

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET • SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FAX (707) 826-8960



# F9c

Filed: 2/25/15  
180th day: 8/24/15  
Staff: K. Sirkin-A  
Staff Report: 4/3/15  
Hearing Date: 4/17/15

## STAFF REPORT: REGULAR CALENDAR

**Application No:** 1-14-1659

**Applicant:** Westhaven Community Services District

**Location:** Along portions of Loop Place, Kay Avenue, 6<sup>th</sup> Avenue, 5<sup>th</sup> Avenue, Transit Avenue, 1<sup>st</sup> Avenue, 2<sup>nd</sup> Avenue, and Metsko Lane in Westhaven, Humboldt County.

**Project Description:** Replace 6,475 feet of 2-inch diameter water main with 4-inch diameter PVC water main and install shut-off valves, fire hydrants and air-vacuum valves.

**Staff Recommendation:** Approval with conditions

---

## SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends **approval** of coastal development permit application 1-14-1659 subject to the attached recommended special conditions.

The Westhaven Community Services District proposes to repair and improve its community water system to reduce water system losses from leaking pipes and improve system efficiency by replacing a total of 6,475 feet of 2-inch diameter water main with 4-inch diameter water main and install water shut off-valves, fire hydrants, and air-vacuum valves along eight different roadways within the Westhaven Community Services District near Trinidad.

The principal issues raised by the project are whether the additional system capacity achieved from the proposed development would induce development that is inconsistent with the planned uses for the area under the certified LCP or preclude the development of the priority uses protected by the Coastal Act.

First, staff believes that the potential for growth inducing effects is limited by the existing inadequate water supply. Even with the water savings from the proposed development, the system will continue to operate below full service levels and the projected water savings will not be sufficient to provide new connections. In case additional water supplies should become available to the District in the future, staff is recommending conditions that would prevent the inducement of development outside the District's service area or development that is otherwise inconsistent with the planned uses for the service area. These conditions prohibit new service connections outside the District boundaries ([Special Condition No. 5](#)) and require that existing water main segments be abandoned at the time of installation of the new water mains ([Special Condition No. 1](#)). [Special Condition No. 5](#) will also ensure that any water savings from the project will be used only to address shortages of water needed to serve planned development within the District's service area boundary under the certified LCP.

Second, the service area is designated for rural residential development under the certified LCP and there are no parcels within the service area designated for visitor serving uses or other priority uses. Although there is the potential for rental of existing residences as vacation dwelling units, water service to vacation dwelling units will be protected by the reduction in system water losses achieved by the proposed project.

Therefore, staff believes that, as conditioned, the development will neither induce growth inconsistent with the Coastal Act nor preclude development of priority uses protected by the Coastal Act. Therefore, as conditioned, the proposed development is consistent with Section 30254 of the Coastal Act.

The motion to adopt the staff recommendation of **approval** of the CDP with special conditions is found on page 4.

## TABLE OF CONTENTS

<b>I.</b>	<b>MOTION AND RESOLUTION</b> .....	<b>4</b>
<b>II.</b>	<b>STANDARD CONDITIONS</b> .....	<b>4</b>
<b>III.</b>	<b>SPECIAL CONDITIONS</b> .....	<b>5</b>
<b>IV.</b>	<b>FINDINGS AND DECLARATIONS</b> .....	<b>7</b>
	A. PROJECT DESCRIPTION.....	7
	B. ENVIRONMENTAL SETTING AND BACKGROUND .....	8
	C. STANDARD OF REVIEW.....	9
	D. OTHER AGENCY APPROVALS .....	10
	E. EXPANDED PUBLIC WORKS FACILITIES.....	10
	F. PROTECTION OF ESHA/COASTAL WATERS .....	14
	G. PUBLIC ACCESS .....	16
	H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) .....	19

### APPENDICES

[Appendix A – Substantive File Documents](#)

### EXHIBITS

Exhibit 1 – Regional Location Map

Exhibit 2 – Project Vicinity Map

Exhibit 3 – Site Plan

Exhibit 4 – Trench Diagram

## I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

### **Motion:**

*I move that the Commission **approve** Coastal Development Permit application No. 1-14-1659 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit 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 coastal development permit 1-14-1659 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program to conform to the provisions of Chapter 3. 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 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.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

**1. Abandonment of Existing Water mains.** The permittee shall comply with the following conditions:

- A. The existing water mains shall be abandoned in place by cutting and capping the ends of pipe segments with a permanent plug, such as concrete reaction block or flowable fill.
- B. Within 30 days of completion of installation of the new water mains, the permittee shall submit evidence, for the review and approval of the Executive Director demonstrating that the existing water mains have been formally abandoned in place.

**2. Construction Responsibilities.** The permittee shall comply with the following construction related requirements:

- A. The permittee shall ensure that all on-site workers and contractors understand and agree to observe the standards for work outlined in this permit and in the detailed project description included as part of the application submittal and as revised by these conditions;
- B. Prior to commencement of ground-disturbing activities, appropriate erosion, sediment, and runoff control measures shall be deployed in accordance with erosion control plans, and all measures shall be properly maintained throughout the duration of construction activities;
- C. No construction materials, spoils, soil, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or environmentally sensitive areas;
- 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 inadvertent contamination of habitat during 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 rainfall in order to prevent polluted water runoff from the site;
- F. Any construction vehicle or equipment cleaning, fueling, and/or maintenance conducted on site shall take only within designated areas located at least 100 feet from coastal wetlands and waters, drainage courses, and storm drain inlets;

- G. Concrete washout areas shall be located at least 100 feet from coastal wetlands and waters, drainage courses, and storm drain inlets and shall be implemented in a manner that controls runoff and prevents leaching to underlying soils;
- H. Construction vehicle and equipment fueling areas shall be designed to fully contain any spills of fuel, oil, or other contaminants;
- I. Stockpiled materials shall be stored a minimum of 100 feet from coastal wetlands, waters, concentrated stormwater flows or drainage courses, and storm drain inlets;
- J. To minimize wildlife entanglement and plastic debris pollution, the use of plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers used in fiber rolls, erosion control blankets, and mulch control netting) in temporary rolled erosion and sediment control products is prohibited;
- K. Any erosion-control associated netting shall be made of natural fibers and constructed in a loose-weave design with movable joints between the horizontal and vertical twines;
- L. Any excess material that is generated shall be disposed of at an authorized disposal site;
- M. Any areas where vegetation is disturbed or mowed shall be re-seeded with a native grass mix;
- N. All materials and heavy equipment shall be staged at a previously disturbed location;
- O. All excavation areas shall be watered to prevent dust;
- P. All the construction work shall be scheduled during the dry season (April 15 to October 15).

