

**CALIFORNIA COASTAL COMMISSION**

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# W16a

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Hearing Date: April 11, 2012  
Commission Action:

## STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-11-043**

APPLICANT: **Thomas Needham**

PROJECT LOCATION: 1561 Buhne Drive, King Salmon, Humboldt County (APN 305-083-01).

PROJECT DESCRIPTION: Demolish an existing ~1,200-square-foot dilapidated 1-story single-family residence and construct a new ~900-square-foot, maximum 28-foot-high, 2-story (2<sup>nd</sup>-floor living space above 1<sup>st</sup>-floor garage), 1-bedroom, single family residence, paved driveway, and property fencing.

GENERAL PLAN DESIGNATION: Residential Low Density as designated in the Humboldt Bay Area Plan

ZONING DESIGNATION: Residential Single Family – 5,000-Square-Foot Minimum Parcel Size with Flood Hazard Area Combining Zone (RS-5/F)

LOCAL APPROVALS RECEIVED: None required.

OTHER APPROVALS: None required.

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program.

### **SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval with conditions of the coastal development permit application for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the Chapter 3 policies of the Coastal Act.

The applicant proposes to demolish an existing ~1,200-square-foot dilapidated 1-story single-family residence built in the 1950s and construct a new ~900-square-foot, maximum 28-foot-high, 2-story (2<sup>nd</sup>-floor living space above 1<sup>st</sup>-floor garage), 1-bedroom, single-family residence, paved driveway, and 5-foot-tall wooden-board property fencing. Project plans are attached as Exhibit No. 4.

The project site is located on an approximately 3,950-square-foot residential lot on the east side of Buhne Drive at 1561 Buhne Drive in the King Salmon area of Humboldt County, just south of Eureka (APN 305-033-01) (Exhibit Nos. 1-3). The King Salmon subdivision consists of former tidelands that were partially filled during the mid-1900s and later subdivided, mostly into 25-foot-wide lots that were originally used for resort cabins. The tidelands were filled in a manner that created interior tidal channels within the subdivision, all of which connect to Fisherman's Channel, which ultimately leads to the open waters of Humboldt Bay. Although many of the lots within the subdivision include shoreline area along the tidal channels, the subject lot does not contain or abut any coastal waters or wetlands, nor does it contain any other type of environmentally sensitive area. The subject property is however located directly across the road (inland) from a public beach and dune area.

The subject property, which is developed with an existing single-family residence that is proposed to be demolished (Exhibit No. 5), is located in a developed residential neighborhood that is planned and zoned for single-family residential uses. The property is served by community water and sewer systems provided by the Humboldt Community Services District. Thus, staff believes that there are adequate services to accommodate the proposed new single-family residence. Because the subject site is located in a designated flood hazard combining zone, as discussed in Finding IV.C below, staff recommends Special Condition Nos. 1 (submittal of approved flood elevation certificate), 2 (assumption of risk), and 3 (deed restriction recordation of permit conditions) to ensure that the development minimizes flood hazards. Furthermore, as discussed in Findings IV.D, E, and F below, staff recommends Special Condition Nos. 4 through 7 (exterior lighting limitations, landscaping restrictions, construction standards and responsibilities, and submittal of a debris disposal plan prior to permit issuance) to protect visual resources, nearby environmentally sensitive habitat areas, and water quality.

As conditioned, staff believes that the project is fully consistent with all applicable Chapter 3 policies of the Coastal Act.

**The Motion to adopt the Staff Recommendation of Approval with Conditions is shown below on page 3.**

**STAFF NOTES:**

**1. Standard of Review**

The proposed project is located in the Commission's retained jurisdiction. Humboldt County has a certified local coastal program (LCP), but the site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

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**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

The staff recommends that the Commission adopt the following resolution:

**Motion:**

*I move that the Commission approve Coastal Development Permit No. 1-11-043 pursuant to the staff recommendation.*

**Staff Recommendation of Approval:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve the Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS:      See Appendix A.**

**III. SPECIAL CONDITIONS:**

**1. Approved Flood Elevation Certificate**

The finished foundation of the new single-family residence shall be constructed at least one foot (1') above the Base Flood Elevation (BFE). **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the applicant shall provide to the Executive Director a copy of a Flood Elevation Certificate, prepared by a qualified, registered land surveyor, engineer, or architect and approved by the Humboldt County Building Department demonstrating that the finished foundation of the residence will be sited at least one foot above the BFE. The applicant shall inform the Executive Director of any changes to the project required by the Humboldt County Building Department. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

**2. Assumption of Risk**

By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from flooding, extreme high tides, storm surges, and tsunami wave run-up; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**3. Deed Restriction Recordation of Permit Conditions**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

**4. Lighting Limitations**

All exterior lighting attached to the authorized structures shall be low-wattage and downcast shielded such that no glare will be directed beyond the bounds of the property or into nearby coastal waters or dune habitat.

**5. Landscaping Restrictions**

The permittee shall comply with the following landscaping-related requirements:

- A. Only native and/or non-invasive plant species shall be planted. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the governments of the State of California or the United States shall be utilized within the bounds of the property; and
- B. The use of rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used.

