

CALIFORNIA COASTAL COMMISSION

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F7a

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180th day: 2/18/14
Staff: N. Dreher-A
Staff Report: 5/2/14
Hearing Date: 5/16/14

STAFF REPORT: REGULAR CALENDAR

Application No.: 1-13-001

Applicant: Julia Foote and Alden Akselsen

Location: 2452 Tower Drive, one mile east of Eureka, Humboldt County [APN402-301-012]

Project Description: Demolish an existing 1,348-square-foot residence and construct a new 1,862-square-foot two-bedroom single family residence and 612-square-foot two-car garage with a large rear deck, a new septic system, new water supply line, and landscaping.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends approval with conditions of coastal development application 1-13-001 for the construction of a single-family residence at 2452 Tower Drive, east of Eureka in Humboldt County.

The project entails the demolition of an existing 1,348-square-foot residence and construction of a new 1,862-square-foot two bedroom single-family residence with a 612-square-foot two-car garage with a large rear deck, a new septic system, and new water supply line. The project also

includes 480 square feet of paving to extend an existing unpaved driveway, installing a decorative rock wall landscaping feature, and vegetation planting.

This item had originally been scheduled for the Consent Calendar for the December 2013 agenda. Prior to the hearing, staff received comments from neighboring property owners. One comment raised allegations that unpermitted vegetation removal and associated development had occurred, partially within the wetland drainage area. After staff discussed the allegation with the Applicant, the Applicant indicated they had removed approximately 1,200 sq. ft. of vegetation and six trees. Approximately 1,000 square feet of the vegetation and three of the trees had been removed from the wetland drainage area without benefit of a coastal development permit. Another comment raised concerns that the proposed septic system as sited would compromise a neighbor's potable water source located off of the subject property, but within 100 feet of the proposed septic leachfield. Staff postponed the hearing to a future Commission meeting to enable these issues to be addressed. The Applicant subsequently worked with Department of Environmental Health (DEH) staff to relocate and redesign the septic leachfield to protect the identified water source. DEH Staff has since approved the new septic system configuration, which places the leachfield on the north side of the proposed residence and more than 100 feet away from the neighbor's potable water source. The Applicant has addressed the past removal of vegetation by incorporating into the development a planting program involving the planting of over 100 new plants and 14 trees, concentrating the majority of the plantings and five trees within the drainage area to restore the habitat. Staff believes the issues raised by the public prior to the December 2013 hearing have been resolved by the modifications to the Applicant's project description.

The intermittent wetland drainage swale runs diagonally through the southeast corner of the site. The primary issue raised by the proposed development is how to best protect this wetland ESHA drainage feature on the property from direct encroachment from development and from erosion and sedimentation impacts due to runoff from the development. The proposed residence will be sited farther from the drainage feature than the existing house. However, as proposed, the proposed development would still result in increased runoff flows to the wetland, due to siting the proposed residence at a slightly higher elevation. Therefore, staff is recommending a series of special conditions to ensure that the wetland ESHA feature is adequately protected during and after residential development of the site.

Special Condition 1 requires the applicant to prepare and submit for the Executive Director's approval a stormwater runoff and erosion control plan, incorporating appropriate construction-phase and permanent water best management practices to prevent potential impacts to water quality. In addition, **Special Condition 2** requires a landscaping plan clearly demonstrating the proposed 8,540 sq. ft. of landscaping, and requires native plants and grasses.

Staff recommends that the Commission find the project, as conditioned, consistent with the Chapter 3 policies of the Coastal Act. The motion to conditionally approve the project is found on page 4.

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APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

- Exhibit 1 – Regional location map
- Exhibit 2 – Parcel map
- Exhibit 3 – Project Plans
- Exhibit 4 – Site Photos

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve coastal development permit 1-13-001 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. 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:

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

This permit is granted subject to the following 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 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 the 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Final Erosion and Runoff Control Plan

A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the Applicant shall submit a plan for erosion and run-off control to the Executive Director for review and approval.

1) EROSION CONTROL PLAN COMPONENT

a. The erosion control plan shall demonstrate that:

- (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and coastal resources;
- (2) The following temporary erosion control measures, as described in detail within in the January 2003 "California Stormwater BMP Handbook - Construction, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force, shall be used during construction: *Scheduling* (EC-1), *Preservation of Existing Vegetation* (EC-2), *Stabilized Construction Roadway* (TC-2), and *Silt Fences* (SE1); and
- (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and coastal resources.

b. The plan shall include, at a minimum, the following components:

- (1) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control;
- (2) A site plan showing the location of all temporary erosion control measures;
- (3) A schedule for installation and removal of the temporary erosion control measures;
- (4) A site plan showing the location of all permanent erosion control measures; and
- (5) A schedule for installation and maintenance of the permanent erosion control measures.

2) RUN-OFF CONTROL PLAN COMPONENT

a. The runoff control plan shall demonstrate that:

- (1) Runoff from the project shall not increase sedimentation into coastal waters, including the drainage channel in the southeast corner of the property;
- (2) Runoff from building roofs and decking, driveways, and other impervious surfaces on the site shall be collected and conveyed into vegetated areas to avoid sedimentation either on or off the site, and provide for bio-filtration treatment of pollutants entrained in runoff; and

- (3) The following temporary runoff control measures, as described in detail within in the January 2003 “California Stormwater BMP Handbook - Construction, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force, shall be used during construction: *Material Delivery and Storage* (WM-01), *Solid Waste Management* (WM-05), and *Vehicle and Equipment Fueling* (NS-9).
- b. The plan shall include, at a minimum, the following components:
 - (1) A narrative report describing all temporary runoff control measures to be used during construction and all permanent runoff control measures to be installed for permanent runoff control;
 - (2) A site plan showing the location of all temporary runoff control measures;
 - (3) A schedule for installation and removal of the temporary runoff control measures;
 - (4) A site plan showing the location of all permanent runoff control measures, including, but not limited to roof downspouts and drainage lines to convey runoff from the impervious surfaces, and the vegetated areas where biofiltration to remove pollutants from the runoff will occur;
 - (5) A biofiltration area planting plan showing the vegetation to be planted for the biofiltration areas indicating the species to be planted, the number of plant specimens to be planted, and the specific locations where the plant specimens will be planted; and
 - (6) A site plan showing finished grades (at 1-foot contour intervals) and drainage improvements.
- B. The Applicant shall undertake development in accordance with the approved final 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 legally no amendment is required.

- 2, Landscaping Plan.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two full-size sets of Final Landscaping Plans (Plans) to the Executive Director for review and approval. The Plans shall include landscape parameters for the proposed 8,540 sq. ft. of landscaping that shall identify all plant materials (size, species, quantity), all irrigation systems, and all proposed maintenance measures. The Applicant shall comply with the following landscaping-related requirements:
- A. All landscaped areas on the project site shall be continuously maintained, and all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition;
 - B. 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
 - C. The use of rodenticides containing any anticoagulant compounds, including but not

limited to, Bromadiolone, Brodifacoum, or Diphacinone is prohibited.

