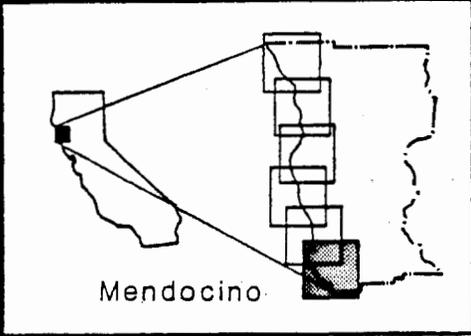


A B C D E F G H I J K L M N O

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EXHIBIT NO. 1  
APPEAL NO.  
A-1-MEN-05-037  
(PIETY/PANELLI)  
REGIONAL  
LOCATION MAP



Mendocino

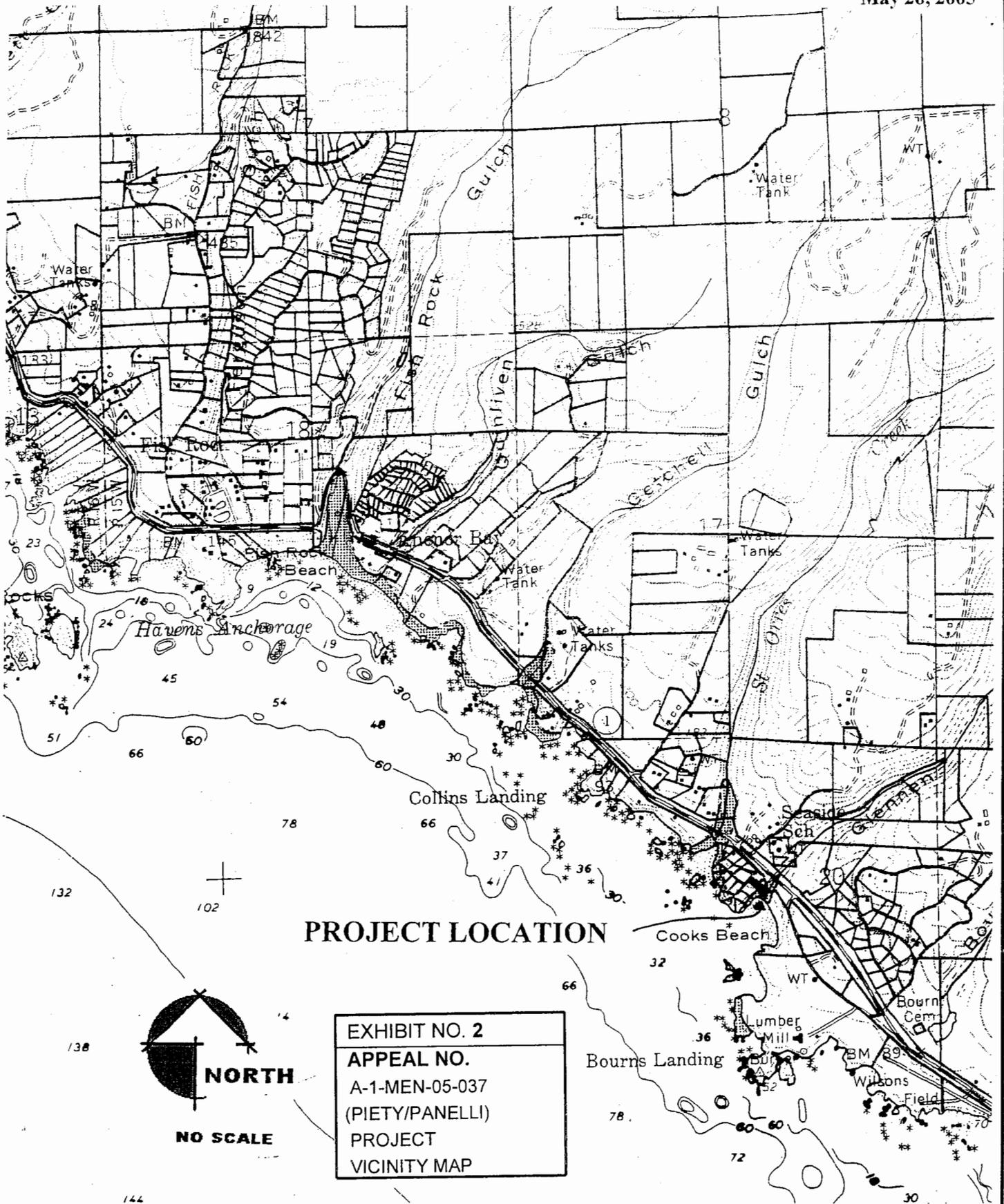
PROJECT  
SITE



California Coastal Commission

LOCATION MAP





**PROJECT LOCATION**



EXHIBIT NO. 2  
APPEAL NO.  
A-1-MEN-05-037  
(PIETY/PANELLI)  
PROJECT  
VICINITY MAP

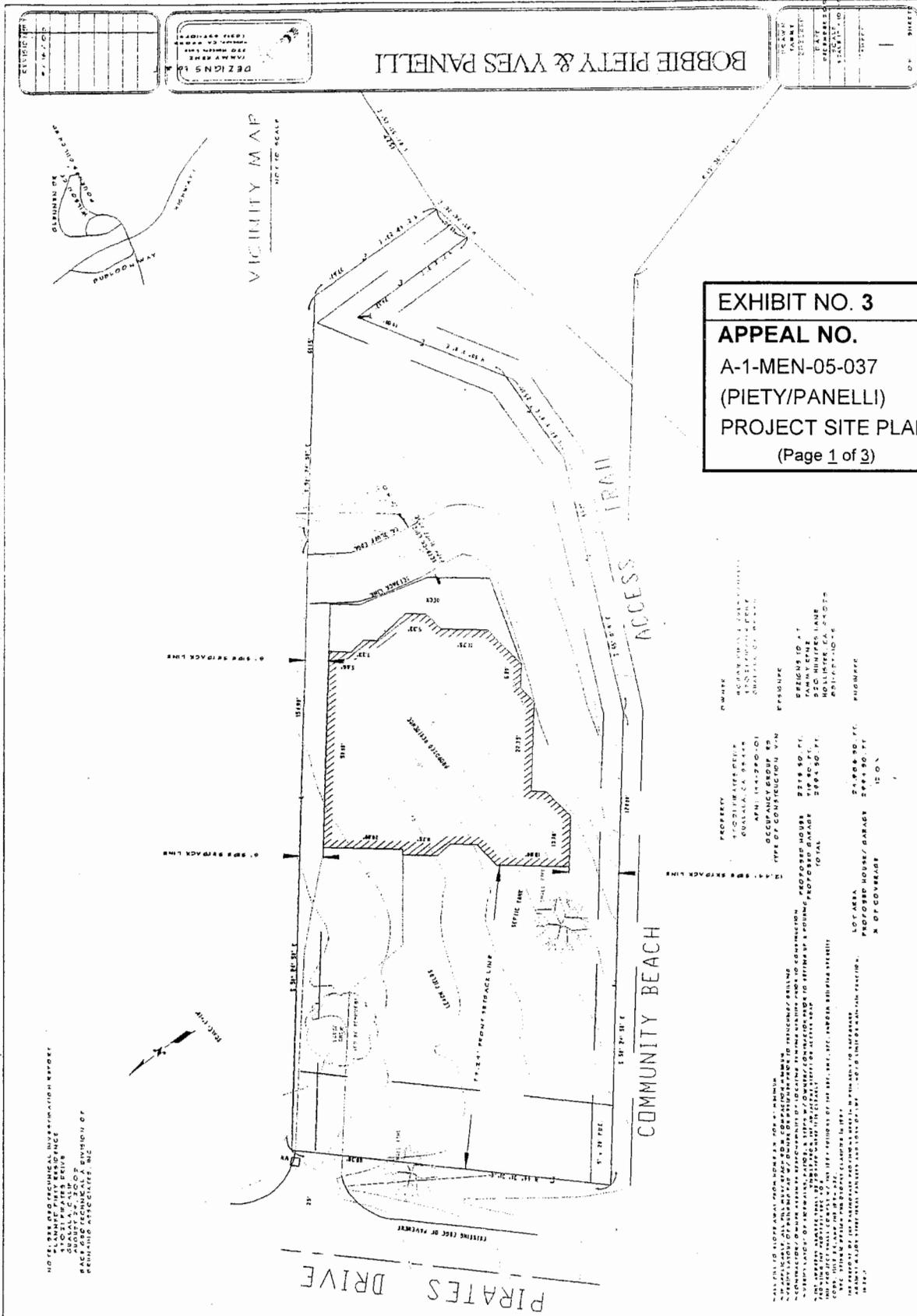


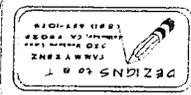
Exhibit B

Site Plan

NO SCALE

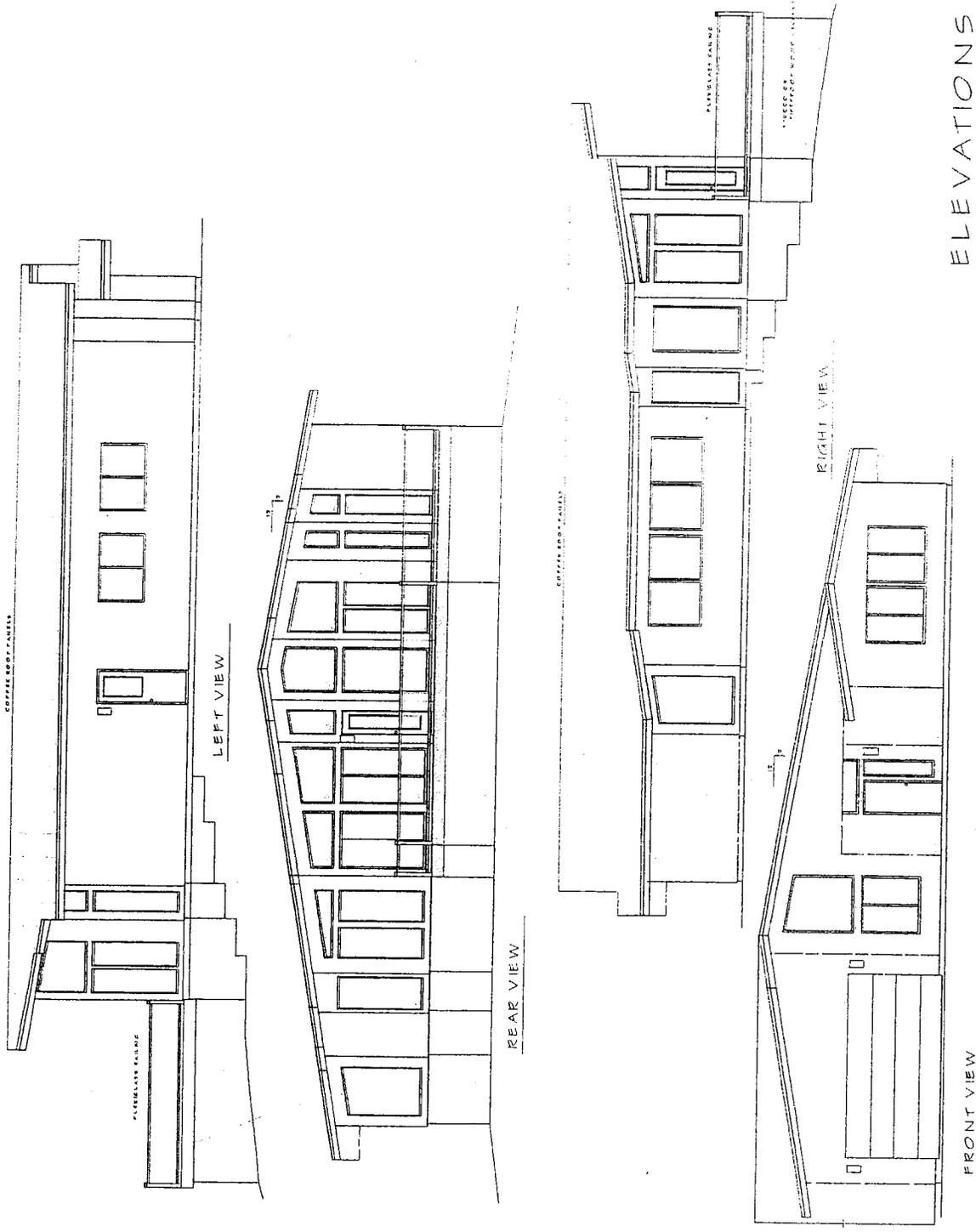


REV	DATE	DESCRIPTION



BOBBIE PIETY & YVES PANELLI  
17021 PIRATES DRIVE GUALATA, CA 95445  
APN: 144-290-01

DATE	
DRAWN	
CHECKED	
APPROVED	
SCALE	
SHEET	
OF	



ELEVATIONS

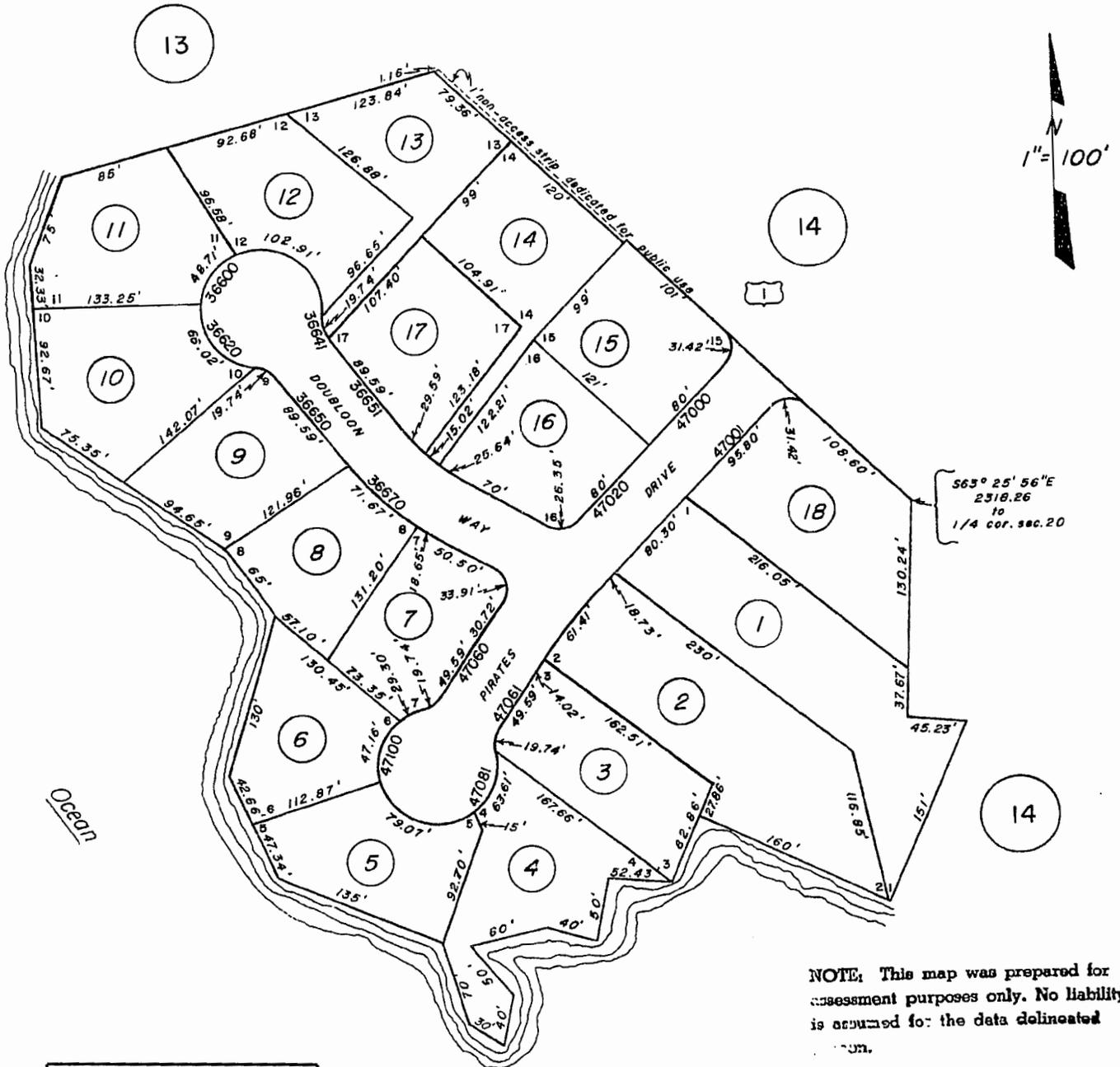
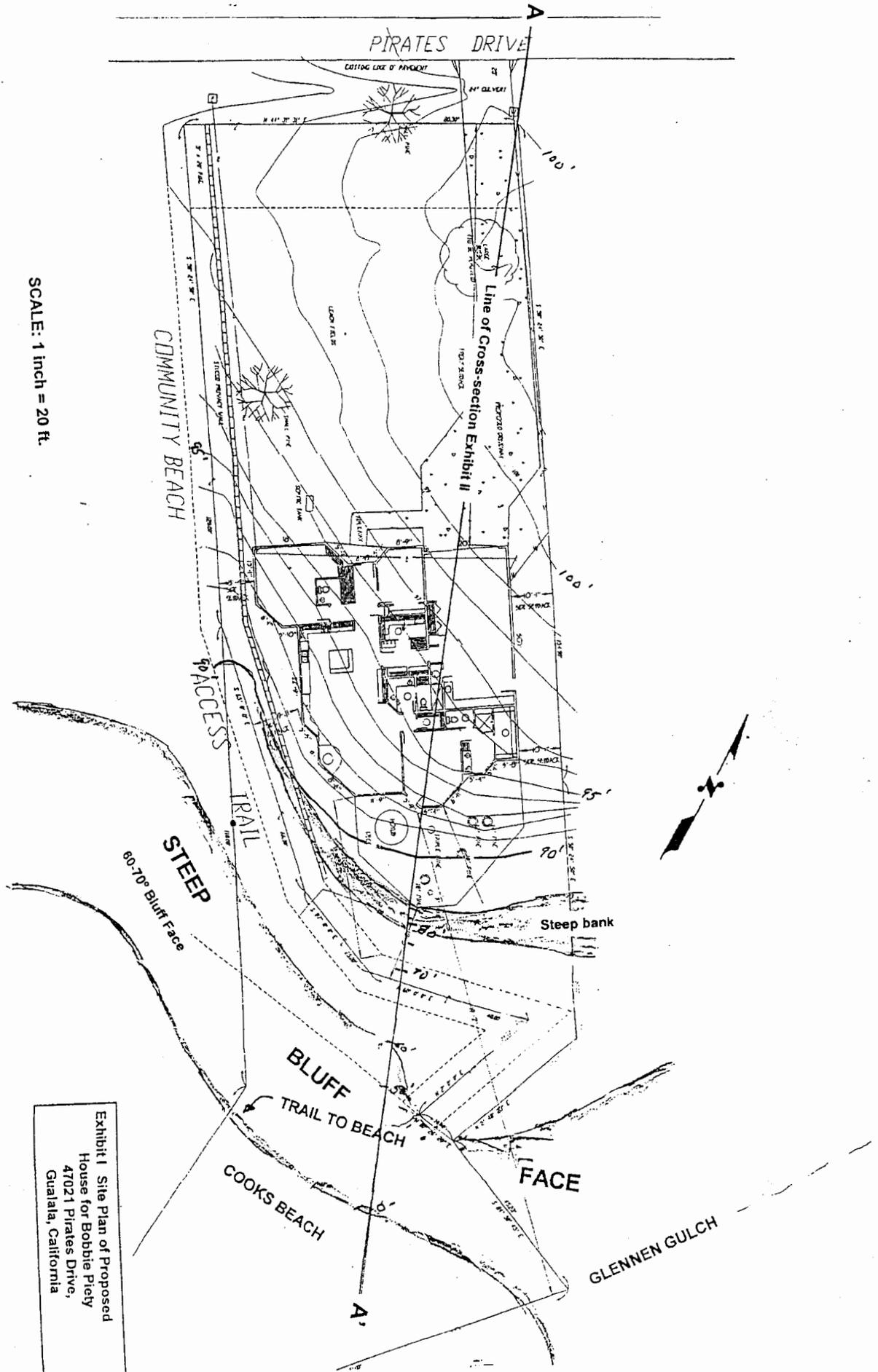


EXHIBIT NO. 4
APPEAL NO.
A-1-MEN-05-037
(PIETY/PANELLI)
PARCEL MAPS

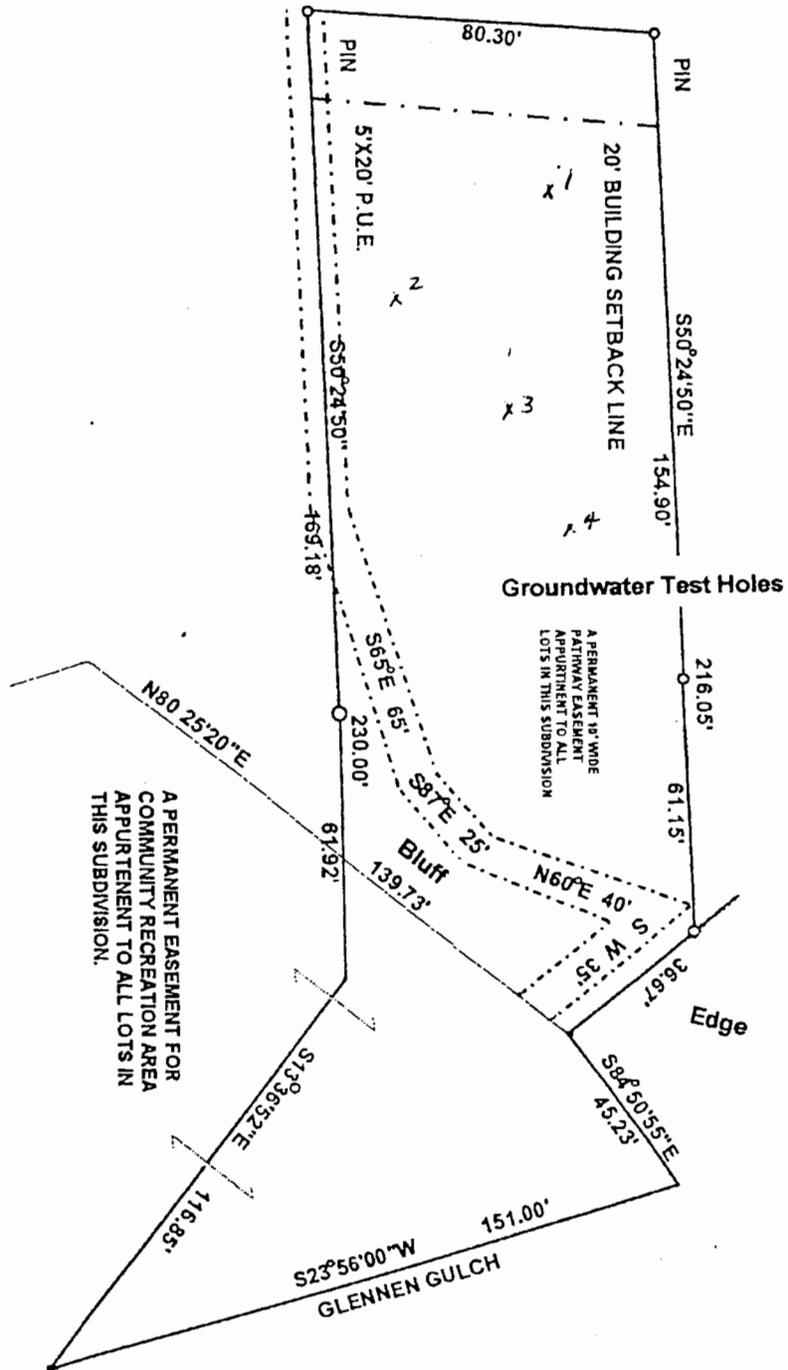
NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated thereon.