**6. Construction Responsibilities**

The permittee shall comply with the following construction-related requirements:

- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or environmentally sensitive areas;
- B. Any and all debris resulting from construction activities shall be removed from the project site and disposed of in accordance with the approved debris disposal plan required by Special Condition No. 7;
- C. Any asbestos-containing materials shall be abated by a licensed asbestos abatement contractor, and Class II asbestos abatement methods shall be used in compliance with Cal/OSHA regulations.
- D. During the course of the project work, all trash shall be properly contained, removed from the work site on a regular basis, and properly disposed of to avoid contamination of habitat during demolition and construction activities.
- E. All on-site stockpiles of construction debris and soil or other earthen materials shall be covered and contained whenever there is a potential for rain to prevent polluted water runoff from the site.

**7. Final Debris Disposal Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a final plan for the disposal of all demolition and excess construction-related debris, excess sediments, vegetative spoils, and any other debris and waste expected to be generated by the authorized work.

- 1. The plan shall demonstrate that:

- a. Prior to demolition of the existing residence, an asbestos survey will be conducted;
  - b. Any asbestos-containing materials will be abated by a licensed asbestos abatement contractor, and Class II asbestos abatement methods shall be used in compliance with Cal/OSHA regulations; and
  - c. All demolition and excess construction-related debris, excess sediments, vegetative spoils, and any other debris and waste expected to be generated by the authorized work shall be disposed of at an authorized disposal site(s) capable of receiving such materials.
2. The plan shall include, at a minimum, the following:
- a. Disclosure of the location where all asbestos contaminated materials and all other materials to be removed from the site will be taken; and
  - b. Identification of all debris disposal sites that will be used and evidence that the debris disposal locations are legally authorized to accept the debris.
- B. The permittee shall undertake development in accordance with the approved final debris disposal plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

#### **IV. FINDINGS & DECLARATIONS:**

The Commission hereby finds and declares as follows:

##### **A. Project & Site Description**

The applicant proposes to demolish an existing ~1,200-square-foot dilapidated 1-story single-family residence built in the 1950s and construct a new ~900-square-foot, maximum 28-foot-high, 2-story (2<sup>nd</sup>-floor living space above 1<sup>st</sup>-floor garage), 1-bedroom, single-family residence, paved driveway, and 5-foot-tall wooden-board property fencing. Project plans are attached as Exhibit No. 4.

The existing residence is proposed to be demolished by a licensed contractor using heavy equipment (back hoe and dump truck) that would be staged on site (backyard area). Debris would be trucked offsite for disposal and recycling (where possible) at local waste disposal and recycling yards located outside of the coastal zone. Any hazardous material (e.g., asbestos or lead-based paint) would be handled and disposed of appropriately.

The project site is located on an approximately 3,950-square-foot residential lot on the east side of Buhne Drive at 1561 Buhne Drive in the King Salmon area of Humboldt County, just south of Eureka (APN 305-033-01) (Exhibit Nos. 1-3). The King Salmon

subdivision consists of former tidelands that were partially filled during the mid-1900s and later subdivided, mostly into 25-foot-wide lots that were originally used for resort cabins. The tidelands were filled in a manner that created interior tidal channels within the subdivision, all of which connect to Fisherman's Channel, which ultimately leads to the open waters of Humboldt Bay. Although many of the lots within the subdivision include shoreline area along the tidal channels, the subject lot does not contain or abut any coastal waters or wetlands, nor does it contain any other type of environmentally sensitive area.

The main roads serving the King Salmon subdivision are King Salmon Avenue and Buhne Drive. Buhne Drive flanks the northwest and western sides of the subdivision, separating the developed areas of the subdivision from a mudflat and dune area that borders the open waters of Humboldt Bay. This dune and Humboldt Bay shoreline area is accessible to the public. The subject property is located directly across the road (inland) from the public beach and dune area.

Most of the lots in the residentially zoned neighborhood of King Salmon have been developed with single-family residences of varying sizes that display a variety of architectural styles. The subject lot contains a dilapidated, approximately 1,200-square-foot, 1-story single-family residence built in the 1950s.

#### **B. Locating & 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.

The subject property, which is developed with an existing single-family residence that is proposed to be demolished (Exhibit No. 5), is located in a developed residential neighborhood that is planned and zoned for single-family residential uses. The property is served by community water and sewer systems provided by the Humboldt Community Services District. Thus, there are adequate services to accommodate the proposed new single-family residence. Although the subject site is located in a designated flood hazard combining zone, as discussed in Finding IV.C below the development has been conditioned to minimize flood hazards. Furthermore, as discussed in Findings IV.D, E, and F below, the project has been conditioned to protect visual resources, nearby environmentally sensitive habitat areas, and water quality.

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

**C. Flood Hazards**

Section 30253 states, in applicable part:

*New development shall do all of the following:*

*(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard...*

The primary natural hazard affecting development of the subject property is flooding. The entire King Salmon subdivision lies within the FEMA-mapped 100-year flood zone and is subject to flooding from extreme high tides. The elevation at the site is between 5 and 10 feet above mean sea level.

The primary way to minimize flooding risks from extreme high tides is to site proposed structures above flood elevations. According to the County Building Department, the 100-year Base Flood Elevation (BFE) in the King Salmon area as established by the Federal Emergency Management Agency's National Flood Insurance Program is estimated to be +6 feet NGVD29. In implementing the federal flood protection program, Humboldt County building permit regulations require new residences to have a finished floor elevation at least one-foot above BFE. The applicant has submitted a flood elevation certificate based on surveys by a licensed land surveyor stating that the finished floor elevation of the proposed structure will be above +7 feet NGVD29. The certificate has not yet been approved by the Humboldt County Building Department. **Special Condition No. 1** is required to ensure that the proposed siting of the new residence at least 1 foot above BFE is approved by Humboldt County, and any changes to the project that the County may require will not be incorporated into the project until the applicant obtains a Commission amendment to this CDP. Therefore, the proposed development is conditioned to minimize the risk of flooding associated with extreme high tides.