3. **Future Development Restriction.** This permit is only for the development described in coastal development permit (CDP) 1-13-001. Pursuant to Title 14 California Code of Regulations (CCR) Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(a) shall not apply to the development governed by the CDP 1-13-001. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP 1-13-001 from the Commission or shall require an additional CDP from the Commission or from the applicable local government according to a certified Land Use Plan or Local Coastal Plan. In addition thereto, an amendment to CDP 1-13-001 from the Commission, or an additional CDP from the Commission or from the applicable local government according to a certified Land Use Plan or Local Coastal Plan, shall be required for any repair or maintenance identified as requiring a permit in PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).
4. **Deed Restriction.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the landowner has executed and recorded 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 (hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing all Standard and 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 applicant’s entire parcel or parcels. 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.
5. **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 adjoining coastal waters.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. PROPOSED PROJECT DESCRIPTION

The Applicant proposes to demolish an existing 1,348-square-foot residence and construct a new 1,862-square-foot, 21-foot-high, two-bedroom single-family residence with a large rear deck and a 612-square-foot two-car garage at 2452 Tower Drive, one mile east of Eureka, in Humboldt County (APN402-301-012). **Exhibits 1-3.** The project includes less than 50 cubic yards of grading. The Applicant proposes a septic system with an on-site leachfield and a 1,000 gallon

water storage tank. The property is served by an existing water well (1.2 gallons per minute (gpm)), which will be abandoned, because the applicant will connect to a public water line operated by the Humboldt Community Service District. The existing gravel driveway will remain unpaved, but will be extended with paving by 13 lineal feet (480-square-feet) to the new garage. The Applicant proposes to construct a stacked rock landscape wall on the site, which comes as close as eight feet to the drainage channel.

The Applicant removed approximately 1,200 sq. ft. of vegetation from the property, including six trees, three within the wetland drainage area. The removal of the trees and shrubs and other vegetation from the wetland drainage area constitutes major vegetation removal as the vegetation was part of a riparian ESHA and was done without benefit of a coastal development permit. The Applicant proposes to restore this riparian area by planting five new trees and approximately 100 new plant and shrubs within the wetland drainage area. The Applicant also proposes 8,540 square feet of landscaping around the building footprint, including an additional nine Pacific Dogwood and Pacific Willow trees. Project plans are attached as **Exhibit 3**.

B. 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.

C. NEW DEVELOPMENT

Coastal Act Section 30250 (a) states in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30250(a) of the Coastal Act states that new development shall be located in 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 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 proposed residential development is located on the border of an urban-rural area that has been planned and zoned to accommodate rural residential development. The subject parcel is 1.08 acres and locally designated with a Rural Residential land use classification and zoned Rural Residential Agriculture (RA-2.5-M). The proposed residence is consistent with the local rural residential land use and zoning designations applied to the site.

The Applicant is proposing to serve the residence with on-site sewage disposal, to abandon the existing well and to connect to a public water connection provided by the Humboldt Community Services District. This item had originally been scheduled for the Consent Calendar for the December 2013 agenda. Prior to the hearing, staff received comments from neighboring property owners raising concerns that the proposed septic system as sited would compromise a neighbor's potable water source located off of the subject property, but within 100 feet of the proposed septic leachfield. The hearing was postponed, and the Applicant subsequently worked with Department of Environmental Health (DEH) staff to relocate and redesign the septic leachfield to protect the identified water source. DEH staff has since approved the new septic system configuration, which places the leachfield on the north side of the proposed residence and more than 100 feet away from the neighbor's potable water source.

The proposed subdivision will be located in an area planned and zoned for rural residential development at the density proposed by the applicant. In addition, the applicant has submitted evidence that the local water district will provide municipal water to the residence and the applicant has submitted evidence that the on-site sewage disposal systems will be adequate to serve the development. Furthermore, the development will not increase the residential density of the site and thus will not create a significant impact on traffic and emergency service. Therefore, the Commission finds that the proposed development is consistent with Section 30250(a) of the Coastal Act to the extent that the development will be located in an area able to accommodate it.

D. PROTECTION OF ESHA AND COASTAL WATERS

Section 30240 of the Coastal Act addresses environmentally sensitive habitat areas (ESHA) as follows:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) 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.

Coastal Act Section 30107.7 defines "environmentally sensitive area" as meaning:

...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30231 of the Coastal Act addresses the protection of coastal water quality and marine resources in conjunction with development and other land use activities. Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands,

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

A drainage channel intersects the subject site in the southeast corner, traveling southwest to northeast between two culverts located on each end and off the subject property (see **Exhibit 3**). This wetland is lined with riparian vegetation. This wetland drainage area is located on the other side of the existing driveway from the proposed residential structure. Approximately 1,200 sq. ft. of vegetation and three trees were removed from the wetland area without the benefit of CDP review. Accordingly, in consultation with Commission staff, the Applicant revised the project to restore the area with over 100 plantings in the ESHA, including five trees. The restoration will improve the quality of this wetland habitat, through the use of non-invasive and native plants. The sole purpose of the restoration work is to benefit the wetland habitat. Accordingly, this restoration work is a resource dependent use, consistent with the phrasing of Section 30240. To avoid significant disruption of the habitat during restoration planting activities, the planting will be done by hand, avoiding the use of potentially damaging heavy equipment within the ESHA. Therefore, the proposed restoration is consistent with Section 30240.

The proposed residence will not encroach any closer to the wetland. In fact, the proposed home will be sited approximately 10-15 feet farther from the wetland than the existing home (which will be demolished). The gravel driveway will remain in its existing configuration and will continue to separate the wetland from the developed areas of the property. The proposed septic system will be located further away from the wetland on the other side of the house, over 100 feet from the wetland. The proposed stacked stone wall is a decorative landscaping feature, situated perpendicular to the wetland and comes within eight feet at a single point. The proposed wall is comprised of stacked stones and does not require significant grading or creation of an embedded foundation. The wall will not significantly impact water flows to the wetland, or otherwise directly or indirectly impact the wetland. As a decorative feature, the wall will not introduce or facilitate significant human activity that would cause disturbance to the ESHA.

Stormwater runoff from new residential development can adversely affect the biological productivity of coastal waters by degrading water quality. Recognizing this potential impact, Section 30231 requires the protection of coastal waters to ensure biological productivity, and to protect public health and water quality. New development must not adversely affect these values and should help to restore them when possible.

While the proposed residence will be located farther from the drainage feature than the existing house to be demolished, the proposed residence will be located at a slightly higher elevation. The runoff from the residence is likely to travel west, north, northeast and southeast away from the house, including in the direction of the drainage feature. Stormwater runoff will likely be increased in speed and more capable of reaching the drainage than it did from the existing residence, which is at a lower elevation. Accordingly, the proposed project has the potential to

increase flows into the drainage feature, thereby increasing turbidity and runoff downstream to nearby sloughs to the north.