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



SCALE: 1 inch = 20 ft.

Exhibit I Site Plan of Proposed  
 House for Bobbie Pletly  
 47021 Pirates Drive,  
 Guafalala, California



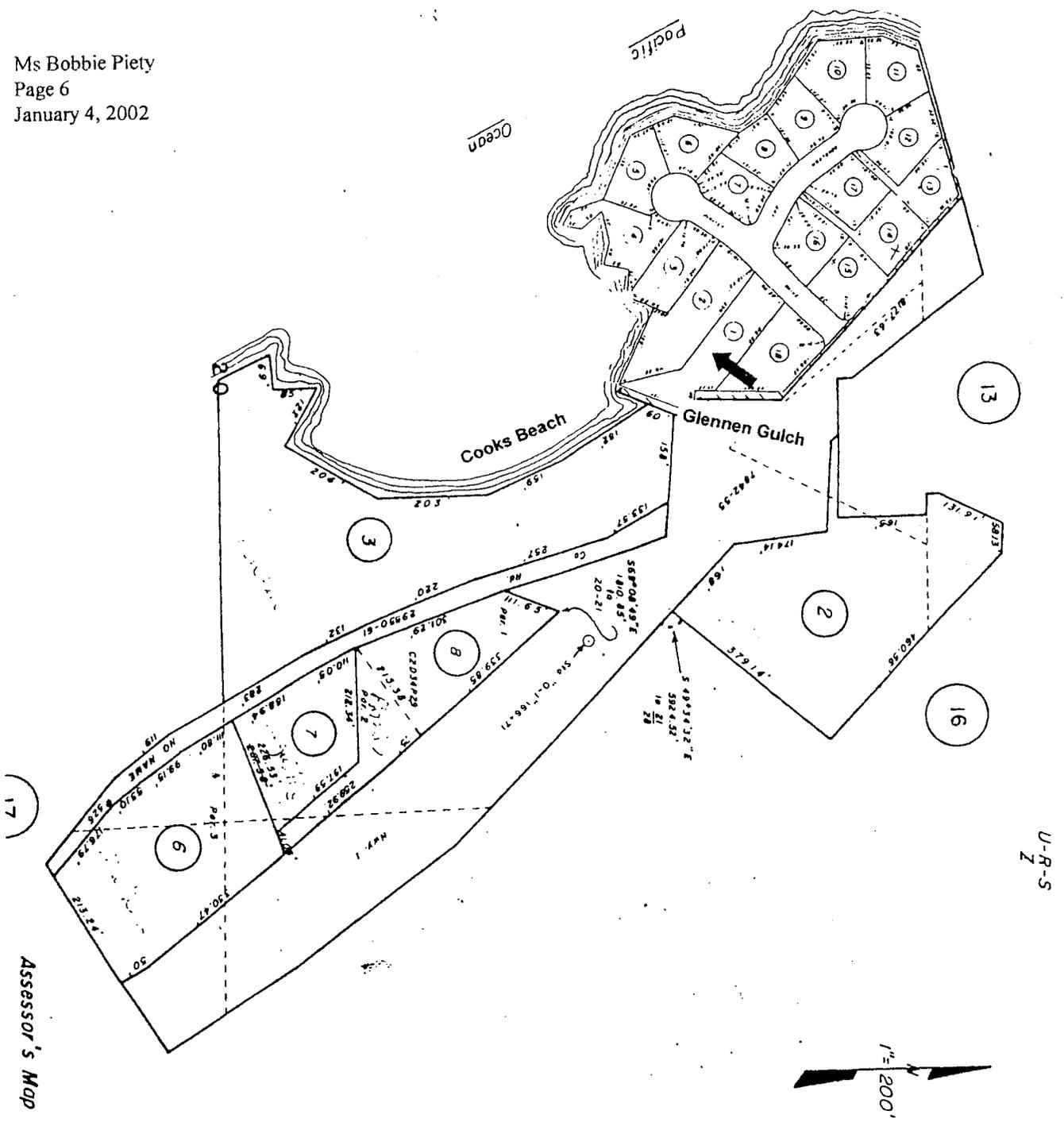
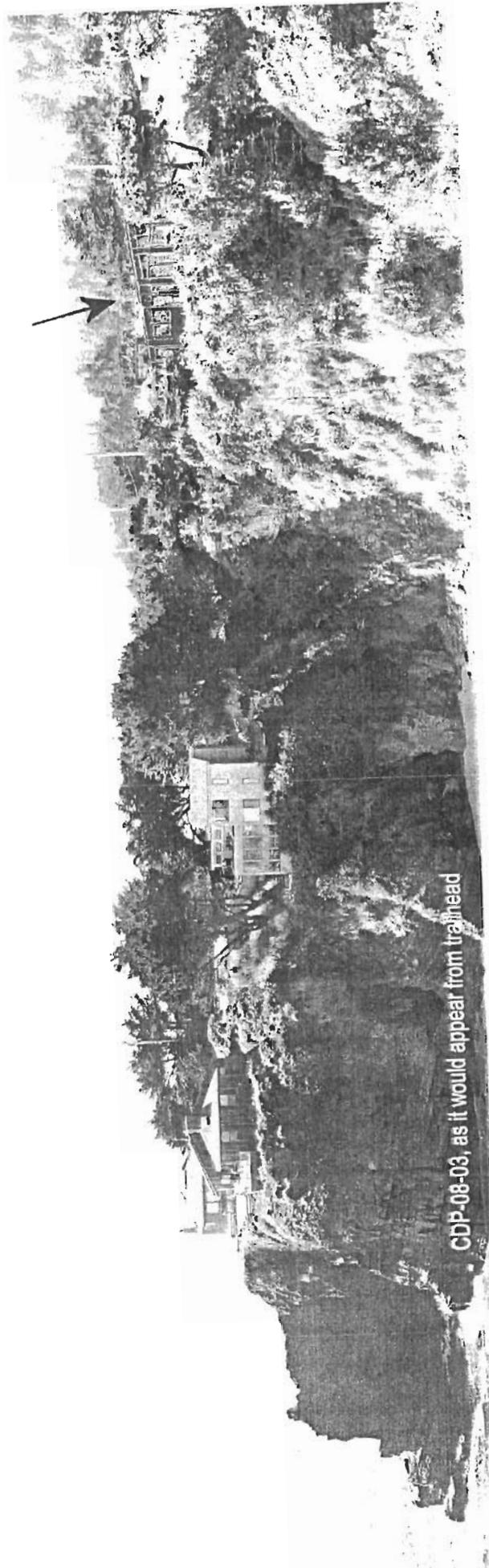


Exhibit III. Smugglers Cove Subdivision Map, Assessor's Parcel Map.

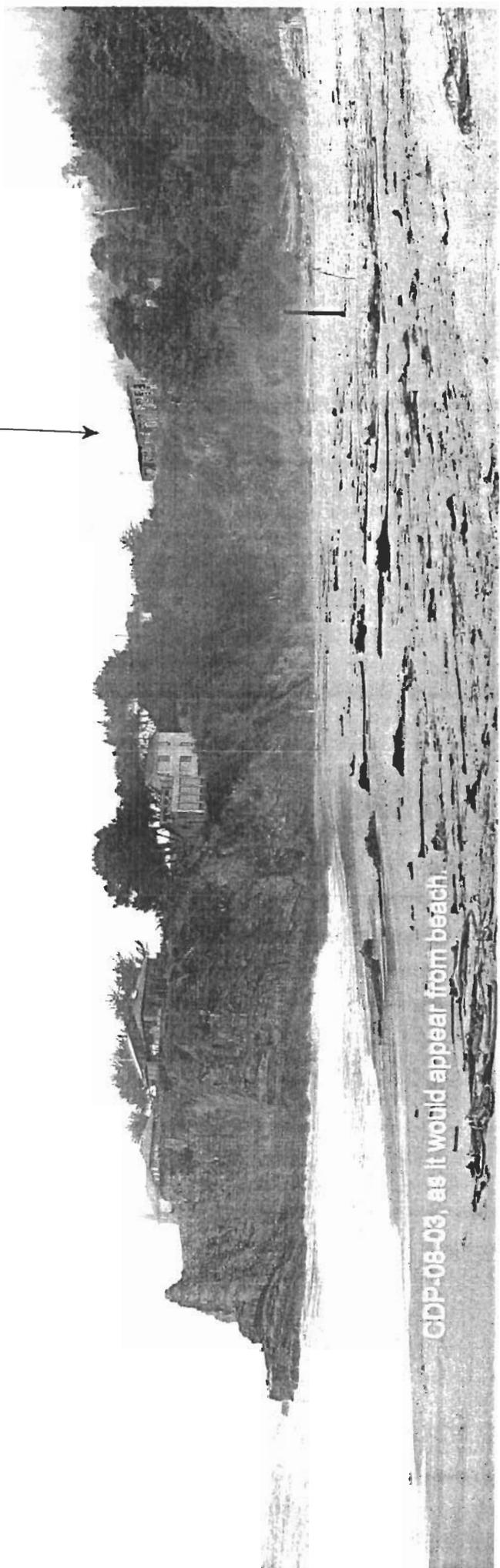


CDP-08-03, as it would appear from trailhead

EXHIBIT NO. 5
APPEAL NO. A-1-MEN-05-037 (PIETY/PANELLI)
VISUAL SIMULATIONS OF PROPOSED DEVELOPMENT



CDP-08-03, as it would appear from beach.



AERIAL IMAGE OF SMUGGLER'S COVE SUBDIVISION,  
ASSESSOR PARCEL MAP 144-290  
(Numbers above houses represent parcel #)  
Image source: CaliforniaCoastal Records Project, Image 200504117

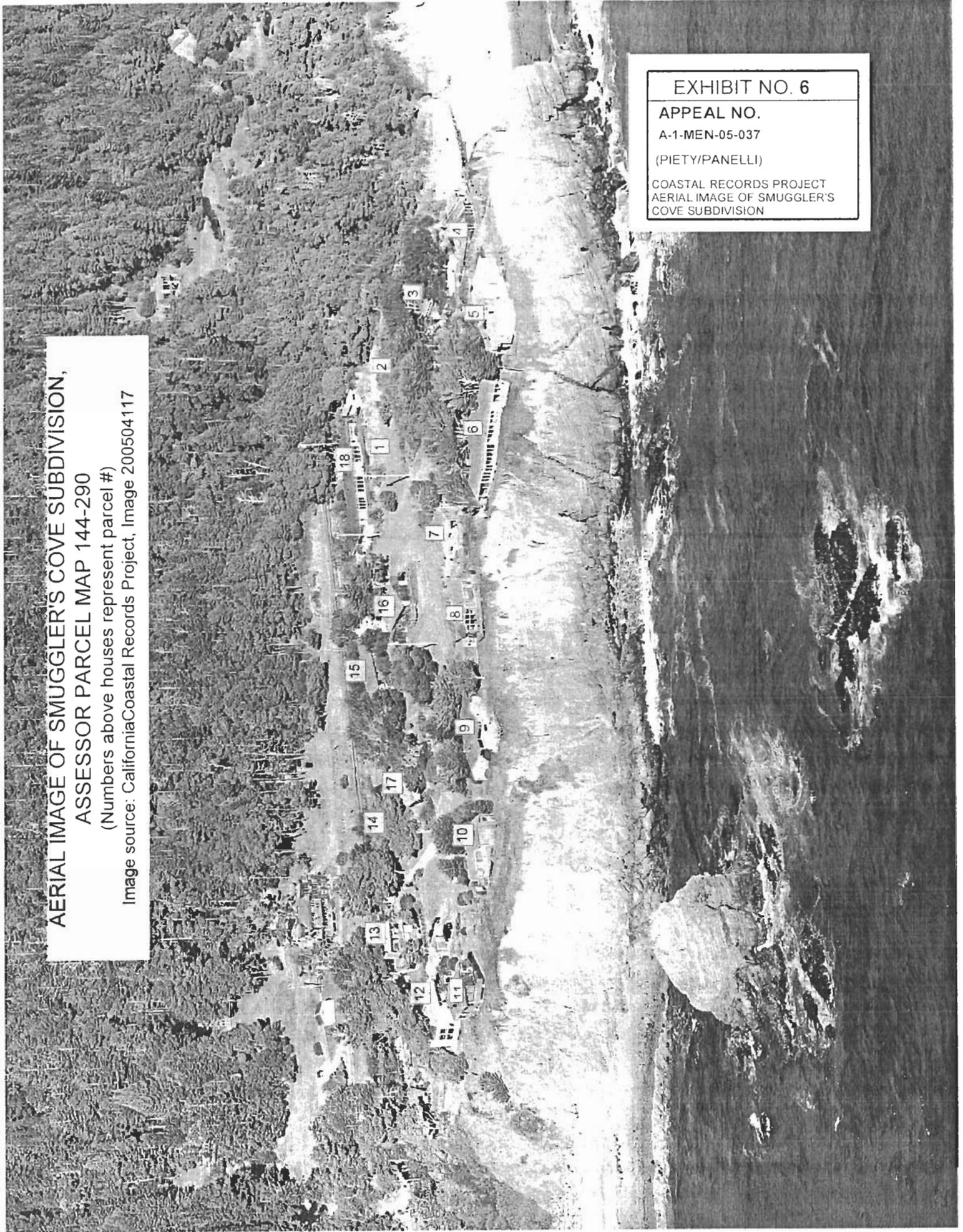


EXHIBIT NO. 6

APPEAL NO.

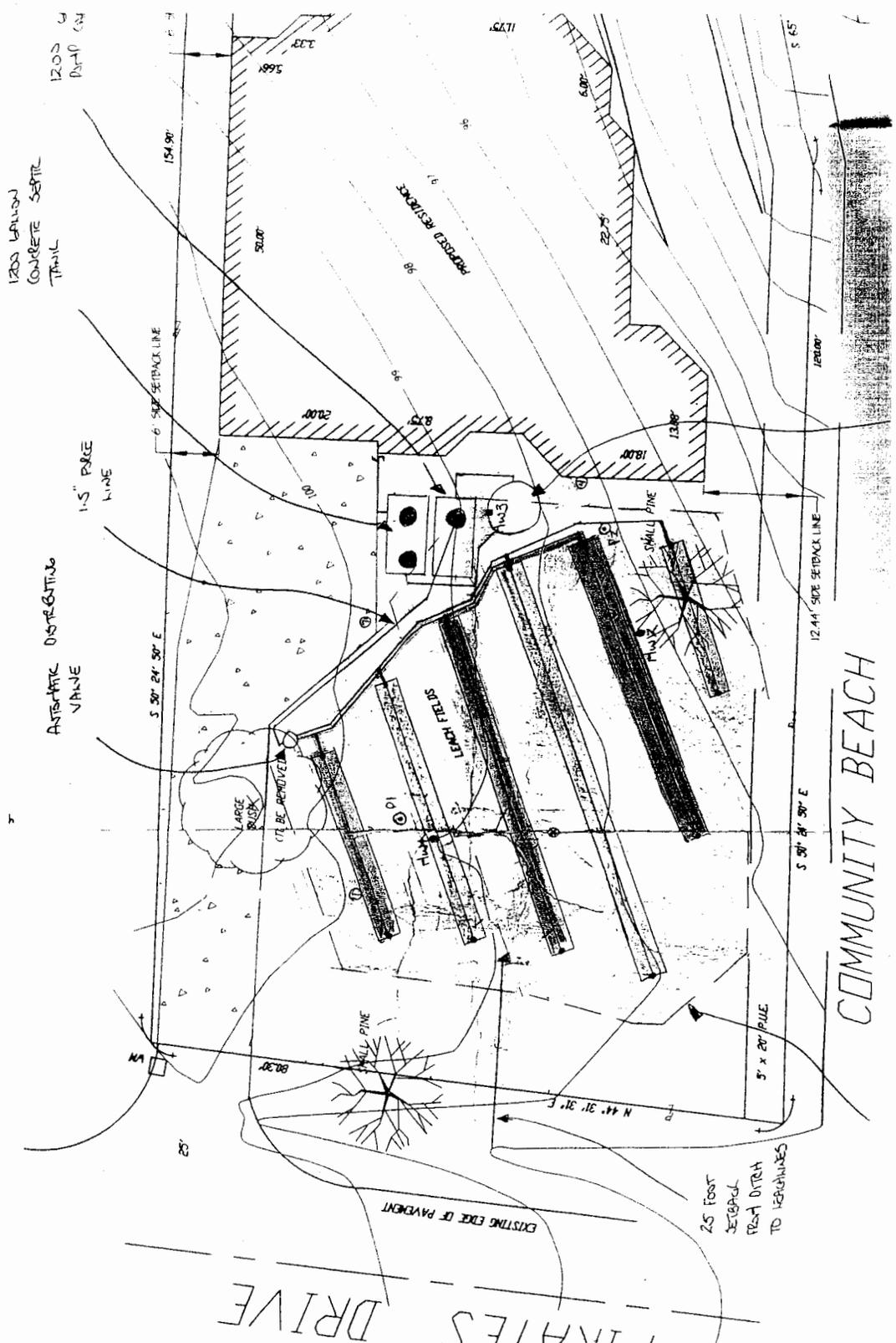
A-1-MEN-05-037

(PIETY/PANELLI)

COASTAL RECORDS PROJECT  
AERIAL IMAGE OF SMUGGLER'S  
COVE SUBDIVISION

Highway I ↓

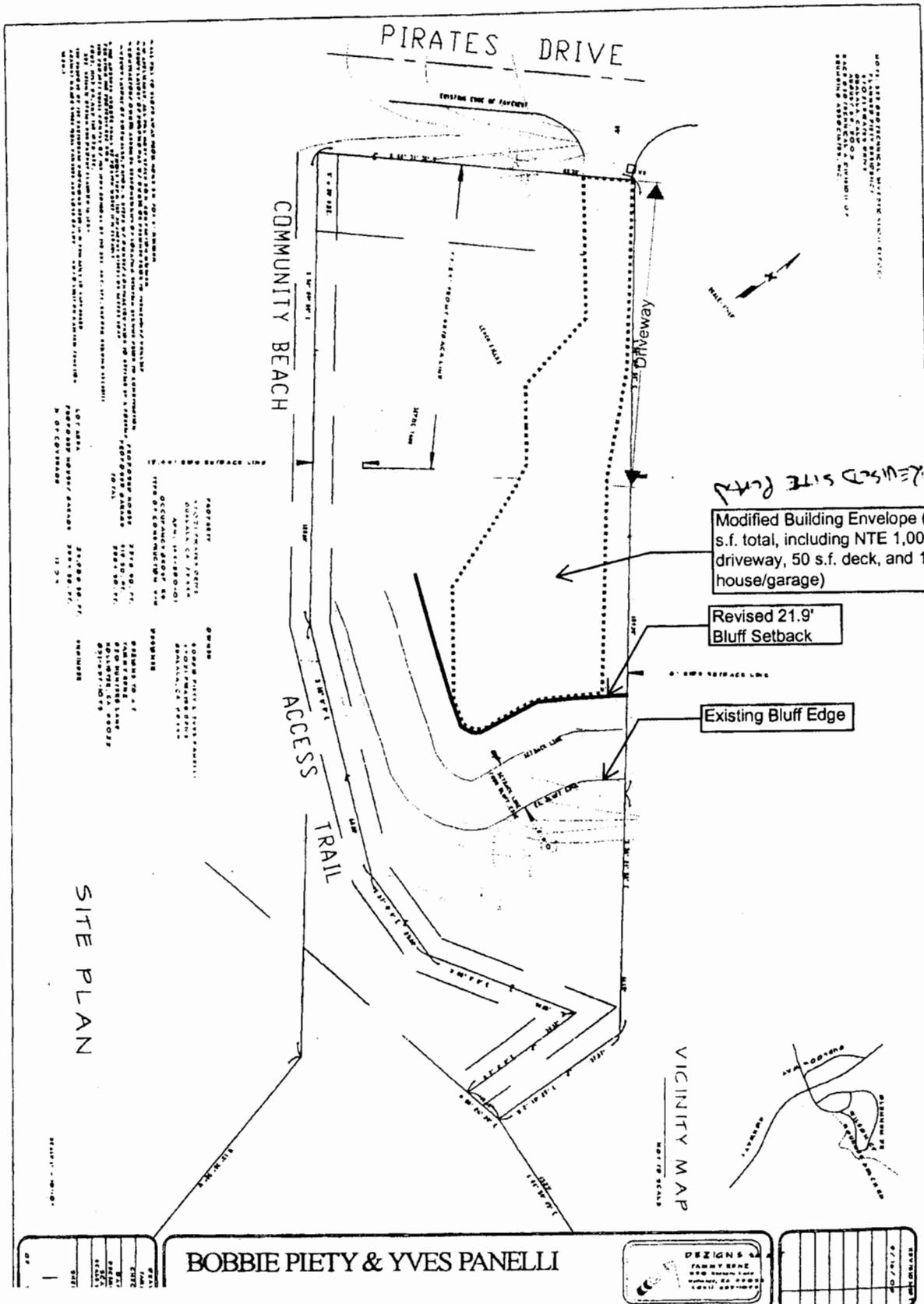
↑  
B.V.C.U.



