from similar nearby bluff habitats and the type and scale of proposed development will not significantly impact the habitat values of this isolated patch.</p>
<p>2. Configuration. The buffer area shall be measured from the nearest outside edge of the ESHA (e.g. for a wetland from the landward edge of the wetland; for a stream from the landward edge of the riparian vegetation or the top of bank).</p>	<p>The proposed buffer areas are measured from GPS-located positions of all individual plant ESHAs and the outer boundary of the Coastal Terrace Prairie. Wetland and plant surveys were conducted following definitions and methodology contained in the Coastal Act and the Mendocino County LCP.</p>
<p>3. Land Division. New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.</p>	<p>The property owner does not propose to subdivide the property.</p>

Section 4: Development within 50 feet of ESHAs

4. Permitted Development.

Development permitted within the buffer area shall comply at a minimum with the following standards:

(a). Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.

The proposed project would encroach upon the 50-foot buffer of two coastal bluff morning glory plants. These plants are located in relatively shady locations on the edge of a densely-vegetated shrubby mound. Although the project may create additional shade in this area, the coastal bluff morning glory will be protected by an approximately 20-foot buffer and will continue to receive southwestern-exposure sunlight. The supporting shrubby habitat for this climbing/trailing plant will not be disturbed. The diversity and functional capacity of habitat supporting these plants will not be substantially altered by the project, if the protective measures described in Section 9.0 are implemented.

4 (b). Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.

Several site limitations, including the necessary building setbacks, geotechnical setbacks, and a concentration of ESHAs in the southern portion of the Study Area resulted in proposing development in this location. The site chosen for development utilizes an area dominated primarily by common native and exotic species, and avoids the southern half of the Study Area to maintain a contiguous Conservation Area around the rest of the ESHAs and their surrounding 50-foot buffer areas. This Conservation Area will remain connected to additional bluff scrub habitat on the northern slopes of the parcel, including the two coastal bluff morning glory locations. The applicant states that a feasible project could not be constructed on the small remaining available footprint if a 50-foot buffer around the northern ESHAs was maintained. The remaining footprint could only fit a home with less than 540+ sq. ft. of livable space and only one of two required on-site parking spaces could be provided. The applicant also states that there would be no room for safety vehicle turn-around and the resulting structure would be inconsistent with Zoning Code Sec. 20.504.020, Special Communities and Neighborhoods.

<p>4 (c). Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from the natural stream channels.</p>	<p>The site chosen utilizes a relatively disturbed, flat area with the most direct access to the adjacent driveway easement. Development in this location minimizes potential impacts to ESHAs and its supporting coastal bluff habitat, particularly by preserving the southern portion and maintaining a connection between all ESHA habitats. Invasive species already present will be removed, and implementation of the Resource Protection Plan should help to prevent further introduction of invasives due to construction disturbance. Therefore, potential impacts on ESHAs and adjacent habitat will be minimized and mitigated by the siting of the project and ongoing restoration activities.</p> <p>Rick Macedo of CDFG and Teresa Spade from Mendocino County Planning visited the site in December 2007. Mr. Macedo concluded that, in general, the northern portion of the subject parcel represented relatively poor habitat conditions for native plant species such as the coastal bluff morning glory and that, in particular, with the concentration of non-native invasive species, the coastal bluff morning glory plants found there may not be self-sustaining under existing conditions. Mr. Macedo also concluded that the most desirable and likely sustainable populations were located in the south half of the subject parcel. The poor habitat conditions in the northern portion of the parcel could contribute to the eventual loss of the coastal bluff morning glory located there: Non-project related impacts such as the ongoing expansion of non-native invasive plants at the subject parcel could adversely affect the functional capacity of this area as well as the ability of the coastal bluff morning glory plants to remain self-sustaining and natural species diversity maintained.</p>
<p>4 (d). [Same as 4 (a)] Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.</p>	<p>As stated in Section 4(a), the proposed project would maintain a 20-foot buffer around two coastal bluff morning glory plants. The diversity and functional capacity of habitat supporting these plants will not be substantially altered by the project, if the protective measures described in Section 9.0 are implemented.</p>

<p>4 (e). Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.</p>	<p>There is no other feasible site available for development on the parcel, and the applicant states that the only feasible design for the project requires encroachment on the 50-foot buffers of two coastal bluff morning glory individuals. The entire area outside of the 50-foot ESHA buffers, building setbacks, and geotechnical setbacks would result in a development area approximately 450 square feet in size. The construction of a single family residence within the Study Area requires additional infrastructure including parking, retaining walls, propane tanks, septic systems, and runoff storage tanks. Therefore, the applicant states that it is infeasible to construct a single family home and associated infrastructure within this limited area.</p> <p>Mitigation measures for this encroachment include establishing a Conservation Area on the southern portion of the Study Area, in order to protect and restore the native coastal bluff habitats contained within. The primary action that will mitigate for the loss of buffer area will be invasive species removal. Iceplant, French broom, and pampas grass are currently spreading throughout the Study Area, and without control efforts these plants are highly likely to displace many of the ESHAs and degrade the surrounding native habitats. Invasive species control will not only protect the ESHAs but will also serve to create additional space for planting or natural recruitment of native and rare plants.</p>
<p>4 (f). Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland, and minimize alteration of natural landforms.</p>	<p>The proposed project will use permeable paving for the driveway and parking area, and will employ a drainage system that avoids significant alterations to subsurface flows. The two ESHAs with reduced buffers are located slightly upslope from the development footprint, on a small mound that would not be altered by indirect impacts such as increased impervious cover or runoff downslope. Vegetation removal and other impacts will be limited to the construction impact zone shown in Figure 5, and mitigation measures were designed to prevent impacts to ESHAs and buffer areas during construction. Construction best management practices will minimize movement of dust, runoff, and pollutants, and ensure no impacts to breeding and nesting special status birds occur. Following construction, the residence will not alter conditions significantly, as the site is already surrounded by residential development. Permanent fencing will protect the ESHAs from foot and vehicle traffic.</p>

<p>4 (g). Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of 1:1 to restore the protective values of the buffer area.</p>	<p>The Study Area does not contain any riparian vegetation.</p>
<p>4 (h). Aboveground structures shall allow peak surface water flows from a 100-year flood to pass with no significant impediment.</p>	<p>The Study Area does not contain drainage features that transport seasonal or flood water flows.</p>
<p>4 (i). Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.</p>	<p>Development within the 50-foot buffer of the two coastal bluff morning glory is not expected to affect any hydrological or biological processes supporting these species.</p>
<p>4 (j). Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system whenever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction.</p>	<p>No natural streams or drainage ditches are present in the Study Area. A storm drainage pipe currently passes from neighboring properties through the parcel, with its outfall on the northern bluffs. Proposed structures will not impact subsurface flow patterns or groundwater flow, and will not affect drainage in the reduced ESHA buffers.</p>
<p>4 (k). If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.</p>	<p>Impacts to the two coastal bluff morning glory ESHAs are possible as a result of construction of the proposed project. Potential impacts relate to minor impacts to the long-term sustainability of the habitat due to changes in shading or nearby disturbance that leads to encroachment by invasive species. Several mitigation measures are proposed in Section 9.0 that will minimize these potential adverse impacts. Without development, the ESHAs are already threatened by invasive species, bluff erosion, and lack of intact habitat in the vicinity to provide areas for colonization and preservation of diverse genetic resources. Therefore, the proposed project will have minimal impacts compared to current conditions, and restoration and protective measures included as mitigation in this report should adequately preserve the remnant coastal bluff habitats onsite and rare plant ESHAs contained within.</p>

Appendix G

9.0 IMPACT ANALYSIS AND MITIGATION MEASURES

The project proposed includes 50-foot ESHA buffers from all construction impacts for all but two special status plant ESHAs. The buffer on the southeast side of two individual special status plants would be reduced to approximately 20 feet (Figure 5). The proposed buffers are expected to be adequate to protect the special status plant and Coastal Terrace Prairie ESHAs, if the mitigation measures described below are implemented. Due to the small parcel size, 100-foot buffers are not feasible nor would they be significantly beneficial since those buffer areas consist largely of adjacent development and dense cover of invasive and exotic plants.