Accordingly, the Commission imposes [Special Condition 1](#), which requires the Applicant to submit a final runoff and erosion control plan in order to ensure that flows from the proposed residence will be directed to vegetated areas away from the drainage feature. The final erosion and runoff control plan would require that: (1) debris fencing be installed to contain runoff from road construction areas; (2) on-site vegetation be maintained to the maximum extent possible during construction; (3) the construction roadway be stabilized; and (4) runoff from all buildings and driveways be conveyed into vegetated areas. The Commission also imposes [Special Condition 2](#), which requires the Applicant to employ native and/or non-invasive plantings for the landscape plan and prohibits the use of rodenticides. As conditioned, the use of native and non-invasive plantings will prevent the wetland area on site from being invaded by invasive non-native species.

The Commission also notes that Section 30610(a) of the Coastal Act exempts certain additions to existing single-family residential structures from coastal development permit requirements. Pursuant to this exemption, once a house has been constructed, certain additions and accessory buildings that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment. Depending on its nature, extent, and location, such an addition or accessory structure could cause impacts that would degrade the wetland at the site. Accordingly, Section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of Regulations (CCR). Section 13250(b)(6) specifically authorizes the Commission to require a permit for additions to existing single-family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a development permit. As noted above, certain additions or improvements to the approved structure could involve a risk of creating adverse impacts to the wetland feature on the property. Therefore, pursuant to Section 13250 (b)(6) of Title 14 of the CCR, the Commission attaches [Special Condition 3](#), which requires that all future development on the subject parcel that might otherwise be exempt from CDP requirements requires an amendment or new CDP. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in impacts that would degrade the wetland feature on the property. [Special Condition 4](#) also requires that the applicants record and execute a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property. Special Condition 4 will also help assure that future owners are aware of these CDP requirements applicable to all future development.

As conditioned, the Commission finds that the proposed development is consistent with Section 30240 of the Coastal Act as (1) only a resource dependent use in the form of wetland restoration planting will occur within the environmentally sensitive habitat area and (2) development on the property adjacent to the ESHA will be sited and designed to prevent impacts, which would not

significantly degrade those areas and will be compatible with the continuance of the habitat. The Commission also finds that the proposed development, as conditioned, is consistent with Section 30231 of the Coastal Act because existing water quality and biological productivity will be protected and maintained.

E. VISUAL RESOURCES

Coastal Act Section 30251 states:

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, to restore and enhance where feasible the quality of visually degraded areas, and to be visually compatible with the character of surrounding areas.

Coastal Act Section 30251 requires permitted development to be designed and sited 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 subject property slopes uphill away (and to the southwest) of the bordering public roads. The site is not located within a designated “Highly Scenic Area.” The proposed residence will be sited higher than the existing residence, but setback at least 30 feet farther from the roads. The principal public vantage points are from Myrtle Avenue, seaward of the subject property. Finally, the subject property is visible from certain public roads within a quarter mile of the property to the north/northwest.

The proposed residence would be located where views from Tower Drive southeast of the property looking seaward will not be obstructed, due to existing topography. Additionally, while it is set at a higher elevation, the proposed building site is located on relatively level ground and will require less than 50 cu. yds. of grading, thereby eliminating the need for any significant landform alteration. The residence will be adequately set back from roads in an already developed area, and southeast of public viewpoints, including nearby roads. Lastly, the existing trees on and surrounding the site serve to screen the existing home and the site of the new home from view. See **Exhibit 4**. The proposed project will also include 14 new trees at the site, nine of which will be situated between the house and public roads. Therefore, the proposed residence will not adversely impact views to the coast and is visually compatible with the character of the surrounding area.

However, the potential exists for the nighttime character of the area to be impacted by outside illumination, given that this is an area with fairly little exterior lighting. Accordingly, to prevent the cumulative impacts of light pollution on the visual resources of the area, the Commission attaches [Special Condition 5](#), which requires that all exterior lighting associated with the proposed 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.

The Commission thus finds that the proposed project will: (a) include adequate measures to insure that the scenic and visual qualities of coastal areas are considered and protected; (b) insure that permitted development is sited and designed to protect views to and along the ocean and scenic coastal areas; and (c) minimize the alteration of natural land forms.

F. ALLEGED VIOLATION

Although certain development has taken place at the project site without the benefit of a CDP (including major vegetation removal), consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