**3. Encroachment Permits.** PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT AUTHORIZED BY THIS PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, final encroachment permits from the Humboldt County Department of Public Works and the California Department of Transportation. The applicants shall inform the Executive Director of any changes to the project required by the County or Caltrans. Such changes shall not be incorporated into the project until the permittee obtains an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

**4. Landscaping Restrictions.** The permittee shall comply with the following landscaping restrictions:

- A. Only drought tolerant native plant species obtained from local genetic stocks shall be planted as part of the project reseeded. If documentation is provided to the Executive Director prior to reseeded that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside of the local area may be used;
- B. 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 planted within the property; and

- C. Rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone or Diphacinone shall not be used.

**5. Limits on Future Connections.** New water service capacity resulting from the approved development shall only be used within the District’s current service area and shall not be used to: (a) serve new water connections outside existing District service area boundaries; (b) provide fire-fighting capacity outside existing District service area boundaries; or (c) extend water mains into areas beyond existing District service area boundaries.

#### IV. FINDINGS AND DECLARATIONS

##### A. Project Description

The Westhaven Community Services District (District) proposes to reduce water system losses and improve system efficiency by replacing 6,475 linear feet of leaking 2-inch diameter polyethylene water main with 4-inch diameter polyvinylchloride (PVC) water main, installing five water shut-off valves, four fire hydrants, and five air-vacuum valves. Replacement of the leaking water mains would reduce water system losses by 8%. Replacement of selected 2-inch diameter water main segments with 4-inch diameter mains would allow the District to meet state mandated water main size requirements. According to Section 64573 (Minimum Water Main Size for Community Water Systems) of the California Code of Regulations ‘newly installed water mains in a community water system shall have a nominal diameter of at least four inches’. The increased diameter of the new water main segments is also necessary to supply water at adequate pressure and volume to meet California Fire Fighting Building code standards. New segments of water main would be replaced along portions of eight roads throughout the District’s service boundary including: Kay Avenue, Loop Place, Metsko Lane, Transit Avenue, 1<sup>st</sup> Avenue, 2<sup>nd</sup> Avenue, 5<sup>th</sup> Avenue, and 6<sup>th</sup> Avenue (**Exhibit 2**). The work would be done within existing road beds or County rights-of-way on the road shoulder. The existing water mains would be abandoned in place by cutting and capping the pipes with a permanent plug, such as concrete reaction block or flowable fill. As proposed the development would not provide a new or expanded supply for new customers.

Installation of the new water main segments would involve open trenching and excavation of approximately 1,300 cubic yards of material. The trenches would be excavated in a “T” shape 38-inches deep, 24-inches wide at the bottom, and 36-inches wide at the surface to provide for adequate surface for paving over the trench after pipe installation where needed (**Exhibit 4**). The top of the new water mains would be installed 30-inches below the existing grade. The approximate lengths of water main to be replaced at each segment are referenced below.

Location	Segment Length
Quail Trail and Kay Ave. to 6 <sup>th</sup> Ave	.27 miles (1,450 feet)
6 <sup>th</sup> Avenue from Loop Place to	.3 miles (1,600 feet)

Hwy 101	
5 <sup>th</sup> Avenue	.21 miles (1,125 feet)
Transit Avenue and 1 <sup>st</sup> Avenue	.17 miles (900 feet)
2 <sup>nd</sup> Avenue	.2 miles (1100 feet)
Metsko Lane	.05 miles (350 feet)

Following completion of daily construction activities, trenched areas would be filled and compacted to 90% compaction as specified in the District’s annual encroachment permit. No material or debris will be exported or stored off-site.

Mowing may be required in disturbed vegetated areas along the County Right-of-way or road shoulder. No major vegetation removal is proposed. Non-traffic areas disturbed by construction will be reseeded with native grasses ([Special Condition No. 4](#)).

The proposed project also includes the installation of five water shut-off valves to facilitate future maintenance and repair, four fire hydrants to protect life and property, and five air-vacuum valves to protect the water mains from possible damage. These installations would be done in the same location as the water main replacements and will not require additional areas of disturbance. The existing water system lacks shut off valves and air vacuum valves that are needed to isolate damaged water mains that require maintenance and repairs and prevent deterioration of the overall system.

The estimated length of the construction period would be 8-12 weeks, beginning no earlier than April 15 and ending no later than October 15. One lane traffic control using a County approved traffic control plan would be used in areas where water mains cross under the road. At no point during the project would any roads be completely closed to through traffic.

**B. ENVIRONMENTAL SETTING AND BACKGROUND**

The community of Westhaven is in an unincorporated area of northern Humboldt County. The District was formed on May 17, 1988 and encompasses an approximately 0.60 square-mile area mostly within the coastal area just north of Moonstone Beach and south of the City of Trinidad (**Exhibit 1**). The District currently provides water service to approximately 455 residents through 210 existing active service connections.

The District’s water supply consists of surface water intakes from three small, spring-fed tributaries of Two Creek and a 100-foot deep well. The creek sources represent approximately 75% of the total source capacity with the well accounting for the remaining 25%. Source capacity historically varied between 40 and 60 gallons per minute (0.058 – 0.086 million gallons per day (MGD)). Water is supplied to District customers through approximately 7.5 miles (39,600 feet) of piping, of which 35% (13,860 feet) consists of 6-inch or 4-inch diameter C-900 PVC pipe, 20% (7,920 feet) consists of 4-inch or 3-inch diameter asbestos cement pipe (AC), 10% (3,690 feet) consists of schedule 40 PVC pipe, and the remaining 35% (13,860 feet) is 2-inch or smaller diameter 40-year old polyethylene pipe. The water mains for the system were installed 50 years ago by the District’s predecessor the Westhaven Water Company and have begun to deteriorate in places.



Due to changes in surface and groundwater availability and deteriorating infrastructure, the District has experienced a significant decrease in surface water availability in the last 25 years. The decrease in the District's water supply has reduced the water available to serve existing connections and is limiting the ability to provide adequate water services to existing customers. To compensate for continuing water supply shortages, the District has implemented a variety of measures to encourage water conservation and preserve ground and surface water resources. Water conservation measures that were implemented in the past 25 years include:

- Installation of water meters in the late 1990s
- Implementation of a tiered billing structure in 2003
- In early 2014 the District board passed a drought water conservation ordinance which restricts certain water uses, including landscape watering, car washing, and washing hard surfaces, and imposes penalties on homeowners with unrepaired water leaks on their property
- Systematic reduction of pumping rates since 2012

Recently, the three creeks that supply the District with water have been producing 60% less water than the historical average and the water level in the well is at an all-time low. The water level above the well pump dropped from a historical average of 7-feet or more of water above the pump to only 2-feet above the pump in April 2014. The well pumping rate was reduced during the 2014 dry season to prevent the water level from falling below the pump. Given the decrease in available water supply there continues to be a risk that the water level will fall below the pump during the 2015 dry weather season.