Required building setbacks from adjacent properties, geotechnical constraints, and a cluster of ESHAs in the southern portion of the Study Area resulted in the proposed footprint in a relatively disturbed, flat area partially within the 50-foot buffer for two special status plant ESHAs. Fencing and restoration of disturbed habitats should be adequate to prevent direct or long-term disturbance impacts to these plants. No direct impacts to ESHAs are anticipated. There is potential for some indirect impacts to the ESHAs due to construction activities within the 100-foot buffer, loss of some coastal scrub habitat, and disturbance which may increase erosion or presence of invasive species.

Potential impacts to ESHAs in the Study Area and mitigation measures recommended to reduce these impacts to a less than significant level are discussed below. The goal of mitigation is to improve the condition of existing native habitats and maintain self-sustaining populations of coastal scrub, coastal bluff scrub, and Coastal Terrace Prairie species, including the three rare plant species (two of which are ESHAs) present within the Study Area.

Potential Impact 1: Direct and indirect impacts to special status species may occur over the long term due to loss of surrounding habitat or human disturbance. Potential impacts following construction include landscaping, vehicle parking, regular foot traffic, excessive shade, and small scale removal of vegetation or placement of fill near ESHAs.

Mitigation Measure 1a: Areas outside of the construction impact zone (Figure 5) shall be maintained in a condition similar to that which occurred within the Study Area prior to disturbance. No landscaping, paving, or other disturbance shall be allowed in this area. No activities may occur that would negatively impact native vegetation, topography, or hydrology in the ESHAs or the 50-foot ESHA buffer areas, either during or following construction. Some examples of these activities are vehicle parking or storage of other heavy materials, regular foot traffic, and clearing of vegetation (except for exotic species removal and other native habitat management activities).

Mitigation Measure 1b: Prior to issuance of the Coastal Development Permit, the landowner shall execute and record a non-revokable deed restriction which shall provide that the Conservation Area as depicted in Figure 5 shall be protected from development and disturbance (with the exception of restoration and other preservation activities) in perpetuity.

Mitigation Measure 1c: Protect the Conservation Area through installation of permanent exclusionary fencing beyond which only foot traffic for restoration, monitoring, and maintenance will be allowed. Detailed descriptions of restoration and maintenance activities to be performed in the Study Area can be found in the Resource Protection Plan (Appendix D).

Mitigation Measure 1d: Fencing and restoration of the Conservation Area shall be monitored annually by a qualified biologist for five years from completion of the initial invasive plant removal work or completion of construction, whichever occurs later. Details on invasive plant removal work and mitigation monitoring to be performed are provided in the Resource Protection Plan. The first mitigation monitoring visit and report may be combined with the construction completion report (see Mitigation Measure 2c). The biologist shall submit all reports to the County and to CDFG.

Mitigation Measure 1e: Both during and following development of the site, no exotic plants shall be planted in the Conservation Area. Landscaping outside of the Conservation Area shall be limited to local native plants or plants listed in the Gualala Town Plan Landscaping Species List.¹ Native plants are recommended for all exterior landscaping, as the entire construction impact zone falls within the 100-foot special status plant and Coastal Terrace Prairie buffer areas. When possible, planting should be of local stock to preserve local genetic diversity. Plant species listed as invasive ("High", "Moderate", and "Limited" impacts) on the California Invasive Plant Council's California Invasive Plant Inventory (Cal-IPC 2006) shall not be installed anywhere in the Study Area as it would pose a risk to onsite ESHAs and the coastal scrub plant community. The Resource Protection Plan provides further guidance on removal of invasive species, and any new or existing occurrences that threaten the preservation of the native plant community in the Conservation Area (generally those species listed as "High" or "Moderate") should be a target for removal in perpetuity, when feasible.

Potential Impact 2: Construction of the residence may adversely impact the onsite ESHAs and associated coastal scrub habitat. Potential construction impacts include release of sediment, debris, or other harmful materials, accidental placement of fill on the ESHAs or changes to the surrounding topography, and trampling and soil compaction by construction crews or equipment.

Populations of coastal bluff morning glory and Mendocino coast Indian paintbrush are concentrated primarily in the southern portion of the Study Area. Only two coastal bluff morning glory are located in the northern portion (Figure 2).

Mitigation Measure 2a: During construction, combination silt fence and construction fence shall be installed around the construction impact zone to indicate the limits of ground and vegetation disturbance (Figure 5). In most areas, this fencing will be located just inside the permanent Conservation Area fencing, so the permanent fencing need only be installed by the time construction is complete and temporary fencing is removed. The fencing shall be not be placed within the designated buffers of the special status plant and Coastal Terrace Prairie ESHAs. The barrier should be constructed in a manner that precludes access to areas beyond the construction impact zone by humans and equipment. No grading, placement of fill material, or other ground disturbance shall occur beyond the fence. The temporary fence shall only be removed once all construction activities are completed.

¹ Appendix B of the Gualala Town Plan section of the Coastal Element of the Mendocino County General Plan.

Mitigation Measure 2b: Prior to construction, the project contractors shall be informed of the sensitive resources within the Study Area. All special status ESHAs will be flagged by a qualified biologist. Furthermore, the significance of the flagging and the construction impact zone shall be clearly explained to all parties working within the Study Area.

Mitigation Measure 2c: The locations of flagging and construction fencing shall be determined by a qualified biologist. The biologist shall monitor the site weekly until the project is completed to ensure fencing is intact and that no impacts are occurring beyond the construction impact zone. Upon completion of construction, the biologist shall inspect the site for protection of the ESHAs and compliance with these mitigation measures. The biologist will then submit a construction completion report detailing the condition of the site to the County and CDFG. Initial restoration activities (specifically the initial removal of iceplant, pampas grass, and French broom) as provided in the Resource Protection Plan should also be performed by the time of completion of construction, if feasible. If that is the case, the first mitigation monitoring report may be combined with the construction completion report.

Mitigation Measure 2d: All activities that require substantial ground disturbance shall take place during the summer months (generally April 15 through October 31) to minimize potential erosion. The only activities that can take place outside of this window are planting and those activities that do not require ground disturbance or construction vehicle access to unpaved areas.

Mitigation Measure 2e: Areas of disturbed soil shall be mulched, seeded, or planted and covered with vegetation as soon as possible. If erosion control seeding is performed, a qualified biologist shall be consulted to ensure use of a native seed palette. Existing native vegetation shall be maintained in the construction impact zone to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.

Mitigation Measure 2f: Solid materials, including wood, masonry/rock, glass, paper, or other materials may be stored only within the construction impact zone as delineated in Figure 5. Solid waste materials should be properly disposed of offsite. Fluid materials, including concrete, wash water, fuels, lubricants, or other fluid materials used during construction should not be disposed of onsite and should be stored or confined as necessary to prevent spillage into natural habitats including the ESHA buffer areas. If a spill of such materials occurs, the area should be cleaned immediately and contaminated materials disposed of properly. The affected area should be restored to its natural vegetated condition.

Potential Impact 3: Construction in the Study Area has the potential to impact breeding birds during the nesting season as well as special status bats. Impacts to migratory breeding birds are prohibited by the Migratory Bird Treaty Act.

Mitigation Measure 3: Construction activities requiring substantial ground disturbance should be limited to the period from September 1 to October 31 to avoid impacts to special status birds or special status bats during the breeding season. If this cannot occur, surveys for special status breeding birds and special status bats will be conducted by a qualified biologist prior to ground disturbance.

If active special status breeding bird nests or bat maternity sites or breeding colonies are observed within 300 feet of the construction impact zone, no substantial ground disturbance activities shall occur within a 100-foot exclusion zone for special status passerine birds, and within a 300-foot exclusion zone for special status raptors or other special status non-passerine bird species. The applicant will maintain the appropriate exclusion zones until all young are either no longer dependent upon the nest, substantial ground disturbance activities cease, or the breeding bird season ends, whichever is sooner. The applicant will retain a biologist to monitor the nest site weekly while the exclusion zone is in place to ensure that the buffer is sufficient to protect the nest site from construction-related disturbance. If special status bat species are found to be roosting in trees that are to be removed by construction, removal of those trees will be delayed until between September 1 and the end of February.