CARL RITTIMAN'S MAP

EXHIBIT NO. 7
APPEAL NO.
A-1-MEN-05-037
(PIETY/PANELLI)
SEPTIC SITE PLAN

RITTIMAN'S SEPTIC SITE PLAN



**EXHIBIT NO. 8**

**APPLICATION NO.**  
A-1-MEN-05-037  
(PIETY & PANELLI)

**CONDITIONALLY-APPROVED  
BUILDING ENVELOPE**

**BOBBIE PIETY & YVES PANELLI**

**DESIGNS**  
FAMME ERNE  
1000 S. GARDEN ST.  
ANN ARBOR, MI 48106  
(313) 963-1111

NO.	DATE	DESCRIPTION





August 2, 2005

### 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 #08-03  
**OWNERS:** Bobbie Piety & Yves Panelli  
**REQUEST:** Construct an approximately 2,275 square foot single story single family residence with an approximately 719 square foot attached garage for a total of approximately 2,994 square feet and a maximum average height of 18' 6" above natural grade. Install a new driveway and encroachment onto Pirates Drive, a septic disposal system and connect to the North Gualala Water Company. The project includes impacts to rare plant populations and incorporates a rare plant management plan.  
**LOCATION:** In the coastal zone, approximately 2 miles N of Gualala, in the Smugglers Cove Subdivision, on the S side of Pirates Drive (CR 562), 300 feet W of its intersection with Highway One at 47021 Pirates Drive (APN 144-290-01).  
**PROJECT COORDINATOR:** Rick Miller

**HEARING DATE:** May 26, 2005

**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 appealed at the local level. At its July 26, 2005 meeting, the Mendocino County Board of Supervisors voted 5-0 to deny the appeal and uphold the decision of the Coastal Permit Administrator.**

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.

<b>EXHIBIT NO. 10</b>
<b>APPEAL NO.</b> A-1-MEN-05-037 (PIETY/PANELLI) NOTICE OF FINAL LOCAL ACTION & COUNTY STAFF REPORT

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP 08-03 HEARING DATE: 5/26/05

OWNER: Piety + Panelli

ENVIRONMENTAL CONSIDERATIONS:

- Categorically Exempt
- Negative Declaration
- EIR

RECEIVED  
JUL 08 2005

PLANNING & BUILDING SERVICES  
UNIVERSITY OF CALIFORNIA  
DAVIS, CA 95616

FINDINGS:

- Per staff report
- Modifications and/or additions

ACTION:

- Approved
- Denied
- Continued

CONDITIONS:

- Per staff report *as modified for condition # 5 & # 3 in memo from R. Miller dated 6/26/05.*
- Modifications and/or additions

*Raymond Hall*

Signed: Coastal Permit Administrator

Mendocino County Dept. of Planning & Building Services  
Coastal Planning Division  
790 South Franklin Street  
Fort Bragg, CA 95437  
707 964-5379 (tel) • 707 961-2427 (fax)

## MEMORANDUM

TO: Coastal Permit Administrator  
FROM: Rick Miller, Project Coordinator *Nuri Nuri*  
DATE: May 26, 2005  
SUBJECT: CDP 08-03 Piety & Panelli

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This addendum would revise and add to the staff report already prepared for this project. This addendum answers and clarifies several questions posed by the Coastal Permit Administrator or the applicant after reading the staff report.

Proposed Driveway: On CPA 11 towards the bottom of the page it states "...but the remainder of the driveway surface would be gravel as discussed above as part of the management plan for the rare plant populations." Staff was mistaken and was referring to a different project that has wetland drainage issues. The management plan for this project does not specify a gravel driveway. A paved driveway would be ok with staff and would not be in conflict with the management plan for the protection of the rare plants. The applicant has stated she would prefer to have a plain or stained concrete driveway. Therefore, let the record reflect that the applicant intends to install a concrete driveway, not gravel.

Review of Yearly Management Plan Reports: Task 6 of the Management Plan requires annual reports to County Planning and Building Services. Considerable staff time may be involved in monitoring the ongoing management plan and reviewing the reports. A condition that would reimburse the County for time and resources necessary to oversee the applicant's proposed mitigation plan should be incorporated into the project. Therefore, staff recommends modifying Condition Number 5 as follows:

- \*\* 5. All the mitigation measures established by the Management Plan for Coastal Bluff Morning-Glory dated April 2005 that was prepared by Mr. Patrick Kobernus with Thomas Reid Associates and the additional measures required by DFG representative Corrine Gray from her comments dated May 4, 2005 shall be incorporated into the project. Prior to issuance of the building permit, written verification shall be provided to the Planning Division that the management plan requirements that must be satisfied prior to the commencement of construction activities have been satisfied.

The annual report required by Task 6 of the Management Plan shall be submitted no later than June 30<sup>th</sup> of a given year. The applicant shall compensate the Coastal Permit Administrator who reviews the report at the prevailing hourly rate for the time it takes to review the report, correspond with the DFG (if necessary) and document in the file that the report was prepared, reviewed and accepted.

3 of 22

Site Drainage: Item 3B of the Initial Study Checklist states that there will be a significant effect unless mitigated, yet no mitigation is referenced. It should be noted on the checklist that Condition Number 3 would mitigate the impact to below a level of significance.

Bobbie Piety expressed concern that the wording of Condition Number 3 would not allow the same flexibility in the drainage requirement that the BACE report intended with regard to directing drainage away from the coastal bluff edge. The BACE report states that as much as practical, drainage should be directed to the inland side of the house and into the roadside ditch. Staff has not analyzed any plans to direct drainage into the natural ravine. Therefore, Condition Number 3 should be modified as follows:

- \*\* 3. Native vegetation shall be reestablished on all areas of disturbed soil in conformance with Chapter 20.492 of the Mendocino County Code. Site drainage recommendations of BACE Geotechnical Inc. shall be incorporated into the building permit application. Prior to the issuance of the Coastal Development Permit, a drainage plan shall be prepared and reviewed by BACE Geotechnical Inc. for conformance with their recommendations. No drainage infrastructure shall be placed in the ravine or associated riparian habitat without consultation with the DFG and an amendment to the coastal permit.

STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

CDP 08-03  
May 26, 2005  
Page CPA-1

**OWNERS/APPLICANTS:** Bobbie Piety & Yves Panelli  
809-B Cuesta Drive #173  
Mountain View, CA 94040

**REQUEST:** Construct an approximately 2,275 square foot single story single family residence with an approximately 719 square foot attached garage for a total of approximately 2,994 square feet and a maximum average height of 18' 6" above natural grade. Install a new driveway and encroachment onto Pirates Drive, a septic disposal system and connect to the North Gualala Water Company. The project includes impacts to rare plant populations and incorporates a rare plant management plan.

**LOCATION:** In the coastal zone, approximately 2 miles N of Gualala, in the Smugglers Cove Subdivision, on the S side of Pirates Drive (CL 562), 300 feet W of its intersection with Highway One at 47021 Pirates Drive (APN 144-290-01).

**APPEALABLE AREA:** Yes, the subject parcel is located west of 1<sup>st</sup> public road & is a blufftop parcel.

**TOTAL ACREAGE:** ½ ± acre.

**GENERAL PLAN:** RR-5 [RR-1]

**ZONING:** RR: L-5 [RR]

**EXISTING USES:** Undeveloped.

**ADJACENT ZONING:** North, East & West: RR: L-5 [RR]  
South: Ocean

**SURROUNDING LAND USES:** North & East: Residential  
West: Undeveloped  
South: Ocean

**SURROUNDING LOT SIZES:** North: 1/3 ± acre  
East: 1/3 ± acre  
West: ½ ± acre  
South: Ocean

**SUPERVISORY DISTRICT:** 5

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**OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:** None.

**PROJECT DESCRIPTION:** The applicant would construct an approximately 2,275 square foot single story single family residence with an approximately 719 square foot attached garage for a total of approximately 2,994 square feet and a maximum average height of 18' 6" above natural grade. A new driveway and encroachment onto Pirates Drive would be installed. An on-site septic disposal system would be constructed and a connection to

the North Gualala Water Company would be established to serve the proposed residential development. The project also includes impacts to rare plant populations and incorporates a rare plant management plan.

The subject parcel is approximately one half acre in size. The buildable area is on the north and central portions of the parcel, within a flat grassland area that is approximately a quarter acre in size. The remainder of the lot drops off steeply to the southeast, down to the beach and the Pacific Ocean below.

**PROJECT SUMMARY:** The subject parcel is located in the Smugglers Cove Subdivision on the west side of Highway One. There are 18, half to quarter acre parcels in the subdivision of which only two are still undeveloped (the subject parcel and the adjacent parcel to the southwest). The subject parcel is heavily constrained for residential development due to natural resources (rare plants) and geotechnical issues associated with the coastal bluff edge. The project incorporates a mitigation and management plan to compensate for the loss of a small population of coastal bluff morning-glory (*Calystegia pupurata ssp. Saxicola*). Coastal bluff morning-glory is a perennial herb in the Convolvulaceae family that usually grows on coastal dunes, scrub, and bluffs in Marin, Sonoma, and Mendocino Counties (CNPS 2003). Coastal bluff morning-glory has no federal or state threatened or endangered status, but is on the CNPS List 1B (plants considered rare, threatened, or endangered in California and elsewhere). Normally, impacts to plants on CNPS List 1B are considered significant by the California Department of Fish and Game (CDFG) under the California Environmental Quality Act (CEQA). County staff and the applicant have worked closely with CDFG in reviewing the proposed project over the past two years.

#### ENVIRONMENTAL REVIEW:

Geologic Setting: The project site is located on a coastal bluff overlooking Cooks Beach. Pirates Drive and Doubloon Way serve a cluster of residential properties on a small headland on the southwest side of Highway One. The headland is a remnant of a gently sloping marine terrace that extends from approximate elevation of 70 feet up to 120 feet above sea level. The headland is bordered by the Pacific Ocean on the southwest; by the cove and beach (Cook's Beach) formed by the mouth of the Glennen Gulch on the southeast, and by the cove and beach formed by the mouth of St. Orres Creek on the northwest. The gently to moderately sloping coastal terrace was created by the sea level fluctuations during the Pleistocene Epoch.

The subject property is situated on a gently sloping portion of the marine terrace, near the edge of a 75-foot high bluff. The steep sided Glennen Gulch ravine is located east of the southwest corner of the property. The ocean bluff and ravine adjacent to the property have a slope gradient that varies from about one horizontal to one vertical (1H: 1V), to 1/2H: 1V. There are no sea caves at the property.

There is a sand, gravel and cobble beach (Cooks Beach) at the bluff toe. A pathway to Cooks Beach runs from Pirates Drive along the southwest side of the property, then down the bluff face along the south-southwest side of the property. The cut into the bluff for the path was cut in approximately 12 feet, or more in vertical height, with slope gradients that vary from about 1H to 1 1/2H:1V.

No surface water or evidence of ground water seepage was observed at the site during the BACE Geotechnical Inc. Geotechnical Investigation field exploration on June 2003. Additionally, no free water was encountered in the test borings.

Earth (Item 1E, erosion): The applicant proposes to construct a single-family residence and associated improvements on a half acre blufftop lot. A new driveway and septic disposal system will be constructed. The portion of the property where the development is proposed has a very gentle slope gradient of approximately 10 horizontal to one vertical (10H: 1V) towards the southwest. This upper marine terrace is covered with grass, weeds, brush and some small pine trees. The applicant does not anticipate more than 50 cubic yards of grading would be required for the project. The proposed residence, septic system and driveway would be located on slopes which are less than 20% and the development is not likely to present issues relative to erosion and/or slope failure.

Section 20.492.015 of the Coastal Zoning Code states, in part:

*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.*

A Geotechnical Investigation dated August 29, 2003 has been prepared for the subject parcel by BACE Geotechnical Inc., a division of Brunson Associates, Inc. The report specifies erosion control/drainage measures that should be incorporated into the design of the project. The report stated that, "Drainage should be directed to the inland side of the house, and as much as practical, drain water should be conducted to the ditch along side Pirates Drive." Therefore, all roof and site drainage should be directed to the roadside ditch along Pirates Drive as recommended. Additionally, all disturbed soil areas should be reseeded and covered with native vegetation as required by Section 20.492.015 of the Coastal Zoning Code. Condition Number 3 is recommended to emphasize that the site drainage recommendations to direct all runoff to the Pirates Drive roadside ditch be incorporated into the project and all exposed soil areas shall be seeded.

Earth (item 1C) hazards: The applicant proposes to construct a residence on a blufftop lot.

Policy 3.4-1 of the Coastal Element of the General Plan states:

*The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.*

No landslides were observed at the site except for some relatively minor sloughing on the outer bluff face. No evidence of faulting was observed in the project vicinity and none of the published references that BACE Geotechnical Inc. reviewed show faults on or trending towards the property. The active San Andreas Fault is located within the canyon of Little North Fork of the Gualala River approximately 2-1/2 miles to the northeast.

Policy 3.4-7 of the Coastal Element of the General Plan states:

*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). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works. Adequate setback distances will be determined from information derived from the required geologic investigation and from the following setback formula:*

$$\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$$

*The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation.*

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*All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineering geologists report*

BACE Geotechnical Inc. concluded that the site is geotechnically suitable for the planned residential construction. The bluff appeared to be relatively stable and is protected by the beach from most wave action. Based on the results of their aerial photograph study and reconnaissance, they estimate that the bluff is eroding at the relatively low average rate of about one inch per year. Therefore, over a period of 75 years (the economic lifespan of a house per the California Coastal Commission), BACE Geotechnical Inc. estimates that the bluff will erode back approximately 6-1/4 feet. Using a safety factor of two, a suitable bluff setback would be 12-1/2 feet. The project has been designed to comply with the recommended 75-year economic bluff setback of 12-1/2 feet provided by BACE Geotechnical Inc. as shown on the site plan (Exhibit B).

It is the policy of the Coastal Commission and the County to require recordation of a deed restriction as a condition of development on blufftop parcels, prohibiting the construction of seawalls and requiring that permitted improvements 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 which might fall onto a beach. Condition Number 4 is recommended.

Air (Items 2A-2C, air quality): The project will produce no air emissions or odors and will have no impact on air quality. Construction of the project would not result in substantial air emissions or objectionable odors. The project would not alter air movement, moisture or temperature.

Water (Items 3A & 3C-3I): No watercourses will be altered as a result of the project. The site is not designated as a tsunami hazard zone. The site is not subject to flooding. North Gualala Water Company would provide a domestic water source for the proposed development. No on site water well would be drilled in association with the project. The proposed project would have an incremental, but not significant, effect on groundwater resources.

Water (Items 3B, runoff): The proposed driveway and the residence would alter site drainage flows; however, the project would only displace and potentially concentrate existing surface water flows. To address potential erosion and to prevent bluff erosion, all drainage would be directed to a roadside ditch adjacent to Pirates Drive as discussed above and required by Condition Number 3. The project complies with the provisions of Chapter 20.492 of the Coastal Zoning Code, Grading, Erosion and Runoff, and no adverse impacts are anticipated.

Plant Life (Item 4A-4D, environmentally sensitive habitat areas): Avoidance of impacts to environmentally sensitive habitat areas (ESHAs) is frequently a design consideration for development projects on blufftop parcels. In the Coastal Zoning Code an ESHA is defined to include streams, riparian areas, wetlands, and habitats of rare or endangered plants and animals, all of which commonly occur along the shoreline. The Coastal Program also requires that development include an ESHA protective buffer to provide protection for the resources from development.

Section 20.308.040 of the Coastal Zoning Code defines environmentally sensitive habitat area as:

*...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.*

Policy 3.1-7 of the Mendocino County Coastal Element states, in applicable part:

8 of 22

*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 significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer 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 50 feet in width.*

The subject property is an undeveloped lot on a level marine terrace in an existing residential community, as well as a forested slope descending from the terrace south down to Glennen Gulch. Glennen Gulch flows into the Pacific Ocean at Cooks Beach southeast of the Study Area. The  $\frac{1}{2} \pm$  acre subject property has been surveyed for ESHAs. The results of the surveys determined that the site contains a rare plant population and a thin band of riparian vegetation area associated with Glennen Gulch. No wetlands were located on the parcel as the area is dominated principally by upland-classified plant species and no seeps or other wet areas were observed on the site. A total of three reports have been prepared in conjunction with the project. Mr. Tom Mahony, Plant Ecologist with Albion Environmental, Inc. prepared an initial report dated August 2003 and a more detailed analysis dated June 2004 discussing the distribution of rare plants on the site. Mr. Patrick Kobernus with Thomas Reid Associates prepared a subsequent report dated April 2005 detailing a management plan for rare plants.

Mr. Mahony's August 2003 report explains:

A thin band of riparian vegetation occurs along Glennen Gulch near the southern Study Area boundary (Appendix B, Photograph 3). The riparian vegetation is dominated by red alder and willow in the canopy and subcanopy, respectively, with a ground layer dominated by herbaceous species common near stream channels including coltsfoot (*Petasites frigidus*, NI), thimbleberry (*Rubus parviflorus*, FAC+), and lady fern (*Athyrium filix-femina*, FAC). The riparian vegetation boundary was delineated based on a change in vegetation between species with a strong riparian affinity (such as red alder and willow) and species not typically associated with riparian vegetation in Mendocino County such as Bishop pine.

The project provides the required 100-foot ESHA buffer from the riparian plant community.

According to Mr. Mahony, Coastal bluff morning-glory is a perennial herb in the Convolvulaceae family that usually grows on coastal dunes, scrub, and bluffs in Marin, Sonoma, and Mendocino Counties (CNPS 2003). Coastal bluff morning-glory has no federal or state threatened or endangered status, but is on the CNPS List 1B (plants considered rare, threatened, or endangered in California and elsewhere). Normally, impacts to plants on CNPS List 1B are considered significant by the California Department of Fish and Game (CDFG) under the California Environmental Quality Act (CEQA).

Mr. Mahony's initial 2003 report identified approximately 265 individuals of coastal-bluff morning-glory on the terrace in the northern portion of the parcel. He explained that due to the intergradation common among species of the genus *Calystegia* (Hickman 1993), plants in the genus often have conflicting identifying features that make taxonomic identification problematic. One of the most distinguishing features that separate coastal bluff morning-glory from the closely related, but commonly occurring climbing morning-glory (*Calystegia purpurata* ssp. *purpurata*), is the presence of rounded leaves in the former and pointed leaves in the latter. Leaves from specimens observed on the site ranged from strongly rounded to moderately pointed. Therefore, in order to make a definitive identification, other important characteristics were used, such as the presence of wavy leaf margins, a trailing (not-climbing) growth habit, and a stem less than 1 meter in length. In addition, specimens from the Study Area were compared to voucher specimens in the Jepson Herbaria at U.C. Berkeley, and digital photographs were sent to an expert in *Calystegia* taxa, Richard Brummitt of the Royal Botanical Garden, both of which concurred

with the *Calystegia purpurata* ssp. *saxicola* identification. Mr. Mahony said that it is likely that while many plants observed on the site were clearly *Calystegia purpurata* ssp. *saxicola*, there was enough variation observed on the property to indicate considerable variability in the subspecies. No other special-status plant surveys were observed during the survey.

Upon determining the wide extent of *Calystegia purpurata* ssp. *saxicola* population across the level area on the parcel which is proposed to support the building site, driveway and septic disposal system, County staff consulted with the California Department of Fish and Game (CDFG) to determine the most appropriate mitigation measures for the protection of the plants. Mr. Liam Davis with CDFG reviewed the August 2003 report and stated in an email dated April 15, 2004, "...the housing pad and other infrastructures described in your report need to be reconfigured in the lot's area which will minimize the least flower disturbance in implementing the project." Therefore, in the subsequent report prepared by Mr. Mahony dated June 2004 he provided an analysis of the location and abundance of coastal bluff morning-glory on the site, and determined which potential building alternative would impact the fewest number of coastal bluff morning-glory plants. The applicant, however, did not develop an alternative plan (new site plan) for the project utilizing an alternative building site for Mr. Mahony to analyze in detail.

In response to consultation with the County and DFC, Mr. Mahony surveyed the subject property again on May 11, 2004 to document the location and approximate number of coastal bluff morning-glories. The survey occurred within the coastal bluff morning glory blooming period (May-August)(CNPS 2004), and much of the population on the subject area was in full bloom at the time of the survey. Transects were walked across the site and the locations and numbers of individual coastal bluff morning-glory plants were recorded on an orthophotograph. Since the population was originally mapped in 2003, emphasis was placed on documenting any changes that may have occurred since the previous survey was conducted. Due to dense concentration of plants in certain areas, and diffuse concentrations in others, individual plants were not mapped. Rather, polygons were delimited around plant clusters and estimates of plant abundance were made for each polygon.

The results of the 2004 spring survey were:

Approximately 495 coastal bluff morning-glory plants were located on the Study Area during the May 11, 2004 plant survey (Appendix A). This number represents an increase from the approximately 265 plants observed on the Study Area by Albion Environmental, Inc. (2003). While the number of individual plants has increased, the relative locations and densities of plant clusters have not changed. The change in absolute plant numbers is likely primarily due to increased visibility of coastal bluff morning-glories (e.g., more plants in bloom, reduced overstory vegetation cover, transect location), as well as vagaries of counting dense concentrations of individual plants. Therefore, in determining plant impacts, emphasis should be placed on comparing relative impacts on different parts of the site.

Due to the location of the rare plants and their widespread distribution across the parcel the applicant could not achieve an ESHA buffer and still develop the site with a residence, as required by Chapter 20.496 of the Coastal Zoning Code. The June 2004 report basically boils down the possibilities for development to two basic alternatives for the house, access road, and septic leach field. One option would be locating a house near the bluff and a septic leachfield near Pirates Drive; and the second option would be locating a house near Pirates Drive and a septic leachfield near the bluff top edge. County staff was sensitive to the reality that the project would result in the unavoidable destruction of a portion of the rare plant populations on the property regardless of which alternative was selected and a mitigation plan would need to be developed and approved by the County and DGF in order to move the project through the permit process. With it not possible to have an ESHA buffer integrated into the proposed residential project, staff began to analyze the project for consistency with the allowable uses in an ESHA.