In addition to the decrease in available surface water and groundwater, the District is experiencing annual water losses averaging 31% through water main leaks. This water loss has become a concern for the District given the continuing decrease in available water. The proposed project is designed to help alleviate this concern. Projected water savings of approximately 2,500 g/d from replacing the leaking water mains would reduce the District's vulnerability to drought induced variation of water supply and production.

### **C. STANDARD OF REVIEW**

The project area is bisected by the boundary between the retained CDP jurisdiction of the Commission and the CDP jurisdiction delegated to Humboldt County by the Commission through the County's LCP. Most of the proposed project area is within the County's CDP jurisdiction. The Commission retains jurisdiction over a small area encompassing a few lots around the western end of Sixth Avenue that is an area of deferred certification as shown in Exhibit 2. The Sixth Avenue area became an area of deferred certification at the time of certification of the Trinidad Area Plan because of issues related to whether a historic trail connecting to the coastal bluff should be designated as a public access way.

Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated coastal development permit application when requested by the local government and the applicant and approved by the Executive Director for projects that would otherwise require coastal development permits from both the Commission and from a local government with a certified

LCP. In this case, the applicant requested a consolidated permit process and the Humboldt County Board of Supervisors adopted consenting to consolidate processing of the coastal development permit application. The Executive Director also agreed to the consolidated permit processing request.

The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3. The local government's certified LCP may be used as guidance.

#### **D. OTHER AGENCY APPROVALS**

##### **City Streets and State Highway Rights-of-Way Encroachment Permits**

The proposed development passes through the County of Humboldt's right-of-way. Additionally, portions of the proposed development may require trespass into areas of state highway right-of-way along the public streets. Therefore, the District must obtain an encroachment permit from the Humboldt County Department of Public Works before commencing the project. To ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches [Special Condition No. 3](#), which requires that the applicant to provide copies of the encroachment permits issued by the City and/or the California Department of Transportation for such development, and to inform the Executive Director of any changes to the project required by the County or Caltrans. Such changes shall not be incorporated into the project until the permittee obtains an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

#### **E. EXPANDED PUBLIC WORKS FACILITIES**

Coastal Act Section 30254 states, in applicable part:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

Section 3.23 B.1 of the Trinidad Area plan states the following:

“...water service shall be permitted *within the service area*, so as not to exceed the maximum number of residential sites and other planned uses which can be developed under the adopted plan” (emphasis added) (Trinidad Area Plan, 1983).

The District proposes to replace 6,475 feet of 2-inch diameter water main with 4-inch diameter water main and install shut off valves, air vacuum valves and fire hydrants. The purpose of

replacing the water mains in part is to eliminate leaking segments of existing water main pipes. The development will add a certain amount of additional service capacity in reducing water loss through leaking pipes. In addition, the development includes system modifications such as increasing the diameter of certain water mains that on a cumulative basis could increase the transmission capacity of the water system. Furthermore, the development includes the installation of fire hydrants which will increase the firefighting capacity. All three of these enhancements to the capacity of the water system, including: (a) the increase in available water supply; (b) the increased transmission capacity; and (c) the increase in fire-fighting capacity, must be examined to ensure they will accommodate development or uses consistent with the Coastal Act.

The District is approximately 0.60 acres in size. Most of the service area lies within a certified area except for a small area around Sixth Avenue consisting of several parcels which is an area of deferred certification largely because of potential prescriptive rights issues associated with the historic 6<sup>th</sup> Avenue pedestrian trail. Under the certified Trinidad Area Plan the District service area is within a rural area outside of the urban limit line. Under the Trinidad Area Plan, the designated land use within the service area is Rural Village which allows for development of rural community neighborhoods where minimal urban levels of service currently exist and only minimal expansion of these services is expected. The planned use density for this area is one dwelling unit per acre. The service area is zoned residential single family with a minimum parcel size of 5,000 square feet. Under the certified implementation plan, development designated as principally permitted includes residential single family homes with neighborhood commercial services. Development designated as conditional uses includes production of food, fiber, or plants in conjunction with residential development and cottage industry. Therefore, the potential development and uses within the service area that can be permitted consistent with the Coastal Act are primarily residential uses.

To be consistent with section 30254 of the Coastal Act, any expansion of capacity of the water system must be designed and limited to accommodate the needs generated by this kind and level of residential development within the service area and where facilities are limited, services to either priority uses or essential public services shall not be precluded.

Despite the increase in transmission capacity from the larger water mains the continuing shortage of water limits the expansion of service capacity and will prevent the project from having growth inducing effects that are inconsistent with the certified LCP. The District's water supply consists of surface water intakes from three small, spring-fed tributaries of Two Creek and a 100-foot deep well. The creek sources provide approximately 75% of the total source capacity with the well accounting for the remaining 25%. According to the applicant, current source water production is approximately 32,000 gallons/day (g/d), down from historic levels of between 57,000 – 86,400 g/d. Additionally, the system is losing approximately 10,000 g/d from leaking water main segments and other deteriorating infrastructure resulting in daily production levels of approximately 22,000 g/d. The District currently provides water service to approximately 455 residents through 210 existing active service connections. On average, each household in the District uses between 85-120 g/d, resulting in a demand for water of between 17,850 -25,200 g/d at current service levels. Thus, when demand is at its highest, the District does not currently produce enough water for all its customers. As a result of the proposed replacement of water mains, the District is anticipating reducing water loss by 8% (from 31% to 23%), resulting in a

savings of 2,500 g/d and increasing water availability to 24,500 g/d. These savings and the ability to reduce shortages of water to serve existing customers, rather than a desire to increase service connections is the impetus for the project. Although the project will increase the quantity of water available, the quantity of projected water savings will not provide enough increased production to allow for new service connections, given that when demand is at its highest, the District will still be experiencing a shortage of available water for current customers.