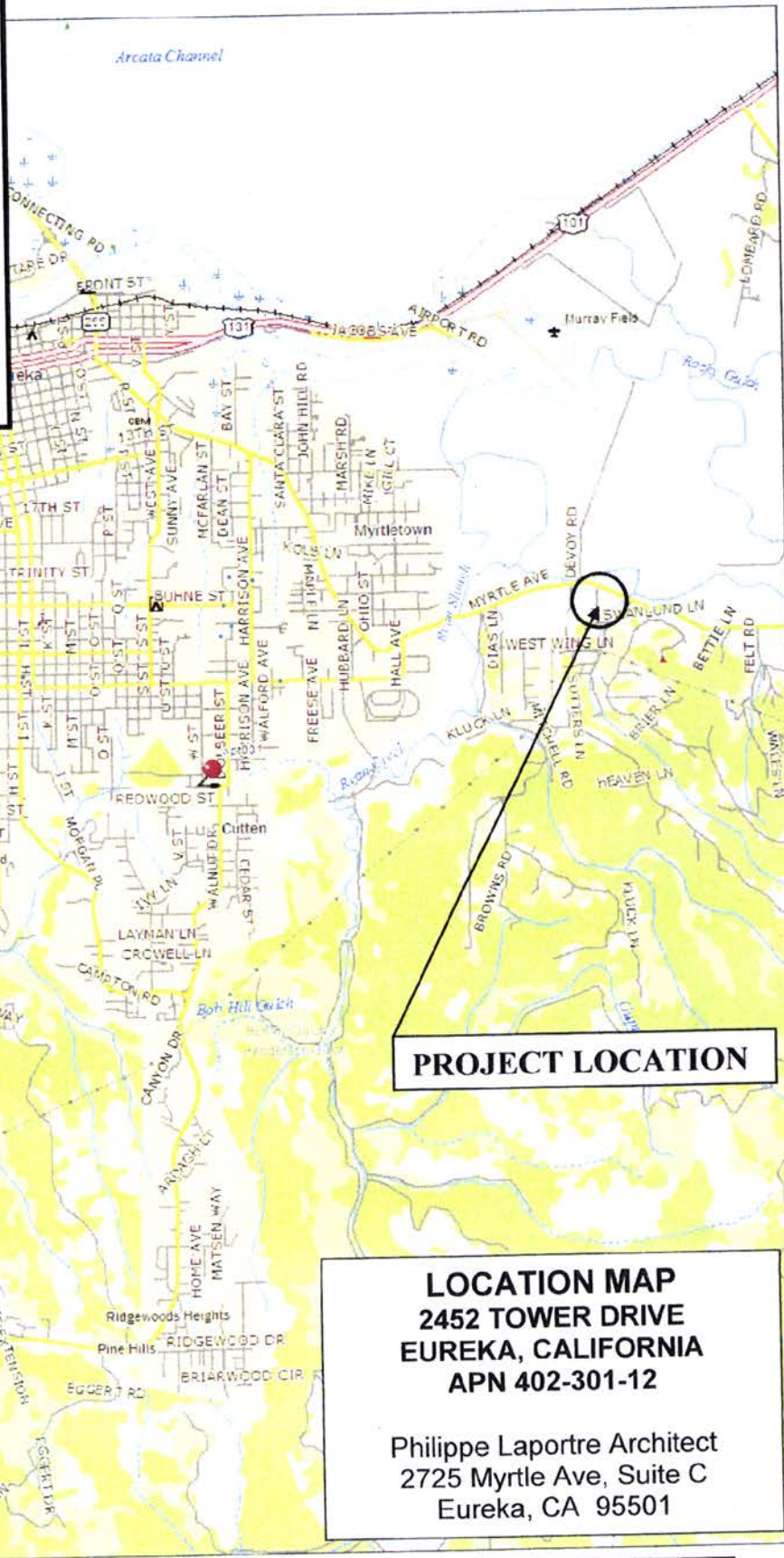
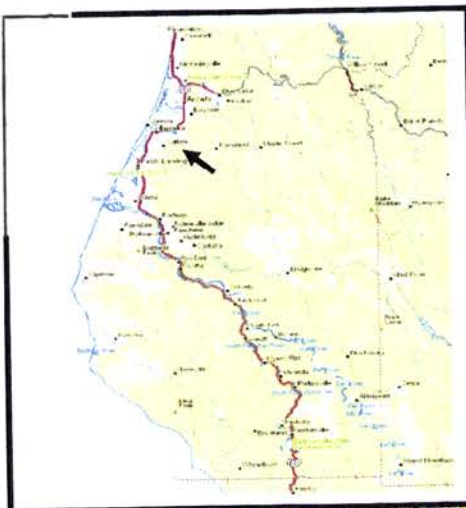
Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the CEQA. Section 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 Commission incorporates its findings on conformity with Coastal Act policies 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 herein, in the findings addressing the consistency of the proposed project with the Coastal Act, the proposed project has been conditioned to be found consistent with the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been made requirements of project approval. 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 Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

1-13-001 (Foote)

