

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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W4a

Page: Page 1 of 8
Date: March 25, 2011
Permit Application: **CDP No. 1-11-002**

ADMINISTRATIVE PERMIT

APPLICANT(S): Marilyn Shepherd

AGENT(S): Paul Peeples

PROJECT DESCRIPTION: Remove an existing 940-square-foot mobile home from the property and construct a new 960-square-foot, 14-foot-high single-family residence in the same footprint.

PROJECT LOCATION: 3708 Patricks Point Drive, Humboldt County (APN 517-071-029)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination and for any special conditions appear beginning on page 3.

NOTE: Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

THIS PERMIT WILL BE REPORTED TO THE COMMISSION AT THE FOLLOWING TIME AND PLACE:

April 13, 2011 9:00 a.m.
Santa Barbara Board of Supervisors Chambers
105 East Anapamu Street
Santa Barbara, CA 93101

IMPORTANT: Before you may proceed with development, the following must occur:

Pursuant to Title 14, California Administrative Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER M. DOUGLAS
Executive Director

By: _____
MELISSA B. KRAEMER
Coastal Program Analyst

I. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions is returned to the Commission Office.
2. Expiration. If development is not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

II. EXECUTIVE DIRECTOR'S DETERMINATION:

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit.

Subject to Standard and Special Conditions as attached, said development is in conformity with the policies of Chapter 3 of the California Coastal Act, including those policies regarding public access and coastal recreation opportunities, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

III. FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Location & Description

1. Project Site

The project site is located in Humboldt County, in the Trinidad area, on the west side of Patricks Point Drive, approximately 350 north of the intersection of Driftwood Lane and Patricks Point Drive, on the property known as 3708 Patricks Point Drive (APN 517-071-29) (Exhibit Nos. 1-2). The approximately 0.90-acre subject property is situated approximately 800 feet landward from the nearest bluff edge at an elevation of approximately 200 feet above mean sea level. The eastern edge of the property fronts Patricks Point Drive, a public roadway considered the first public through road paralleling the sea in this location. Although the property is situated on the west side of Patricks Point Drive, there are several other parcels and features located between the subject site and the bluff edge, including several developed rural residential lots along Driftwood Lane and Quarnda Road, both private roads. The rural residential area is characterized by dense forested vegetation.

Although Humboldt County has a certified local coastal program (LCP), the subject site is located in a non-certified area that includes all of the area to the west of Patricks Point Drive and Stagecoach Road between the City of Trinidad and Patricks Point State Park. As a consequence, the Commission retains coastal development permit jurisdiction over the site, and the standard of review for issuance of a coastal development permit is whether the development is consistent with the Chapter 3 policies of the Coastal Act. The County's local zoning designation assigned to the property is Rural Residential Agriculture – Minimum Lot Size of 2 Acres with Manufactured Home, Design Review, Offshore Rocks and Rocky Intertidal Areas, and Streams and Riparian Corridor Protection Combining Zones (RA-2/M,D,O,R).

Patricks Point Drive and the other roads in the area are characterized by narrow, rural roads lined with mature, dense, forested vegetation setback a considerable distance from

the bluff edge. As a result, virtually no public views to the ocean are available from public roadways (chiefly Patricks Point Drive) in this particular area. Nevertheless, the subject site lies within an area locally designated as “Coastal Scenic,” though as mentioned above, the County LCP has not been certified for this particular area. For this reason, the County processed a special permit for the proposed development for design review purposes (approved December 27, 2010). Portions of the subject site are visible from Patricks Point Drive, although public views of the property are limited by a road cut as well as the presence of extensive evergreen woody vegetation along the road and the edge of the property. The subject parcel is located immediately south of and adjacent to Patricks Point State Park. However, due to the presence of an extensive stand of mature forest vegetation on park property that lacks access opportunities for park visitors, the property is not visible to park visitors.

The property itself is generally flat. Vegetation on and around the property consists of north coast coniferous forest species common to the region including Sitka spruce (*Picea sitchensis*), California wax myrtle (*Morella californica*), swordfern (*Polystichum munitum*), western bracken fern (*Pteridium aquilinum*), evergreen huckleberry (*Vaccinium ovatum*), salal (*Gaultheria shallon*), and various others. No environmentally sensitive habitat areas are located either on or within the immediate vicinity of the subject property.

Existing development on the property includes a 940-square-foot mobile home, a gravel driveway with four parking places, a septic system, a 4-foot-by-4-foot pump house and well, and three 6-foot-by-8-foot portable metal sheds (not on foundations).