If, contrary to the proposed application, the District were to reserve the increase in water to service new customers within the service boundaries, a maximum of 21 new connections would become available (based on highest daily demand). However, as described by the applicant there are currently 33 households on a priority waiting list. These residences are given priority because their wells have either recently gone dry or fail to meet domestic water quality requirements. Therefore, any water savings not used to serve existing customers would be needed to serve existing residences and to provide new connections within the District.

Given the inadequate water availability for existing customers, the District will not be able to serve the maximum number of residential sites and other planned uses at build out under the certified Trinidad Area Plan. Although the District is currently experiencing water supply shortages, the Commission must still consider whether the system improvements would induce growth that would exceed planned uses under the certified LCP should additional water become available. A total of 16% (6,475 feet) of the water mains will be replaced with larger diameter water mains. Although the system will still be limited by the remaining 2-inch diameter water mains the inevitable future replacement of the remaining 2-inch diameter water mains would cumulatively result in increased transmission capacity that could be greater than that needed to serve build out under the certified LCP.

To minimize the potential for the increase in transmission capacity to induce growth inconsistent with the LCP, the Commission must consider whether the new, larger diameter water mains will be the minimum size necessary to serve the existing system. Although 3-inch and 3.5-inch diameter water mains are available, according to Section 64573 (Minimum Water Main Size for Community Water Systems) of the California Code of Regulations 'newly installed water mains in a community water system shall have a nominal diameter of at least four inches.' Therefore, replacing the 2-inch diameter water mains with 4-inch diameter water mains represents the minimum size increase necessary to be consistent with state law.

The increased diameter of the new water main segments will also supply water at pressure and volume to be more consistent with California Fire Fighting Building code standards. As mandated by the 2010 California Fire Code, the Humboldt County Building Department uses the target of achieving 1,000 gallons per minute (gpm) with sustained flow for 2 hours for residences under 3,600 square feet. This standard allows adequate water to be delivered to fire fighters for the duration of a fire. The existing 2-inch diameter water mains do not have the physical capacity to deliver more than 200 gpm to the system at any time. By replacing segments of the 2-inch diameter water mains with 4-inch diameter water mains, the system will be able to deliver approximately 700 gpm at any given time. While this flow rate does not fully reach the targeted flows and pressure required, the larger water main segments would bring the District's water system closer to achieving state water main and fire suppression standards.

As noted above, the eventual replacement of all the 2-inch diameter lines from the current project and future pipeline replacement projects will increase the transmission capacity of the system. To ensure that in the event the District is able to secure additional water supply, the increase in transmission capacity does not induce growth outside of the District's service area inconsistent with the LCP, the Commission attaches [Special Condition No. 5](#). [Special Condition No. 5](#) requires that new water supply, storage or service capacity authorized by CDP 1-14-1659 is limited to the District's service area and shall neither be used for new water connections outside existing District boundaries, providing fire-fighting capacity outside the existing District boundaries, nor for the extension of water mains into areas beyond existing District boundaries. In addition to avoiding inducement of unplanned growth outside the service area, these requirements will ensure that the water savings derived from the project will only be used to help reduce the shortfall in supply needed to serve development planned under the certified LCP within the service area.

As proposed, the existing water main segments that are being replaced will not be removed but will be abandoned in place by cutting and capping the existing pipes with a permanent plug, such as a concrete reaction block or flowable fill. The District elected not to remove the existing water mains to minimize disruption of services and to make the overall project more efficient. Abandonment of the old lines will prevent these segments of water main from being utilized to either expand transmission capacity or induce growth beyond what is planned under the certified LCP. To ensure that the existing water mains are abandoned as proposed, the Commission attaches [Special Condition No. 1](#). [Special Condition No. 1](#) requires that the applicant cut and cap the ends of the replaced water mains with plugs of concrete to ensure that the existing water mains will be fully abandoned in place.

The project also includes the installation of four fire hydrants to protect life and property, and five air-vacuum valves to protect the water mains from possible damage. The installation of fire hydrants near the boundaries of the District's service area could induce growth outside the service area by providing a source of possible fire-fighting capacity in an area that may be lacking such service. As proposed, the fire hydrants will be located several hundred feet or more from the District's service boundaries (**Exhibit 3**). Placing the fire hydrants well away from the service boundaries will ensure that the new fire hydrants will not prompt expansion of fire protection services to adjoining rural areas where no services currently exist and induce growth inconsistent with the uses and development planned under the certified Trinidad Area Plan.

Section 30254 also directs that in cases of limited public works facilities availability, priority should be given to certain classes of development and uses over other forms of development, specifically "*coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses.*" As stated above under the certified Trinidad Area Plan, the community of Westhaven, which encompasses the District, is designated Rural Village, which allows for development of rural community neighborhoods. The area is currently zoned Residential Single Family. Development designated as principally permitted includes residential single family homes with neighborhood commercial services and development designated as a conditional use allows for production of food, fiber, or plants, in conjunction with residential development or for cottage industry.

There are no priority uses designated by the zoning district for this area and there are currently no known visitor serving uses within the District's service boundary. The area is not especially suited for visitor serving facilities and other priority uses because the service area is mostly inland of the first public road and mostly inland of Highway 101. Additionally, many visitor serving facilities are located immediately north in Trinidad and south in McKinleyville. Therefore, the additional water capacity that will be achieved by replacing the leaking water mains need not be reserved to serve priority uses.

However, there is the potential that any private residence within the District's service boundary could be utilized as a Vacation Dwelling Unit (VDU) and therefore be considered a priority use under Section 30254 of the Coastal Act. The use of an existing residence as a VDU is not a form of development requiring a coastal development permit because it does not involve a change in use or intensity of use. Any residence used as a VDU will continue to be provided water service from the District if a current connection exists. As proposed, the project will not impede water service to any existing service connection and therefore will not prevent the use of existing residences as VDUs. Thus, any additional water saved by the project that is directed to existing homes will also facilitate possible use of the home as a VDU. Therefore, the Commission believes that the proposed development will not preclude any priority uses because all existing service connections will continue to allow the use of the private residence as a VDU.

For the reasons discussed above, the project as conditioned will neither induce new development inconsistent with the certified LCP, nor preclude the development of needed priority uses in the area. Therefore, the Commission finds that the proposed project as conditioned is consistent with Section 30254 of the Coastal Act.

#### **F. PROTECTION OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS/QUALITY OF COASTAL WATERS**

Coastal Act Section 30240 states in part that:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 30230 states the following:

*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.*

Coastal Act Section 30231 states the following:

*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.*

Coastal Act Section 30232 states the following:

*Protection against the spillage of crude oil, gas, petroleum products or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

The project as proposed does not include any development within or immediately adjacent to any ESHA or coastal wetlands. Installation of the new water main segments would involve open trenching to reach necessary depths for pipeline placement and minor vegetation removal. All development areas consist of existing paved road bed or road shoulder.