In addition to the risk of flood hazards associated with extreme high tides, the subject property, along with many others around Humboldt Bay, is shown on emergency planning maps published in 2009 by the California Emergency Management Agency, California Geologic Survey, and University of Southern California as being within the zone of potential inundation by a tsunami. If the region were to suffer a major earthquake along the Cascadia Subduction Zone, a local tsunami could hit the Humboldt Bay shoreline within minutes. The primary way to ensure that the proposed development would be safe from tsunami wave run-up would be to require that the habitable living spaces be positioned only above tsunami inundation levels. However, although the habitable living spaces are proposed to be located in the second story of the new residence at a minimum elevation of 19 feet (NVGD88), it would not be feasible to design a structure in this location that would position all of the habitable living space above tsunami inundation levels, which are believed to be at least 30 feet above mean sea level (the maximum height of the proposed structure is proposed to be 28 feet). Construction of a new structure at a design elevation high enough to minimize the hazard of tsunami wave run-up would be glaringly out of character with the surrounding area, where most existing structures are below 20 feet in height. Furthermore, constructing a building where the floor area is at least 30 feet above mean sea level would be



inconsistent with zoning code restrictions, which limit maximum building heights in the RS district to 35 feet.

Finally, extreme high tide events in conjunction with future sea-level rise will increase the vulnerability of the subject site and the entire King Salmon community. According to the State's 2010 sea-level rise interim guidance document, sea level is projected to rise 5 to 8 inches by 2030 and 10 to 17 inches by 2050. Throughout the first half of the 21<sup>st</sup>-century, sea-level rise alone is not expected to cause significant flooding, inundation, or erosion, but rather the highest probability and most damaging events likely will take place when increasingly elevated sea-level occurs simultaneously with high tides and large waves (e.g., during El Niños). Between 2050 and 2100, when sea-levels approach 18 to 69 inches above the present, the effects of sea level rise alone (flooding and inundation) and the combined effects of sea-level rise and large waves (e.g., damage to coastal structures, cliff erosion, beach loss) are projected to have much greater impacts. As the design life of the proposed new residence is presumed to be 75-100 years, a minimum 55-inch rise in sea-level (state-adopted projection for the year 2100) is assumed over the life of the project. Since the finished floor elevation of the proposed structure (first-floor garage) will be at approximately 7 feet, the siting and design of the proposed structure at one foot above BFE will not fully account for sea-level rise projected during the proposed residence's economic life. It must be noted however that the subject site is located inland of a County road and other County infrastructure that serves the King Salmon subdivision, which to some degree buffers the property from future sea-level rise impacts.

In order to further minimize flood hazard risks to life and property consistent with the requirements of Section 30253, the Commission finds that if the applicant and future landowners receive notification of the flood risks associated with the property, then the applicant and future landowners of the property can decide whether to implement development on the site despite the risks. Therefore, the Commission attaches Special Condition Nos. 2 and 3. **Special Condition No. 2** requires the landowner to assume the risks of flooding hazards to the property and to waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite flooding risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards. To ensure that all future owners of the property are aware of the flood hazard present at the site, the Commission's immunity from liability, and the indemnity afforded the Commission, **Special Condition No. 3** requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property.

Therefore, the Commission finds that the proposed project, as conditioned, will minimize risk to life and property from hazards, consistent with Section 30253 of the Coastal Act.

#### **D. 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. The Section 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.

The project site is located in a densely developed residential area. No public views of Humboldt Bay or the shoreline are afforded through the property, which is a developed lot located inland of Buhne Drive. Expansive and unobstructed public views of Humboldt Bay and coastal dunes are available for motorists and pedestrians from Buhne Drive adjacent to (seaward of) the subject site. In addition, public parking is available along Buhne Drive for access to the dunes and shoreline. Thus, the proposed development will not have a significant adverse impact on views to or along the shoreline as seen from publicly-accessible vantage points.

As the site is relatively flat and does not require significant grading that would change the basic topography of the site, the proposed project minimizes the alteration of natural landforms.

Since the proposed residence would be visible from Buhne Drive, the Commission must consider whether the proposed development would be compatible with the character of the surrounding area. The character of the King Salmon area is largely defined by its bayshore setting and predominantly single-family residential composition. The community consists of a diversity of architectural styles and sizes of residences ranging from small, old cabins and manufactured homes to larger two- and even a few three-story homes. The proposed two-story residence that will be a maximum of 28 feet tall with horizontal siding and 1:12-pitched, shed-style roofing will be of similar size, scale, and architectural style to some of the other development in this neighborhood of diverse structures. Thus, the proposed design of the residence will be visually compatible with the residential character of the surrounding area.

Although the development pattern is very compact in the area, consisting primarily of rows of 25-foot-wide by 125-foot-deep lots clustered along a series of narrow, non-through streets, the overall nighttime character of the area in terms of outside illumination is largely suburban in nature, with very little exterior lighting evident. As a result, with the exception of nominally shielded street lighting along the main collector street Buhne Drive and security lighting within the parking areas of several of the commercial properties within the community, King Salmon does not have pronounced problems with glare from external nighttime lighting that many communities of similar size and density currently experience.