Coastal Zoning Code Section 20.532.100 (A) (1) states that no development shall be allowed in Environmentally Sensitive Habitat Areas unless the following findings can be made:

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- 1. *The resource as identified will not be significantly degraded by the proposed development.*
- 2. *There is no feasible less environmentally damaging alternative.*
- 3. *All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.*

Mr. Tom Mahony's June 2004 report concluded:

An analysis was conducted to determine the location and quantity of coastal-bluff morning-glory on the Study Area, and to determine potential plant impacts that may result from two potential project alternatives. Both alternatives would result in temporary and permanent impacts to approximately 360 to 405 individuals of coastal bluff morning-glory. Alternative 1 is indicated on the September 16, 2003 site plan prepared by Tammy Renz, and locates the proposed house near the bluff and the septic leachfield near Pirates Drive. Alternative 1 would result in permanent impacts to approximately 230 to 270 individuals of coastal-bluff morning-glory from the house pad and access road, and temporary impacts to approximately 110-135 individuals during septic leachfield installation. Alternative 2 lacks a site plan, and therefore impact determinations could change based on site plan specifics. Alternative 2 would result in permanent impacts to approximately 130 individuals of coastal bluff morning-glory from the house pad and access road, and temporary impacts to approximately 230 to 256 individuals during septic leachfield installation. Based on this analysis, Alternative 2 would result in the fewest number of permanent impacts to coastal bluff morning-glory on the Study Area. Changes in the Alternative 1 site plan and/or development of a specific site plan for Alternative 2 may result in changes to impact determinations discussed in the report. The continued presence of coastal bluff morning glory on the Study Area, even after years of mowing and other human disturbance, indicates the resilience of this species. The landowner, Bobbie Piety, has indicated a considerable willingness to ensure a self-sustaining population of coastal bluff morning-glory on the Study Area. Other alternatives not considered in this report could be analyzed in the future to determine other potential house and associated infrastructure locations.

The applicant has repeatedly and steadfastly stated that they have no desire to explore the option of building the house in the location identified above as Alternative 2, with the house by Pirates Drive and the septic system out by the bluff. Staff expressed the opinion that the project would need to be modified to impact the least number of individual plant species in order for the required findings for development in an ESHA to be made. Meanwhile, the applicant questioned staff's goal of protecting individual number of rare plants and instead wanted staff to look at the project from a rare plant management perspective, putting aside the more mathematical approach to saving individual plants. To that end, the applicant secured the services of Mr. Patrick Kobernus with Thomas Reid Associates to develop a comprehensive management plan for the coastal bluff morning-glory. Mr. Kobernus developed three very similar plans with the final plan having an April 2005 date. The plan incorporated recommended mitigation measures by DFG staff and information compiled in earlier reports prepared by Albion Environmental.

The introduction to the management plan prepared by Mr. Kobernus states:

This management plan will apply to either alternative, since impact to the plants would occur in a similar way, however the property owner wishes to build Alternative 1.

The property gradually shifts from grassland/coastal prairie vegetation on the northwest (street-side) and center sections of the property to coastal scrub vegetation and trees on the southeast (ocean-side), (Figure 2). Coastal bluff morning glory is a prostrate perennial wildflower found in coastal prairie habitats, and can easily be overgrown by brush and exotic species. For this reason, the best areas for protection and for re-planting will be on the northwest side and center portions of the property, away from the scrub boundary. \*

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(\*emphasis added)

Based upon the hardiness of coastal bluff morning-glory, (the plant has recovered well after past ground disturbance on site) it is reasonably expected that this plant could be protected and re-established on site through a combination of protection of existing habitat on site, transplanted within temporarily disturbed areas, and long-term maintenance to prevent weeds or brush from overtaking the site. Critical to the successful management of the site will be some form of weed and brush control. Mowing of the site has demonstrated that coastal bluff morning-glory responds favorably to this management tool (Figures 3 and 4). The landowner has indicated that she is willing conduct each of the protection measures stated above to provide long-term protection of the coastal bluff morning-glory on her property (personal communication, Bobbie Piety).

The management plan provided specifications for fencing the construction site with temporary fencing during construction, transplanted (including the careful removal of slabs of topsoil from the septic leachfield area to be replaced after installation) of existing plants to areas that will be left in a natural state after development of the parcel, a maintenance program of seasonal mowing to eliminate brush completion, monitoring the transplanted plants for a period of five years, a success criteria to be achieved at the end of five years and finally a fluid requirement that if the success criteria is not achieved a new management strategy would be incorporated into the maintenance program. Table 1 of the management plan lays out the steps to be taken by the owner to ensure the management plan is executed properly.

**Table 1. Management Plan Schedule of Tasks and Responsible Parties.**

#	Task	Time of Year	Responsibility
1	Surveyors need to mark the edge of final approved grading area so that it is unmistakable which plants are in the construction zone and which are outside of it.	<i>-Prior to any construction or disturbance to site--</i>	Licensed land surveyor
2	Conduct a plant count for all coastal bluff morning-glory plants within areas to be disturbed in final approved grading plan for the site. If necessary mow vegetation around plants for easier visibility.	May/June	Restoration Contractor/ Biological Monitor
3	Prior to any construction or disturbance on site, the trenching locations for the septic leach field should be marked, and all Calystegia plants within the trenching and construction areas should be identified with flagging for removal. Prior to trenching and construction, slabs of the topsoil containing the Calystegia should be carefully removed by with hand tools. The slabs of topsoil (4-6" deep) may be removed along with the plants from the trenching locations only. The Calystegia should be carefully set aside in a designated protected location during construction and the leach field trenching. When the work is completed, the topsoil and plants should be returned to their original location in the septic leach field, and in a new designated location on the property for Calystegia restoration. The topsoil and Calystegia plants should be sufficiently watered (but not over-watered) to avoid stressing the plants, both during the trenching operation and for some time after the plants have been placed back into their original location. Site preparation including mowing should be done to clear the thatch and weedy vegetation from the new site before planting	Anytime, but may be best to transplant during fall dormancy period (Sept - Nov.)	Restoration Contractor/ Biological Monitor
4	The property should be evaluated at time of transplanted, and on an annual basis during the flowering period of the species for 5 successive years. Plant survival should be evaluated and photo-documentation should be conducted. Plant vigor should be evaluated and noted.	May/June	Biological Monitor

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5	Maintenance of the site shall consist of mowing 3x per year at the appropriate season to reduce competition from annual grasses and brush. Mowing should be done twice in early spring, and once in the fall, after blooming and seed dispersal. Care should be taken to avoid directly impacting the Calystegia.	March & August	Restoration Contractor
6	The biological monitor will submit an annual report to CDFG and the County of Mendocino (in June) for 5 years. A final report will be submitted at the completion of the 5-year period.	June	Biological Monitor

In response to the proposed management plan, Tracie Hughes with the California Department of Fish and Game provided Mendocino County with the following comment (in pertinent part) dated November 17, 2004:

The Department of Fish and Game (DFG) received the botanical analysis reports and mitigation strategy report for coastal bluff morning glory (*Calystegia purpurata* ssp. *saxicola*), which you sent for the above property. Liam Davis and Tracie Hughes (DFG) attended a site visit with you in the April of 2004, after receiving the first botanical analysis of the property; Environmentally Sensitive Habitat Area Assessment by Tom Mahony of Albion Environmental, Inc. (August 2003). As a follow up to the site visit, DFG provided recommendations to the county regarding the ESHA and the *Calystegia* population.

A second botanical report, Analysis of Coastal Bluff Morning-Glory (Tom Mahony, June 2004) was then prepared for the property. The report includes a quoted recommendation from DFG: "...the housing pad and other infrastructures described in your report need to be reconfigured in the lot's area which will minimize the least flower disturbance in implementing the project." The analysis explores two alternatives in which the property can be configured, and what impacts it may have to the coastal bluff morning glory population. Alternative 1: Locating house near bluff and septic leach field near Pirates Drive, would permanently impact approximately 230-270 individuals and temporarily impact approximately 110-135 individuals. Alternative 2: Locating house near Pirates Drive and septic leach field near bluff, would permanently impact approximately 139 individuals and temporarily impact 230-256 individuals. DFG is most concerned with the permanent impacts, since these are associated with a permanent loss of habitat. It appears that Alternative 2 will create the least amount of permanent disturbance to the coastal bluff morning glory population. Therefore, for the protection of the species which is currently listed CNPS 1B, DFG would recommend Alternative 2 for the project.

Regarding the Mitigation Plan for Coastal Bluff Morning-Glory (Patrick Kobernus, September 2004), DFG recommends acceptance of the mitigation measures as proposed by the project proponent's consultant. These mitigations are applicable to either Alternative 1 or 2, and include fencing, seed collection (donation to Rancho Santa Ana Botanic Garden along with \$2500 for preservation of seed), propagation and replanting, maintenance (seasonally appropriate mowing 3X per year), and monitoring survival rates (follow-up report at post-project year 1 and year 3).

The final version of the maintenance plan did not include provisions for seed collection, donation of funds to the Rancho Santa Ana Botanic Garden or propagation. The final version of the management plan relies more heavily on the protection of existing plant material and topsoil for transplantation on site. For example, the Coastal bluff morning-glory plants located in the area where the septic disposal system would be installed would be saved by a combination of simple avoidance and careful hand removal of topsoil where the leach field trenches are dug. The removed topsoil would then be replaced upon completion of the leach field.

Since Tracy Hughes' (DFG) November 17, 2004 comment was provided, Corrine Medlin Gray, Environmental Scientist for DFG revisited the proposed alternatives for development and the management plan prepared by Mr. Kobernus. DFG has now accepted the project proposed by the applicant with a few additional requirements.

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Corrine Gray with the California Department of Fish and Game provided Mendocino County with the following comment (in pertinent part) dated May 4, 2005:

The Department has reviewed the additional materials and determined that impacts associated with Alternative 1 will be adequately mitigated by the implementation of the mitigation measures proposed in the April 2005 Management Plan and the following success criteria. To ensure a successful revegetation effort, all plantings shall have a minimum of 80% survival at the end of 5 years. If these survival requirements are not met, the landowner is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting. An annual status report on the mitigation shall be provided to the Department of Fish and Game by December 31 of each year. This report shall include the survival, percent cover, and height of both tree and shrub species. The number by species of plants replaced, an overview of the revegetation effort, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included. If after five years it is determined that the population has not achieved 80% survival, additional mitigation and monitoring will be imposed upon the project including fencing, seed collection (donation to Rancho Santa Ana Botanic Garden along with \$2500 for preservation of seed), propagation and replanting, maintenance, and further monitoring and reporting.

Apparently, no permit is required from CDFG for the project since Coastal bluff morning-glory has no federal or state threatened or endangered status. Therefore, with the acceptance of the proposed maintenance plan by CDFG, staff was left with the problem of determining whether or not the proposed project alternative, to build the residence by the bluff, could be found consistent with Coastal Zoning Code Section 20.532.100 (A) (1). Section 20.496.015 (E) of the MCCZC states that if the three required findings cannot be made the development shall be denied.

County staff considered the following issues in determining a recommendation for the project.

1. Mr. Mahony, Plant Ecologist with Albion Environmental, Inc. stated in the 2004 report that, "The continued presence of coastal bluff morning glory on the Study Area, even after years of mowing and other human disturbance, indicates the resilience of this species. The landowner, Bobbie Piety, has indicated a considerable willingness to ensure a self-sustaining population of coastal bluff morning-glory on the Study Area."
2. CDFG has accepted the mitigation measures proposed by Mr. Patrick Kobernus with Thomas Reid Associates and has added additional requirements for a minimum of 80% survival at the end of 5 years. The applicant is comfortable with the requirements from CDFG that would be incorporated into the coastal permit.
3. In this particular situation, no development of the property could occur without impacts to rare plants. For instance, even a smaller one-bedroom house and septic system would directly impact the coastal bluff morning-glory population growing on the property.

Staff recommends the addition of Condition Number 5 to require a deed restriction be recorded referencing the mitigation plan and limiting future development of the site. Condition Number 6 would incorporate the recommendations of the Management Plan for Coastal Bluff Morning-Glory prepared by Patrick Kobernus, Thomas Reid Associates, dated April 2005 and the additional requirement recommended by Corrine Gray with the California Department of Fish and Game into the project.

Animal Life (Items 5A-5C, diversity): The project will not impact the diversity of wildlife species inhabiting the site. No rare or endangered animal species are known on the site. No new species of animals will be introduced.

Animal Life (Item 5D, habitat): A small amount of natural habitat will be lost as a result of the proposed project as discussed above under Plant Life. However, the area proposed for this development does not provide unique or

rare habitat for animals. The total area affected is not significant when considered in relation to the surrounding vicinity. The subject parcel is located within a mostly developed subdivision of half-acre residential parcels.

Noise (Item 6A & 6B): The only noise generated by the project will be that of construction activity associated with the residential development, which will be of limited duration. Noise impacts will not be significant.

Light and Glare (Item 7): Five exterior lighting fixtures would be installed on the residence. Sec. 20.504.035 of the Coastal Zoning Code (Exterior Lighting Regulations) states:

*(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.*

*(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.*

*(5) No lights shall be installed so that they distract motorists.*

The lights would be energy efficient fluorescents. The lights would be shielded and downcast to prevent light and glare from being shed beyond parcel boundaries. The proposed exterior lighting would be in compliance with Sec. 20.504.035 of the Coastal Zoning Code.

Land Use (Item 8): The proposed single-family residential development is compatible with the Rural Residential zoning district and is designated as a principal permitted use per Chapter 20.376 of the Coastal Zoning Code. The structure would have a maximum height of approximately 18' - 6" above average finished grade. The maximum allowable height is 28 feet because the property is not located in a designated highly scenic area. The development would not exceed the maximum allowable lot coverage (20%), complies with the minimum setback requirements for the district (20 feet in the front and rear, 6 feet on the side yards) and the corridor preservation setback from Pirates Drive.

Natural Resources (Item 9): The project will not consume any significant quantities of natural resources beyond what is normally associated with the construction and use of a single-family residence.

Population (Item 10): The project would not affect the location, distribution, density or growth rate of human population. The proposed single-family residence is the principal permitted use for the rural residential zoning district. Other single-family residences surround the area.

Housing (Item 11): The project will provide one additional single-family residence in a largely built out subdivision. The project would not impact existing houses or create the demand for new housing.

Transportation/Circulation (Item 12C, roads): As part of the project a new encroachment onto Pirates Drive (CR 562) will be constructed. Mendocino County Department of Transportation has recommended that a standard private driveway approach be constructed according to County standards. The encroachment would need to be A/C overlay to match the public street but the remainder of the driveway surface would be gravel as discussed above as part of the management plan for the rare plant populations. Condition Number 7 is recommended to require that the work proposed within the County right-of-way be completed in accordance with encroachment procedures administered by the Department of Transportation.

The project would contribute incrementally to traffic on local and regional roadways. The cumulative effects of traffic resulting from development of a residence on this site were considered when the Coastal Element land use designations were assigned. No adverse impacts would occur.

Public Services (Item 13, fire protection): The property is in an area with a moderate fire hazard severity rating as determined by the California Department of Forestry and Fire Protection, and is in a State Responsibility Area for fire safety review. Recommended conditions of approval from CDF (CDF 678-02, January 9, 2003) recommending compliance with CDF address, driveway and maintaining defensible space standards were received with the application. Condition Number 8 is recommended to achieve compliance with the fire safe standards recommended by the Department of Forestry.

Energy (Item 14): There will be no significant consumption of energy as a result of the proposed project beyond the normal consumption of a single-family residence. As with all new residences in California, the project will need to comply with the energy conservation requirements of Title 24 prior to obtaining a building permit.

Utilities (Item 15): The North Gualala Water Company would provide water for the project. The project is within the service area of the North Gualala Water Company who provided a "no comment" response to our referral dated September 25, 2003. The water main is shown on the site plan to be at the north property corner adjacent to the proposed driveway. Staff assumes that once water connection costs have been paid, domestic water would be provided to serve the project. The residence would be supported by an on-site septic disposal system designed to accommodate a two-bedroom house. Due to space constraints on the parcel, aerobic treatment has been incorporated into the design. The primary system would be a pressurized Highline, incorporating secondary effluent treatment. The replacement field would also be a Highline leachfield system. The plan indicates that both the replacement and primary fields would be installed at the same time and would be fed by an automatic distributing valve. Telephone and electrical utilities already exist at the property and would be extended to serve the residence.

Human Health (Item 16): The proposed residential project would not pose a health hazard.

Aesthetics (Item 17, views and appearance): The property is not located in a designated highly scenic area according to the Coastal Plan Map. However, analysis of aesthetic issues relating to appearance and views to and along the ocean are required for all development in the coastal zone. The importance of aesthetics is evidenced by policies in the County's Coastal Element which apply to all areas in the coastal zone regardless of location in a designated highly scenic area.

Coastal Plan Policy 3.5-1 of the Mendocino County Coastal Element states in pertinent part:

*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 very similar to the character of the surrounding houses in the subdivision. The single story residence would have a maximum height of 18' - 6" above average natural grade. The proposed residence would have a copper roof panels installed which are anticipated to quickly develop a patina in the sea salt air. The residence would be clad in a combination of stucco and stone facing. The elevation facing Pirates Drive would be covered in the stone (sample in the file). Both side elevations and the elevation facing away from the street and towards the bluff would be stucco painted Weatherbeater "Terrace Stone" KK092, a beige color (sample in the file). There would be no exterior trim on the doors and windows. Staff is unsure of the proposed garage door or window frame colors. The window frame colors and the proposed garage door colors should be selected to blend in with the surrounding natural environment so the use of white should be avoided. Staff recommends the addition of Condition Number 9 to ensure that the building materials and colors will not be changed without prior approval of the Coastal Permit Administrator and that no white doors (including large garage door facing the street) or window frames would be installed.

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Story poles were erected on the parcel to display the potential visibility of the project to public views. The public views in the immediate area include Highway One and Cooks Beach. There is an access trail on the west side of the property that is deeded for use by owners in the subdivision. The project would not be totally invisible from Highway One, but it would be viewed through other homes and vegetation between the highway and the project. The neighboring house to the east, between the highway and the subject parcel, would almost completely block views of the project from the highway. The project would be visible from Cooks Beach, immediately south of the project location. Most of the houses on the south side of Pirates Drive are visible from the beach. The proposed structure would be no more visible than surrounding houses on the south side of Pirates Drive. It would be difficult to state that the limited visibility of the residences has a significant negative impact on the views to or along the ocean. The proposed building has been designed to be a single story and the maximum height of the building would be 18' - 6" above average natural grade. The stand of approximately six trees located on the southeast side of the residence (shown on the site plan) should be retained for the life of the project because they provide screening of the project from public views. Condition Number 9 would require that the trees be preserved. Staff finds the aesthetic of the proposed project impact on public views to be at a level below significance and consistent with the neighborhood.

Public Access & Recreation (Item 18): The project site is located west of Highway 1 and is a blufftop parcel but it is not designated as a potential public access trail location on the LUP maps. The only evidence of prescriptive access on the site is deeded access to other owners of property within the subdivision. The project would not have a significant impact on the existing trail from Pirates Drive to the beach (the trail is intended for use by owners in the Smugglers Cove Subdivision). The residence would be set back from the trail a sufficient distance so as not to interfere with pedestrian traffic. The applicant had originally proposed constructing a stucco retaining/privacy wall along the upland side of the trail to provide for a physical barrier between the project and the existing trail. Staff explained that the privacy wall was not in compliance with setback requirements for development in relation to the bluff edge. Accordingly, the privacy wall was dropped from the project.

Cultural Resources (Item 19): This project was referred to the Northwest Information Center of the California Historical Resources Inventory at Sonoma State University (SSU) for an archaeological records search. SSU responded that the site has a probability of containing archaeological resources and further investigation was recommended. The Mendocino County Archaeological Commission responded that a survey was required. Subsequently, Thad M. Van Bueren, M.A. prepared an investigation and report. The survey revealed no evidence of any archeological or other historical resources on the site. The Mendocino County Archaeological Commission accepted the report at their March 10, 2004 hearing. Nonetheless, the applicant is advised by Condition Number 10 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

**ENVIRONMENTAL RECOMMENDATION:** Although the construction of a residence would normally be categorically exempt from the California Environmental Quality Act (Class 3(a)), this location is particularly sensitive because of the distribution of a rare plant population. However, no significant environmental impacts are anticipated which cannot be adequately mitigated, therefore, a Negative Declaration is recommended.

**ZONING REQUIREMENTS:** The project complies with the zoning requirements for the Rural Residential (RR) District set forth in Chapter 20.376 and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** The proposed project is consistent with applicable goals and policies of the General Plan.

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**RECOMMENDED MOTION:**

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Environmental Findings:** The Coastal Permit Administrator finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval so that no significant adverse environmental impacts will result from this project; therefore, a Negative Declaration is adopted.

**Department of Fish and Game Finding:** The Coastal Permit Administrator finds that because the project would result in the loss of a small population of coastal bluff morning-glory (*Calystegia purpurata* ssp. *Saxicola*), the de minimis finding can not be made for this project. The project is, therefore, subject to the Fish and Game fee of \$1,275.00.

**Coastal Development Permit Findings:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Coastal Permit Administrator approve the proposed project, and adopts the following findings and conditions.

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 zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
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.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. Environmentally Sensitive Habitat Areas.
  - (a) The resource as identified will not be significantly degraded by the proposed development.
  - (b) There is no feasible less environmentally damaging alternative.
  - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

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**Project Findings:** The Coastal Permit Administrator, making the above findings, approves #CDP 08-03 subject to the conditions of approval recommended by staff.

**RECOMMENDED CONDITIONS:**

- \*\* 1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$1,275.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 10, 2005. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
- \*\* 3. Native vegetation shall be reestablished on all areas of disturbed soil in conformance with Chapter 20.492 of the Mendocino County Code. Site drainage recommendations of BACE Geotechnical Inc. to direct surface runoff to the roadside ditch along Pirates Drive and away from the coastal bluff edge shall be incorporated into the building permit application.
- \*\* 4. Prior to the issuance of the Coastal Development Permit, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which shall provide that:
- The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and landowner assumes the risk from such hazards;
  - 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;
  - The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
  - The landowner shall not construct any bluff or shoreline protective devices to protect the improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
  - 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,

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foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, 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 assignees, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

- \*\* 5. All the mitigation measures established by the Management Plan for Coastal Bluff Morning – Glory dated April 2005 that was prepared by Mr. Patrick Kobernus with Thomas Reid Associates and the additional measures required by DFG representative Corrine Gray from her comments dated May 4, 2005 shall be incorporated into the project. Prior to issuance of the building permit, written verification shall be provided to the Planning Division that the management plan requirements that must be satisfied prior to the commencement of construction activities have been satisfied.
- \*\* 6. Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which identifies that a five year management plan for the protection of coastal bluff morning-glory (*Calystegia pupurata ssp. Saxicola*) population is a requirement for authorization to develop the residential use on the subject parcel. The deed restriction shall reference Mendocino County CDP 08-03 so that a future owner could obtain information from the case file.
- Due to the presence of the rare plants any future development on the subject parcel shall be subject to the review and approval by the Coastal Permit Administrator for the life of the project.
- \*\* 7. Prior to the issuance of the building permit or the commencement of construction activities, and pursuant to encroachment permit procedures administered by the Mendocino County Department of Transportation; the applicant shall construct appropriate improvements to protect the County road during the construction phase of the project. Prior to final occupancy, the applicant shall complete, to the satisfaction of the Department of Transportation, a standard private driveway approach onto Pirates Drive (CR 562), to a minimum width of ten (10) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with comparable surfacing on the County road. A copy of the encroachment permit shall be submitted to the Planning Division along with the building permit for the residence.
- \*\* 8. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF# 678-02) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the building permit, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
- \*\* 9. All exterior building materials and finishes shall match those specified in the coastal development permit application. All the doors and window frames shall be a medium to dark earthtone. Any change in approved colors or materials shall be subject to the review and approval of the Coastal Permit Administrator for the life of the project. Exterior lighting fixtures shall match the downcast and shielded fixtures presented in the permit application.