Commission staff completed a site visit with the applicant and the agent on February 19, 2015 and verified that there are no existing wetlands or ESHA within or adjacent to any proposed development area and the staging area. The proposed staging area will be located in a disturbed area at the Volunteer Fire Department lot at 446 6<sup>th</sup> Ave. in Westhaven.

Although the development will not encroach into ESHA, the project involves construction activities, including trenching using heavy equipment, excavation/backfilling, stockpiling of soil and construction materials, and the use of concrete, asphalt, paving materials, paint, and other hazardous substances. Unless appropriate protocols are followed, the proposed development could result in sediments or other pollutants becoming entrained in stormwater runoff, entering coastal waters and adversely impacting water quality, sensitive habitat and marine resources.

As proposed, the trench spoils will be compacted back in the trenches at the end of each work day and no excavations will be left open overnight. In addition, the applicant has proposed additional mitigation measures as part of the proposed project to avoid or minimize potential impacts to water quality. These measures include, but are not limited to the following: (1) staging the materials and heavy equipment at a previously disturbed location; (2) cleaning the trucks at the District yard at the end of each day; (3) covering the spoil piles to prevent dust and debris; (4) watering the excavation areas; (5) scheduling the work during the dry season (April 15 to October 15); (6) planting native seeds in areas where vegetation disturbance takes place; and (7) installing fiber rolls and wattles to contain soil.

The Commission finds that the above measures are appropriate and must be implemented together with some additional measures to ensure that the water quality protection standards of Section 30240, 30230, 30231, and 30232 are met. Thus, to ensure that the proposed development is implemented in a manner is to fully prevent impacts which could degrade water quality consistent with Sections 30240, 30230, 30231 and 30232 of the Coastal Act, [Special Condition](#)

[No. 2](#) requires various construction responsibilities required for the project to protect water quality around the proposed construction work areas. The condition also requires that the applicant adhere to the various proposed water quality mitigation measures outlined above. [Special Condition No. 2](#) also requires that any if additional fill or spoils are generated from the proposed development that they are disposed of at an authorized disposal site.

If nonnative, invasive plant species are introduced at the subject site as a result of the development nearby ESHA could be adversely affected. If any of the proposed seeding were to include introduced invasive exotic plant species, the resulting weedy plants could colonize (e.g., via wind or wildlife dispersal) and displace native vegetation, thereby disrupting the functions and values of nearby ESHA. As proposed minor vegetation removal in the form of mowing may be required in areas where water main segments cannot be replaced within the paved road bed. The applicant has proposed to reseed disturbed areas upon completion of the backfilling of trenches excavated for pipe installation. The Commission attaches [Special Condition No. 4](#) to ensure that only native and/or non-invasive seeds are planted. As conditioned, the proposed project will ensure that the ESHA near the site is not significantly degraded.

[Special Condition No. 4](#) also requires the reseeding of disturbed areas use drought tolerant vegetation. The requirement will help ensure that the planted vegetation survives to help prevent erosion and sedimentation impacts as designed during the current drought emergency when irrigation water is severely limited.

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. 4](#) also contains a prohibition on the use of such anticoagulant-based rodenticides.

With the mitigation measures discussed above, the project as conditioned will not significantly degrade nearby ESHA and will be compatible with the continuance of all habitat areas. Therefore, the Commission finds that the project as conditioned is consistent with Section 30230, 30231, 30232, and 30240(b) of the Coastal Act.

#### **G. PUBLIC ACCESS**

Projects located between the first public road and the sea, within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of the Coastal Act. Coastal Act Sections 30210, 30211, 30212, and 30214 require the provision of maximum public access opportunities, with limited exceptions.

Section 30210 states:

*In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities*



*shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212 states, in applicable part:

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
  - (1) *It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
  - (2) *Adequate access exists nearby, or,*
  - (3) *Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30214 states:

- (a) *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*
  - (1) *Topographic and geologic site characteristics.*
  - (2) *The capacity of the site to sustain use and at what level of intensity.*
  - (3) *The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
  - (4) *The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*
- (b) *It is the intent of the Legislature that the public access policies of this article are carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of*

*the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*

- (c) *In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

In applying Sections 30210, 30211, 30212, and 30214, the Commission is limited by the need to show that any denial of a permit application based on these sections of the Coastal Act and any decision to grant a permit subject to special conditions requiring public access is necessary to avoid an or affect a project's adverse impacts on existing or potential public access.

As proposed, 6,475 feet of 2-inch diameter water main will be replaced along portions of eight different roads in the Westhaven Area (**Exhibit 3**). Of these locations, the 6<sup>th</sup> Avenue and Metsko Lane locations are situated between the first public road and the sea or provide vehicular access to a trail leading to the coast. Therefore, the Commission must consider the proposed project's conformity with the access requirements of the Coastal Act.

The proposed development will not interfere with or adversely affect public access to or along the coast. Construction activities within roadways, including trenching, water main installation, backfilling, compaction, and paving will require temporary lane closures and intermittent controlled one-way traffic or lane closures. Despite these temporary traffic impacts, the proposed project will not interfere with or result in significant adverse impacts on public access as the development will not close any roads or prevent access to any existing coastal access points.

The nearest public access point to Metsko Lane is at Moonstone Beach Road, which is located just south of Metsko Lane (**Exhibit 3**). Metsko Lane provides a direct connection to Scenic Drive, which provides access to Moonstone Beach Road and leads to Moonstone Beach. Although Metsko Lane will experience temporary traffic interruptions and delays to vehicles, there will be no interruption of traffic patterns or access at Scenic Drive which is the road that provides access to Moonstone Beach. Scenic Drive will remain open to pedestrians and vehicles during all construction times and will continue to provide access to coastal access points.

The other coastal access point near the development is located off of 6<sup>th</sup> Avenue and Loop Place and is locally known as the 6<sup>th</sup> Avenue Trail. The 6<sup>th</sup> Avenue trail is a pedestrian connection between the community of Westhaven and nearby beaches along Trinidad Bay. The 6<sup>th</sup> Avenue trail begins at Loop Place Road and continues downhill to Scenic Drive. From Scenic Drive public coastal access is provided by walking along the shoulder of the road to three nearby access ways. The three access ways are: (1) Luffenholtz Beach county Park; (2) Moonstone County Park; and (3) the Houda Point Access, which provides access to two sandy pocket beaches below the bluffs. Members of the public who drive to the trailhead off of Loop Place may be subjected to one-lane traffic control for between 13 to 20 days, depending on the overall work schedule of the project. Although the proposed development includes construction

activities to take place on 6<sup>th</sup> Avenue, access to the 6<sup>th</sup> Avenue trailhead for both motorists and pedestrians will remain open at all times.