10.0 CONCLUSION

Surveys of the Study Area determined that two types of ESHAs are present in this relatively isolated coastal scrub community. The Study Area contains several specimens of two special status plant species: coastal bluff morning glory (*Calystegia purpurata* ssp. *saxicola*) and Mendocino coast Indian paintbrush (*Castilleja mendocinensis*). In addition, Point Reyes ceanothus (*Ceanothus gloriosus* var. *gloriosus*), a CNPS List 4 plant species that is not considered an ESHA, was found scattered throughout the Study Area. A 61-square foot patch of Coastal Terrace Prairie, a rare natural community is present in the southern portion of the Study Area and is also an ESHA.

The buffer analysis determined that the preservation and protection of habitats outside the construction impact zone, native plant restoration, and construction best management practices can mitigate the indirect impacts to ESHAs due to a reduced buffer. A buffer less than 50 feet from the nearest special status plants is adequate with mitigation measures to reduce impacts to the two coastal bluff morning glory individuals. The other onsite ESHAs will be protected by a 50-foot buffer and enhanced by the implementation of mitigation measures describe in this report. Fencing, restoration, construction monitoring, and additional mitigation measures will be implemented to greatly reduce impacts and enhance the onsite habitat and special status plant populations. Therefore, no significant long-term impacts to the ESHAs in the Study Area are expected to occur as a result of development if the mitigation measures described in Section 9.0 are implemented.

Existing resources within and adjacent to the Study Area are typical of disturbed coastal prairie, coastal scrub, coastal bluff scrub, and coniferous forest dominated by native trees and non-native herbaceous plant species. Parcels in the vicinity contain similar habitat types or are more densely developed, and contain single family residential homes similar to that proposed within the Study Area. Development will be placed in the most feasible and most disturbed portion of the Study Area, where exotic species are dominant. The native-plant-dominated portions will be protected and will help to support self-sustaining populations of the special status plants in the Study Area. Construction of a house on a 0.08-acre footprint on the 0.72-acre subject parcel with implementation of the mitigation measures described in Section 9.0 is therefore not expected to result in any significant impacts to Environmentally Sensitive Habitat Areas.

Appendix H

APPENDIX D

RESOURCE PROTECTION PLAN

for the Proposed Wernette Project
in Gualala, California



TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	DEFINITIONS	1
2.1	Native Plants	1
2.2	Non-Native (Exotic) Plants	3
2.3	Invasive Plants	3
3.0	EXISTING CONDITIONS.....	3
3.1	Hydrology and Soils.....	3
3.2	Plants.....	4
3.2.1	Coastal Bluff Morning Glory (<i>Calystegia purpurata</i> ssp. <i>saxicola</i>)	4
3.2.2	Mendocino Coast Indian Paintbrush (<i>Castilleja mendocinensis</i>)	4
3.2.3	Point Reyes Ceanothus (<i>Ceanothus gloriosus</i> var. <i>gloriosus</i>)	5
3.3	Land Use	5
3.4	Existing Threats.....	5
4.0	METHODS.....	6
4.1	Fencing and Signage.....	6
4.2	Personnel	6
4.3	Vegetation Management	6
4.3.1	Invasive Plant Removal Techniques	6
4.3.1.1	Hand/Mechanical Removal	6
4.3.1.2	Herbicides	7
4.3.1.3	Mowing	7
4.3.2	Priority Invasives and Weedy Non-Native Species	7
4.3.2.1	Iceplant (<i>Carpobrotus edulis</i>)	8
4.3.2.2	French broom (<i>Genista monspessulana</i>)	8
4.3.2.3	Pampas grass (<i>Cortaderia jubata</i>)	8
4.3.3	Planting	9
4.3.4	Managing for Rare Plants	9
5.0	SUCCESS MONITORING	10
5.1	Success Criteria	10
5.2	Monitoring Schedule.....	11
5.3	Reporting.....	11
6.0	RESTRICTIONS	11
6.1	Construction and Material Storage	12
6.2	Foot Traffic	12
6.3	Grading or Alteration of Hydrology	12
6.4	Planting Non-native Species	12
6.5	Tree Removal.....	12
7.0	CONTINGENCY MEASURES	13
8.0	RESOURCES	14
8.1	Native Plants and Special Status Species.....	14
8.2	Invasive Plant Identification and Management	14
8.3	Other Resources	14

TABLES

Table 1 - Suggested species for planting or seeding

FIGURES

Figure A - Conservation Area Map

ATTACHMENTS

Attachment A - Plant species observed at 38454 Robinson Reef Drive

1.0 INTRODUCTION

Development of a single-family residence at 38454 Robinson Reef Drive requires mitigation for potential impacts to rare plants and communities found on the parcel. In coastal properties, the Mendocino County Local Coastal Program (LCP) and the California Coastal Act (CCA) require the establishment of buffer zones to protect rare plants and other unique environmental features designated as Environmentally Sensitive Habitat Areas (ESHAs). Due to site limitations including a small parcel size and required setbacks from adjacent properties and the coastal bluff slopes, home construction will encroach on the 100-foot buffers around rare plants found in this parcel. This Resource Protection Plan (Plan) was developed to guide the preservation and restoration of the coastal plant community in all portions of the parcel not impacted by development. The Plan is intended to mitigate for development less than 100 feet from the ESHAs by controlling the invasive species that are currently encroaching upon the native communities and ESHAs.

The 0.72-acre parcel (APN 145-161-27) is located west of Highway 1 in the southeastern corner of Mendocino County. It is an undeveloped site on Robinson Point at the edge of coastal bluffs, located west of Robinson Reef Drive. The parcel ranges from approximately sea level to 130 feet in elevation. The single-family home and associated structures and construction impacts will be located in a contiguous area in the center of the parcel, adjacent to the eastern boundary and existing easement (Figure A). The southern portion of the parcel will be designated as the 0.34-acre deed-restricted Conservation Area, as stipulated in the Biological Report of Compliance for Mendocino Coastal Development Permit (WRA 2008).

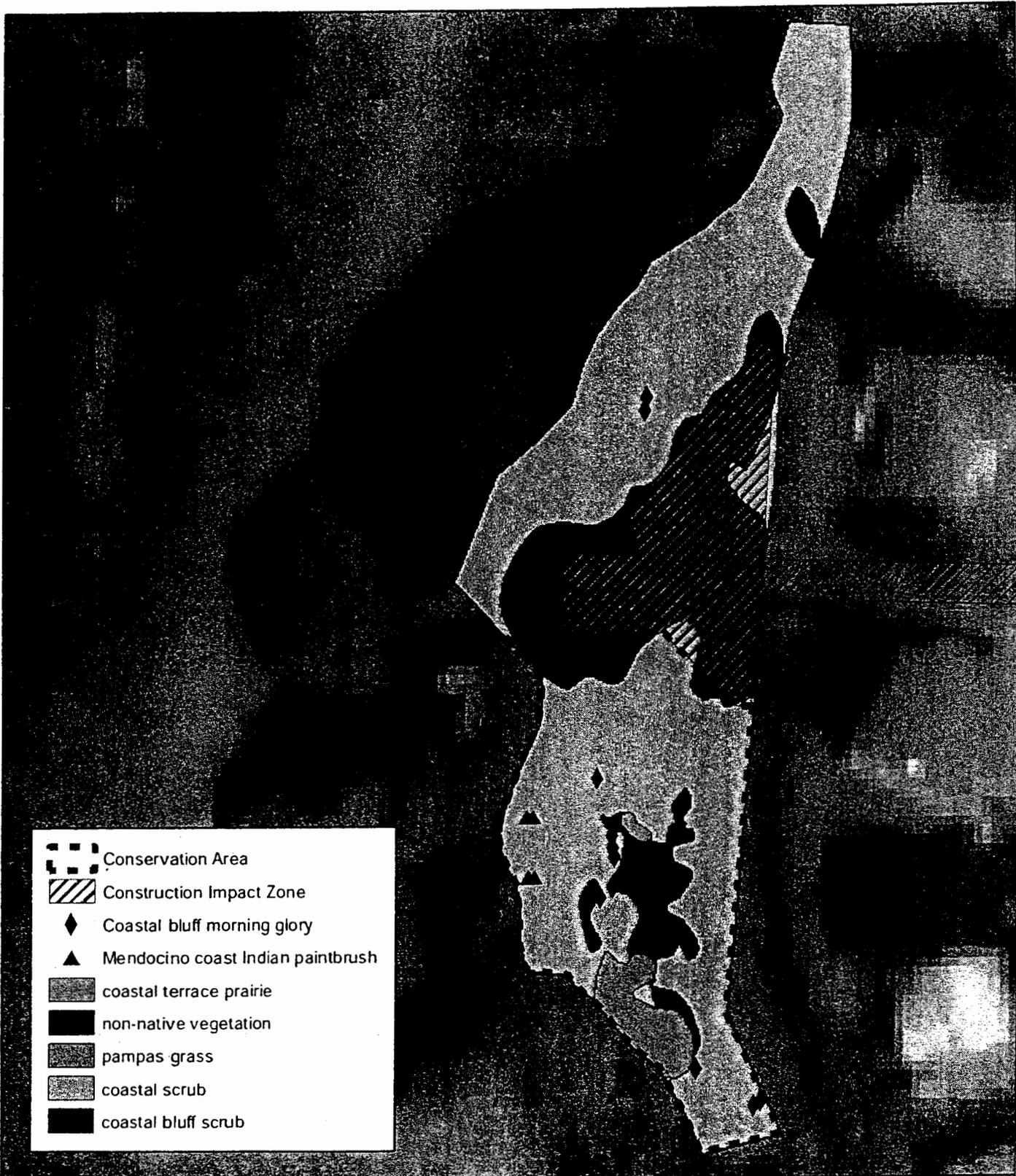
The purpose of this Resource Protection Plan is to provide the background information, resources, and guidance on preserving the rare plant ESHAs and native coastal scrub, coastal bluff scrub, and coastal terrace prairie plant communities in the Conservation Area. This plan also describes measures to conserve the two coastal bluff morning glory ESHAs in the northern portion of the parcel. Fencing, restrictions on use, removal or management of threats such as invasive plants, and some planting of native species will help to mitigate for impacts from development of the parcel. The goal is to maintain a healthy native plant community that will be relatively self-sustaining and more resilient to indirect impacts from neighboring land uses.