The stand of approximately six trees located on the southeast side of the residence (shown on the site plan) shall be retained for the life of the project. In the event these trees should become sick or die they shall be replaced at a 1:1 ratio in approximately the same location on the property.

20 of 22

- \*\* 10. 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 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.
- \*\* 11. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.
- 12. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
- 13. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Coastal Permit Administrator.
- 14. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
- 15. This permit shall be subject to revocation or modification by the Coastal Permit Administrator upon a finding of any one or more of the following grounds:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted has been violated.
  - c. The use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more of the conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more of the conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

- 16. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

May 6, 2005

DATE

*Rick Miller*

Rick Miller  
Planner III

Attachments: Exhibit A- Location Map  
 Exhibit B- Site Plan  
 Exhibit C- Floor Plan  
 Exhibit D- Elevations

### Negative Declaration

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: \$715 (For an appeal to the Mendocino County Board of Supervisors.)

\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may effect the issuance of a Negative Declaration.

### SUMMARY OF COMMENTS:

Department of Transportation	Required installation of a standard residential driveway encroachment.
Environmental Health – Fort Bragg	Approved the septic disposal system and cleared the permit.
Building Inspection – Fort Bragg	No comment.
Archaeological Commission	Survey accepted at their March 10, 2004 hearing.
Assessor	No response.
DF&G	Tracy Hughes comments dated November 17, 2004. Corrine Gray comments dated May 4, 2005.
CDF	CDF #678-02, January 9, 2003.
Coastal Commission	No response.
North Gualala Water District	No comment.
Planning Division -Ukiah	No response.
Pint Arena City Hall	No response.
GMAC	Held a public hearing on the project at their regularly scheduled meeting on November 6, 2003 and unanimously agreed to recommend denial of the project. They outlined three objections to the project. Pertinent parts of the comments are included below and staff responses are in italics. One, "the height of the house exceeds the maximum allowed. However, moving the house closer to the street would solve this." <i>Please refer to the Land Use section of the report for the maximum height limit for the zoning district (28 feet).</i> Two, "The house is visible from most of the beach. Several other houses in this development are also visible, but they all pre-date the current rules concerning public visibility. Again, moving the house closer to the street might result in an acceptable position" <i>Please refer to the Aesthetics section of the report for a detailed discussion on the visual resources policies applicable to the project.</i> Third, "There are several geologist reports with conflicting conclusions. If it is determined that the bluff is unstable, then the house would have to be moved closer to the street." <i>The applicants' neighbor at the time (Steven Yates) submitted a report prepared by Jim Glomb which confused the GMAC. The report from Mr. Glomb was generic and not specific to the subject parcel. The report made generalized recommendations about geologic conditions in the Gualala area. Also, the applicants had a registered geologist (Mr. Thomas E. Cochrane) provide some background geological findings about the subject parcel but the reports were determined to be inadequate for the purposes of determining the necessary bluff top setback because technically the preparer of the report did not meet County LCP requirements that the report be prepared by a registered civil engineer or an engineering geologist. Furthermore, the reports failed to accurately identify the blufftop edge or provide a setback for the economic lifespan of a new structure. Finally, the applicants obtained an appropriate report from BACE Geotechnical Inc. dated August 29, 2003. Staff relied on this report to make Geologic Setting and Earth sections of the report.</i>

22 of 22

ANN ZOLLINGER

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AUG 05 2005

CALIFORNIA  
COASTAL COMMISSION

PO Box 1675  
Glen Ellen California 95442  
707 328-3192

Mr. Bob Merrill  
California Coastal Commission  
North Coast  
701 "E" Street, Suite 200  
Eureka CA 95501

August 4, 2005

Dear Mr. Merrill,

The purpose of this letter is to appeal to the Coastal Commission the decision of the County of Mendocino to approve with special conditions for the property located at 47021 Pirates Drive (APN 144-290-001.) The development being appealed is CDP #08-03 by Bobbie Piety and Yves Panelli, applicants.

I am appealing the decision due to the geological instability of the site and the potential destruction of the site and the surrounding area, the presence and destruction of the Coastal-Bluff Morning Glory that covers the site and other reasons.

I am outlining in slightly greater detail on the appeal form itself some but not all of my concerns and I will be providing additional information to support this appeal request.

Thank you for your time and attention to this matter.

Sincerely,

**Signature on File** \_\_\_\_\_

Ann Zollinger

EXHIBIT NO. 11
APPEAL NO. A-1-MEN-05-037 (PIETY/PANELLI) APPEAL

8/4/2005 - sent via fax and fed ex.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95501  
VOICE (707) 445-7833 FAX (707) 445-7877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Ann Zollinger

Mailing Address: PO Box 1675

City: Glen Ellen

Zip Code: 95442

Phone: 707 328-3192

SECTION II. Decision Being Appealed

1. Name of local/port government:

Mendocino County Dept. of Planning & Building Services - Coastal Planning Div.

2. Brief description of development being appealed:

CDP #08-03  
Bobbie Piety & Yves Panelli

3. Development's location (street address, assessor's parcel no., cross street, etc.):

47021 Pirates Drive (APN 144-290-001)

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

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AUG 9 5 2005

CALIFORNIA  
COASTAL COMMISSION

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

<b><u>TO BE COMPLETED BY COMMISSION:</u></b>	
APPEAL NO:	_____
DATE FILED:	_____
DISTRICT:	_____

2 of 5

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: May 26, 2005, July 26, 2005

7. Local government's file number (if any): CDP 08-03

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Bobbie Piety and Yves Panelli  
809-B Cuesta Drive  
Mountain View CA 94040

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Julie Verran  
PO Box 382  
Gualala CA 95445

(2) Erik Olsburg  
BACE Geotechnical  
PO Box 749  
Windsor CA 95492

(3) Jim Glomb  
152 Weeks Way  
Sebastopol CA 95472

(4) Gualala Municipal Advisory Council  
PO Box 67  
Gualala CA 95445

3 of 5

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The project sited has conflicting geological reports and issues that have been brought forward (including but not only) to erosion on the subject property, a landslide directly below the proposed building site and inaccuracies and misrepresentations in the report being accepted by the County of Mendocino. As this is a bluff top property, the approval is inconsistent with the Coastal Zoning Code that states "Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." This project threatens not only the geological stability of the site but of the surrounding area.

The project sited is covered with Coastal Bluff Morning Glory. Although a mitigation plan has been proposed, the project as it is currently designed covers more than 68% of the area with the house, garage, deck, and concrete driveway and this percentage does not include the septic system. Per the Coastal Zoning Code there shall be no development in an Environmentally Sensitive Habitat Area unless "There is no feasible less environmentally damaging alternative." Per the staff report the applicant "has repeatedly and steadfastly" stated that they have no interest in exploring any other options.

Other reasons for appealing this project as proposed include but are not limited to issues such as the public viewshed.

Additional information will be provided to support this appeal.

4 of 5

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

**Signature on File**  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: August 4, 2005

**Note:** If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby  
authorize \_\_\_\_\_  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

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

ANN ZOLLINGER

PO Box 1675  
Glen Ellen California 95442  
707 328-3192

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SEP 29 2005  
CALIFORNIA  
COASTAL COMMISSION

Mr. Bob Merrill  
California Coastal Commission  
701 "E" Street, Suite 200  
Eureka CA 95501

A-1-MEN-05-037  
Ann Zollinger, Appellant

Ms. Ruby Pap  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco CA 94105-2219

EXHIBIT NO. 12  
APPEAL NO.  
A-1-MEN-05-037  
(PIETY/PANELLI)  
CORRESPONDENCE  
FOLLOWING SUBSTANTIAL  
ISSUE HEARING

September 21, 2005

Dear Mr. Merrill and Ms. Pap,

Thank you again for your report and presentation at the Coastal Commission meeting last Thursday. Needless to say, I was greatly relieved to have not had to speak!

As I feel that the staff report was very thorough, I only have one major concern and that is the dueling geologists' reports. After my meeting with Mr. Glomb, my certainty that this site is a geologic hazard is even greater. I find the discrepancies between the geologists alarming. BACE observed no faults but Mr. Glomb and Mr. Cochrane both observed faults. BACE did not observe any landslides or water seepage but Mr. Glomb observed two landslides and water seepage. BACE is recommending a 1" per year bluff retreat rate. With the half dozen or so professionals I have discussed this problem with, no one has ever heard of such an optimistic rate of retreat. I would like to respectfully request that someone else other than BACE determine the geological stability of this lot.

When I began this letter it was six pages longer. I confess it is difficult to not react to Bobbie's and Mr. Bacik's letters but as I feel that Ms. Pap has done a very careful job of analysis of the material I have seriously used the delete button. Two issues though that I will briefly clarify. I did offer to purchase Bobbie's lot prior to purchasing my home. We never spoke and I am including the two letters that we exchanged.

Concerning the damage that was done to Bobbie's property during the remodel of my house, I have further queried the General Contractor. As I was sitting in the meeting in Eureka, I did realize that the most "alarming" photo is not of her property. Additionally, my leach field is at the opposite end of the property from where all of the damage was supposedly done.

If Bobbie would build a slightly smaller house close Pirates Drive it would be less damaging to the bluff, the Coastal Bluff Morning Glory and the view from Cook's Beach.

Thank you again for your time and attention to this matter,

Signature on File \_\_\_\_\_

Ann Zollinger

Ann Zollinger  
PO Box 1675  
Glen Ellen California 95442  
707 321.3192

Bobbie Piety  
809-B Cuesta Drive #173  
Mt. View CA 94040

February 3, 2005

Dear Bobbie,

I am writing to you concerning the property that you own on Pirates Drive in Gualala. I have been going to Gualala for twelve years now with my children and have stayed at the Rawles Beach house across from your property twenty times. I must confess I have gone down the rope to the beach pregnant and then with my daughter in a back pack and now that she is nine, I am the last one down and always the last one up!

I have seen the story poles on your property (I am an architect) and have heard that there are issues with the CC & Rs and other problems regarding building near the bluff. If this property is no longer fulfilling your needs due to this issue, I would love to speak to you about potentially purchasing the lot. As I have young children, my intention would be to build much further back on the lot for obvious reasons and a small cottage would more than fulfill our needs.

I hope that you do not find this note too forward. We have had a genuine interest in that area for a long time and would love to have a second home there.

Sincerely,

Ann Zollinger

Bobbie E. Piety  
809-B Cuesta Drive #173  
Mountain View, CA 94040

February 7, 2005

Ann Zollinger  
P.O. Box 1675  
Glen Ellen, CA 95442

Dear Ann,

Thank you for your interest in our lot on Pirates drive and for the heartwarming story about going down the rope to the beach. You say that you "heard that there are issues with the CC & Rs and other problems regarding building near the bluff". Well, yes and no—sometimes these issues seem to drag on forever. The CC & R issues have already been addressed, but there is still another issue pending, which should be resolved soon, and we hope to get on with building our dream home as outlined by the story poles you have seen.

There are other lots in the greater Gualala area, should you wish to build a home, and I encourage you to contact Sean Rousseau at Gualala Real Estate Company, 707-884-9920 for more information.

Sincerely,



Bobbie E. Piety

47021

47001

PIRATES DRIVE

COMMUNITY BEACH

250

ACCESS TRAIL

The trail goes right under the trees as can be seen by the photographs.

②

landslide (per Geologist)

Glenn's Gulch Creek

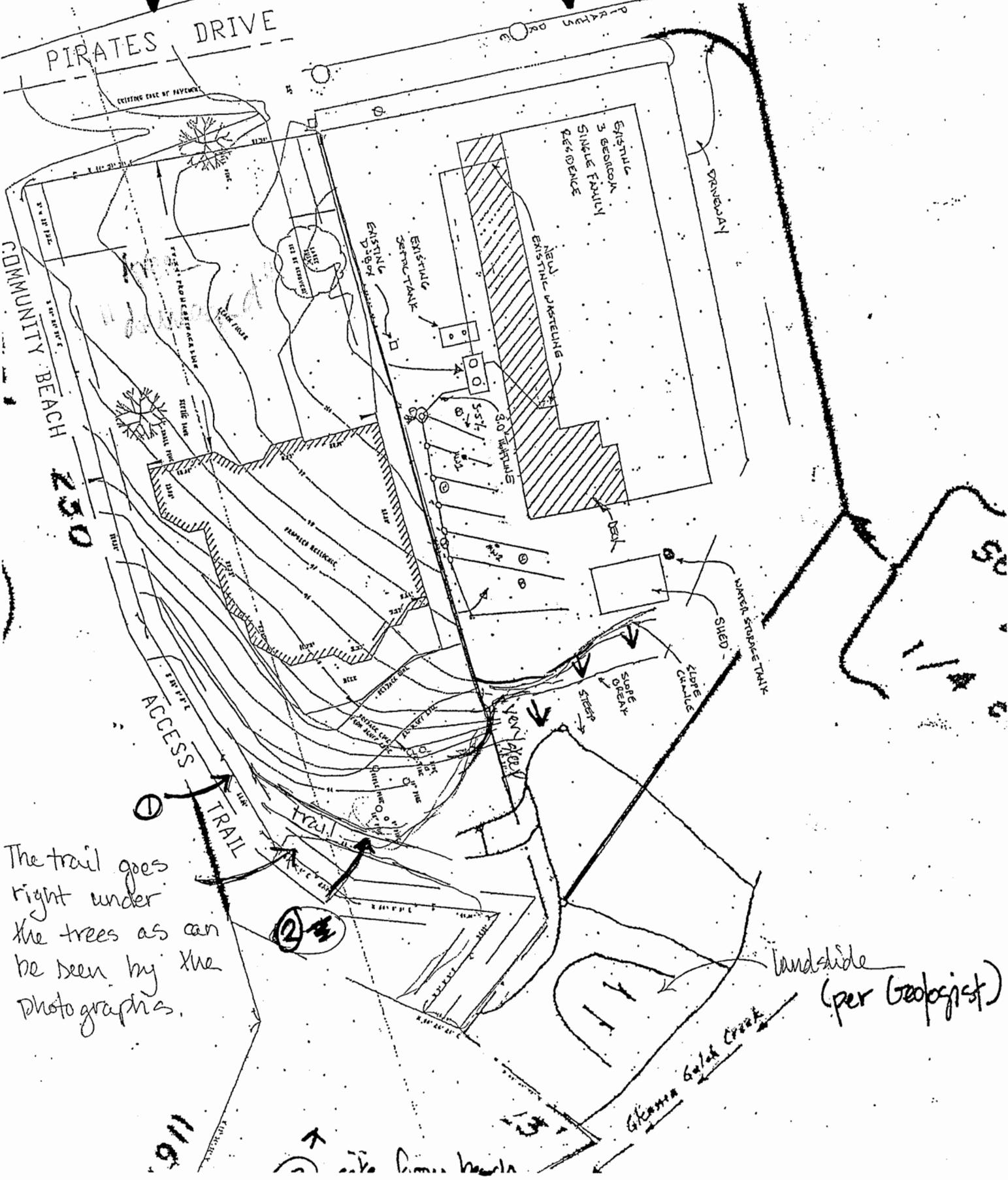




Figure 4: Destruction of plants and habitat by unauthorized use of property.

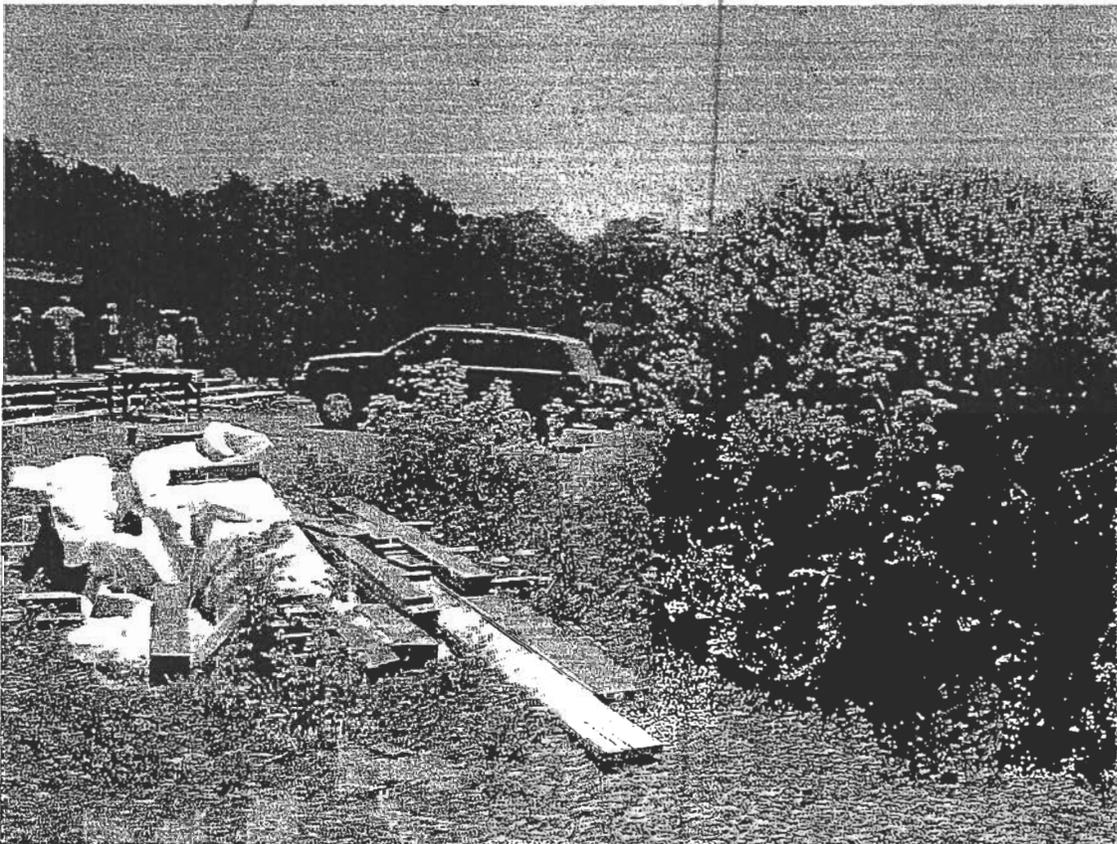


Figure 5: More destruction of plants and habitat by unauthorized use of property.

my property

Bobbie's property

## ANN ZOLLINGER

PO Box 1675  
Glen Ellen California 95442  
707 328-3192

Mr. Bob Merrill  
California Coastal Commission  
701 "E" Street, Suite 200  
Eureka CA 95501

A-1-MEN-05-037  
Ann Zollinger, Appellant

Ms. Ruby Pap  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco CA 94105-2219

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APR 24 2006

CALIFORNIA  
COASTAL COMMISSION

April 20, 2006

Dear Mr. Merrill and Ms. Pap,

I have been in receipt of the additional report prepared by BACE Geotechnical on September 14, 2005. I wish that I could tell you that it alleviated my concerns but unfortunately, it does not. I do not understand how Mr. Olsborg can make a judgment based solely on the Piety property without investigating it's surroundings properties.

Concerning the landslide that is below the Piety property, I have provided two maps that show the location is indeed underneath the subject property. Looking at the larger Assessor's Map it appears to be on the Highway 1 property but is definitely downhill from the subject property. As you can see by the drawing the bluff top recedes back in the direction of my property and any slippage of the Piety property will directly threaten my septic system. An accurately drawn topographical survey might be of great benefit in assessing the situation.

Regarding Mr. Olsborg analysis of the bluff retreat. The area he has chosen to measure is solid rock as you can see in the attached photograph. The area surrounding Cook's Beach other than this point, including the Piety property has been described as "highly erodible" soil. This is clearly seen by the photographs I have included of a new landslide just south of the public path to the beach. This landslide is only a few hundred feet from the Piety property and is a good comparison for what may eventually happen to the Piety property especially once the trees are lost to erosion or if there is further slipping of the landslide underneath the property or the construction of the house so close to the bluff edge further de-stabilizes the area.

Although it is difficult with the poor quality of the Xeroxes, it is apparent that the back bluff face of Cook's Beach has changed dramatically in the last 37 years. The new landslide is changing the bluff not by inches but by feet.

Thank you again for your time and attention to this matter. I know there are other issues but everything including my geological fears will be mitigated by building a smaller house closer to Pirates Drive.