Accordingly, to prevent the cumulative impacts of glare to the visual resources of the area, the Commission attaches **Special Condition No. 4**. Special Condition No. 4 requires that all exterior lighting associated with the proposed new residential development be low-wattage and downcast shielded such that no glare is directed beyond

the bounds of the property or into adjoining coastal waters or environmentally sensitive areas.

In summary, the proposed project as conditioned will be consistent with Section 30251, as the development will not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

#### **E. Environmentally Sensitive Habitat Areas**

Section 30240(b) of the Coastal Act requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values potentially resulting from adjacent development. Section 30240(b) of the Coastal Act states, in applicable part, the following:

*Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The subject property, which is ~3,950 square feet in size, is currently developed with a single-family residence and does not contain any known environmentally sensitive habitat. However, the site is located immediately across the County road from coastal dune habitat adjacent to Humboldt Bay. Coastal dune habitats in the North Coast region in general often support populations of rare, threatened, and endangered plant species, including beach layia (*Layia carnosa*), Humboldt Bay wallflower (*Erysimum menziesii* ssp. *eurekaense*), pink sand verbena (*Abronia umbellata* var. *breviflora*), dark-eyed gilia (*Gilia millefoliata*), and other rare species. Both the Commission and the County in past permitting actions for projects in the region have considered these rare plant habitat areas to be ESHA under the Coastal Act and certified LCP. Additionally, the Commission has considered coastal dune habitat in and of itself in the absence of rare species to be ESHA, since the habitat in general is both rare and especially valuable because of its special nature and role in an ecosystem and could be easily disturbed or degraded by human activities and developments.

The Commission finds that the coastal dunes located across the street from the proposed development do constitute ESHA, and the ESHA could be adversely affected if nonnative, invasive plant species were introduced in landscaping at the subject site. If any of the proposed landscaping were to include introduced invasive exotic plant species, the weedy landscaping plants could colonize (e.g., via wind or wildlife dispersal) the nearby dune ESHA over time and displace native dune vegetation, thereby disrupting the functions and values of the dune ESHA. The applicant has proposed a general and simple landscaping plan (Exhibit No. 4) that proposes to plant various assorted grasses (commonly listed as seashore grass, seaside grass, arrow grass, and reed grass). To ensure that the ESHA near the site is not significantly degraded by any future landscaping that would contain invasive exotic species, the Commission attaches **Special Condition No. 5**, which requires that only native and/or non-invasive plant species be planted on the subject property.

In addition, the Commission notes that certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to pose significant primary and secondary risks to non-target wildlife present in urban and urban/wildland interface areas. As these target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, the pest control compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. To avoid this potential cumulative impact to environmentally sensitive wildlife species, Special Condition No. 5 also contains a prohibition on the use of such anticoagulant-based rodenticides.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent ESHA, the project as conditioned will not significantly degrade adjacent ESHA and will be compatible with the continuance of the habitat area. Therefore, the Commission finds that the project as conditioned is consistent with Section 30240(b) of the Coastal Act.

#### **F. Water Quality Protection**

Section 30230 of the Coastal Act states, in applicable part, as follows:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states as follows:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

As cited above, Coastal Act Sections 30230 and 30231 require, in part, that marine resources and coastal wetlands and waters be maintained, enhanced, and where feasible restored. These policies specifically call for the maintenance of the biological productivity and quality of marine resources, coastal waters, streams, wetlands, and estuaries necessary to maintain optimum populations of all species of marine organisms and for the protection of human health.

To ensure that the project minimizes potential impacts to water quality associated with stormwater runoff and other potential impacts, the Commission attaches **Special Condition No. 6**, which requires that various construction-related responsibilities are

adhered to during the course of the proposed demolition and construction work. These include the following: (a) no construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or environmentally sensitive areas; (b) any and all debris resulting from construction activities shall be removed from the project site and disposed of at an authorized disposal location within 10 days of project completion; (c) any asbestos-containing materials shall be abated by a licensed asbestos abatement contractor, and Class II asbestos abatement methods shall be used in compliance with Cal/OSHA regulations; (d) during the course of the project work, all trash shall be properly contained, removed from the work site on a regular basis, and properly disposed of to avoid contamination of habitat during demolition and construction activities; and (e) all on-site stockpiles of construction debris shall be covered and contained whenever there is a potential for rain to prevent polluted water runoff from the site.

In addition, the Commission attaches **Special Condition No. 7**. This condition requires submittal of a debris disposal plan prior to permit issuance for the Executive Director's review and approval. The plan requires (a) submittal of an asbestos survey; (b) abatement of asbestos by a licensed asbestos abatement contractor; (c) disclosure of the location where all asbestos contaminated materials and all other materials to be removed from the site will be taken; and (d) evidence that the debris disposal locations are legally authorized to accept the debris proposed for disposal at that location.

Therefore, the Commission finds that the proposed project, as conditioned, will maintain and enhance the functional capacity of the habitat, maintain and restore optimum populations of marine organisms, and protect human health as mandated by the requirements of Sections 30230 and 30231 of the Coastal Act.

#### **G. 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 where adequate access exists nearby. Section 30211 of the Coastal Act 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.

The proposed project will not adversely affect public access. The project site does not front directly on Humboldt Bay, as it is separated from the bay shoreline by Buhne Drive.

In addition, the subject parcel does not front on any of the interior tidal channels within the interior of the King Salmon subdivision. As noted previously, the entire bay front of the King Salmon subdivision along the west side of Buhne Drive is open and available for public access use. Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and the project as proposed without new public access is consistent with the public access policies of Coastal Act cited above.