Therefore, the Commission finds that the development will not interfere with or result in any significant adverse effects on public access and is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

#### **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The applicant served as the lead agency for the project for CEQA purposes. The Westhaven Community Services District filed a notice of exemption for the project on September 2, 2014 pursuant to Section 15302(c) for replacement and reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

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.

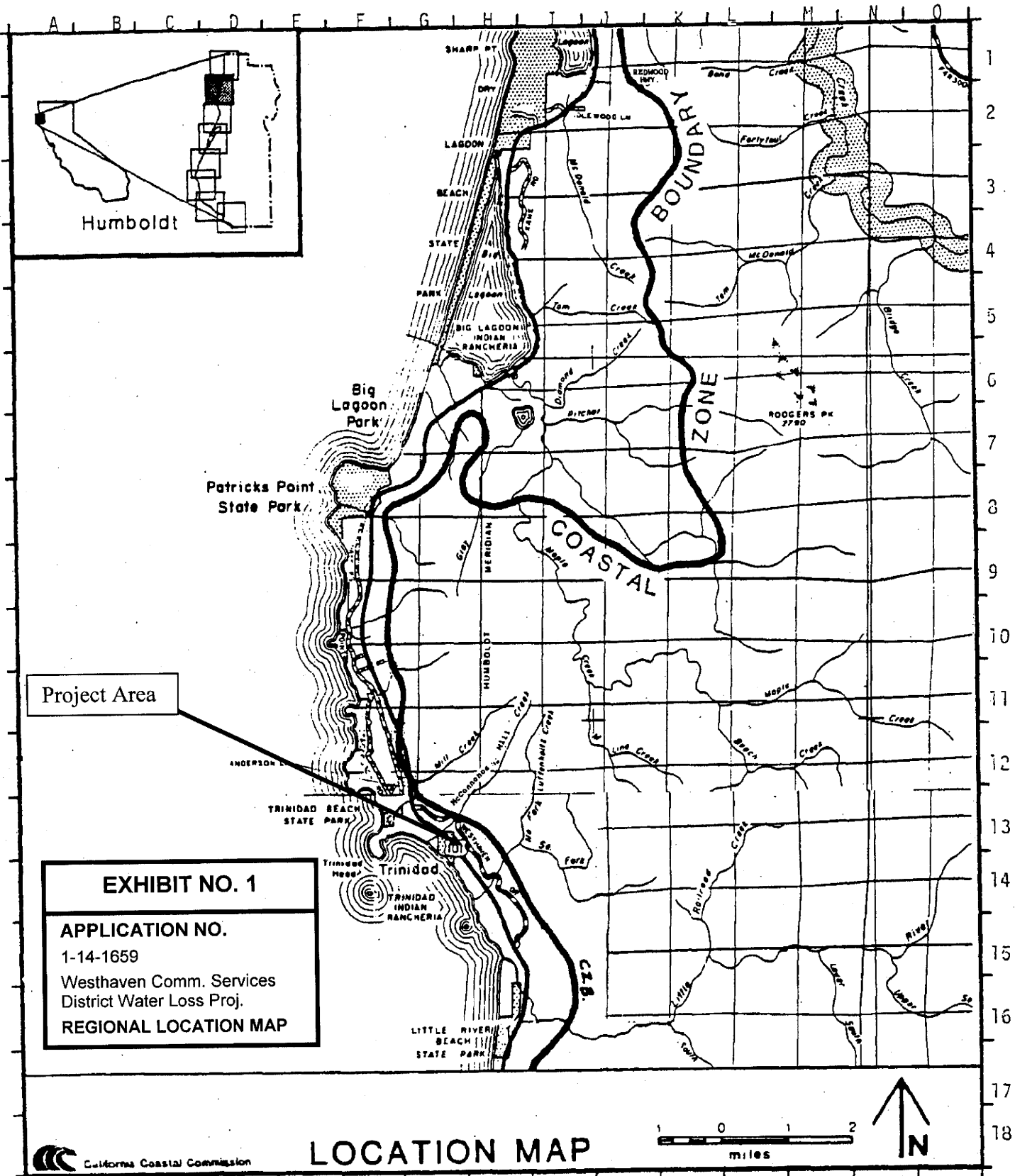
The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the 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.

1-14-1659 (Westhaven Community Services District)