**APPENDIX A
SUBSTANTIVE FILE DOCUMENTS**

Application File for Coastal Development Permit No. 1-13-001

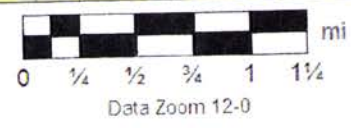


PROJECT LOCATION

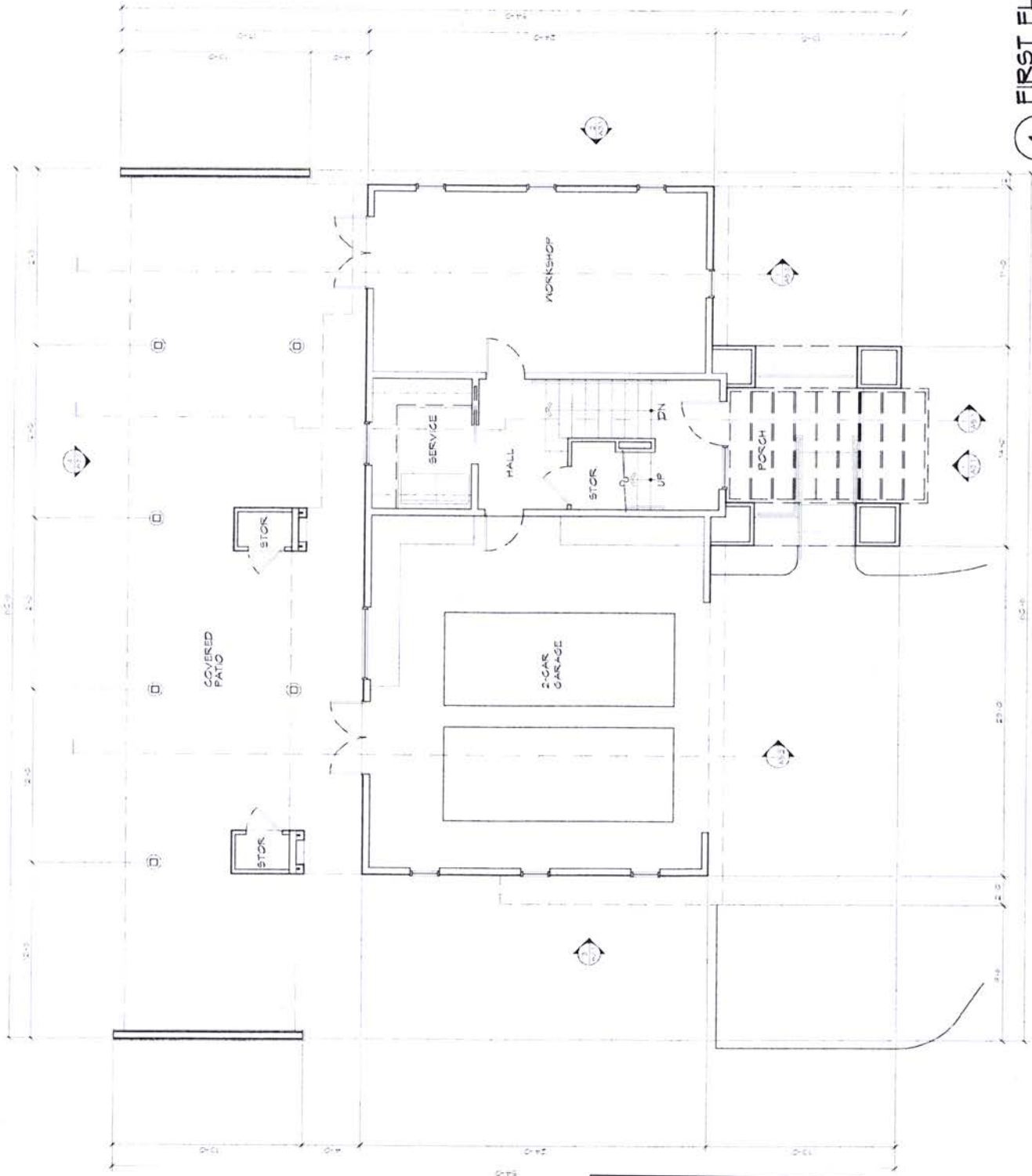
LOCATION MAP
2452 TOWER DRIVE
EUREKA, CALIFORNIA
APN 402-301-12

Philippe Laportre Architect
2725 Myrtle Ave, Suite C
Eureka, CA 95501

EXHIBIT NO. 2
APPLICATION NO.
1-13-001
Foote and Akselsen
VICINITY MAP



Data Zoom 12-0



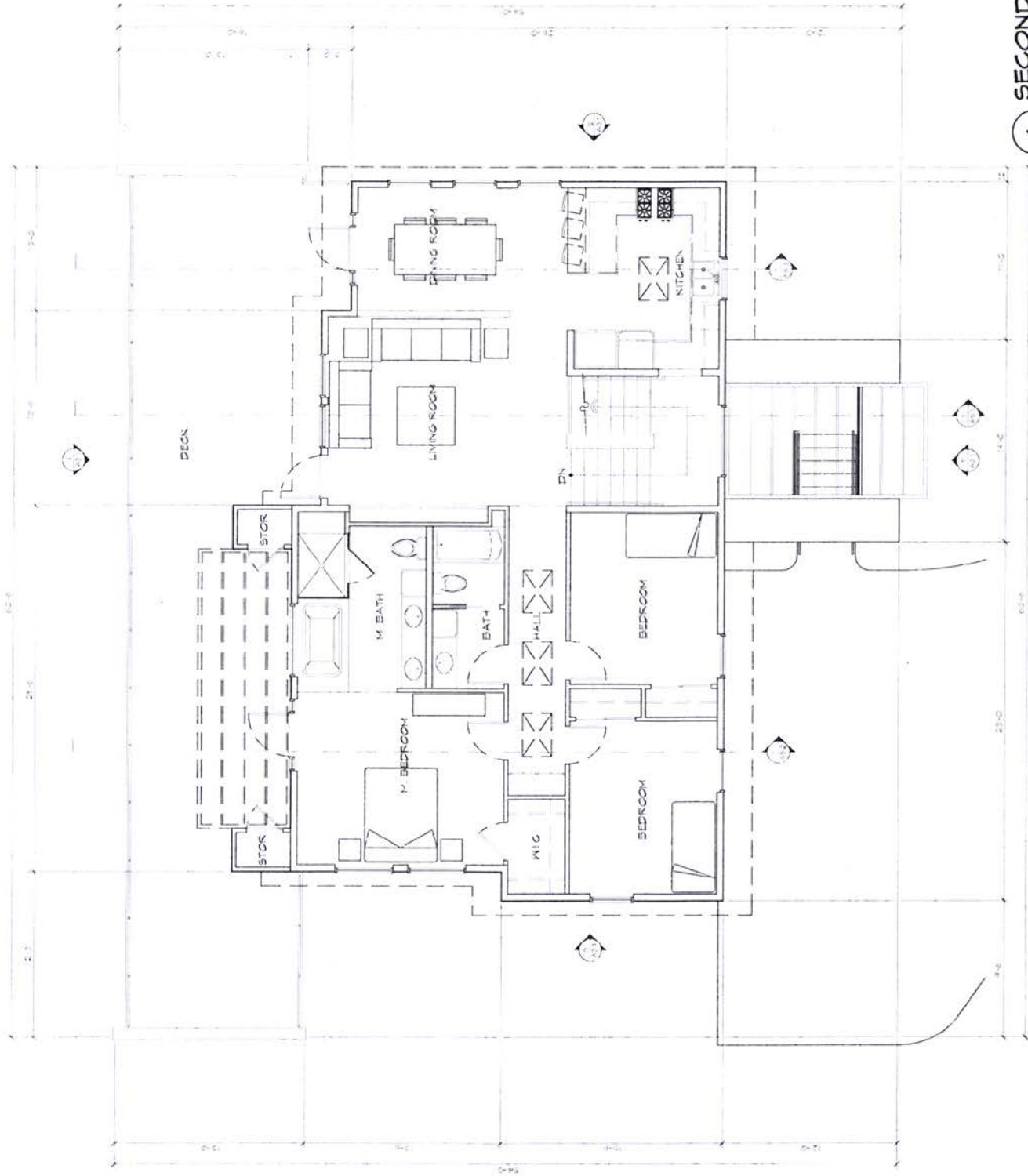
1 FIRST FLOOR PLAN
SCALE 1" = 10'-0" 1,312 S.F.

PROJECT: FOOTE / AKSELSEN RESIDENCE
ADDRESS: 2452 TOWER DRIVE
EUREKA, CA 95501

APR: 402-301-012
DATE: 8/13/13
SCALE: NOTED
PROJECT NO: 1217.00

EXHIBIT NO. 4
APPLICATION NO.
1-13-001
Foote and Akselsen
PROJECT PLANS (1 of 6)

PHILIPPE LAPOTRE
A R C H I T E C T
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T (707) 442-9867
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WWW.PLAARCHITECT.COM



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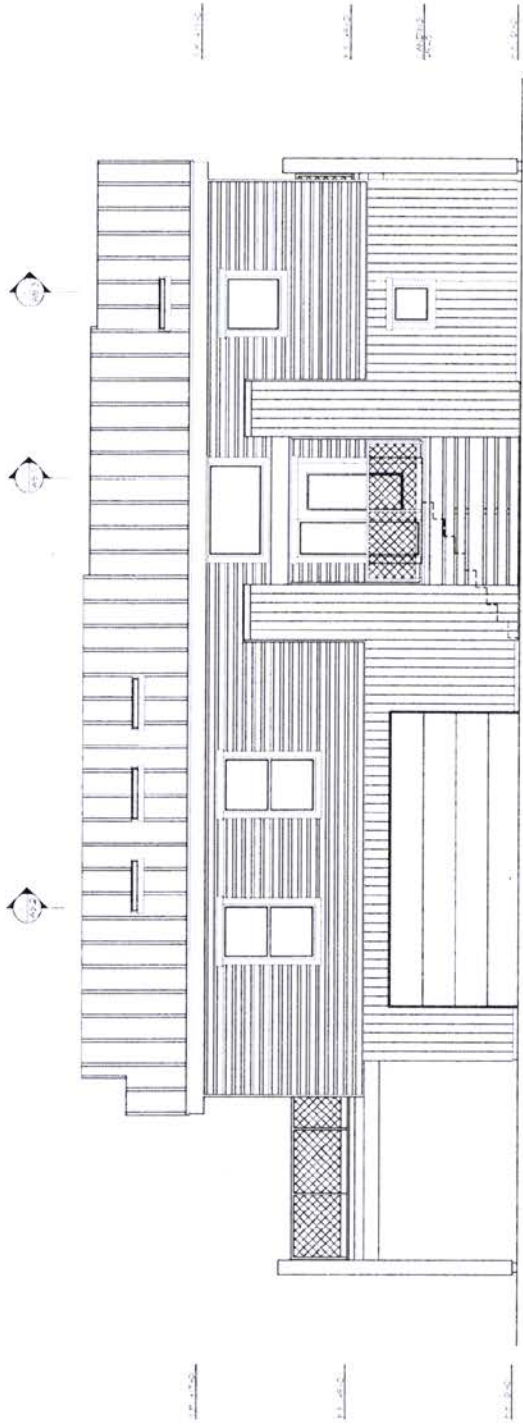