2. Development Proposal

The applicant proposes to remove the existing 940-square-foot mobile home from the property and construct a new 960-square-foot, 14-foot-high single family residence in the same footprint (Exhibit No. 3). In addition, the applicant proposes after-the-fact approval for the development of the 4-ft-by-4-ft pump house and the placement of three, foundationless 6-foot-by-8-foot portable metal sheds. Any demolition debris associated with the removal of the mobile home from the property is proposed to be taken off-site for disposal at a permitted facility in Eureka.

B. Locating and Planning New Development

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

As described above, the subject property is within a developed rural residential neighborhood zoned by the County with a Rural Residential Agriculture base zone designation with a two-acre minimum parcel size requirement, where 0-2 residential units per acre is a principally permitted use. The subject parcel is developed with an existing water well and sewer system. The County Environmental Services Division reviewed the proposal for the development of a new single family residence on the subject site and approved the existing septic system as adequate to serve the proposed new development. The parcels lies within the emergency services jurisdictional boundaries of the Humboldt County Sheriff's Office and the California Department of Forestry and Fire Protection. Electrical and telephone service is provided to the site by the Pacific Gas and Electric Company and AT&T/SBC Communications, Inc., respectively. The demolition and removal of an existing mobile home and development of a new single family residence on the site as proposed will not result in a change in road capacity, create new vehicular entry points onto the adjoining public road, or reduce the amount of off-street and/or future on-street parking amenities to be provided at or adjacent to the project site. As discussed in the following findings, the proposed development would not have significant adverse effects, either individually or cumulatively, on coastal resources.

Therefore, the Commission finds that as conditioned, the proposed development is consistent with Coastal Act Section 30250(a) in that (a) it is located in a developed area that has adequate road circulation, water and sewer capability, and other public services and utilities to accommodate it, and (b) it will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

C. Protection of Visual Resources

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance and requires, in applicable part, that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

As described above, no public views to the ocean or scenic coastal areas are available through the site from public roadways or other public areas. Furthermore, the site is not visible from visitor-serving areas of Patricks Point State Park due to the presence of an extensive stand of mature, dense forest vegetation on park property that lacks access opportunities for park visitors. Although portions of the subject site, including portions of the proposed residence, are visible from Patricks Point Drive, public views of the property are limited by a topographic break as well as the presence of extensive evergreen woody vegetation along the road and the edge of the property. Nevertheless, if the property owner were in the future to remove the roadside vegetation that serves to shield the residential development on the property from public view, the proposed new development could affect coastal visual resources in this coastal scenic area. Therefore, the Executive Director attaches Special Condition No. 1. This condition states that future

development in the form of major vegetation removal on the property will require a new coastal development permit or permit amendment.

D. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

As noted previously, the project site is located immediately south of Patrick's Point State Park, where public access, via a series of developed trail facilities to the coastline, is open and available for use. The proposed project would not adversely affect public access. The project site does not front directly on the ocean, as it is separated from the rocky, steep shoreline by a row of parcels along Driftwood Lane. Moreover, no evidence has been presented to suggest that an implied dedication of a public access easement through or along the access roads alongside the property has occurred. Therefore, the proposed project would not adversely affect any existing rights of access that may have been acquired through use, as no existing public access would be blocked by the proposed development.

Therefore, the Executive Director finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

E. California Environmental Quality Act (CEQA)

Humboldt County served as the lead agency for the project for CEQA purposes. The County determined that the proposed project to be exempt from the need for environmental review pursuant to Section 15303 of the CEQA guidelines.

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with

any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Executive Director incorporates its findings on conformity with the Chapter 3 policies of the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the development has been conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been required as permit special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Executive Director finds that the development as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

IV. SPECIAL CONDITIONS

1. Restriction on Future Vegetation Removal

Any future major vegetation removal on the east side of the property (between the residence and Patricks Point Drive) governed by Coastal Development Permit No. 1-11-002 shall require an amendment to CDP No. 1-11-002, or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

V. EXHIBITS

1. Regional Location
2. Vicinity Map
3. Site and Floor Plans

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing



Coastal Zone boundary

Patrieks Point State Park

Subject Site

EXHIBIT NO. 2
APPLICATION NO.
1-11-002
SHEPHERD
VICINITY MAP

OWNER: T. RILEY, SHEPHERD
 BUILDER: PAUL PERPINE
 ADDRESS: 3108 PATRICKS POINT DR., TENDON, CA
 PHONE: 925-437-4724

DESIGN DRAFTING
 Professional Drafting Service
 2505 E. BIRNEY, CALIFORNIA
 (925) 437-3000