2.0 DEFINITIONS

In several locations throughout this Plan, native and non-native plant species are mentioned. The following definitions of these terms have been included to assist the property owner or manager in determining the status of plant species on the property.

2.1 Native Plants

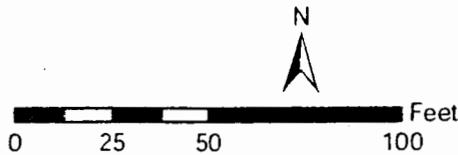
For the purposes of this Plan, "native plants" refers to species that are locally-native to the site. Specifically, they are believed by the scientific community to have been present in coastal areas of Mendocino or Sonoma counties prior to the settlement of Europeans. *The Jepson Manual* (Hickman 1993) or online CalFlora Database (www.calflora.org) can be references for determining if a plant is native or non-native. The monitoring biologist, local botanists, or the local chapter of the California Native Plant Society can help to determine if a plant found onsite or in nurseries can be considered locally-native.



-  Conservation Area
-  Construction Impact Zone
-  Coastal bluff morning glory
-  Mendocino coast Indian paintbrush
-  coastal terrace prairie
-  non-native vegetation
-  pampas grass
-  coastal scrub
-  coastal bluff scrub

Figure A. Conservation Area Map

Wernette Property
Gualala, California



ENVIRONMENTAL CONSULTANTS

Date: November 2007
 Base Photo: NAIP, 2005
 Map By: Derek Chan
 File: L:\Acad 2000Files\1000D\10083\gis\
 arcmap\FigA_MitigationArea_20080812.mxd

2.2 Non-Native (Exotic) Plants

As described above, any plant species not considered native to local coastal habitats will be defined as "non-native" (or "exotic"). Non-native plants may not pose any threat to the native coastal scrub community, and can sometimes be appropriately used in formal landscaping or vegetable gardening, with restrictions explained in Section 6.4. Certain non-native plants may also be defined as invasive, as described below.

2.3 Invasive Plants

Invasive plants are species that are undesirable, like weeds, but also displace native plants or otherwise have negative impacts on native plant communities. Invasive plants are most often, but not always, non-native species that are able to encroach upon and dominate or disrupt the native habitat being restored or preserved. Native species can be considered invasive if they grow aggressively on a site only because of human disturbance, such as nutrient pollution, and they adversely affect the diversity or general functions of a native community.

The monitoring biologist and the property manager can refer to the California Invasive Plant Inventory (Cal-IPC 2006; available online) or *Invasive Plants of California's Wildlands* (Bossard et al. 2000) to assist them in determining if a plant is an invasive species. Cal-IPC ranks species as "High", "Moderate", or "Limited" impact, and any species from these lists found on or in the vicinity of the Conservation Area should be evaluated for potential threat to management goals. Even species ranked as "Limited" impact for California as a whole can have severe impacts in a particular county or property due to local history and site conditions.

3.0 EXISTING CONDITIONS

3.1 Hydrology and Soils

Precipitation, surface runoff, and groundwater flow all contribute to the hydrology of the site. There are no streams, tributaries, or water bodies present. Runoff comes from adjacent areas both on and off site to the north and east.

The Soil Survey of Mendocino County, Western Part (USDA 2005), shows two types of soils mapped within the property: Dystropepts with 30 to 75 percent slopes and Bruhel-Shinglemill complex with 2 to 15 percent slopes. Dystropepts are mapped in the western sloped portion of the property, while the majority of construction and restoration activity will occur in the flatter areas mapped as Bruhel-Shinglemill complex.

Dystropepts, 30 to 75 percent slopes, are on side slopes of marine terraces, derived from sandstone or shale. Dystropepts are generally shallow or moderately deep and well-drained. Surface runoff is rapid or very rapid, and the hazard of erosion is severe or very severe.

Bruhel-Shinglemill complex, 2 to 15 percent slopes is described as occurring on marine terraces in areas dominated by Bishop pine (*Pinus muricata*) and annual and perennial grasses. Bruhel loam is a deep soil that is well-drained and derived from sandstone. Shinglemill loam is similarly deep but is poorly drained and formed in marine sediments.

3.2 Plants

The subject parcel supports a relatively undisturbed coastal scrub community, much of it on steep slopes extending to the ocean. The parcel is dominated by low shrubs and herbaceous perennials and also has scattered Monterey cypress (*Cupressus macrocarpa*) and Douglas fir trees (*Pseudotsuga menziesii* var. *menziesii*). The Conservation Area also supports coastal terrace prairie dominated by native perennial bunchgrasses. These communities are adapted to exposed bluff conditions, which include rocky and poorly-developed soil, and constant winds and salt spray. Growth can occur almost year-round in this moist environment, but the most significant growth and flowering period occurs in late spring and early summer. The coastal terrace prairie is protected from adverse impacts as an ESHA under the CCA and LCP.

The parcel also supports two special status plant species, most of which occur in the Conservation Area. These species are described in more detail below, and are protected from adverse impacts as ESHAs by the CCA and LCP. Special status species have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). Plants on the California Native Plant Society (CNPS) Lists 1 or 2 are also considered special status plant species. CNPS also maintains List 3 to catalogue species for which more information is needed, and List 4 for species with limited distribution that may be locally rare or significant. List 3 and 4 species are not protected as ESHAs, but should nevertheless be targets for conservation in the management of the Conservation Area.

Attachment A provides a list of species observed on the parcel. Many other coastal bluff scrub and prairie species may be suitable for planting on the property if local nursery stock is available.

3.2.1 Coastal Bluff Morning Glory (*Calystegia purpurata* ssp. *saxicola*)

Coastal bluff morning glory, a CNPS List 1B plant, is a small trailing or climbing perennial with white or purple-tinged, bell-shaped flowers. Its stem and leaves die back each year after producing seed. This subspecies occurs in rocky coastal scrub, coastal dune, and North Coast coniferous forest habitats within Mendocino, Marin, and Sonoma counties. The flowers are typically in bloom between May and September. Western morning glory (*Calystegia purpurata* ssp. *purpurata*) is a more common subspecies also found on the site and in the vicinity. Hybrids may also be present, as there are several plants with identifying characteristics of both subspecies. Potential hybrids are shown on supporting figures as the rare subspecies, and these shall be protected as ESHAs unless further information is obtained confirming their identification as hybrids or common specimens.