#### **H. California Environmental Quality Act**

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 requirement 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 the proposed development may have on the environment.

The Commission 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 specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

#### **V. EXHIBITS**

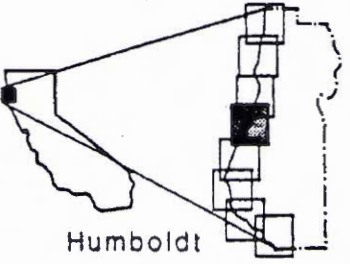
1. Regional Location Map
2. Parcel Map
3. Aerial Photograph
4. Proposed Plans
5. Photo of existing residence to be demolished

## **APPENDIX A**

### **STANDARD CONDITIONS:**

1. Notice of Receipt and Acknowledgment. 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 has not commenced, the permit will expire two years from the date on which the Commission voted on the application. 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 of 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.

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



Humboldt

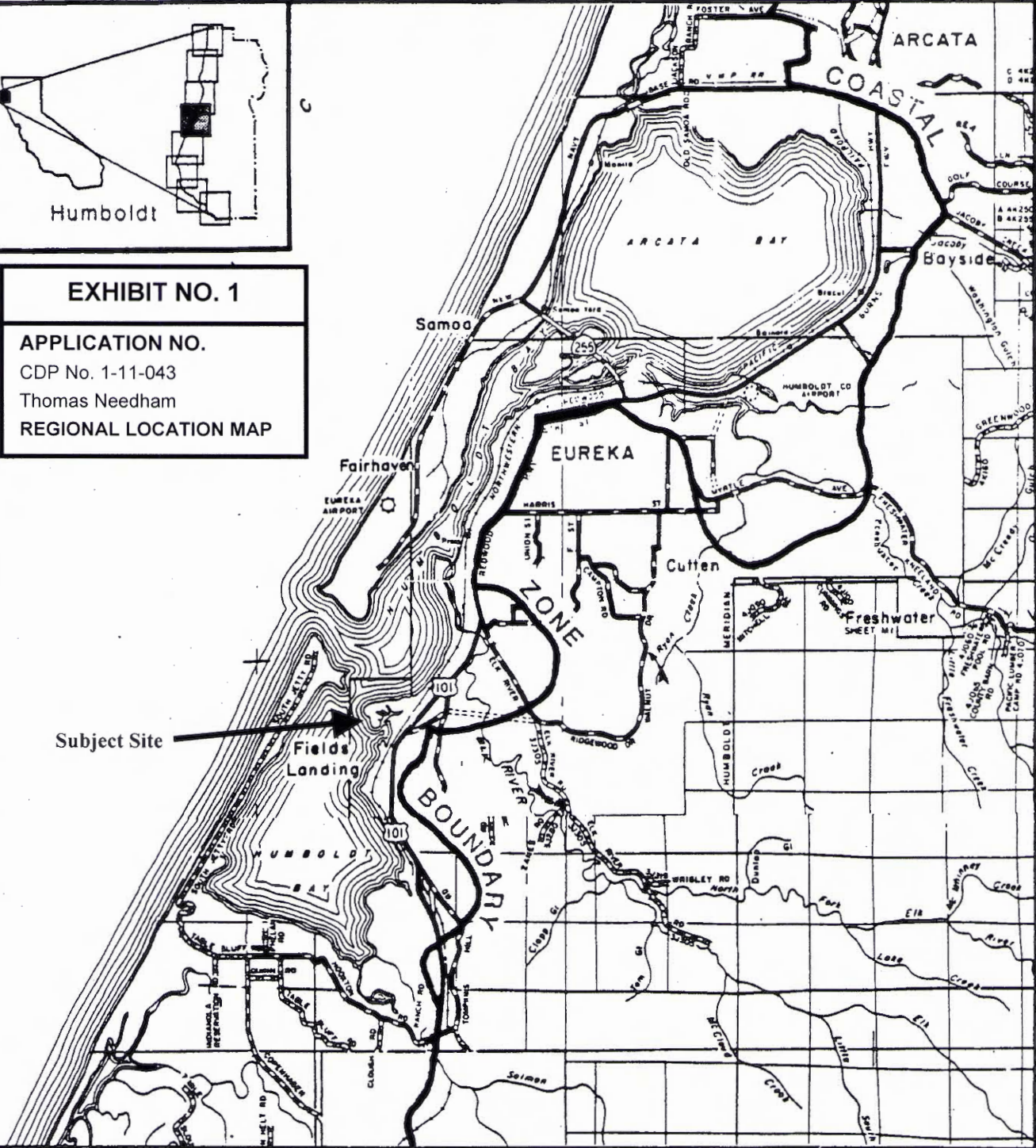
**EXHIBIT NO. 1**

**APPLICATION NO.**

CDP No. 1-11-043

Thomas Needham

**REGIONAL LOCATION MAP**



Subject Site

**LOCATION MAP**



California Coastal Commission

County of Humboldt





**APN 305-083-01**

**EXHIBIT NO. 2**  
**APPLICATION NO.**  
1-11-043  
NEEDHAM, THOMAS  
PARCEL MAP





1561 Buhne Dr, Eureka, CA 95503

Google earth

Eye alt 2852 ft