Sincerely,

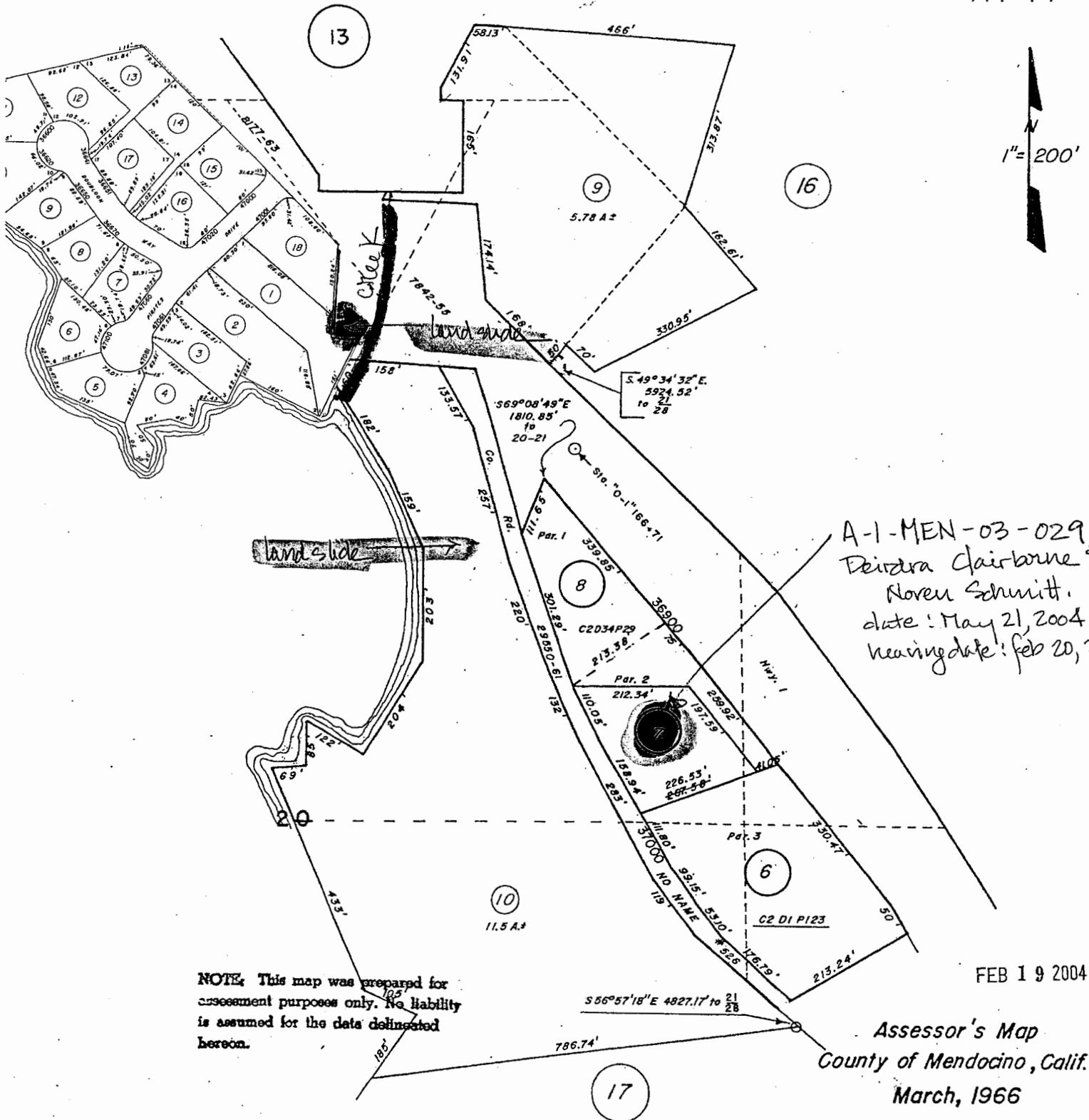
Signature on File

ANN ZOLLINGER



Por. of SW 1/4 of NE 1/4 of Sec. 20 T.11 N. R.15 W. M.D.B. & M. 52-002

144-14



A-1-MEN-03-029  
 Deirdra Clairborne;  
 Noren Schmitt.  
 date: May 21, 2004  
 hearing date: Feb 20, 20

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

FEB 19 2004

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

2000

$$D-E = 3/16''$$

$$.1875 \times 218 = 40.87$$

Distance A-C = 148'  
(measured in the field)  
photo distance = .68"  
scale: 1" = 218'  
distance A-B = 2.75"  
= 600'

D  
2000

P. White  
5

1963

D-E = 3/8"

.375 x 239 = 89.62'

Distance A-C = 148'  
(measured in the field)  
photo distance = .62"  
scale · 1" = 239'  
distance A-B = 2.6"  
= 621'

1963

Plate  
3



Above: Photo of the cliff crumbling at bottom of Ms. Piety's property.

Left: The rock bluff used to measure the bluff retreat rate by BACE.



Above: Top of the massive landslide on Cook's Beach

Left: Landslide on Cook's Beach.

Bobbie E. Piety  
809-B Cuesta Drive #173  
Mountain View, CA 94040

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APR 14 2009

CALIFORNIA  
COASTAL COMMISSION

Robert A. Merrill, Coastal Manager  
California Coastal Commission  
North Coast District Office  
710 E Street, Suite 200  
Eureka, CA 95501

Subject: Coastal development Permit No. A-1-MEN-05-037

April 13, 2009

Dear Mr. Merrill,

Thank you for your recent explanation that I needed to respond to the Commission's letter dated October 11, 2005. I was under the belief that my letter to the Commission, dated September 10, 2005 addressed all the issues in question. Since that letter addressed most of the issues in great detail, with color photos, I will take the liberty to refer to it periodically.

### Executive Summary

The Commission questioned "whether the site and location of the project are the least environmentally damaging alternative to the rare class 1b plant, coastal bluff morning glory, whether the geologic setback from the bluff edge is adequate to maintain the stability of the site over the life of the project, and whether the project impacts coastal views from public vantage points, such as Cooks Beach". The answer to all three issues is affirmative. The project is indeed sited to preserve the greatest number of coastal bluff morning glories and to preserve their optimal habitat on the property. The geologic setback has already been addressed by Bace Geotechnical to your geologist's satisfaction. The project's visibility from any public areas is minimal, being not only largely hidden by existing shrubbery, but it is our intention to choose exterior colors to significantly camouflage the home, and make it virtually unnoticeable from these public areas. The energy-efficient attributes of the planned solar home should serve as a welcome example of green building, as it should generate more electricity than is used, provide for natural habitat of native plants, and blend in almost invisibly into the shrubbery.

### Coastal Bluff Morning Glory

The *Calystegia purpurata* subspecies *saxicola* is on the California Native Plant Society's 1B list. It is not on any state or federal list of endangered plants and has no legal status. The CNPS found the plant to be rare in Marin County, two counties away, while Dr. Richard Brummitt, an eminent botanist with the Royal Botanical Gardens at Kew, near London—and a world authority on this plant—believes the plant is common and originated here, on the north coast, and spread southward. Dr. Brummitt examined specimens on my property and concluded that this species is indeed ubiquitous in Mendocino County with hundreds of specimens on my property and *thousands* on adjacent properties. In addition, this species also occurs in Lake County, Sonoma County, Contra Costa County, and Alameda County (Calflora 2009).

Gene Cooley, the North Coast Botanist for the California Department of Fish and Game similarly believes this plant should be de-listed from the CNPS 1B list, because it is so common, but lacks the resources and staff to make this happen. While evidence at the time a specimen was discovered may make it seem to appear to be rare or endangered, there are little resources or interest in reversing a specimen's inclusion, despite subsequent information that it was incorrectly classified. My repeated requests to CPNS to de-list this plant were met with disinterest. Once on the list, I believe it would take a lawsuit to remove it since there is no interest otherwise, human nature notwithstanding.

So, to summarize the Coastal Bluff Morning Glory's status: The world's leading authority believes that it originated in Mendocino County, is clearly ubiquitous here, and the North Coast Botanist for the California Department of Fish and Game concurs. This information clearly demonstrates that Coastal Bluff Morning Glory is not a rare species in Mendocino County, and my project will not have a significant impact on the survival of the species.

Having said the above, I would like to point out several things that may have been ignored in past reports. The Coastal Bluff Morning Glory thrives in grassy areas where there is minimal competition for sunlight by taller shrubbery, and apparently along drip lines adjacent to taller shrubbery where condensing fog may provide increased moisture. If you closely examine my property, you will note that the half of the lot nearest the street is such a grassy area and indeed the several botanical reports by Albion Environmental and Thomas Reid Associates have shown the greatest concentration of these plants to be along the drip lines of the taller coyote brush (*Baccharis pilularis*), Douglas fir (*Pseudotsuga menziesii*), Pinus (sp.?), and blackberry (*Rubus ursinus*). The neighbor to the east, when excavating for septic system work, destroyed much of the prime Calystegia habitat on my property, and did so without my permission. Dirt was piled atop a large number of the plants, another large portion was used for a parking lot and ingress/egress to their worksite, and subsequent grading further damaged the plants and their habitat, all without my being notified. **This was clearly documented in my September 10, 2005 letter to the Commission, with photographic evidence included.**

The planned site for our house on the property is amid the *largest patch of Baccharis*, which is also *devoid* of the Calystegia because of shading from the taller Baccharis. While Calystegia concentrations were found at the periphery of these plants, the *habitat is continually diminishing* due to the encroachment of the Baccharis, a successor species. Thomas Reid Associates, in a letter dated November 19, 2005, comment:

"It should be noted that on the southern and western portions of the lot, the grassland transitions to coastal scrub vegetation. Without some type of management (e.g. mowing and/or grazing), the coastal scrub will overtake most of the grassland on site, beginning with the southern (bluff) side of the lot, where there is already a mixture of coastal scrub and tall non-native grasses."

What this means is that siting the house near the bluff, as planned will impact those peripheral coastal scrub plants, while preserving the prime Calystegia habitat nearer the street, in perpetuity. The Alternative 2 siting, whereby the house is built on the grassy part of the property, sparing the Baccharis and Calystegia at its periphery, is a short-sighted choice, because the encroaching Baccharis will eventually eliminate ALL Calystegia habitat on the property. **Clearly, Alternative 1 is the preferred choice, minimizing long-term adverse impact on the Calystegia habitat, and preserving the greatest amount of same.**

## **Geologic Stability**

It is my understanding that Bace Geotechnical has already addressed all of the Commission's concerns regarding the stability of the planned site and provided calculations attesting to the determination of the suitability of the site, and that this is no longer an issue.

## **Visual Resources**

The Commission was concerned about visual resources and the project's visual impact to the beach. The following photos, taken from my September 10, 2005 letter, show the expected visibility from both the beach as well as from the public trailhead at the opposite side of the bluff. Let us re-state what I have told Mendocino County all along, that I will gladly acquiesce color selection to any government agency in order

to blend in *even better* than what I have shown below, even to the point of painting it a mottled dark green and brown camouflage pattern, if deemed necessary. My starting colors, sampled from existing background flora, are in this range:

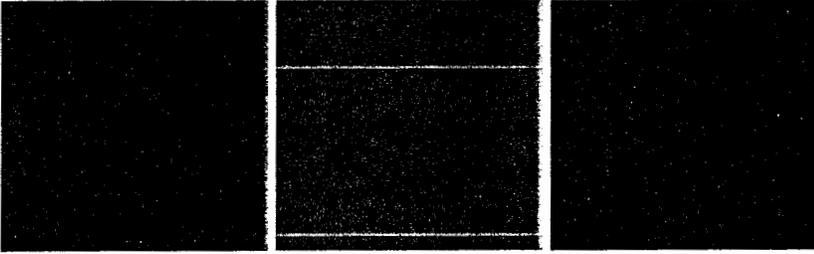


Figure 1: Approximate colors of house, details to be determined at application, to minimize visibility



Figure 2. Project simulation, as it will be seen from the beach below



Figure 3. Project simulation, as it will be seen from trail head.

It is evident that this visibility is minimal and will further diminish as shrubbery occludes it from both the beach and the trail head. In fact, the existing shrubbery has *already grown* to the point where the visibility of the project is *even less* than shown in these simulations. Not only is this in character with the surrounding area, but it is in an existing residential subdivision that is fully developed with the exception of my property and the adjoining property to the west. A smaller-footprint, two-story structure, as once suggested by Commission staff, is out of character with the neighborhood and surrounding homes, and would present a much greater visibility not only from the beach, but from most parts of the neighborhood. This project minimizes any visual impact, which will be very low.

## Behren's Silverspot Butterfly

The commission was concerned that this project could have Impact on the Behren's silverspot butterfly. Thomas Reid Associates wrote, in a letter dated November 19, 2005 (enclosed):

"Tom Mahoney with Albion Environmental has submitted a letter dated November 8, 2005 to the California Coastal Commission. The letter states that *Viola adunca* was not found to be present on site during a botanical inventory of the site conducted on June 11, 2003. I would like to add further information in regards to the known range and habitat requirements of the Behren's Silverspot butterfly. I have 10 years experience monitoring a similar endangered butterfly species, the Callippe silverspot (*Speyeria callippe callippe*), on San Bruno Mountain in San Mateo County, California.

The current distribution of the Behren's silverspot butterfly is a single extant location on private land near Point Arena, Mendocino County, California (USFWS Draft Recovery Plan, Behren's Silverspot (*Speyeria zerene behrensi*), November 2003).

Behren's silverspot is a large, strong flying (with respect to other butterfly species) *Speyeria* butterfly species. *Speyeria* butterfly species, which depend on a grassland host plant, require either large grassland habitat areas on the order of tens to several hundred acres, or at the minimum, smaller grassland habitat areas that are connected to one another through open grassland corridors. The project site is a 0.5-acre lot located at 47021 Pirates Drive in Gualala, California, which is approximately 12 miles south of the only known location of Behren's Silverspot at Point Arena, California. The project site is isolated within an existing residential development with developed lots on the east and north, and dense scrub and forest vegetation and residential development on the west. On the south side of the lot is a coastal bluff that drops steeply to Pirates Cove beach and the Pacific Ocean. Furthermore dense coniferous forest is located east of the site, precluding any connection with other grassland areas (Figure 1). The combination of the forest vegetation and residential properties in the Pirates cove area likely creates an impenetrable barrier to Behren's silverspot butterfly. Because of the large distance of the project site from the only known location of Behren's silverspot butterfly, and, more importantly, the isolated nature of the project site within an existing residential community surrounded by dense coniferous forest on the east and the Pacific Ocean on the west, there is an extremely low probability that Behren's silverspot butterfly could be present on site. For these same reasons, if the Behren's silverspot butterfly was re-introduced to the project site area, there is an extremely low likelihood that it would persist for very long."

## Clarification of Existing Habitat Types on the Lot

The Commission was concerned about the apparent discrepancy between the site's description as "California Annual Grassland" in one report, and "grassland/coastal prairie" in another. Thomas Reid associates, in the same November 19, 2005 letter, wrote:

The site is dominated by grassland, and like many grassland areas in California, it is composed of a combination of native and nonnative grasses and herbs. This combined assemblage of native and nonnative species is relatively uniform within the grassland portion of the site.

Overall the grassland portion of the site is more dominated by non-native annual grasses, which include velvet grass (*Holcus lanatus*), Italian wild rye (*Lolium multiflorum*), wild oat (*Avena sp.*), little quaking grass (*Briza minor*), big quaking grass (*Briza maxima*), and ripgut brome (*Bromus diandrus*), (Albion Environmental 2003). Due to the dominance of nonnative annual grasses within the grassland portion of the site, it is my contention that that the grassland on site be consistently referred to as "California Annual Grassland". Therefore no portion of the site would be referred to as "Coastal Prairie". This is consistent with the original botanical inventory conducted by Albion Environmental in June 2003.

It should be noted that on the southern and western portions of the lot, the grassland transitions to coastal scrub vegetation. Without some type of management (e.g. mowing and/or grazing), the coastal scrub will overtake most of the grassland on site, beginning with the southern (bluff) side of the lot, where there is already a mixture of coastal scrub and tall non-native grasses.

## Building Site and Design Alternatives Analysis.

### Siting

The level portion of the lot can be divided into two basic sections: Grassland which dominates the portion of the lot nearest the street, and coastal scrub vegetation, which dominates the portion of the lot nearest the bluff. The grassland is the prime habitat for the *Calystegia*, whose populations thrive at the periphery of the scrub shrubbery due to fog dripping and providing additional moisture. The coastal scrub shrubbery is the successor and will gradually encroach into the grassland and overtake the *Calystegia* habitat by competing for sunlight. *Calystegia* specimen's locations are dynamic and defined by *habitat*—the nature of the land in relation to other plants, moisture sources, soil, etc, and less importance should be placed on specific plants at any one season.

Three sites for the house were considered: Alternative 1, with the house nearest the bluff, Alternative 2, with the house nearest the street, and the Middle Alternative, with the house sited in between. This middle alternative was immediately dismissed as it adversely impacts both the greatest number of *Calystegia* specimens and the greatest amount of their habitat, and would require a split leach field, if possible at all.

Siting the house on the scrub portion, Alternative 1, halts the encroachment of the scrub and preserves the remaining grassland for the *Calystegia*—its prime, unshaded habitat (fig. 4) Siting the house on the grassland—Alternative 2-- immediately destroys much of the prime *Calystegia* habitat, and the encroaching scrub will assure eventual destruction of the remaining habitat (fig 5). Further, the soils report stated a 50' setback from the bluff is required for the septic leach field. Siting the house as shown in Alternative 2 does not provide for the required leach field area within the setback and space available.

A comparison between the two alternatives can be further made. The level portion of the lot under discussion is roughly 80 feet x 130 feet, or 10,400 square feet. The house and garage, as planned, total roughly 3000 square feet, and the scrub area is roughly 30 feet x 40 feet, or 1200 square feet total. Siting the house on the scrub portion (Alternative 1) occupies approximately 3000 square feet for the house and garage, and approximately 1000 square feet of driveway, or 4000 square feet, leaving 6400 square feet of prime *Calystegia* habitat. Siting the house nearest the street (Alternative 2) takes 3000 square feet for the house, 360 square feet for the shorter driveway, and the 1200 square feet of scrub, totaling 4560 square feet, which leaves 5840 square feet of shrinking *Calystegia* habitat, as the scrub patch remains untouched and will gradually encroach into most of the grassland habitat.

The botanical reports focus on counts of individual *Calystegia* plants, rather than *habitat area*. This is a wrong approach, since the plant's distribution within grassland areas is dynamic and will change year to year. Unlike trees whose location is fixed for decades, *Calystegia* plants are more closely defined by *habitat*, therefore less importance should be placed on specific plant counts at any one season. The well-documented illegal grading of the prime grassland habitat on our property by our neighbor skewed the snapshot plant count distribution by removing brush and tall grasses and disturbing the soil, causing a flush of annual and perennial grassland species including *Calystegia* the following year. This illustrates that specific counts of the *Calystegia* and its distribution within the habitat will be variable, so the primary concern should be protecting the best available habitat on site for *Calystegia*, not specific plants. Alternative 1 is consistent with this approach, and protects most of the available grassland habitat that supports the *Calystegia* on site.

While the difference between 6400 square feet and 5840 square feet is not huge, Alternative 1 not only provides slightly more Calystegia habitat initially, but this habitat will remain stable in perpetuity, while Alternative 2 not only begins with less habitat, but the encroaching scrub will eventually eliminate the Calystegia habitat. If it is the Commission's desire to preserve the maximum Calystegia habitat, for the long-term, then there is only one choice for siting the house: toward the bluff, in the scrub area, Alternative 1.

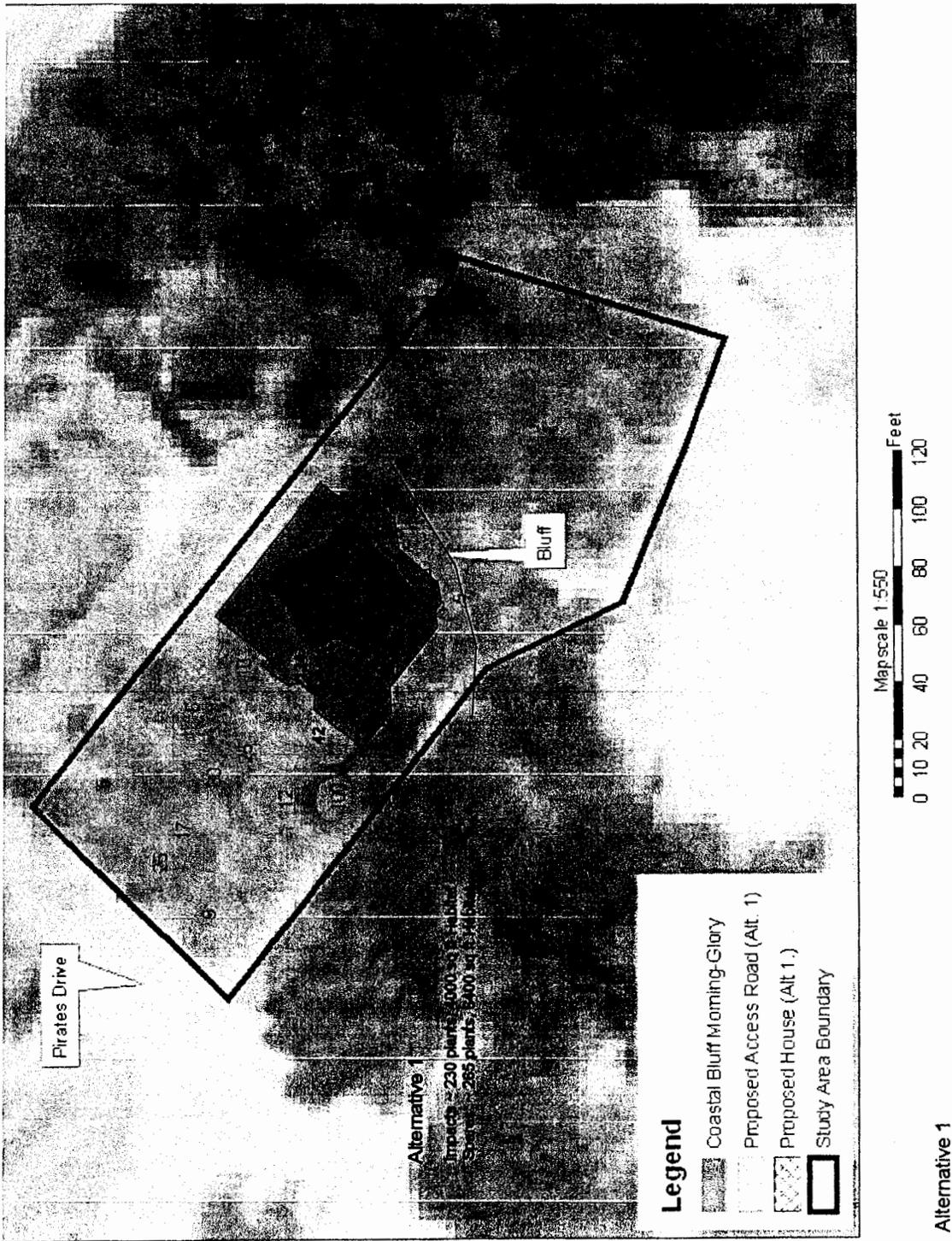


Figure 4 Alternative 1 showing grassland, Calystegia, coastal scrub, and preferred house siting