Thirteen coastal bluff morning glory individuals have been mapped in the parcel, primarily in the Conservation Area, a minimum of 50 feet from the proposed development area. Two are located in the northern portion, outside of the Conservation Area and approximately 20 feet from the proposed residence foundation, due to site constraints. These two individual plants were found climbing dense, taller coastal scrub vegetation which will be fenced off from the residential area.

3.2.2 Mendocino Coast Indian Paintbrush (*Castilleja mendocinensis*)

This CNPS List 1B perennial is hemiparasitic (acquires some nutrients from the roots of other plants), with orange-red to red bracts (leaf-like structures that are more noticeable than the

flowers), yellow flowers, and wide, fleshy non-glandular leaves. The brightest coloration and flowers are generally seen from April to August. Mendocino coast Indian paintbrush occurs in coastal bluff scrub, closed-cone coniferous forest, coastal dunes, coastal prairie, and coastal scrub habitats in Mendocino County, and has been recorded as occurring in Gualala.

Four Mendocino coast Indian paintbrush individuals were observed in 2004 along the bluff face in the southwestern portion of the Conservation Area, a minimum of 75 feet from the proposed development area. These locations and all accessible portions of the parcel were examined for this species in 2008, but only the common species (*Castilleja wightii*) appeared to be present. As these plants are located on steep bluff slopes, they are difficult to access for precise identification. Therefore, all mapped locations from 2004 are assumed extant and are considered ESHAs with the applicable protective buffers incorporated into site plans for the proposed project. The Conservation Area may provide suitable habitat for planting of the rare species if available from local nurseries or other sources.

3.2.3 Point Reyes Ceanothus (*Ceanothus gloriosus* var. *gloriosus*)

Point Reyes ceanothus is a CNPS List 4 evergreen shrub that grows low to the ground in mats, with deep blue to violet flowers and dark-green holly-like leaves. It occurs in closed-cone coniferous forest, coastal bluff scrub, coastal dunes, and coastal scrub habitats in Mendocino, Marin, and Sonoma counties.

Approximately fifty Point Reyes ceanothus individuals are scattered throughout the flat portions of the parcel with the majority occurring as mats in the Conservation Area. Several individuals may be impacted by construction, and shall be transplanted to an appropriate location in the Conservation Area, such as bare areas resulting from exotic species removal.

3.3 Land Use

The Conservation Area and new single-family residence are located adjacent to existing homes to the east. The parcel formerly held a railroad bed, but was entirely re-vegetated by the time of residential construction. Historic land use at Robinson Point included a lumber mill, and now the area is primarily residential. To the north and south of the parcel, narrow fragments of coastal bluff habitat persist on some less densely-developed parcels.

3.4 Existing Threats

Restoration of the Conservation Area is aimed at reducing existing and potential future threats to special status plant species and ensuring self-sustaining populations. This requires preserving the general character, species composition, soils and hydrology of the native coastal scrub and prairie communities. Threats to these characteristics include excessive disturbance such as trampling or increased runoff from irrigation, erosion of sediments or pollutants from developed areas, and invasive species. Certain invasive species can interfere with management goals by changing the physical qualities of the site, such as by growing taller and shading out native plants, or by dropping large amounts of litter or otherwise affecting soil nutrients and the litter layer. Invasive species may also impact a community by spreading and reproducing more successfully than natives, eventually dominating and replacing native habitat.

Highly invasive plants are already present in the Conservation Area and have the potential to crowd out native and special status species due to their prolific seeding, aggressive spread, or shading of smaller plants. The introduction of new invasive species to the Conservation Area is

also possible, particularly due to construction impacts such as ground disturbance and the presence of numerous vehicles that may carry seeds in their tire treads or other equipment. Currently, the invasive plants that most threaten the preservation of the native coastal scrub and prairie species are: iceplant (*Carpobrotus edulis*), French broom (*Genista monspessulana*), and pampas grass (*Cortaderia jubata*). Potential impacts of these species and suggested control efforts are described below in Section 4.3.

4.0 METHODS

4.1 Fencing and Signage

Permanent exclusionary post and cable or similar fencing will mark the boundary of the Conservation Area and other habitats outside of the construction impact zone. Beyond the fence, only foot traffic will be allowed and should be limited to visits for restoration, monitoring, and maintenance by the property owner, monitoring biologist, or designated maintenance personnel.

Prior to construction, the project contractors and property owner will be informed of the sensitive resources on the site. All special status plants will be flagged by a qualified biologist. Furthermore, the significance of the flagging and the Conservation Area will be clearly explained to all parties working on the site both during residential construction and future maintenance of the property and Conservation Area.

4.2 Personnel

The current or future property owner will be responsible for implementing this Plan with the guidance of the local planning board, environmental consultants, or conservation groups such as a local CNPS chapter. Implementation of restoration activities described below should be performed by a qualified biologist or landscape contractor with knowledge of local native plants and invasive species removal techniques in sensitive habitats. Annual monitoring and reporting must be performed by a qualified biologist with experience in native plant restoration and special status species preservation and regulations.

4.3 Vegetation Management

4.3.1 Invasive Plant Removal Techniques

The Weed Workers' Handbook (The Watershed Project and Cal-IPC 2004) and the Global Invasive Species Initiative website (The Nature Conservancy 2007) and Weed Control Methods Handbook (Tu et al. 2001) can serve as guides for effective management techniques for invasive plant species (see References in Section 7.0). Three methods are outlined below, and can be used individually or in combination to remove or contain most invasive plant populations encountered in the Conservation Area.

4.3.1.1 Hand/Mechanical Removal

Hand removal or use of small handheld equipment (such as a Weed Wrench or a chainsaw) is the preferred method of removing invasive plant species from the Conservation Area. Many species must be removed entirely and disposed of carefully, including stems and all root fragments, in order to prevent regeneration or spread. Also,

pruning and disposal of seed heads and flowers of invasive species in plastic trash bags or a hot compost pile can help to prevent spread if removal of the entire plant is not possible or is planned for a later date. If hand removal methods are tried and found to be ineffective after several years of repeated treatment, or the problem is too widespread for hand removal to be practical, then chemical controls may be implemented as described below.

4.3.1.2 Herbicides

Glyphosate- or triclopyr-based herbicides, such as Round-up and Garlon, may be utilized if invasive plants cannot be managed through other environmentally sensitive methods. The herbicide must be applied according to the label, using a localized spot-treatment method and with care to avoid drift onto native plants. Herbicide may not be used when rain is predicted within 24 hours after application, or in locations within 5 feet of any ESHA. This approval does not obviate the need for the property owner to obtain any other applicable approvals for the use of these chemicals.

4.3.1.3 Mowing

The use of weed-eaters (or "weed-whackers") or similar trimmers with string or metal blades is appropriate for mowing contiguous patches or large individuals of certain invasive species. Perennial and annual grasses can often be managed effectively by mowing each time the inflorescence (flower/seed head) appears. Complete removal of perennial species also requires digging of the roots and/or rhizomes, but mowing can be used to suppress growth and prevent seeding until future removal is performed. Any mowing should be performed with care to avoid native grasses and other interspersed native species. Mowing is unlikely to be necessary or appropriate in the Conservation Area, unless construction impacts lead to a significant invasion of non-native grasses.

4.3.2 Priority Invasives and Weedy Non-Native Species

The non-native species listed below have been observed on the site, and should be targets for removal throughout the parcel, due to their current large populations or their ability to invade and replace native plant communities.

Current non-native species threats:

- Bermuda grass (*Cynodon dactylon*)
- cape weed (*Arctotheca calendula*)
- French broom (*Genista monspessulana*)
- Himalayan blackberry (*Rubus discolor*)
- iceplant (*Carpobrotus edulis*)
- nasturtium (*Tropaeolum majus*)
- orchard grass (*Dactylis glomerata*)
- pampas grass (*Cortaderia jubata*)
- redhot poker (*Kniphofia uvaria*)
- wild radish (*Raphanus sativus*)

Invasive grasses and annuals that can be partially controlled by mowing, as long as significant damage to native plants can be avoided, include: velvet grass (*Holcus lanatus*), sweet vernal grass (*Anthoxanthum odoratum*), wild oats (*Avena* sp.), ripgut brome (*Bromus diandrus*), and Italian thistle (*Carduus pycnocephalus*).

Three particular plants are present in significant numbers and are currently the primary threats to the coastal scrub and prairie communities and special status plants, as detailed below.