1 SECOND FLOOR PLAN
 SCALE: 1" = 10'-0"
 250 SF
 612 SF GAR

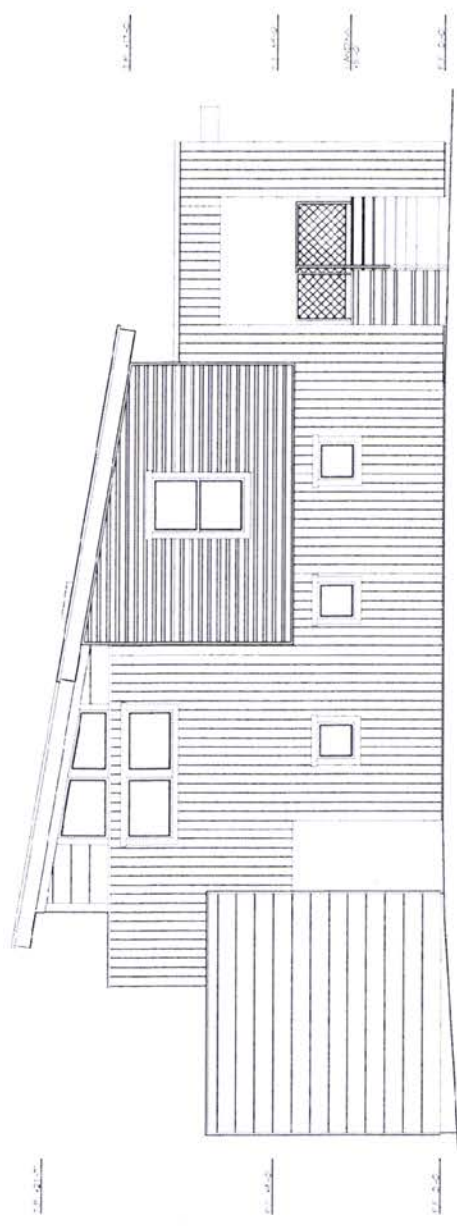
PROJECT: FOOTE / AKSELSEN RESIDENCE
ADDRESS: 2452 TOWER DRIVE
 EUREKA, CA 95501

APR: 402-301-012
DATE: 8/13/13
SCALE: NOTED
PROJECT NO.: 1211.00

PHILIPPE LAPOTRE
A R C H I T E C T
 8225 WHITE AVE SUITE C
 EUREKA, CA 95501
 T 4097445-8807
 F 4097445-8852
 WWW.PHILIPPELAPOTRE.COM

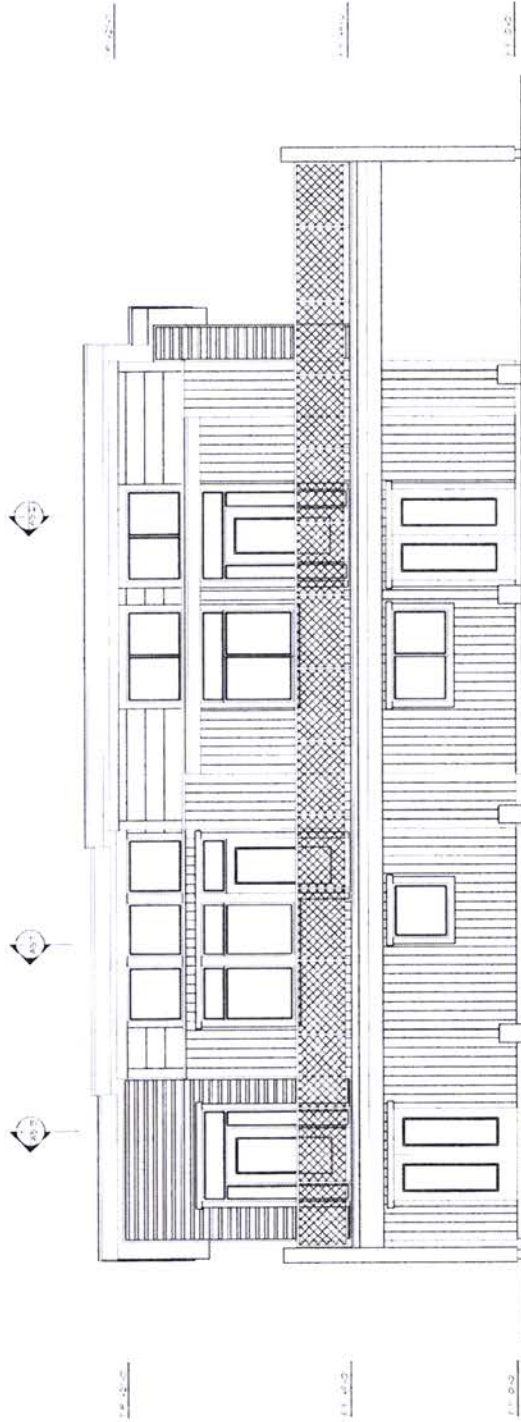


1 EAST / FRONT ELEVATION
SCALE 1" = 10'-0"

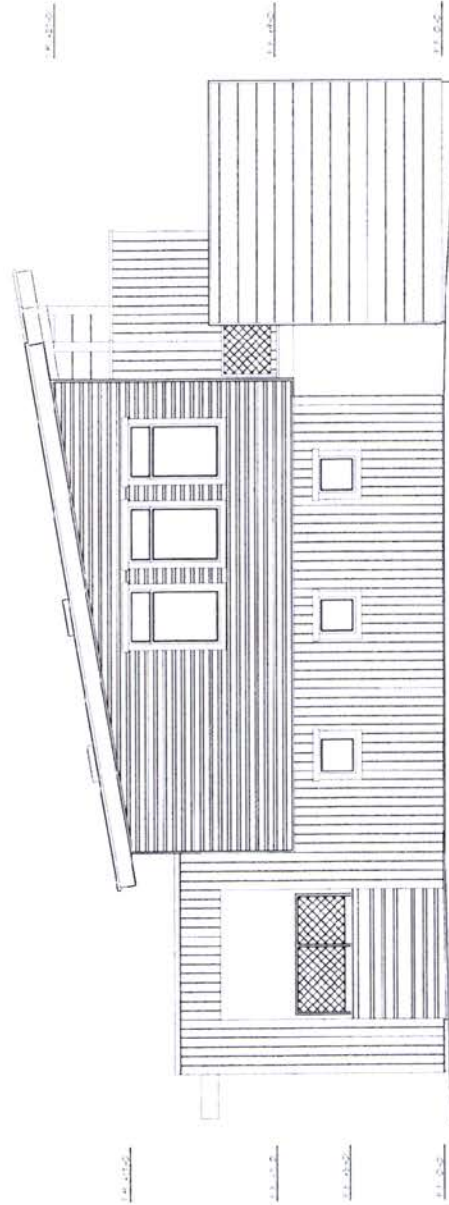


2 SOUTH ELEVATION
SCALE 1" = 10'-0"

3 of 6



1 WEST / REAR ELEVATION
SCALE 1" = 10'-0"



2 NORTH ELEVATION
SCALE 1" = 10'-0"

496

PHILIPPE LAPOTRE
A R C H I T E C T
2725 MYRTLE AVE SUITE C EUREKA, CA 95501
TEL: (707) 442-0867 FAX: (707) 445-0872
WWW.PEARCHITECT.COM