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

Application File for Coastal Development Permit No. 1-14-1659

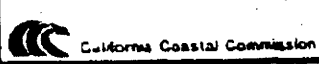


Project Area

**EXHIBIT NO. 1**

---

**APPLICATION NO.**  
1-14-1659  
Westhaven Comm. Services  
District Water Loss Proj.  
**REGIONAL LOCATION MAP**

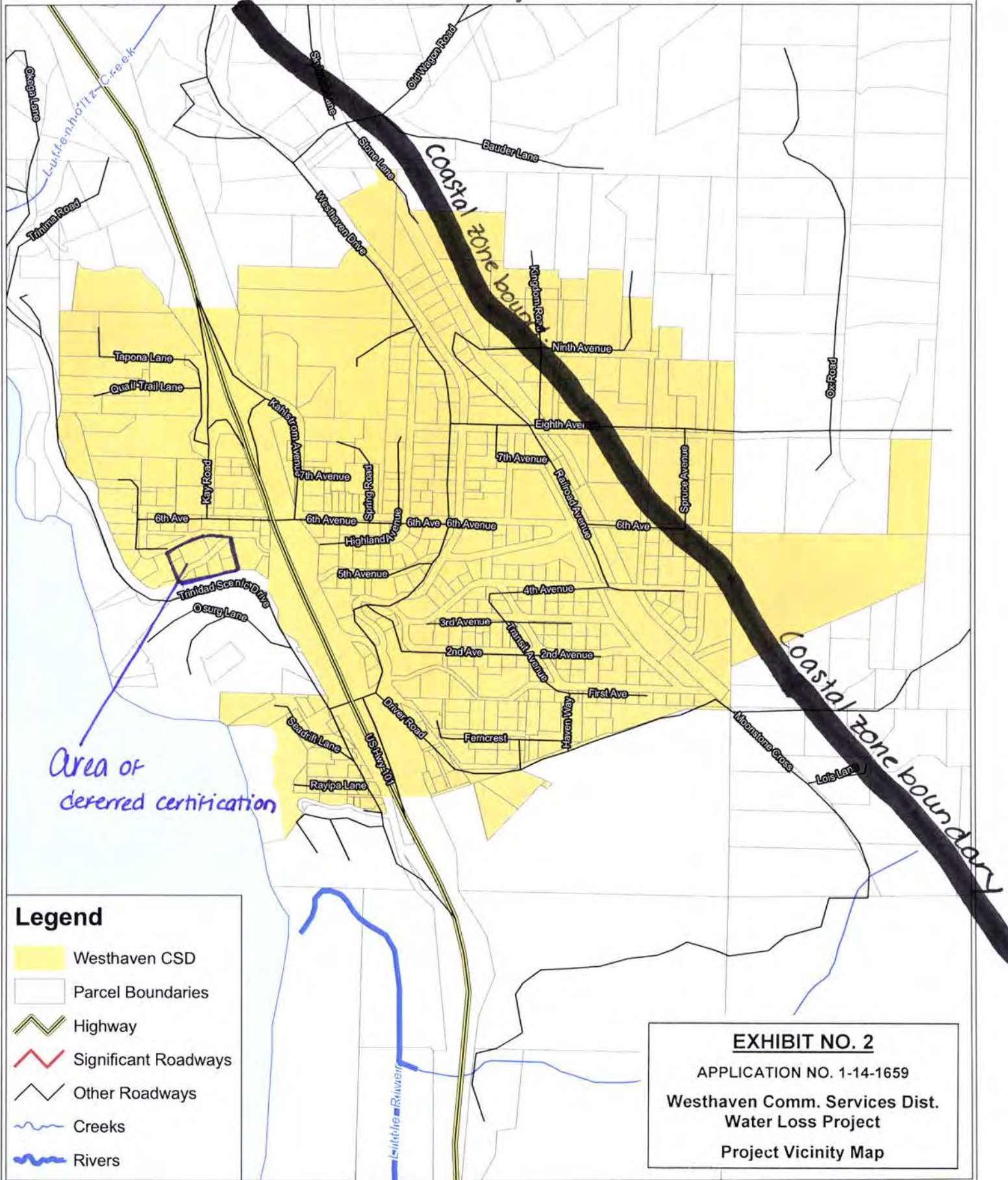


**LOCATION MAP**



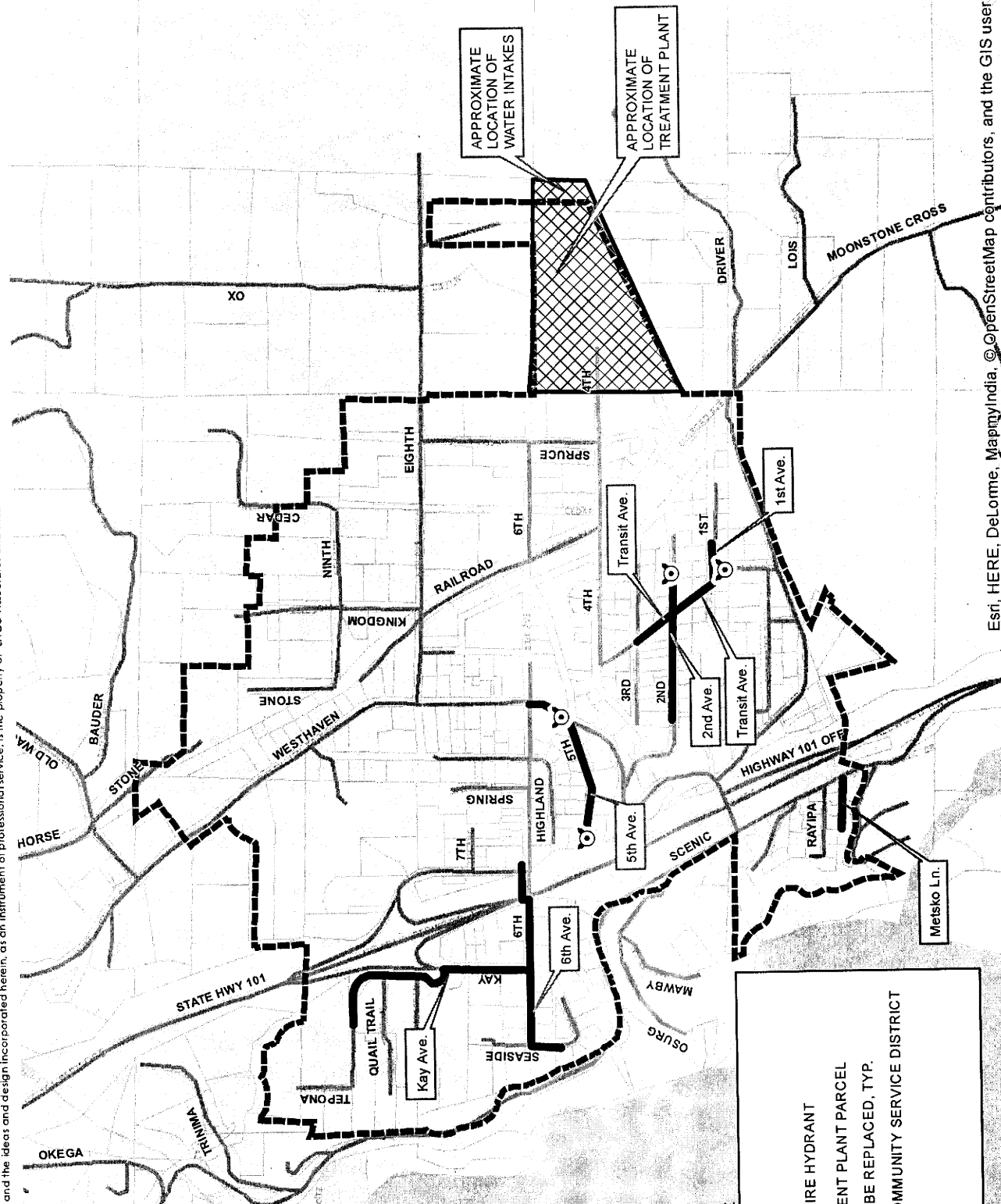
County of Humboldt

# Westhaven Community Services District





REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of LACO Associates and shall not be reused in whole or part for any other project without LACO Associates express written authorization.