4.3.2.1 Iceplant (*Carpobrotus edulis*)

Iceplant is a low-growing perennial succulent that forms mats in coastal and sandy habitats. This species was planted widely in the past to stabilize steep slopes and dunes, but now spreads on its own and overgrow shrubs and grassland plants, preventing the establishment and growth of native species. Iceplant currently covers the driveway area and is found in scattered patches throughout the Conservation Area. The densest patches are on the steep slopes on the eastern boundary of the property, but the greatest threat to native coastal bluff communities is in flatter areas where iceplant is invading and currently makes up about 20-50% of the vegetation.

Iceplant can be removed at any time of year, but work should not be performed on the steep slopes of the eastern boundary during the rainy months (approximately November through April). Removal of the roots is necessary to control iceplant, but root systems are typically not extensive or deep compared to the above-ground volume of material. Iceplant can be pulled by hand and with a pick to remove most roots. Because of the large volume of iceplant present, debris should be removed and piled on disturbed ground outside of the Conservation Area or taken to a local green waste collection facility. Follow-up inspections are necessary for two to three years following removal, because root fragments left in the ground will continue to sprout.

4.3.2.2 French broom (*Genista monspessulana*)

A small population of French broom is found in the center of the Conservation Area, directly south of the proposed residence. This perennial shrub can produce thousands of seeds and alters soil chemistry by adding nitrogen, often providing new habitat for other non-native species. The shrubs shade out native species and can create a single-species stand with almost no vegetation beneath the canopy. The prolific seed production means that prompt removal is important and follow-up for five to ten years may be necessary to remove new seedlings. French broom should be removed before the dark brown seed pods form in the summer, or branches containing seed pods should be carefully placed in bags since pods will easily pop open to release the seeds.

French broom usually forms a tap root that can reach several feet deep, and which must be removed or killed down to about 6" deep to prevent resprouting. Cut stumps will resprout vigorously, but can be controlled by painting the stump with herbicide or peeling all of the bark down about 1" below the soil surface. Both of these methods must be done soon after cutting. Small plants (with stems less than ½" in diameter) can be pulled out by hand, but this should be done when the soil is moist to prevent breakage. A "weed wrench" is available in many sizes to provide leverage for completely removing larger plants and roots. However, cutting and peeling bark is the recommended approach for larger plants on the parcel, because of the small number of plants to be controlled and the desire to avoid soil disturbance and herbicide use whenever possible.

4.3.2.3 Pampas grass (*Cortaderia jubata*)

Pampas grass is a large perennial grass that aggressively covers disturbed areas, especially open rocky slopes. Two main clusters of pampas grass are found at the top

of the bluff to the northwest and southwest of the proposed residence, including several very large and ten to fifteen smaller specimens. Many more are scattered along the steep bluff slope in areas that are only accessible with rappelling equipment. Professional landscape contractors with rappelling experience may be hired to perform this work, and iceplant removal on the steep western slopes could also be performed using these techniques. Due to the potential cost and associated risk, work on the steep western slopes is only recommended rather than required. The role of these plants as a seed source for the Conservation Area should be evaluated during annual biological monitoring surveys.

Pampas grass produces large amounts of seed that are carried easily by wind, so it is desirable to remove flowering stems whenever possible and to carefully dispose of the plumes when seed may be present. The large volume of live and dead leaves should be cut and removed from the site to gain access to the root mass. The large central root mass of pampas grass must be dug from the ground and these roots will regrow if left in contact with soil. Therefore, a pampas grass clump must be turned upside with roots in open air if left onsite, or more preferably the entire plant should be composted or disposed of as green waste. A patch of pampas grass should only require one year of follow-up to remove sprouting roots, but the entire site should be monitored annually for new seedlings due to the seed bank and numerous seed sources on surrounding lands.

4.3.3 Planting

Planting is generally not necessary when small areas of soil are exposed during invasive plant removal. If management activities result in contiguous areas of disturbed soil larger than approximately ten square feet, these should be planted with locally-native coastal bluff scrub or coastal prairie species such as those listed in Table 1 below and in Attachment A.

Non-native plants shall not be planted in the Conservation Area. Invasive plants or any aggressive plant that can easily spread into the Conservation Area shall not be installed anywhere on the property as it would pose a risk to special status plants and the native plant communities.

The optimal time to plant native species is during the winter after rains have begun and when more rain is predicted in the coming weeks and months. This allows the plants to establish sufficient root systems and eliminates the need for supplemental irrigation. Watering is still recommended immediately after planting and during any dry spells during the first few months after planting.

4.3.4 Managing for Rare Plants

Prior to any construction or management activities on the property, special status plant species and other selected native vegetation will be flagged to ensure that the selected native plant species are not inadvertently destroyed. Additionally, prior to initiation of restoration activities, contractors will be informed about the significance of the flagged vegetation.

Planting of locally-native rare plants such as those already found on or near the parcel (see Section 3.2) is encouraged, if a source of seeds or container plants is available. The Conservation Area contains suitable habitat for two additional valuable species for butterflies, western dog violet (*Viola adunca*) and harlequin lotus (*Lotus formosissimus*), which should be planted or seeded if nursery stock is available.

Table 1. Suggested species for planting or seeding disturbed areas. (This list should not be considered exhaustive or restrictive; plantings may include other locally-native coastal bluff scrub or prairie species, depending on availability).	
Scientific name	Common name
<i>Achillea millefolium</i>	yarrow
<i>Armeria maritima ssp. californica</i>	sea pink
<i>Artemisia suksdorfii</i>	coastal mugwort
<i>Bromus carinatus</i>	California brome
<i>Danthonia californica</i>	California oatgrass
<i>Delphinium hesperium ssp. hesperium</i>	western larkspur
<i>Deschampsia cespitosa ssp. holciformis</i>	coastal tufted hairgrass
<i>Erigeron glaucus</i>	seaside daisy
<i>Eriophyllum staechadifolium</i>	lizard tail
<i>Fragaria chiloensis</i>	beach strawberry
<i>Heterotheca sessiliflora ssp. bolanderi</i>	golden aster
<i>Iris douglasiana</i>	Douglas' iris
<i>Poa unilateralis</i>	ocean bluff bluegrass
<i>Polystichum munitum</i>	western sword fern
<i>Sisyrinchium bellum</i>	blue-eyed grass

5.0 SUCCESS MONITORING

For five years following the completion of construction, a qualified biologist shall perform annual mitigation monitoring and submit a report to the County and the California Department of Fish and Game (CDFG). The purpose of the site evaluation would be to verify that the specifications included within this report and success criteria summarized below have been completed. Additionally, if any additional problems are encountered that threaten the preservation of the onsite ESHAs or supporting habitats in the Conservation Area, appropriate contingency measures shall be recommended and carried out by the applicant. The monitoring biologist will also assess the presence of any newly introduced non-native plant species and recommend removal as needed.

5.1 Success Criteria

Preservation of the coastal scrub and prairie communities and special status species requires prevention of extensive human disturbance and of spread of highly invasive species present in the Conservation Area. Therefore, the following criteria will be evaluated to ensure that the basic preliminary steps necessary for preservation are being performed:

- Fencing between the Conservation Area and the developed areas of the property is installed and intact. The Conservation Area shows no sign of damage from foot traffic or any other uses besides the necessary management and monitoring activities outlined in this Plan.
- The special status plant populations in the Conservation Area remain stable, with populations of each species maintained at a minimum of 80% of the number observed at the start of construction.
- All accessible populations of iceplant, French broom, and pampas grass are to be removed before completion of residential construction. Follow-up monitoring and control of resprouts and new seedlings of these species shall be performed semiannually during the five-year post-project monitoring, or more if monitoring indicates the need for further follow-up. Other Cal-IPC-listed species (including High, Moderate, and Limited impact species such as Himalayan blackberry, orchard grass, and wild radish) shall be removed by the end of the fourth year if determined feasible by the monitoring biologist.
- New invasive species or expanded populations due to invasive species removal or other disturbance are included in control efforts, and the creation of bare ground that would further encourage invasion is minimized by mulching or alternative removal techniques.

5.2 Monitoring Schedule

Monitoring by a qualified biologist will occur annually beginning immediately after completion of residential construction or following completion of initial removal of all accessible iceplant, French broom, and pampas grass, whichever occurs later. Monitoring will continue for a total of five years, and each year the site will be evaluated for progress in achieving the success criteria.