PROJECT: **FOOTE / AKSELSEN RESIDENCE**
ADDRESS: **2452 TOMER DRIVE EUREKA, CA 95501**

AP# **402-301-012** SCALE: **NOTED**
DATE: **8/13/13** PROJECT NO: **1217.00**

SANITARY SEWER CONSTRUCTION NOTES:

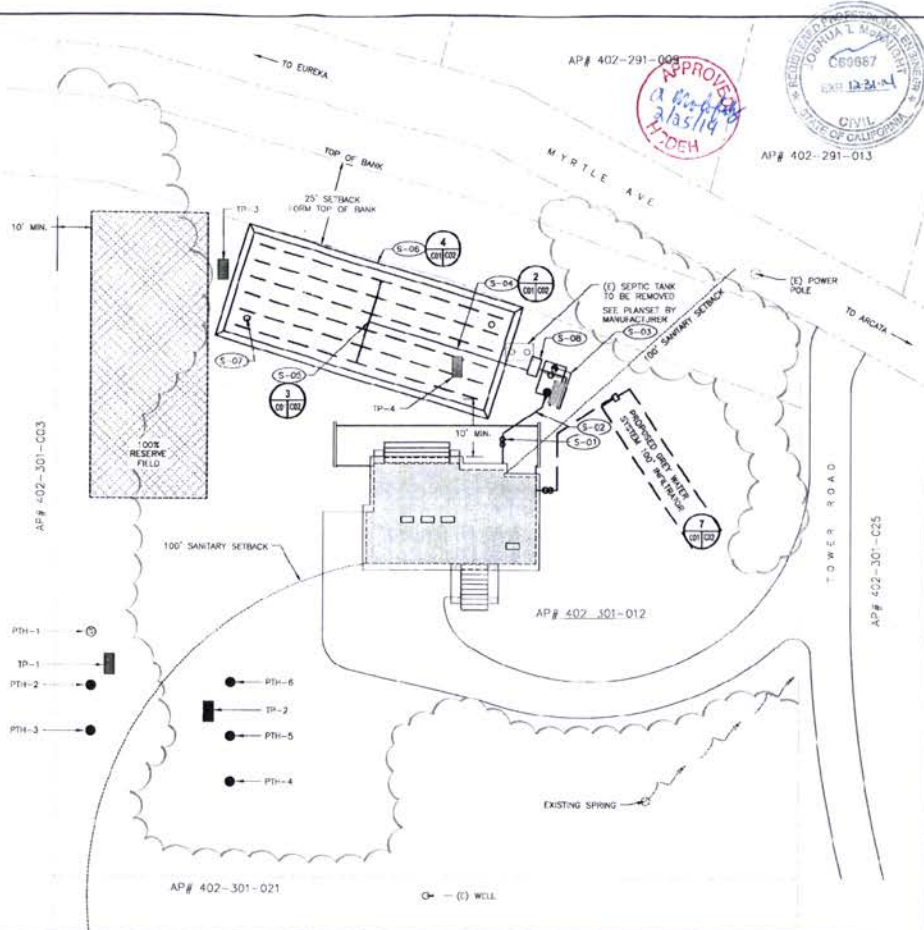
- (S-01) INSTALL 1 1/2" ABS (NO-BAY CLEAR) IN GARDEN HOPE VALVE BOX W/ LD MARKED "SEWER".
- (S-02) INSTALL APPROXIMATELY 20 LINEAR FEET OF 4" ABS SCHEDULE 40 SEWER PIPE FROM BUILDING SERVICE TO SEPTIC TANK. MINIMUM 1% SLOPE.
- (S-03) ALUMINUM AND/ OR WOOD 14" WITH 1,000 GALLON OVER CHAMBER SEPTIC TANK PROVIDE ACCESS POINT NEARBY TO FRONT DRIVE.
- (S-04) INSTALL 1 1/2" PVC SCHEDULE 40 SUPPLY MANHOLE.
- (S-05) INSTALL SUPPLY MANHOLE TO LEACHFIELD CONNECTION.
- (S-06) INSTALL LEACHFIELD CONSISTING A MINIMUM OF SIX (6) 75 LF OF 1 1/2" PERFORATED PVC SEWER PIPE.
- (S-07) INSTALL INSPECTION RISER.
- (S-08) INSTALL 750 gph BODING CHAMBER.

SANITARY SEWER NOTES:

1. THE ON-SITE WASTEWATER TREATMENT SYSTEM SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS IN THE ENVIRONMENTAL PROTECTION AGENCY (EPA) MANUALS TO THE FEDERAL INSTALLATION AND THE REQUIREMENTS OF THE COUNTY OF HUMBOLDT STATE OF CALIFORNIA.
2. CONNECTION BETWEEN THE BUILDING AND THE SEPTIC HOLDING TANK SHALL BE 48" ABS PIPE WITH 1" ABS SEWER PIPE OR APPROVED EQUAL AND BE WITHOUT BENDS IN EXCESS OF 45 DEGREES. A MINIMUM OF ONE (1) TWO-FEET CLEARANCE SHALL BE MAINTAINED BETWEEN THE BUILDING AND THE HOLDING TANK. SUBSEQUENT CLEARANCES SHALL BE MAINTAINED FOR EVERY 100 LF OF ADDITIONAL PIPE.
3. THE SEPTIC HOLDING TANK SHALL BE A MINIMUM OF 1,000 GALLON CAPACITY.
4. THE LEACHING DISPOSAL FIELD SHALL BE ESTABLISHED A MINIMUM OF 10 LF AWAY FROM THE PROPOSED SYSTEM. THERE SHALL BE A MINIMUM OF 5 LF SEPARATION BETWEEN EACH LEACH LINE. THERE SHALL BE A MINIMUM OF 1 FOOT OF SAND IN EACH TRENCH AND A MINIMUM OF 12 INCHES OF SAND OVER THE LEACH LINES. THE SAND SHALL BE 20-40 MESH. SAND MATERIAL SHALL BE OBTAINED FROM THE SOURCE RECORDS. LEACH LINES SHALL BE 1 1/2" PVC WITH PERFORATIONS OF 1/8" DIA. SPACING OF TRENCHES SHALL BE 48" ON-CENTERS.