Project: 21111111
 Date: 10/15/2002
 Drawn By: JTL
 Checked by: JTL
 Revised:
 Sheet No. _____ of _____

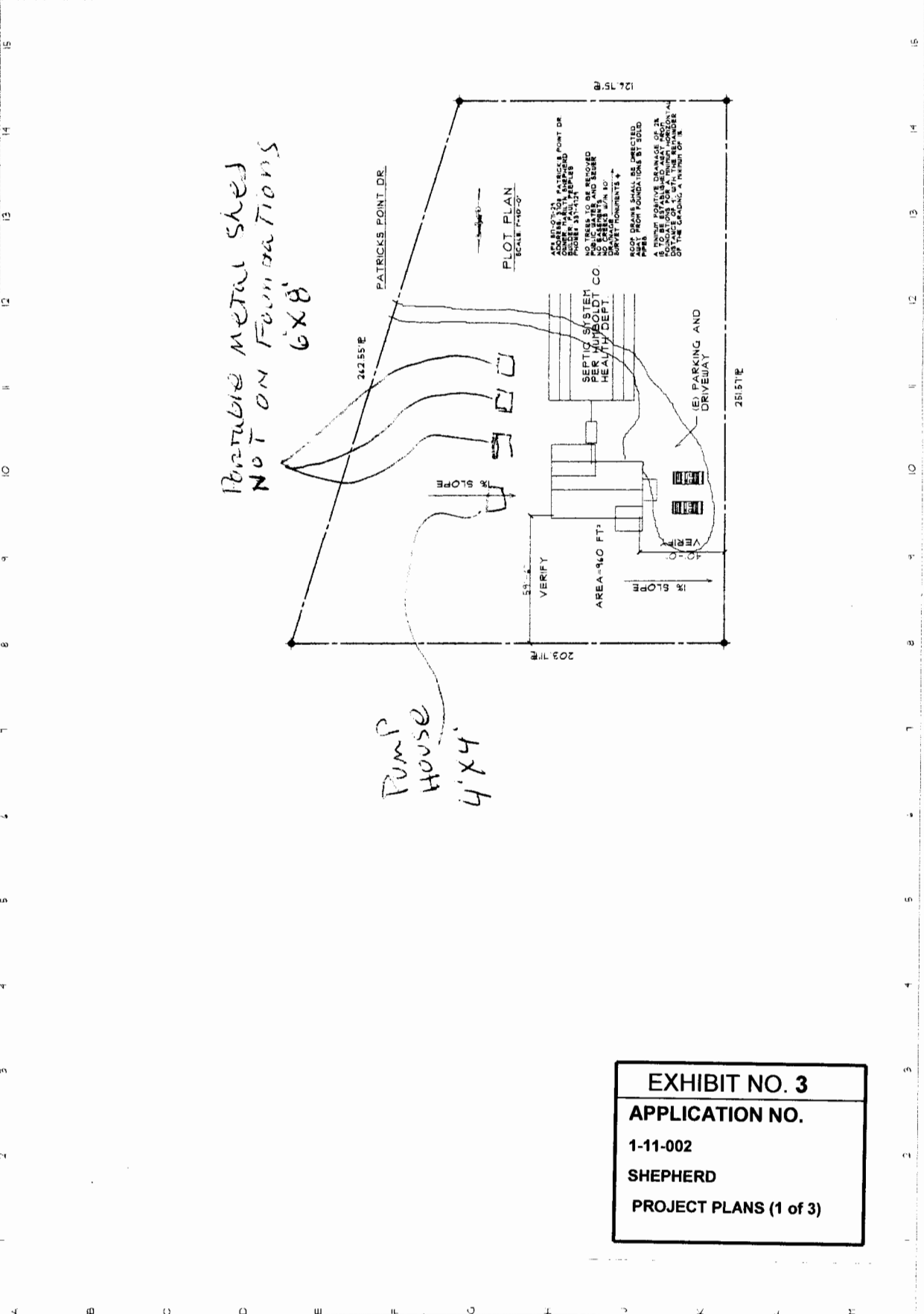
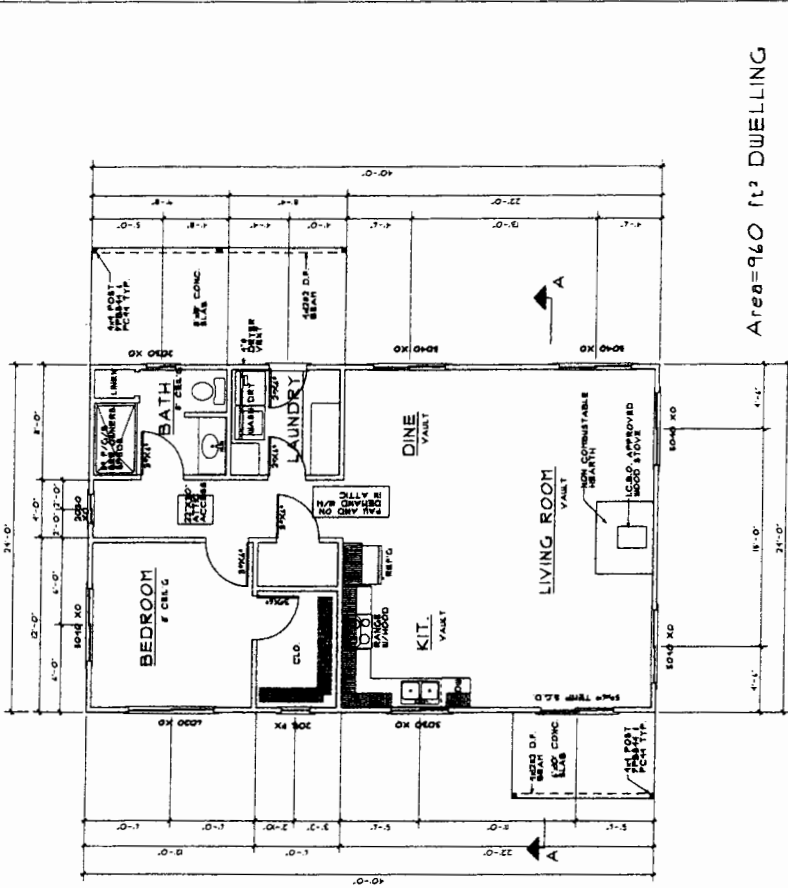