5.3 Reporting

Monitoring reports to be submitted to the County and CDFG should include a general description of work performed over the previous year and an evaluation of the Conservation Area according to the success criteria. The numbers and condition of special status and other rare plants should be described, as well as any observed threats to these plants or to native habitats. New invasions of exotic species and plans for their removal or control should be detailed, as necessary. The fifth year monitoring report should also evaluate whether the Conservation Area has become sufficiently self-sustaining or whether additional invasive species control work or other conservation activities or monitoring should be performed.

6.0 RESTRICTIONS

The following restrictions on activities in the subject parcel are intended to prevent further disturbance to the native plant communities and associated special status plant ESHAs. Any deviation from these restrictions requires approval from the County and CDFG.

6.1 Construction and Material Storage

Construction and storage of materials within the Conservation Area is limited to exclusionary fencing and signage described in Section 4.1, and piles of plant debris. These debris piles may only be left in the Conservation Area on sites that are already covered in non-native plants or bare ground, and only if necessary to suppress regrowth of invasive plants, to prevent erosion, or to prevent the spread of exotic seeds or plant parts that can regenerate. Otherwise, these piles should be removed from the Conservation Area and composted when feasible. A layer of mulch, such as certified weed-free rice straw may also be applied to larger areas of exposed soil if there is potential for significant erosion or regrowth of non-native species.

Solid materials, including wood, masonry/rock, glass, paper, or other materials should not be stored anywhere outside of the construction impact zone. Solid waste materials should be properly disposed of offsite.

6.2 Foot Traffic

No permanent trails may be constructed within the Conservation Area, due to the risk of increased erosion and introduction of non-native plant seeds from regular foot traffic. No vehicles may enter the Conservation Area, and foot traffic must be limited to the visits necessary for monitoring, restoration, and maintenance by the property owner or personnel such as landscape contractors and the monitoring biologist.

6.3 Grading or Alteration of Hydrology

With the exception of restoration activities described in this Plan, no grading or other ground disturbance should occur in the Conservation Area due to the potential to increase erosion or to alter the movement of surface or subsurface water. Care should be taken to avoid disturbing the existing grade and surrounding soils as much as possible when removing invasive plants or planting native species.

6.4 Planting Non-native Species

Non-native plants shall not be planted in the Conservation Area. Species listed as invasive ("High", "Moderate", and "Limited") on the California Invasive Plant Council's California Invasive Plant Inventory (Cal-IPC 2006) shall not be planted anywhere on the property as they would pose a risk to special status plants and the associated coastal plant communities. Landscaping outside of the Conservation Area shall be limited to plants listed in the Gualala Town Plan Landscaping Species List.¹ Locally-native plants are recommended, but not required, for all exterior landscaping, since the entire construction area falls within the 100-foot buffer areas for several special status plants.

6.5 Tree Removal

If any of the native trees on the property become diseased or are a danger to public safety or private property, removal will be allowed. This statement does not imply permission to undertake the removal of any tree without obtaining any appropriate tree removal permits, if

¹ Appendix B of the Gualala Town Plan section of the Coastal Element of the Mendocino County General Plan.

applicable. In addition, removal will be consistent with CDFG regulations and may require a bird nesting survey consistent with applicable laws. If a tree had died, and is not a threat to special status plants or other trees, a danger to public safety, or to private property, removal is not required. Standing or downed dead trees are often important habitat elements for wildlife and should be left in place when feasible.

Monterey cypress (*Cupressus macrocarpa*), a tree native to the Monterey area and often invasive in northern coastal locations, is present on the site and individual trees may be removed if individual trees become diseased or a threat to public safety or to onsite special status plants. However, all nesting surveys and safety precautions listed above must also be taken before removal of this species. Small piles of debris may be left onsite for wildlife habitat and no stump treatment is necessary as this species will not resprout when cut.

7.0 CONTINGENCY MEASURES

If unavoidable indirect impacts are anticipated to the two coastal bluff morning glory individuals in the northern region such as shading or excessive competition with non-native invasive plants, the applicant shall contact the Coastal Permit Administrator immediately. With the concurrence of the Coastal Permit Administrator, the subject plants will be moved from their current location at the north end of the subject parcel to the Conservation Area. There are inherent biological and precedent setting risks associated with moving rare plants as described by Dr. Baye in his August 29, 2005 memorandum report. Issues such as soil disturbance and compaction and the associated increased competition with invasive non-native plant species as well as ensuring long-term management and monitoring takes place will be addressed by including the following project features:

- Use current state-of-the art plant relocation techniques.
- Incorporate species expert oversight.
- Engage local environmental group stakeholders, such as a representative from the local CNPS chapter, to assist with oversight.
- Re-establish other unique native species to contribute to restoring regional biodiversity.
- Implement invasive species control measures: first, by guarding against inadvertently transplanting invasive species into superior habitat thus degrading it and second, by implementing a long-term invasive species management program.

8.0 RESOURCES

8.1 Native Plants and Special Status Species

California Department of Fish and Game (CDFG). 2006. California Natural Diversity Database (CNDDDB). Special status plant lists and locations available online:
<http://www.dfg.ca.gov/bdb/html/cnddb.html>

California Native Plant Society (CNPS). 2006. Inventory of Rare and Endangered Plants (online edition, v7-06c). California Native Plant Society, Sacramento, California. Available online: <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>

Hickman, J. C. 1993. The Jepson Manual: Higher Plants of California. University of California Press, Berkeley, CA.

For more information on special status plants and native plant nurseries:

California Native Plant Society (CNPS), 2707 K Street, Suite 1, Sacramento, CA 95816
Phone: (916) 447-2677 Email: cnps@cnps.org Website: www.cnps.org

Local native plant society chapter (for coastal Mendocino and Sonoma counties):

Dorothy King Young Chapter of the California Native Plant Society (CNPS)
P.O. Box 577, Gualala, CA 95445. Website: <http://www.dkycnps.org/index.html>

8.2 Invasive Plant Identification and Management

Bossard, C. C., J. M. Randall, and M. C. Hoshovsky, eds. 2000. Invasive Plants of California's Wildlands. University of California Press, Berkeley, CA.

California Invasive Plant Council (Cal-IPC). 2006. California Invasive Plant Inventory: Cal-IPC Publication 2006-2. California Invasive Plant Council, Berkeley, CA. Available online:
<http://www.cal-ipc.org/ip/inventory/index.php>

The Nature Conservancy. 2007. The Global Invasive Species Initiative (website). Available online: <http://tncweeds.ucdavis.edu/>

Tu, M., C. Hurd and J. M. Randall. 2001. Weed Control Methods Handbook. The Nature Conservancy. Version: April 2001. Available online:
<http://tncweeds.ucdavis.edu/handbook.html>

Watershed Project and California Invasive Plant Council (Cal-IPC). 2004. The Weed Workers' Handbook. Berkeley, CA. Available in print or online: <http://www.cal-ipc.org/ip/management/wwh/index.php>

8.3 Other Resources

U.S. Department of Agriculture, Natural Resources Conservation Service (USDA). 2005. Web Soil Survey: Mendocino County, Western Part, California soil maps. Version 1, January 12, 2005. Available online: <http://websoilsurvey.nrcs.usda.gov/>

WRA. 2008. Biological Report of Compliance for Mendocino County Coastal Development Permit, Wernette Property, 38454 Robinson Reef Drive, Gualala, Mendocino County, California. July.

Attachment A. Plant species observed by WRA, Inc at the Wernette property during surveys conducted on May 22, May 28, and July 5, 2008.