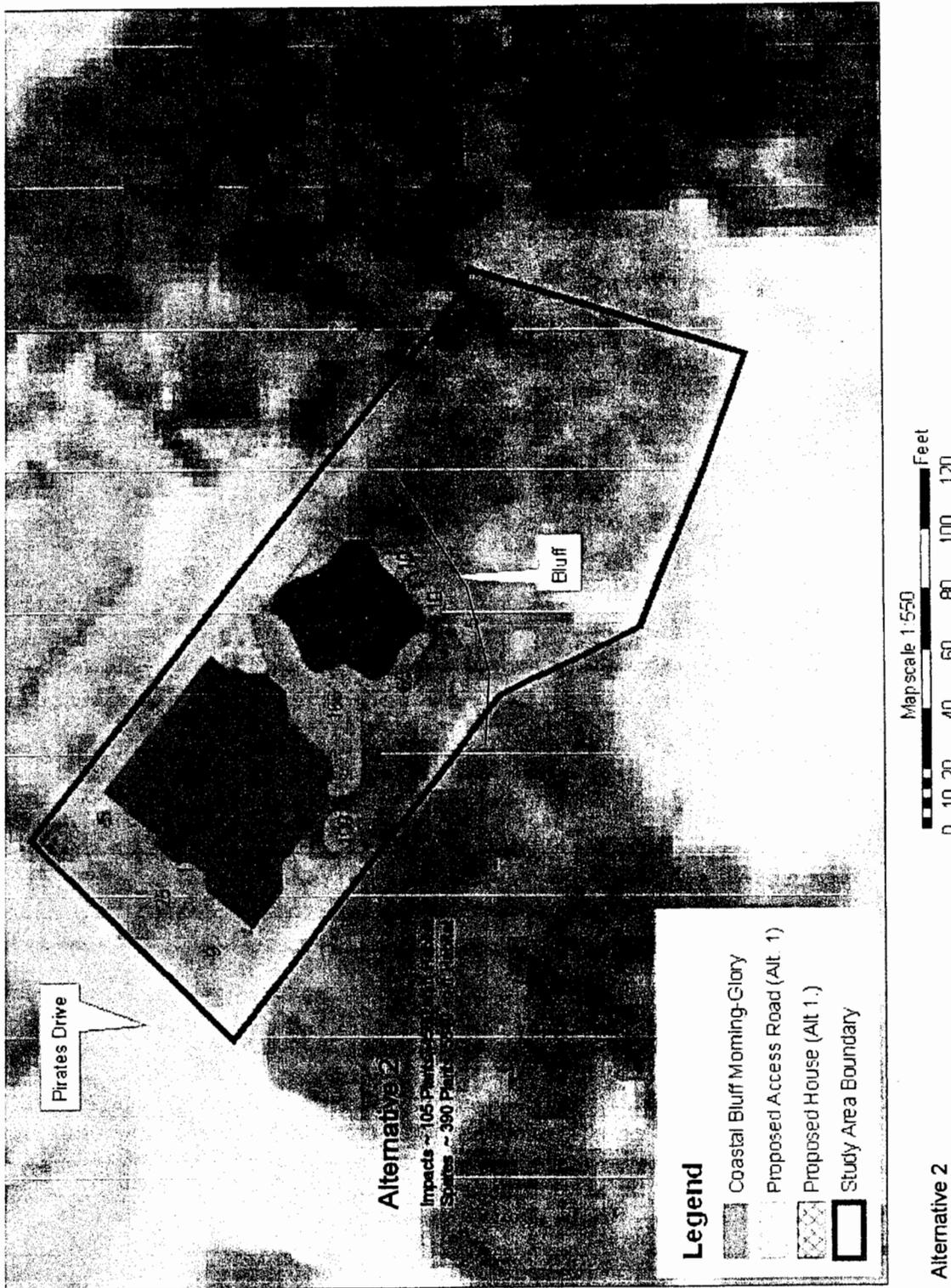


Figure 5 Alternative 2 showing grassland, Calystegia, coastal scrub, and undesirable house siting

In late 2001, we made an offer on the property contingent upon the ability to build near the bluff. We immediately hired geologist Tom Cochrane and soils engineer, Carl Rittiman. Both studied the property, ran numerous tests, and concluded that our choice of siting the house was the best, not only from septic

considerations, from aesthetics, and from bluff stability. Having this assurance, we concluded the purchase and paid more for the lot than the appellant's predecessors paid for the adjacent property, *which included a house*—such is the value of the view and proximity to the ocean. Siting the proposed house near the street dramatically reduces the property value and dramatically reduces the long-term viability of the Calystegia on the property, so from this perspective too, there is only one rational siting alternative.

## **Sizing and Design Alternatives**

It has been suggested that a smaller footprint could be achieved by designing a two-story house. However, this is in violation of existing building codes, subdivision CC&Rs, and would be much more visible from surrounding public areas as well as from the neighborhood. For these reasons, we believe a two-story structure to not be a viable solution.

Any home could be designed to be smaller, the proposed home notwithstanding. But, one might ask how far does this go? A 2000 sq ft design could be reduced to 1500 sq ft; a 1500 sq ft design to 1000 sq ft, and so on. The size of the proposed house was designed for a full-time residence as opposed to a vacation home. The plan is for a master bedroom and a guest bedroom, with a living room, kitchen, laundry area, and an office. Nothing in the design is opulent or extravagant, but sound designs based on furniture sizes and human space. The garage is indeed large to provide workshop space for hobby woodworking and other crafts. There is nothing in the design that could not be linearly shrunk slightly, but in doing so, inconvenience and aesthetics begin to suffer. So, if the Commission requests a reduction of 100 sq feet, it can be done. Two hundred square feet, sure—with added inconvenience and floor plan challenges, perhaps. And so on. If our proposed design is excessive for whatever reason, perhaps you can stipulate what the Commission believes is reasonable and attempts will be made to work within that boundary. But, I would like to add that we went through many design changes to fit within existing constraints and were approved not only by the Mendocino County Planning Department, but unanimously by the Mendocino County Supervisors. So, we reiterate our request for approval of the existing design, which is an energy-efficient home that will produce more electricity than used, will preserve Calystegia and grassland habitat, and should be perceived as a win-win, model project for the coast. It is in an existing subdivision and meets all current constraints.

## **Financial issues**

The Commission asked a number of financial questions regarding my purchase and plans for the property, to determine whether or not denial of the project might result in the unconstitutional taking of private property for public use. In order to make this determination the Commission needs to know my investment-backed expectations for the project. The following should clarify that unambiguously:

1. When was the property acquired and from whom?

The property was purchased from the Plate Family Trust in November 2001, contingent upon satisfactory bluff stability, suitability for a septic system, and a neighborhood majority supporting our project as intended by waiving an archaic restriction in the C.C.& R's that restricted the building site to the undesirable, Alternative 2 location, which was not acceptable to us if the purchase was to be consummated. The neighbors agreed, the geology and soils tests were positive, and escrow was closed.

2. What was the purchase price of the property?

I paid \$306,496.12 for the property, while the former appellant's property sold, *with house*, for \$270,000. The reason for the higher price was that we were buying the bluff view, while the other property was one row away from the bluff. The view is paramount to the value of the property.

3. What was the fair market value of the property at the time it was acquired and the basis upon which the fair market value was derived.

We had been looking from Ensenada to Vancouver, B.C., for a suitable property for our dream retirement home before finding this beautiful parcel, one of the last lots within a fully built-up subdivision of 18 homes. Based on comparable sales and other properties for sale, the price paid was fair market value.

4. Whether or not a general plan, zoning, or similar land use designations applicable to the property changed since the time the property was purchased. If so, identify the particular designation(s) and applicable change(s).

I am unaware of any such changes since the property was purchased in 2001.

5. At the time the property was purchased, or at any subsequent time, whether the project has been subject to any development restriction(s) (e.g., restrictive covenants, open space easements, etc.), other than the land use designations referred to in the preceding question.

The C.C. & R's originally restricted where a home could be sited on our property. One of the contingencies of the purchase was assurance that this restriction would be waived by the homeowners in the subdivision. They agreed and the purchase was completed. I later learned that this agreement had to be recorded, so the C.C. & R.s were amended and recorded accordingly.

6. Whether or not the size or use of the property changed in any way since it was purchased. If so, identify the nature of the change, the circumstances, and the relative date(s);

No changes of any kind have occurred in the property size or use since it was purchased.

7. Whether or not a portion of, or interest in, the property was sold or leased since the time the applicants purchased it, and the relevant date(s), sales price(s), rent assessed, and the nature of the portion or interest sold or leased.

No such sales leases or other transactions have occurred since it was purchased.

8. A copy of any title report, litigation guarantee or similar document that might have been prepared in connection with all or a portion of the property, together with a statement of when the document was prepared and for what purpose (e.g., refinancing, sale, purchase, etc.)

A copy of the title report from when the property was purchased is attached.

9. The approximate date and offered price of any offers to buy all or a portion of the property since the time the applicants purchased the property.

In August 2003, I received an offer to buy the property for \$600K. I turned it down because I didn't want to give up my dream of living on that property. I also had an offer from the appellant in February 2005, and turned her down too. That's when she bought the property next door and began making trouble for us. Recently, I received an offer for \$400K, countered at \$500K and the buyer contacted the Commission for more information, and the deal has fallen through as a result.

10. The costs associated with ownership of the property on an annualized basis for the last five calendar years. These costs should include, but not necessarily be limited to, the following:

- property taxes
- property assessments
- debt service, including mortgage and interest costs; and
- Operation and management costs

A spreadsheet listing expenses to date is attached. My total cash outlay, to date, is \$390,151.02, and if 4% interest is factored in, since these were cash purchases, the total grows to \$489,558.42.

11. Whether apart from any rent received from leasing all or a portion of the property (see question #7 above), current or past use of the property generates any income. If the answer is yes, the amount of generated income on an annualized basis for the past five calendar years and a description of the use(s) that generates or has generated such income.

No rents, leases, or income of any kind has been produced from the property.

## Conclusion

Since 2001, I have funded two geological studies, two soils studies, three botanical surveys, one archaeological survey, and have been doing my best to follow all pertinent regulations to preserve the spirit of our coast, the Calystegia habitat, and to build my dream home. The home is designed to be environmentally-sound, solar heated, low-impact, and aesthetically-pleasing and nearly invisible from the beach below—a model home for green construction. Please support this project and recognize that it is sound, ecological, visually appealing, and in the best interests of the environment, habitat, neighborhood, and all concerned. This is truly a win-win proposal.

I thank you, in advance, for your consideration in this matter.

Sincerely,



Bobbie E. Piety

## REFERENCES

Calflora 2009. Distribution of *Calystegia purpurata* ssp. *saxicola* in California. [http://www.calflora.org/cgi-bin/species\\_query.cgi?where-calrecnum=1372](http://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=1372).

ENVIRONMENTALLY SENSITIVE HABITAT AREA ASSESSMENT  
UNDER THE  
CALIFORNIA COASTAL ACT AND  
MENDOCINO COUNTY LOCAL COASTAL PROGRAM

47021 Pirates Drive  
Gualala, Mendocino County, California

Prepared for:

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August 2003

EXHIBIT NO. 13
APPEAL NO. A-1-MEN-05-037 (PIETY/PANELLI) AUGUST 2003 BIOLOGICAL ASSESSMENT



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REPORT

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August 2003



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**APPENDICES**

- Appendix A. Special-status plant species identified for the Study Area vicinity.
- Appendix B. Photographs of the Study Area.
- Appendix C. Plants observed on the Study Area during the June 11, 2003 site visit.

## 1.0 INTRODUCTION

Albion Environmental, Inc. conducted a biological study to identify potential Environmentally Sensitive Habitat Areas (ESHA's) as described in the Mendocino County Local Coastal Program (LCP), which implements the California Coastal Act (CCA). The Study Area is located at 47021 Pirates Drive in Gualala, Mendocino County, California, and is located within the "Coastal Zone" as defined in Section 30103 of the CCA.

## 2.0 METHODS

### 2.1 ESHA Definitions

Since the Study Area is located within the Coastal Zone, the presence and extent of potential ESHA's was determined based on definitions stated in the CCA and Mendocino County LCP (California Coastal Commission 1981). ESHA's include in part: wetlands, riparian vegetation, special-status species, and streams, and are broadly defined by the CCA as:

*"(A)ny 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 which could be easily disturbed or degraded by human activities and developments."*

### 2.2 Pre-Field Investigation

Available reference materials were reviewed prior to conducting field studies. Reference materials included the Mendocino County Soil Survey, Western Part (USDA 2001), the USGS 7.5' Gualala topographic quadrangle, and the USGS Gualala orthophotoquad. A background literature search of the California Natural Diversity Database (California Department of Fish and Game 2002), and the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2003) records for the Gualala 7.5' USGS quadrangle was conducted to determine the potential presence of special-status plant species known from the region (Appendix A). Special-status plants include: (1) all plants that are federal or state-listed as rare, threatened or endangered; (2) all federal and state candidates for listing; (3) all plants included in Lists 1 and 2 (and sometimes Lists 3 and 4) of the CNPS Online Inventory (CNPS 2003); and (4) plants that qualify under the definition of "rare" in the California Environmental Quality Act (CEQA), section 15380.

### 2.3 Field Studies

The Study Area was surveyed on June 11, 2003 for areas that had the potential to meet the CCA/LCP definition of wetlands, riparian vegetation, special-status species, or any other potential ESHA. The presence of wetlands was determined based on the one parameter approach accepted by the California Coastal Commission (CCC) and County of Mendocino. Under the one parameter approach, any area that remains inundated or saturated to the surface long enough to support a predominance of either hydrophytic vegetation or hydric soils is generally considered to be a wetland. Plant species observed on the Study Area were given a wetland indicator status based on the U.S. Fish and Wildlife Service National List of Plant Species that Occur in Wetlands

(Reed 1988):

Indicator Status	Description	Est. Freq. of Occurrence in Wetlands
OBL	Obligate wetland, almost always found in wetlands	>99%
FACW(+/-)	Facultative wetland, usually found in wetlands	67-99%
FAC	Facultative, equal occurrence in wetlands or non-wetlands	34-66%
FACU	Facultative upland, usually found in non-wetlands	1-33%
UPL / NL	Obligate upland/Not listed, almost always found in non-wetlands	<1%
NI	No Indicator (insufficient information available to determine an indicator status)	Unknown

Plants with an indicator status of OBL, FACW, and FAC are generally considered to be typically adapted for life in anaerobic soil conditions and therefore are classified as wetland plants.

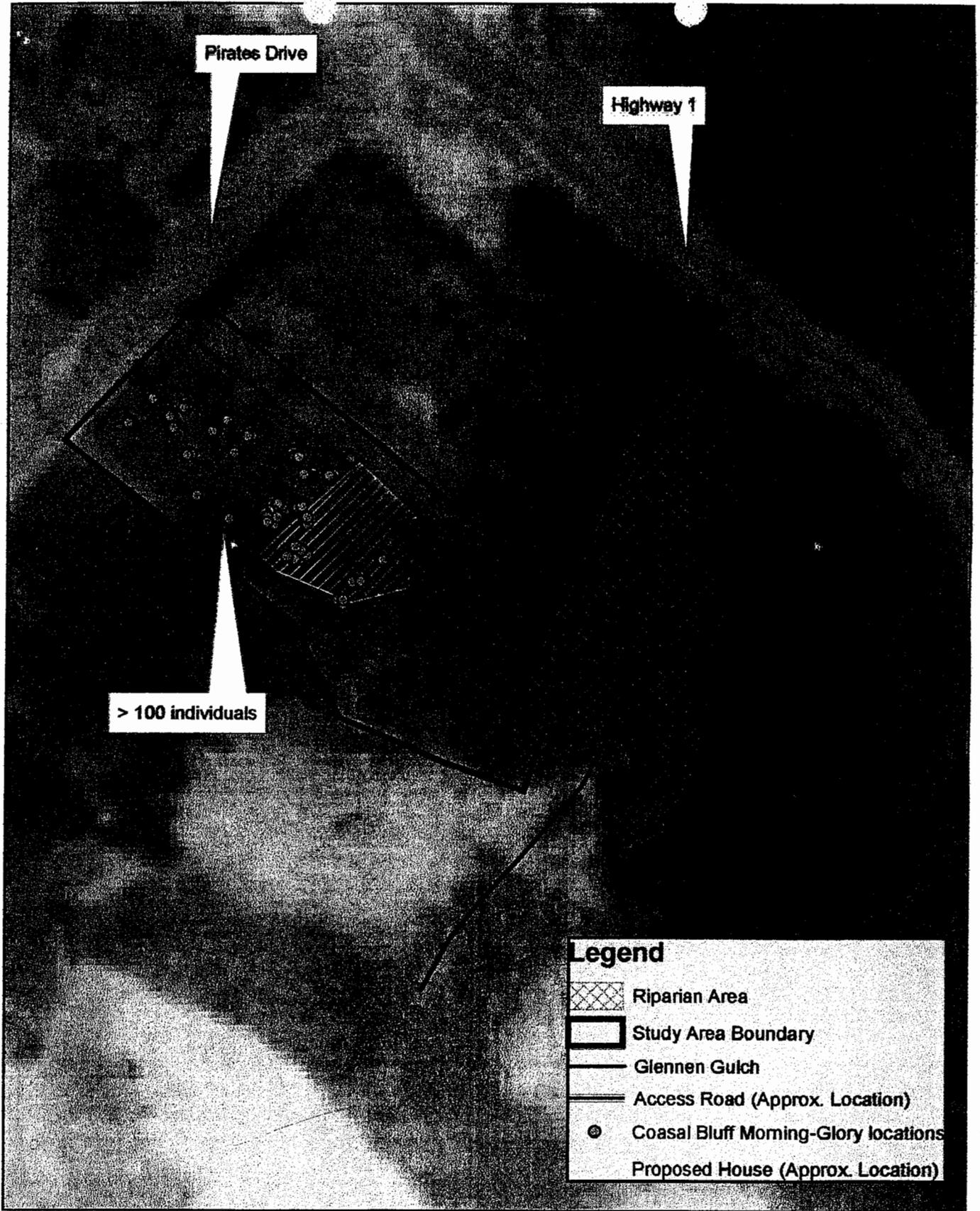
The Study Area was surveyed on June 11, 2003 for special-status plant species identified during the background literature search. The surveys followed the protocol for plant surveys described by Nelson (1987) and CDFG (2000). Plant taxonomy nomenclature follows *The Jepson Manual* (Hickman 1993). Plant community nomenclature follows Sawyer and Keeler-Wolf (1995).

### 3.0 STUDY AREA DESCRIPTION

The Study Area is less than 1-acre in size and is located at 47021 Pirates Drive, west of Highway 1, approximately two miles north of Gualala in coastal Mendocino County (Figure 1). The Study Area includes an undeveloped lot on a level marine terrace at approximately 40 feet elevation in an existing residential community, as well as a forested slope descending from the terrace south down to Glennen Gulch. Glennen Gulch flows into the Pacific Ocean at Cooks Beach southeast of the Study Area.

#### 3.1 Plant Communities

The Study Area consists of a mixture of plant communities, including California annual grassland series, Bishop pine series, Douglas-fir series, Grand fir series, and Red alder series. California annual grassland series dominates the northern portion of the Study Area on the level terrace south of Pirates Drive (Appendix B, Photograph 1). Dominant species are mostly non-native, upland classified species such as big quaking grass (*Briza maxima*, NL), velvet grass (*Holcus lanatus*, FAC), wild radish (*Raphanus sativus*, NL), and sweet vernal grass (*Anthoxanthum odoratum*, FACU), as well as scattered native species such as Douglas iris (*Iris douglasiana*, NL), blue-eyed-grass (*Sisyrinchium bellum*, FAC), coastal bluff morning-glory (*Calystegia purpurata* ssp. *saxicola*, NL), and coyote brush (*Baccharis pilularis*, NL). Bishop pine series, Douglas-fir series, and Grand-fir series intermix on the fringes of the California annual grassland series and on the slope on the southern portion of the Study Area, (Appendix B, Photograph 2). Dominant species include Bishop pine (*Pinus muricata*, NL), grand fir (*Abies grandis*, NL), Douglas-fir (*Pseudotsuga menziesii*, NL), poison oak (*Toxicodendron diversilobum*, NL), coffeeberry (*Rhamnus californica*, NL), California blackberry (*Rubus ursinus*, FACW), and honeysuckle (*Lonicera hispidula* var. *vacillans*). Red alder series occurs as a narrow strip along Glennen Gulch at the southern end of the Study Area (Appendix B, Photograph 3). Dominant species include red alder (*Alnus rubra*, FACW) in the canopy and willow (*Salix* sp.) in the subcanopy.



Pirates Drive

Highway 1

> 100 individuals

- Legend**
-  Riparian Area
  -  Study Area Boundary
  -  Glennen Gulch
  -  Access Road (Approx. Location)
  -  Coasal Bluff Morning-Glory locations
  -  Proposed House (Approx. Location)

Mapscale 1:800

0 40 80 160 240 320 Feet



Figure 1. Map of Study Area Features

### 3.2 Hydrology

The primary hydrologic sources for the Study Area include direct precipitation and runoff through Glennen Gulch along the far southern Study Area boundary. Glennen Gulch enters the Study Area after flowing westbound through a culvert under Highway 1. After exiting the culvert, Glennen Gulch flows near the southern Study Area boundary before discharging into the Pacific Ocean at Cooks Beach. There were no other drainage channels or wet areas observed on the Study Area.

### 3.3 Soils

The Mendocino County Soil Survey, Western Part (USDA 2001) indicates one soil mapping unit on the Study Area:

225— Windyhollow loam, 0 to 5 percent slopes

According to the Soil Survey, Windyhollow loam, 0 to 5 percent slopes, is a very deep, somewhat poorly drained soil on marine terraces formed in alluvium derived from mixed rock sources. Typically, the surface layer is brown loam about 16 inches thick. The upper part of the subsoil is light yellowish brown clay loam about 8 inches thick. The next 19 inches is very pale brown gravelly clay loam that has brownish yellow mottles. The lower 18 inches of the subsoil is white clay loam that has brownish yellow mottles.

## 4.0 RESULTS

### 4.1 Wetlands and Riparian Vegetation

No wetlands were located on the Study Area during the June 11, 2003 field survey. The Study Area is dominated principally by upland-classified plant species, and no seeps or other wet areas were observed on the Study Area.

A thin band of riparian vegetation occurs along Glennen Gulch near the southern Study Area boundary (Appendix B, Photograph 3). The riparian vegetation is dominated by red alder and willow in the canopy and subcanopy, respectively, with a ground layer dominated by herbaceous species common near stream channels including coltsfoot (*Petasites frigidus*, NI), thimbleberry (*Rubus parviflorus*, FAC+), and lady fern (*Athyrium filix-femina*, FAC). The riparian vegetation boundary was delineated based on a change in vegetation between species with a strong riparian affinity (such as red alder and willow) and species not typically associated with riparian vegetation in Mendocino County such as Bishop pine. The riparian boundary is located approximately 75 feet from the proposed house (Figure 1).