EXHIBIT NO. 3
APPLICATION NO.
1-11-002
SHEPHERD
PROJECT PLANS (1 of 3)

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GENERAL NOTES:

1. DRAWING SCALE AS NOTED.
2. ALL FRAMING MEMBERS OF 4" UNLESS NOTED.
3. ALL WOOD MEMBERS IN DIRECT CONTACT WITH CONCRETE TO BE PRESURE TREATED DP.
4. ALL BEDROOM WINDOWS TO BE FRAMED WITH PCF TYP.
5. BRIDGE DETECTORS IN ALL BEDROOM/CLADDING HALLWAYS AND VAULTED AREAS OVER EXPOSED DET.
6. GFC RECEPTACLES IN BATHROOMS, KITCHEN, GARAGES, LAUNDRY AND EXTERIOR.
7. CONCRETE REQ TO BE 3000 PSI MIN.
8. UNDERFLOOR VENTILATION TO HAVE 1 SQ FT. OF VENT TO 80 SQ. FT. OF UNDERFLOOR AREA.
9. GARAGE WALLS SHALL BE 5/8" TYP "X" GYP. BD.
10. ATTIC VENTILATION REQUIRED TO HAVE 1 SQ FT. OF OPENING TO 80 SQ FT. OF ATTIC AREA.
11. ALL GLAZING IN TUB ENCLOSURES TO BE TEMPERED.
12. DRYER VENT TO TERMINATE OUTSIDE OF BUILDING WITH MAX. LENGTH OR MANUFACTURER'S SPECS.
13. IN EXTERIOR WALLS AND BEARING PARTITIONS, ALL WOOD STUDS THAT BE CUT OR NOTCHED TO A DEPTH NOT TO EXCEED 25 % OF ITS WIDTH. CUTTING, NOTCHING OF STUDS ON NON-BEARING WALL CAN NOT EXCEED 40 % OF STUD WIDTH.
14. A BORED HOLE CAN NOT EXCEED 40% OF



FLOOR PLAN
SCALE 1/4"=1'-0"

Area = 960 sq ft DWELLING

OWNER: MARLYN SHEPHERD
 BUILDER: PAUL PEPPLES
 ADDRESS: 3708 PATRICKS POINT DR., TRINDADO, CA
 PHONE: 337-4734

DESIGN DRAFTING
 Professional Drafting Service
 2809 S. ST. EMERICK, CALIFORNIA
 (707) 443-1888

Project # MARLYN SHEPHERD-1
 Date: 10/8/2000
 Drawn By: JITA
 Checked by: JITA
 Review:
 Sheet No. _____ of _____ Sheets

City of Orange/Pepples/MARLYN SHEPHERD-Bldg. October 15, 2010

2 of 3