SCIENTIFIC NAME	COMMON NAME	FAMILY	non-native	status (rarity or invasiveness)
<i>Achillea millefolium</i>	yarrow	Asteraceae		
<i>Agrostis aff. capillaris</i>	colonial bentgrass	Poaceae	x	
<i>Aira caryophyllea</i>	silvery hairgrass	Poaceae	x	
<i>Aira praecox</i>	yellow hairgrass	Poaceae	x	
<i>Anagallis arvensis</i>	scarlet pimpernel	Primulaceae	x	
<i>Anaphalis margaritacea</i>	pearly everlasting	Asteraceae		
<i>Angelica hendersonii</i>	coast angelica	Apiaceae		
<i>Anthoxanthum odoratum</i>	sweet vernal grass	Poaceae	x	moderate invasive
<i>Arctotheca calendula</i>	cape weed	Asteraceae	x	moderate invasive
<i>Avena barbata</i>	slender wild oats	Poaceae	x	moderate invasive
<i>Baccharis pilularis</i>	coyote brush	Asteraceae		
<i>Briza maxima</i>	rattlesnake grass	Poaceae	x	limited invasive
<i>Bromus carinatus</i>	California brome	Poaceae		
<i>Bromus diandrus</i>	ripgut brome	Poaceae	x	moderate invasive
<i>Calamagrostis nutkaensis</i>	Pacific reedgrass	Poaceae		
<i>Calystegia purpurata ssp. purpurata</i>	western morning glory	Convolvulaceae		
<i>Calystegia purpurata ssp. saxicola</i>	coastal bluff morning glory	Convolvulaceae		CNPS List 1B
<i>Carduus pycnocephalus</i>	Italian thistle	Asteraceae	x	moderate invasive
<i>Carex pachystachya</i>	thick headed sedge	Cyperaceae		
<i>Carpobrotus edulis</i>	ice plant	Aizoaceae	x	high invasive
<i>Castilleja mendocinensis (possibly present)</i>	Mendocino coast Indian paintbrush	Scrophulariaceae		CNPS List 1B
<i>Castilleja wightii</i>	Wight's paintbrush	Scrophulariaceae		
<i>Ceanothus foliosus var. foliosus</i>	wavyleaf ceanothus	Rhamnaceae		
<i>Ceanothus gloriosus var. gloriosus</i>	Point Reyes ceanothus	Rhamnaceae		CNPS List 4
<i>Cirsium vulgare</i>	bull thistle	Asteraceae	x	moderate invasive
<i>Cistus sp.</i>	rockrose	Cistaceae	x	
<i>Cortaderia jubata</i>	pampas grass	Poaceae	x	high invasive
<i>Cotoneaster sp.</i>	cotoneaster	Rosaceae	x	moderate invasive
<i>Cupressus macrocarpa</i>	Monterey cypress	Cupressaceae	x	limited invasive
<i>Cynodon dactylon</i>	bermuda grass	Poaceae	x	moderate invasive
<i>Dactylis glomerata</i>	orchard grass	Poaceae	x	limited invasive
<i>Danthonia californica var. americana</i>	California oatgrass	Poaceae		

SCIENTIFIC NAME	COMMON NAME	FAMILY	non-native	status (rarity or invasiveness)
<i>Danthonia pilosa</i>	hairy oatgrass	Poaceae	x	
<i>Delphinium hesperium</i> ssp. <i>hesperium</i>	western larkspur	Ranunculaceae		
<i>Deschampsia cespitosa</i> ssp. <i>holciformis</i>	coastal tufted hairgrass	Poaceae		
<i>Dudleya farinosa</i>	bluff lettuce	Crassulaceae		
<i>Equisetum telmateia</i> ssp. <i>braunii</i>	giant horsetail	Equisetaceae		
<i>Elymus glaucus</i> ssp. <i>glaucus</i>	blue wild rye	Poaceae		
<i>Erechtites glomerata</i>	New Zealand fireweed	Asteraceae	x	moderate invasive
<i>Erigeron glaucus</i>	seaside daisy	Asteraceae		
<i>Enophyllum staechadifolium</i>	lizard tail	Asteraceae		
<i>Eschscholzia californica</i>	California poppy	Papaveraceae		
<i>Euphorbia lathyris</i>	compass plant	Euphorbiaceae	x	
<i>Fragaria chiloensis</i>	beach strawberry	Rosaceae		
<i>Galium aparine</i>	common bedstraw	Rubiaceae		
<i>Galium californicum</i> ssp. <i>californicum</i>	California bedstraw	Rubiaceae		
<i>Gaultheria shallon</i>	salal	Ericaceae		
<i>Genista monspessulana</i>	French broom	Fabaceae	x	high invasive
<i>Geranium dissectum</i>	cut leaved geranium	Geraniaceae	x	moderate invasive
<i>Gnaphalium purpureum</i>	purple cudweed	Asteraceae		
<i>Heracleum lanatum</i>	cow parsnip	Apiaceae		
<i>Heterotheca sessiliflora</i> ssp. <i>bolanderi</i>	golden aster	Asteraceae		
<i>Holcus lanatus</i>	velvet grass	Poaceae	x	moderate invasive
<i>Hypochaeris radicata</i>	rough cat's ear	Asteraceae	x	moderate invasive
<i>Iris douglasiana</i>	Douglas' iris	Iridaceae		
<i>Juncus balticus</i>	Baltic rush	Juncaceae		
<i>Juncus bolanderi</i>	Bolander's rush	Juncaceae		
<i>Juncus bufonius</i>	toad rush	Juncaceae		
<i>Juncus effusus</i> var. <i>brunneus</i>	bog rush	Juncaceae		
<i>Juncus patens</i>	spreading rush	Juncaceae		
<i>Kniphofia uvaria</i>	redhot poker	Liliaceae	x	
<i>Lathyrus vestitus</i> var. <i>vestitus</i>	wild sweetpea	Fabaceae		
<i>Leucanthemum vulgare</i>	oxeye daisy	Asteraceae	x	moderate invasive
<i>Ligusticum apiifolium</i>	celery leaved lovage	Apiaceae		
<i>Linum bienne</i>	flax	Linaceae	x	
<i>Lotus angustissimus</i>	slender lotus	Fabaceae	x	

SCIENTIFIC NAME	COMMON NAME	FAMILY	non-native	status (rarity or invasiveness)
<i>Lotus corniculatus</i>	bird's foot trefoil	Fabaceae	x	
<i>Lotus micranthus</i>	small flowered lotus	Fabaceae		
<i>Lupinus albifrons</i> var. <i>albifrons</i>	silver lupine	Fabaceae		
<i>Luzula comosa</i>	common wood rush	Juncaceae		
<i>Myrica californica</i>	Pacific wax myrtle	Myricaceae		
<i>Plantago lanceolata</i>	English plantain	Plantaginaceae	x	limited invasive
<i>Plantago subnuda</i>	naked plantain	Plantaginaceae		
<i>Poa annua</i>	annual bluegrass	Poaceae	x	
<i>Polygala californica</i>	California milkwort	Polygalaceae		
<i>Polystichum munitum</i>	western sword fern	Dryopteridaceae		
<i>Prunella vulgaris</i> var. <i>lanceolata</i>	mountain selfheal	Lamiaceae		
<i>Pseudotsuga menziesii</i> var. <i>menziesii</i>	Douglas-fir	Pinaceae		
<i>Pteridium aquilinum</i> var. <i>pubescens</i>	bracken fern	Dennstaedtiaceae		
<i>Raphanus sativus</i>	wild radish	Brassicaceae	x	limited invasive
<i>Rhamnus californica</i> ssp. <i>californica</i>	California coffeeberry	Rhamnaceae		
<i>Rosa nutkana</i> var. <i>nutkana</i>	Nootka rose	Rosaceae		
<i>Rubus discolor</i>	Himalayan blackberry	Rosaceae	x	high invasive
<i>Rubus ursinus</i>	California blackberry	Rosaceae		
<i>Rumex crispus</i>	curly dock	Polygonaceae	x	limited invasive
<i>Sanicula crassicaulis</i>	Pacific sanicle	Apiaceae		
<i>Sisyrinchium bellum</i>	blue-eyed grass	Iridaceae		
<i>Stachys ajugoides</i> var. <i>rigida</i>	hedge nettle	Lamiaceae		
<i>Stellaria media</i>	common chickweed	Caryophyllaceae	x	
<i>Trifolium wormskioldii</i>	coast clover	Fabaceae		
<i>Tropaeolum majus</i>	nasturtium	Tropaeolaceae	x	
<i>Umbellularia californica</i>	California bay	Lauraceae		
<i>Vaccinium ovatum</i>	California huckleberry	Ericaceae		
<i>Vicia villosa</i> ssp. <i>villosa</i>	hairy vetch	Fabaceae	x	
<i>Viola adunca</i>	western dog violet	Violaceae		
<i>Vulpia</i> sp.	fescue	Poaceae	x?	