Image © 2012 DigitalGlobe

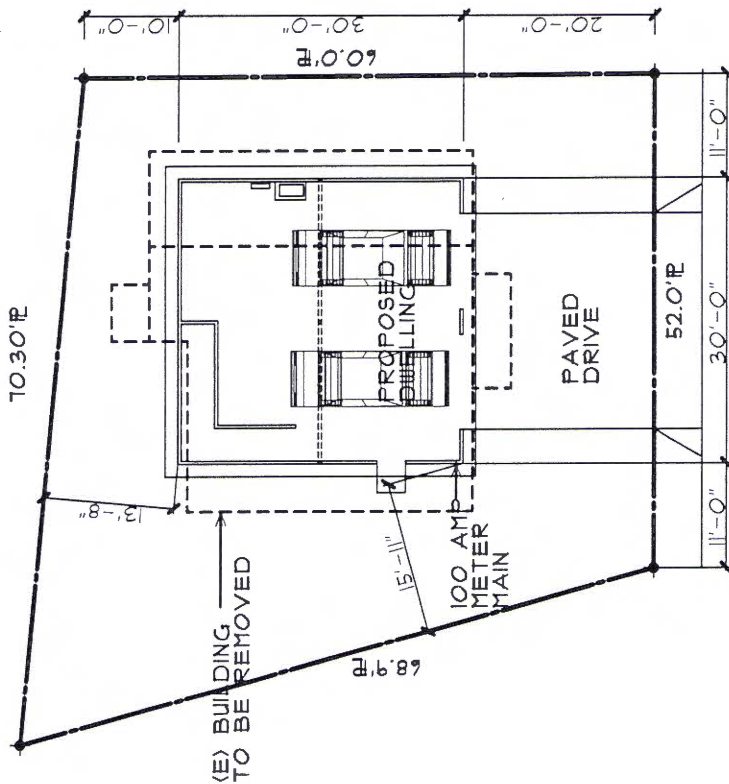
40°44'21.99" N 124°13'05.99" W elev 4 ft

1989

Imagery Date: 6/7/2011

<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b>
1-11-043
NEEDHAM, THOMAS
AERIAL MAP





# PLOT PLAN

SCALE: 1"=20'-0"

AP# 305-083-001  
 ADDRESS: 1541 BUHNE DR  
 OWNER: T. NEEDHAM  
 BUILDER: SAME  
 PHONE# 1-408-353-3608

NO TREES TO BE REMOVED  
 PUBLIC WATER AND SEWER  
 NO EASEMENTS  
 NO CREEKS W/IN 50'  
 DRAINAGE SURVEY MONUMENTS

ROOF DRAINS SHALL BE DIRECTED AWAY FROM FOUNDATIONS BY SOLID PIPES.

A MINIMUM POSITIVE DRAINAGE OF 2% IS TO BE ESTABLISHED AWAY FROM FOUNDATIONS FOR A MINIMUM HORIZONTAL DISTANCE OF 4', WITH THE REMAINDER OF THE GRADING A MINIMUM OF 1%.

FRONT SETBACKS 24' FROM BACK OF SIDEWALK MINIMUM, UNLESS OTHERWISE DESIGNATED.

REAR YARD SETBACKS 10' MINIMUM. SIDE YARD SETBACKS 5' MINIMUM.

Area=900 ft<sup>2</sup> 1st FLOOR-GARAGE

Area=853 ft<sup>2</sup> 2nd FLOOR

**BUHNE DR.**

<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b>
1-11-043
NEEDHAM, THOMAS
PROJECT PLANS (1 of 4)

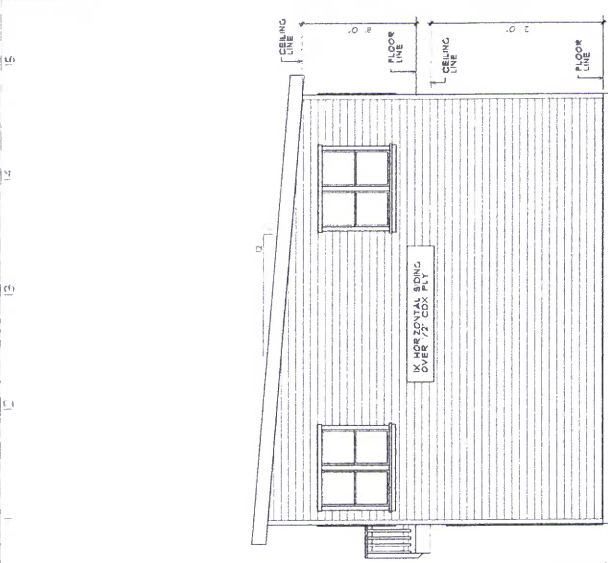


OWNER: T. NEEDHAM  
 BUILDER: SLOPER  
 ADDRESS: 1511 BUHNE DR., KING SALMON  
 PHONE: 7-408-353-3108

DESIGN DRAFTING  
 Professional Drafting Service  
 2103 E ST. BURKEA, CALIFORNIA  
 (707) 433-4009

Project: KING SALMON  
 Date: 10/21/20  
 Drawn By: JJA  
 Checked By: JJA  
 Revised:

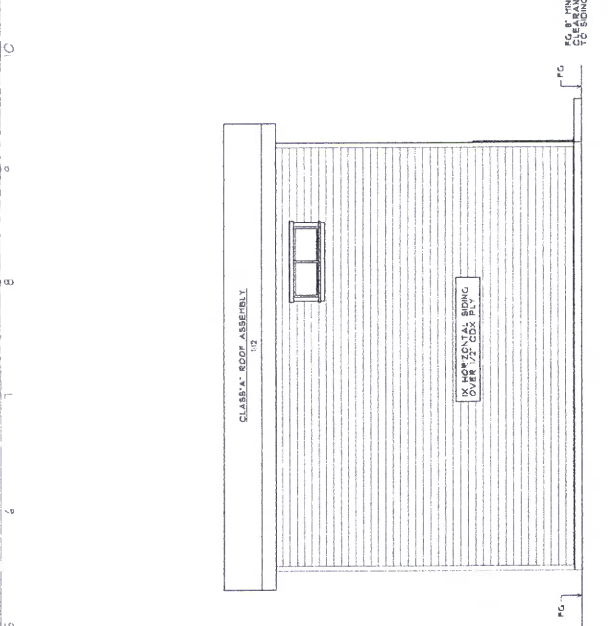
Sheet No. \_\_\_\_\_ of \_\_\_\_\_ Sheets



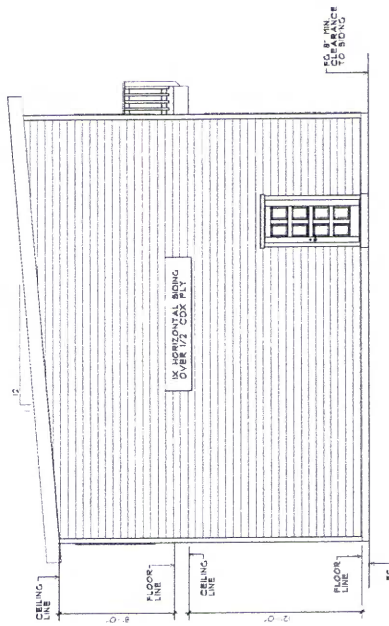
RIGHT SIDE ELEVATION  
 SCALE: 1/4"=1'-0"



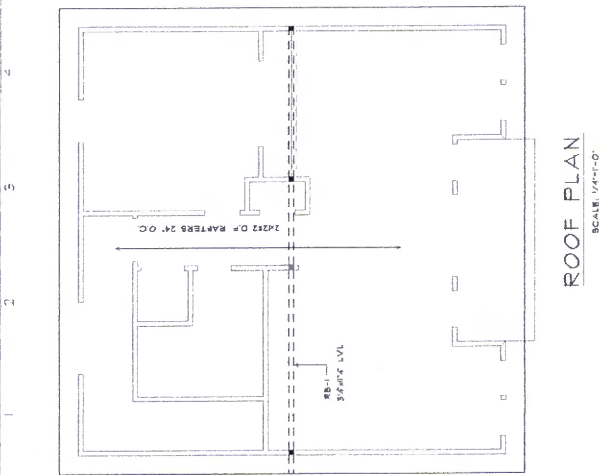
FRONT ELEVATION  
 SCALE: 1/4"=1'-0"



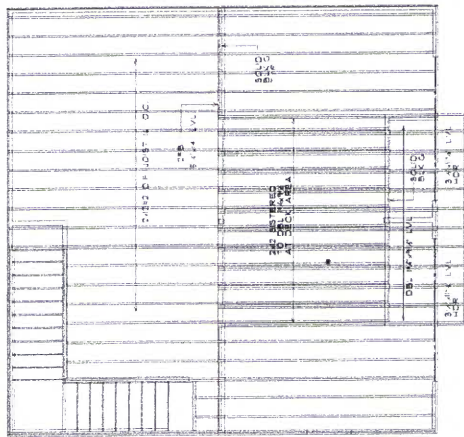
BACK ELEVATION  
 SCALE: 1/4"=1'-0"



LEFT SIDE ELEVATION  
 SCALE: 1/4"=1'-0"



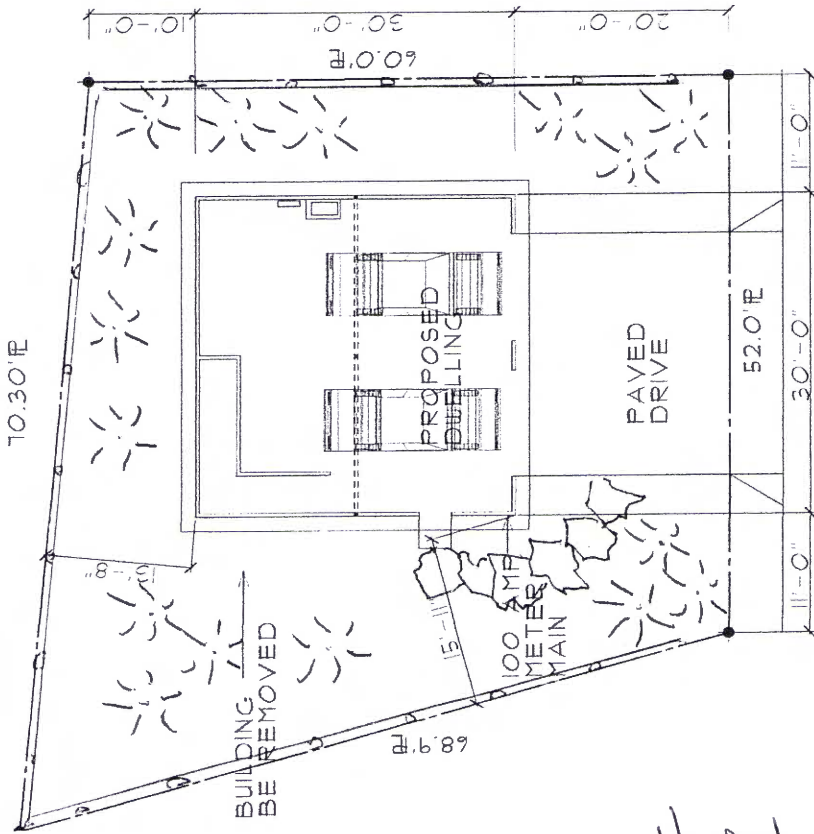
ROOF PLAN  
 SCALE: 1/4"=1'-0"



2nd FLOOR FRAMING PLAN  
 SCALE: 1/4"=1'-0"

C:\Users\TNEEDHAM\DRAWING\KING SALMON\res\2nd.dwg, October 24, 20

394



BUHNE DR.