RECEIVED
FEB 21 2014
HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Nicholas -
See new
approved
site map for
onsite wastewater
treatment system



AP# 402-291-009
APPROVED
12/24/14
H-DEH

APPROVED
FOR THE STATE OF CALIFORNIA
C68667
EXPIRES 12/24/14
CIVIL ENGINEER
AP# 402-291-013

UTILITY PLAN

AP# 402-301-012

DATE: FEBRUARY 2014

PROJECT NO: 892

PROJECT: CO1

SCALE: AS SHOWN

DESIGNER: [Signature]

CHECKER: [Signature]

DATE: FEBRUARY 2014

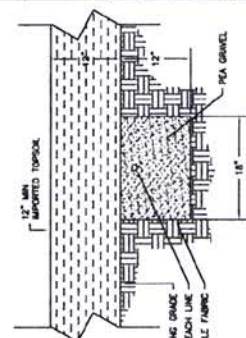
PROJECT NO: 892

PROJECT: CO1

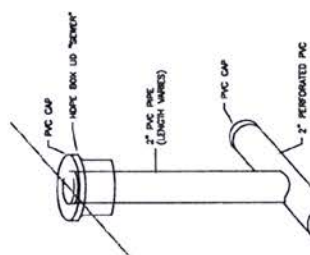
TJCE

SEWER PIPE TRENCH NOTES:

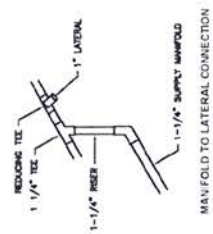
1. ALL TRENCHES SHALL BE CONSIDERED TO BE UNDESIGNED UNLESS OTHERWISE NOTED.
2. ALL TRENCHES SHALL BE WIDENED TO 18" MIN. AT ALL JOINTS AND AT ALL ENDS.
3. ALL TRENCHES SHALL BE WIDENED TO 18" MIN. AT ALL JOINTS AND AT ALL ENDS.
4. TRENCH BACKFILL WITH READY-MIX PER ENGINEER.



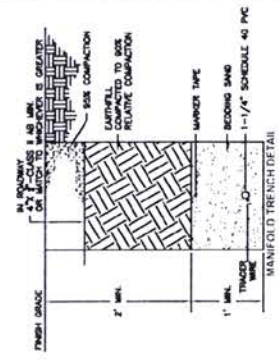
LEACHFIELD
DETAIL 1
N.T.S.



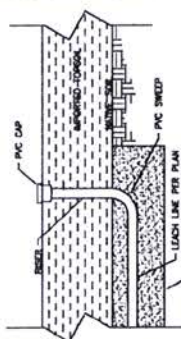
OBSERVATION WELL
DETAIL 1
N.T.S.



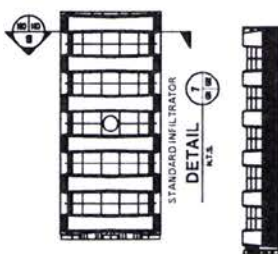
MANFOLD TO LATERAL CONNECTION
DETAIL 1
N.T.S.



MANIFOLD TRENCH DETAIL
DETAIL 2
N.T.S.



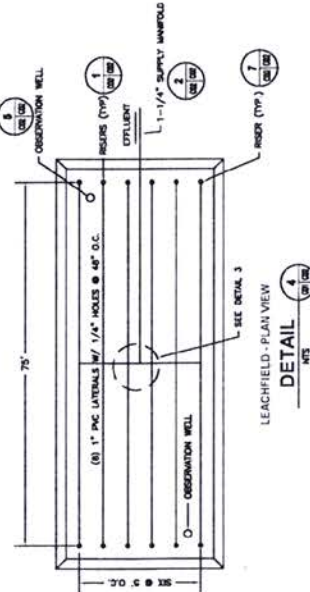
RISER
DETAIL 1
N.T.S.



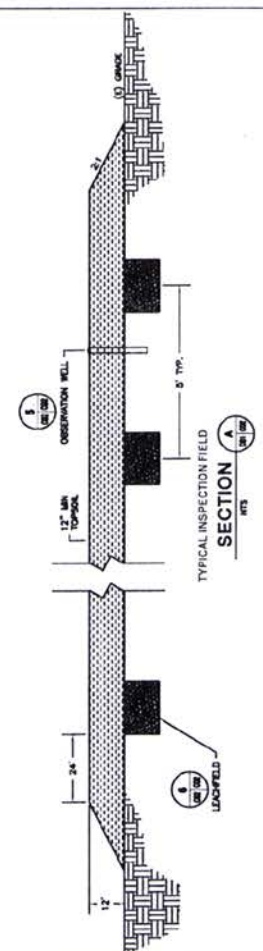
STANDARD INFILTRATOR
DETAIL 7
N.T.S.

INFILTRATOR NOTES:

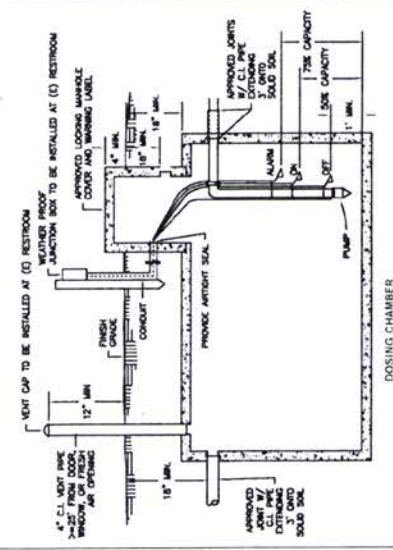
1. BACKFILL AROUND CHAMBERS WITH WHITE MATERIAL.
2. MAKE SURE ALL DEBRIS AND DELETED MATERIAL FROM WHITE TILL.
3. ALLOW BACKFILL DEBRIS TO CONTACT CHAMBERS WITH BACKFILLING.



LEACHFIELD - PLAN VIEW
DETAIL 4
N.T.S.



TYPICAL INSPECTION FIELD
SECTION A
N.T.S.



DOSING CHAMBER
DETAIL 8
N.T.S.

UTILITY DETAILS

JULIA FOOT
PO BOX 2042
REDMAN, CA 95060
HUMBOLDT COUNTY, CALIFORNIA

DATE	APRIL 2013
PROJECT NO.	002
ISSUED BY	E. REYES
DESIGNED BY	E. REYES
CHECKED BY	E. REYES
SCALE	AS SHOWN
PROJECT NO.	002
ISSUED BY	E. REYES
DATE	APRIL 2013

002

686



Existing House

EXHIBIT NO. 5
APPLICATION NO.
1-13-001
Foote and Akselsen
SITE PHOTOS (1 of 3)

Existing house (middle of image) viewed from Devoy Road to the west of the subject site (looking east).



Existing house and driveway viewed from the southeast corner of the property (looking west).



Drainage feature in the southeast corner of the project (looking east).

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