### 4.2 Special-Status Plant Species

Seventy plant species were observed on the Study Area during the field survey (Appendix C). One special-status plant species was observed on the Study Area: coastal bluff morning-glory (*Calystegia purpurata* ssp. *saxicola*) (Appendix B, Photograph 4). Coastal bluff morning-glory is a perennial herb in the Convolvulaceae family that usually grows on coastal dunes, scrub, and bluffs in Marin, Sonoma, and Mendocino Counties (CNPS 2003). Coastal bluff morning-glory has no federal or state threatened or endangered status, but is on the CNPS List 1B (plants

Now 100' setback when  
SWF was moved to accommodate  
bluff setback

considered rare, threatened, or endangered in California and elsewhere). Normally, impacts to plants on CNPS List 1B are considered significant by the California Department of Fish and Game (CDFG) under the California Environmental Quality Act (CEQA).

Approximately 265 individuals of coastal-bluff morning-glory were observed on the terrace in the northern portion of the Study Area (Figure 1). Due to the intergradation common among species of the genus *Calystegia* (Hickman 1993), plants in the genus often have conflicting identifying features that make taxonomic identification problematic. One of the most distinguishing features that separate coastal bluff morning-glory from the closely related, but commonly occurring climbing morning-glory (*Calystegia purpurata* ssp. *purpurata*), is the presence of rounded leaves in the former and pointed leaves in the latter. Leaves from specimens observed on the Study Area ranged from strongly rounded to moderately pointed. Therefore, in order to make a definitive identification, other important characters were used, such as the presence of wavy leaf margins, a trailing (not-climbing) growth habit, and a stem less than 1 meter in length. In addition, specimens from the Study Area were compared to voucher specimens in the Jepson Herbaria at U.C. Berkeley, and digital photographs were sent to an expert in *Calystegia* taxa, Richard Brummitt of the Royal Botanical Garden, both of which concurred with the *Calystegia purpurata* ssp. *saxicola* identification. It is likely that, while many plants observed on the Study Area were clearly *Calystegia purpurata* ssp. *saxicola*, there was enough variation observed on the Study Area to indicate considerable variability in the subspecies.

No other special-status plant surveys were observed during the survey. Most special-status plant species identified for the Study Area region during the background literature search should have been in peak bloom, and therefore identifiable, during the June 11, 2003 field survey. Three special-status plant species identified for the Study Area region during the background literature search were past their peak blooming window when the field survey occurred: running-pine (*Lycopodium clavatum*), Roderick's fritillary (*Fritillaria roderickii*), and purple-stemmed checkerbloom (*Sidalcea malviflora* ssp. *purpurea*). Running-pine requires habitats (marshes, swamps, and mesic North Coast Coniferous Forest) that are clearly not present on the Study Area. Roderick's fritillary and purple-stemmed checkerbloom are found in coastal-prairie, a degraded version of which is present on the terrace portion of the Study Area. The blooming window for these two species continues through the end of May. Though the field survey occurred approximately two weeks after the blooming window, these two species, had they been present on the Study Area, would most likely been identifiable during the June 11 field survey due to conspicuous vegetative and residual flowering structures.

## **5.0 PROJECT DESCRIPTION, POTENTIAL IMPACTS, AND MITIGATION MEASURES**

### **5.1 Project Description**

The landowner, Bobbie Piety (Applicant), is proposing to build a single family house on the southern portion of the terrace on the Study Area. An access road would connect the house with Pirates Drive along the western Study Area boundary (Figure 1). The house location is constrained by the presence of a steep slope and Glennen Gulch in the southern portion of the Study Area.

### **5.2 Potentially Significant Impacts and Mitigation Measures**

Two potentially significant impacts may result from the proposed project: sediment input into Glennen Gulch during construction, and impacts to coastal bluff morning-glory both during and

after construction. These impacts can be reduced to less than significant levels, if the proposed mitigation measures, discussed below, are implemented.

\* **Potential Impact 1: Erosion and sediment input into Glennen Gulch may increase during construction.**

Glennen Gulch and associated riparian vegetation are located approximately 75 feet from the proposed house location. Normally, 100 feet is required around streams, riparian vegetation, and other ESHA's located in the Coastal Zone. With the exception of the potential for increased erosion discussed below, no significant impacts are anticipated due to this reduced buffer distance because: (1) the proposed house is an infill lot in an existing residential area; (2) Glennen Gulch flows near Highway 1 in the vicinity of the Study Area, and therefore the Gulch is already impacted by human noise and other disturbance; and (3) a dense forested layer exists between the proposed house and Glennen Gulch, shielding the Gulch and riparian area from visual and audible disturbance. Erosion and sedimentation into Glennen Gulch may result during construction, which would constitute a significant impact. This potential impact can be reduced less than significant levels if Mitigation Measure 1.1 is implemented.

Now 100'  
Plan revised!

**Mitigation Measure 1.1:** Silt fencing shall be installed downslope (south) of the construction area during construction. No construction equipment, soil disturbance, or human intrusion shall take place downslope of this silt fence barrier during construction.

\* **Potential Impact 2: Coastal bluff morning-glory, a CNPS List 1B plant, will be impacted by construction of the house, access road, and ground disturbance for leach field construction.**

The population of coastal bluff morning-glory is scattered throughout the Study Area, with greatest concentrations of individuals in the central and western portions of the terrace (Figure 1). While the proposed house and access road, depending on the exact location, will directly impact approximately 50 to 90 individuals of coastal bluff morning-glory (representing approximately 19 to 34 percent of the population on the Study Area) and their habitat, the majority of the population and habitat on the Study Area occur outside of the proposed building footprint, and will not be permanently impacted. There will be temporary impacts to portions of the population as a result of septic tank leachfield installation. Due to the small size of the Study Area, potential locations for the house, access road, and leachfield are extremely limited.

right across  
main?

While coastal bluff morning-glory is not a federal or state listed species, its presence on CNPS List 1B affords it protection under CEQA. If mitigation measures are instituted and a permanent, self sustaining population of coastal bluff morning-glory, similar to what currently occurs on the Study Area, can be established and maintained, impacts to some individuals and habitat as a result of the proposed project can be reduced to less than significant levels since: (1) the population is isolated, frequently disturbed by human intrusion, surrounded by development, and does not maintain a contiguous, large scale habitat with other coastal bluff morning-glory populations; (2) the population on the Study Area contains considerable phenotypic variability that indicates a gradation from strongly differentiated coastal bluff morning-glory to individuals that appear much more similar to the common climbing morning-glory, and, therefore, the taxonomic distinction of the subspecies on the Study Area does not appear clear cut.

**Mitigation Measure 2.1:** Coastal bluff morning-glories on the Study Area shall be flagged prior to conducting any ground disturbing activities. Plants that will be permanently impacted by the proposed house and access road shall be transplanted to non-impacted areas on the Study Area. Transplantation shall take place after plants have set seed, but prior to emergence from senescence or winter dormancy (approximately late August to February). Transplantation methodology and success criteria shall be developed in conjunction with the California

Department of Fish and Game.

**Mitigation Measure 2.2:** Measures shall be taken to assure that a minimum of 50 percent of the coastal bluff morning-glory population on the Study Area (approximately 125 individuals) is not disturbed either: (1) permanently by the proposed building and access road envelope, or (2) temporarily during leachfield construction. It is recommended that the large concentration of individuals (approximately 100 to 125 individuals) located adjacent to the beach access trail along the western edge of the Study Area remain undisturbed. Construction fencing shall be erected around all preserved individuals and construction personnel and equipment shall be excluded from the protected area at all times.

**Mitigation Measure 2.3:** For plants located in the area of the proposed leachfield (i.e., not permanently impacted by the proposed house/access road, and not permanently protected in the preserved area), protective measures shall be implemented to ensure minimal impacts to these individuals. Protective measures can include:

- (1) Leachfield trenches shall be located such that, to the maximum extent practicable, coastal bluff morning-glories will be avoided by trenching operations.
- (2) For plants that can't be avoided by trenching operations, the upper 8 to 12 inches of topsoil shall be excavated with a sod cutting device, stockpiled onsite while the trench is excavated, and then placed on the surface after trench backfilling.

**Mitigation Measure 2.4:** Areas outside of the building and access road footprint shall be maintained in perpetuity, after leachfield installation, in a condition similar to that which occurred on the Study Area prior to disturbance. No landscaping, paving, or other disturbance shall be allowed in this area. This area should be mowed annually to maintain habitat conditions that favor coastal bluff morning-glory.

## 6.0 CONCLUSION

Riparian vegetation and one special-status plant species, coastal bluff morning-glory, were located on the Study Area during the June 11, 2003 field survey. The Applicant is proposing to build a single family residence on the southern portion of the terrace. Implementation of Mitigation Measure 1.1 should reduce any potentially significant impacts to Glennen Gulch and associated riparian vegetation to less than significant levels. While unavoidable impacts to the coastal bluff morning-glory population will result from the proposed project, these impacts can be reduced to less than significant levels if Mitigation Measures 2.1-2.4 are implemented. The diversity of approaches for the conservation of coastal bluff morning-glory described in Mitigation Measures 2.1-2.4 (e.g., avoidance, transplanted, soil stockpiling, permanent protected habitat) will allow for the greatest likelihood of achieving success at preserving coastal bluff morning-glory on the Study Area in perpetuity.

Since the proposed project occurs within 100 feet of an Environmentally Sensitive Habitat Area, this plan should be reviewed and approved by the California Department of Fish and Game.

## 7.0 REFERENCES CITED

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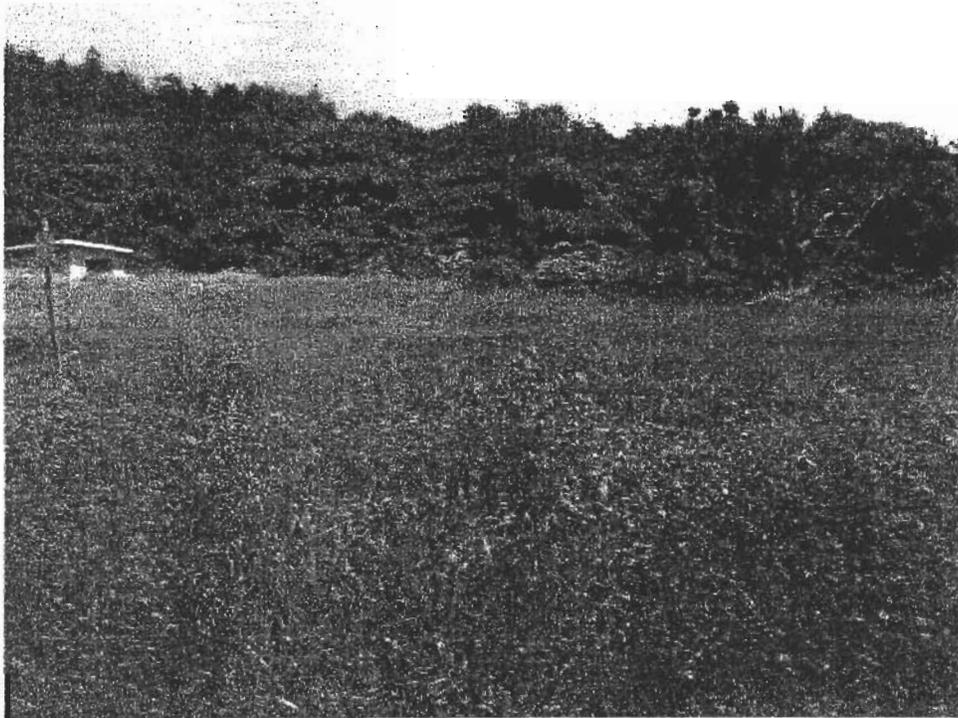
**Appendix A. Special-status plant species identified for the Study Area vicinity during the background literature search.**

Species	Status	Typical Habitat	Potential for Occurrence on Study Area
<i>Astragalus agnicidus</i> Humboldt milk-vetch	FSC, SE, List 1B	Broadleafed upland forest, disturbed openings in partially timbered forest lands, 575-750 m. Only known from one area in Humboldt County. Blooms June-September.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Calamagrostis bolanderi</i> Bolander's reed grass	List 4	Broadleafed upland forest, closed-cone coniferous forest, coastal scrub, meadows and seeps, freshwater marshes and swamps, north coast coniferous forest, 0-455 m. Blooms May-August.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Calystegia purpurata</i> ssp. <i>saxicola</i> coastal bluff morning glory	List 1B	Coastal dunes, coastal scrub, 15-105 m. Blooms May-August.	<b>Present.</b> Approximately 255 individuals observed on the Study Area.
<i>Campanula californica</i> swamp harebell	FSC, List 1B	Bogs and fens, closed-cone coniferous forest, coastal prairie, meadows, freshwater marsh, north coast coniferous forests, 1-405 m. Blooms June-October.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Castilleja mendocinensis</i> Mendocino coast Indian paintbrush	FSC, List 1B	Coastal bluff scrub, coastal scrub, coastal prairie, closed-cone coniferous forest, coastal dunes, 0-160 m. Often on sea bluffs or cliffs in coastal bluff scrub or prairie. Blooms April-August.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Cupressus goveniana</i> ssp. <i>pigmaea</i> pygmy cypress	FSC, List 1B	Closed-cone coniferous forest, on podzolized soils, 35-305 m.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Erigeron supplex</i> supple daisy	FSC, List 1B	Coastal bluff scrub, coastal prairie; usually in grassy sites, 5-50 m. Blooms May-July.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Fritillaria roderickii</i> Roderick's fritillary	FSC, SE, List 1B	Coastal bluff scrub, coastal prairie, valley and foothill grassland (grassy slopes and mesas), 15-610 m. Blooms March-May.	<b>Low potential.</b> Some suitable habitat present on Study Area. Survey occurred in early June, outside of blooming window, but species most likely would have been identifiable during the field survey.
<i>Horkelia marinensis</i> Point Reyes horkelia	List 1B	Coastal dunes, coastal prairie, coastal scrub (sandy), 5-350 m. Blooms May-September.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Horkelia tenuiloba</i> thin-lobed horkelia	FSC, List 1B	Coastal scrub, chaparral (sandy soils, mesic openings), 45-500 m. Blooms May-July.	<b>None.</b> Not observed on the Study Area during the survey.

**Appendix A. Special-status plant species identified for the Study Area vicinity during the background literature search.**

Species	Status	Typical Habitat	Potential for Occurrence on Study Area
<i>Lasthenia macrantha</i> <i>ssp. macrantha</i> perennial goldfields	List 1B	Coastal bluff scrub, coastal dunes, coastal scrub, 5-520 m. Blooms January-November.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Lilium maritimum</i> coast lily	FSC, List 1B	Closed-cone coniferous forest, coastal prairie, coastal scrub, broadleaved upland forest, north coast coniferous forest (usually in roadside ditches), 10-335 m. Blooms May-July.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Lycopodium clavatum</i> running-pine	List 2	Marshes and swamps, mesic north coast coniferous forest, 45-790 m. Blooms July-August.	<b>Low potential.</b> No suitable habitat present on Study Area.
<i>Sidalcea malachroides</i> maple-leaved checkerbloom	FSC, List 1B	Broadleaved upland forest, coastal prairie, coastal scrub, north coast coniferous forest, 2-760 m. Often in disturbed areas near coast. Blooms April-August.	<b>None.</b> Not observed on the Study Area during the survey.
<i>Sidalcea malviflora ssp.</i> <i>purpurea</i> purple-stemmed checkerbloom	List 1B	Broadleaved upland forest, coastal prairie, 15-65 m. Blooms in May.	<b>Low potential.</b> Some suitable habitat present on Study Area. Survey occurred in early June, outside of blooming window, but species most likely would have been identifiable during the field survey.
<p>Key to Status:</p> <p>FSC            Federal Species of Concern  SE             State Endangered  List 1B        CNPS list of plants rare, threatened, or endangered in California and elsewhere  List 2         CNPS list of plants rare, threatened, or endangered in California and elsewhere  List 4         CNPS list of plants of limited distribution—a watch list</p>			

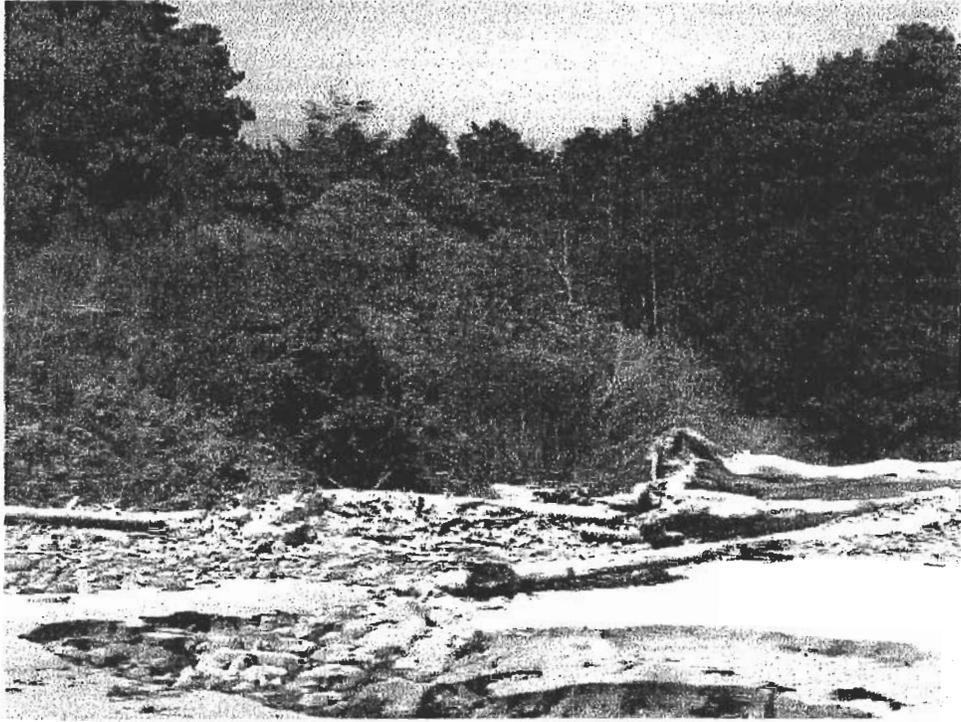
**APPENDIX B**  
**PHOTOGRAPHS OF THE STUDY AREA**



Photograph 1. The northern portion of the Study Area is dominated by California annual grassland series.



Photograph 2. Bishop pine series, Douglas-fir series, and Grand fir series in southern portion of the Study Area.



Photograph 3. Red alder series (center of photo) along Glennen Gulch, taken from Cooks Beach looking upstream.



Photograph 4. Coastal bluff morning-glory observed on the Study Area.

**Appendix C. Plants observed on the Study Area during the June 11, 2003 site visit.**

Scientific Name	Common Name
<i>Abies grandis</i>	grand fir
<i>Achillea millefolium</i>	yarrow
<i>Alnus rubra</i>	red alder
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Anthoxanthum odoratum</i>	sweet vernal grass
<i>Arbutus menziesii</i>	Pacific madrone
<i>Athyrium filix-femina</i> var. <i>cyclosorum</i>	lady fern
<i>Avena</i> sp.	wild oat
<i>Baccharis pilularis</i>	coyote brush
<i>Briza maxima</i>	big quaking grass
<i>Briza minor</i>	little quaking grass
<i>Bromus diandrus</i>	ripgut brome
<i>Calystegia purpurata</i> ssp. <i>saxicola</i>	coastal bluff morning-glory
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Ceanothus thyrsiflorus</i>	blue blossom
<i>Chamomilla suaveolens</i>	pineapple weed
<i>Chrysolepis chrysophylla</i>	chinquapin
<i>Cirsium</i> sp.	thistle
<i>Cortaderia jubata</i>	pampas grass
<i>Cynosurus echinatus</i>	hedgehog dogtail
<i>Dudleya farinosa</i>	powdery dudleya
<i>Erigeron glaucus</i>	seaside daisy
<i>Eschscholzia californica</i>	California poppy
<i>Foeniculum vulgare</i>	fennel
<i>Fragaria chiloensis</i>	beach strawberry
<i>Galium aparine</i>	goose grass
<i>Garry elliptica</i>	coast silk tassel
<i>Genista monspessulana</i>	French broom
<i>Geranium dissectum</i>	geranium
<i>Holcus lanatus</i>	velvet grass
<i>Hypochaeris glabra</i>	smooth cat's-ear
<i>Iris douglasiana</i>	Douglas iris
<i>Linum bienne</i>	flax
<i>Lithocarpus densiflorus</i>	tanoak
<i>Lolium multiflorum</i>	Italian ryegrass
<i>Lonicera hispidula</i> var. <i>vacillans</i>	honeysuckle
<i>Lotus</i> sp.	
<i>Lupinus</i> sp.	lupine
<i>Lythrum hyssopifolium</i>	hyssop loosestrife
<i>Malva</i> sp.	mallow
<i>Marah oreganus</i>	coast manroot
<i>Medicago polymorpha</i>	California burclover
<i>Mimulus aurantiacus</i>	bush monkeyflower
<i>Mimulus guttatus</i>	seep monkeyflower
<i>Petasites frigidus</i> var. <i>palmatus</i>	coltsfoot
<i>Pinus muricata</i>	Bishop pine
<i>Plantago lanceolata</i>	English plantain

Scientific Name	Common Name
<i>Polystichum munitum</i>	swordfern
<i>Prunella vulgaris</i>	self-heal
<i>Pseudotsuga menziesii</i> var. <i>menziesii</i>	Douglas-fir
<i>Pteridium aquilinum</i>	bracken fern
<i>Raphanus sativus</i>	wild radish
<i>Rubus discolor</i>	Himalayan blackberry
<i>Rubus parviflorus</i>	thimbleberry
<i>Rubus ursinus</i>	California blackberry
<i>Rumex acetosella</i>	sheep sorrel
<i>Rumex crispus</i>	curly dock
<i>Salix</i> sp.	willow
<i>Scrophularia californica</i> ssp. <i>californica</i>	California figwort
<i>Sequoia sempervirens</i>	redwood
<i>Sisyrinchium bellum</i>	blue-eyed-grass
<i>Sonchus asper</i>	prickly sow thistle
<i>Stachys</i> sp.	hedgenettle
<i>Toxicodendron diversilobum</i>	poison oak
<i>Trifolium incarnatum</i>	crimson clover
<i>Trifolium repens</i>	white clover
<i>Tropaeolum majus</i>	garden nasturtium
<i>Umbellularia californica</i>	California bay
<i>Vaccinium ovatum</i>	evergreen huckleberry
<i>Zigadenus fremontii</i>	death camas