Area=900 ft<sup>2</sup> 1st FLOOR-GARAGE

Area=853 ft<sup>2</sup> 2nd FLOOR

- assorted grasses
- Seashore grass
- Seaside grass
- arrow grass
- Reed grass

proposed 5' redwood fence

flag stone Path

## LANDSCAPE

### PLOT PLAN

SCALE: 1"=20'-0"

AP# 305-083-001  
 ADDRESS: 1561 BUHNE DR  
 OWNER: T. NEEDHAM  
 BUILDER: SAME  
 PHONE# 1-408-353-3608

NO TREES TO BE REMOVED  
 PUBLIC WATER AND SEWER  
 NO EASEMENTS  
 NO CREEKS W/IN 50'  
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REAR YARD SETBACKS 10' MINIMUM. SIDE YARD SETBACKS 5' MINIMUM.

494





Address 1564 Buhne Drive

Address is approximate

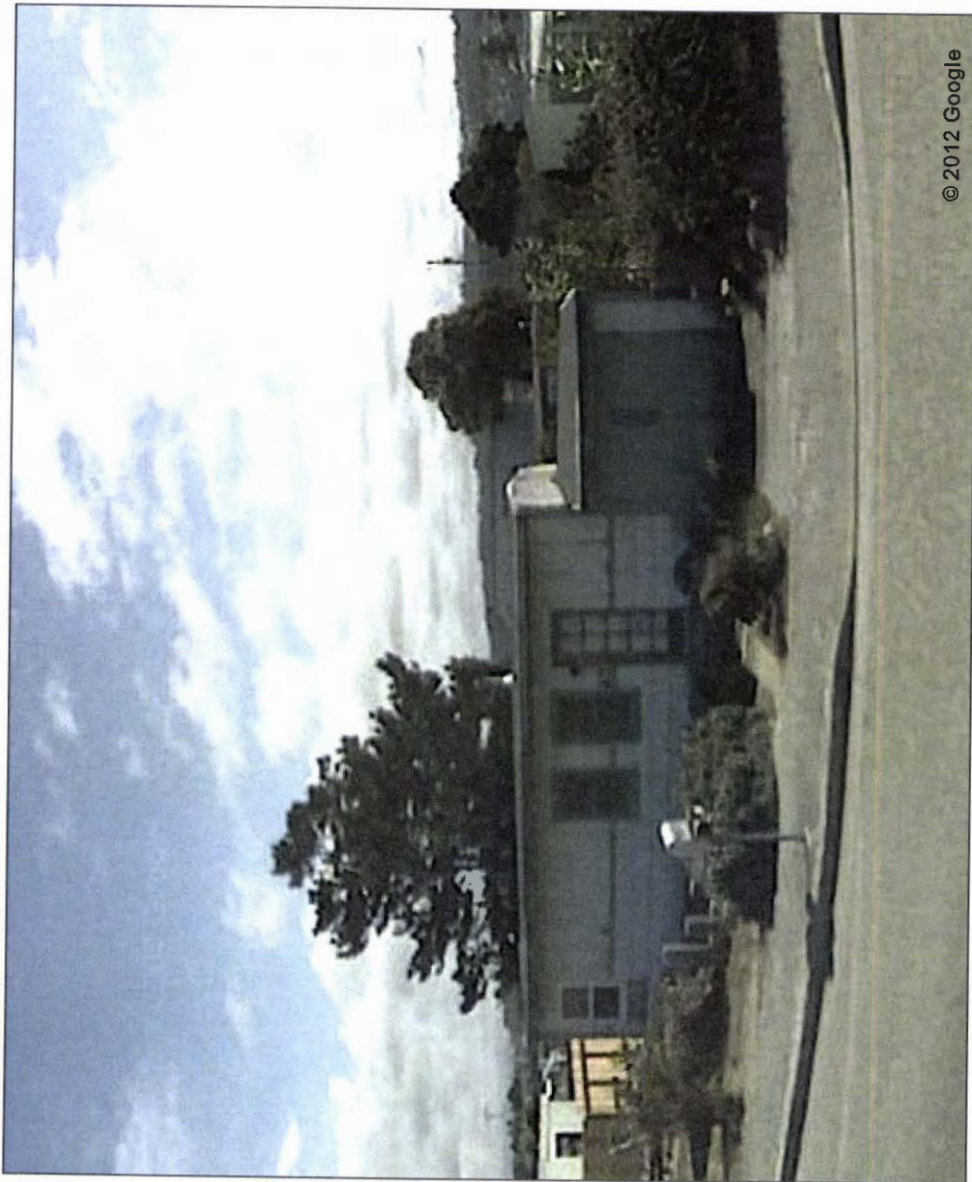


EXHIBIT NO. 5
APPLICATION NO. 1-11-043
NEEDHAM, THOMAS
EXISTING RESIDENCE TO BE DEMOLISHED