**EXHIBIT NO. 3**  
**APPLICATION NO. 1-14-1659**  
**Westhaven Comm. Services Dist.**  
**Water Loss Project**  
**Site Plan**



1,000 Feet

**LEGEND**

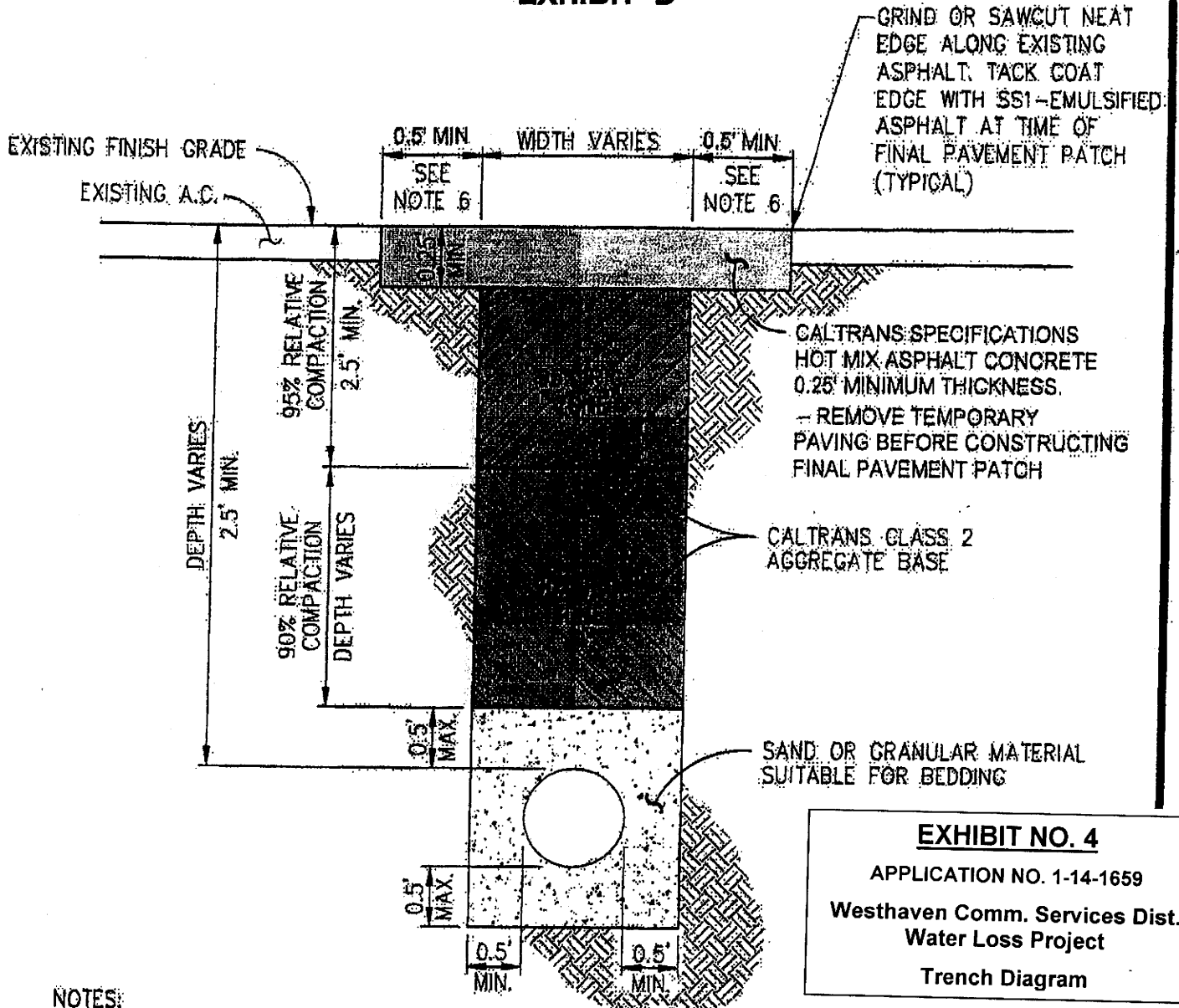
- APPROXIMATE FIRE HYDRANT
- WATER TREATMENT PLANT PARCEL
- WATER LINE TO BE REPLACED, TYP.
- WESTHAVEN COMMUNITY SERVICE DISTRICT
- PARCELS
- ROADS

Note:  
 The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data.

Esri, HERE, DeLorme, MapmyIndia, ©OpenStreetMap contributors, and the GIS user community

<b>LACO</b>		PROJECT WESTHAVEN CSD PROPOSITION 84 APP.		BY JB	FIGURE
EUREKA • UKIAH • SANTA ROSA		CLIENT WESTHAVEN COMMUNITY SERVICE DISTRICT		CHECK EAB	1
1-800-515-5054 www.lacoassociates.com		LOCATION WESTHAVEN, CA.		DATE 3/10/15	JOB NO.
		APPROXIMATE FIRE HYDRANT LOCATIONS			7095.04

# EXHIBIT B



**EXHIBIT NO. 4**  
 APPLICATION NO. 1-14-1659  
 Westhaven Comm. Services Dist.  
 Water Loss Project  
 Trench Diagram

**NOTES:**

1. THE TRENCH SHALL HAVE AT LEAST 0.25 FEET OF TEMPORARY COLD MIX ASPHALT BEFORE OPENING ROAD TO TRAFFIC.
2. FOR ITEMS NOT SHOWN, SEE ISSUED HUMBOLDT COUNTY ENCROACHMENT PERMIT.
3. ALL MATERIALS SHALL COMPLY WITH CALTRANS STANDARD SPECIFICATIONS, CURRENT EDITION.
4. IF GROUNDWATER IS ENCOUNTERED DURING TRENCH EXCAVATION, ENGINEER AND THE COUNTY DEPARTMENT OF PUBLIC WORKS SHALL BE CONSULTED FOR SITE SPECIFIC CORRECTIVE MEASURES.
5. THE PERMITEE, OR ITS DESIGNEE, SHALL BE RESPONSIBLE FOR PERFORMING COMPACTION TESTS. THE DEPARTMENT OF PUBLIC WORKS RESERVES THE RIGHT TO MAKE AS MANY COMPACTION TESTS AS IT DEEMS REASONABLE TO ENSURE THAT THE COMPACTION REQUIREMENTS ARE MET. PERMITEE SHALL REIMBURSE THE DEPARTMENT OF PUBLIC WORKS FOR ALL COSTS ASSOCIATED WITH SUCH TESTS. SAID COSTS SHALL BE IN CONFORMANCE WITH THE HUMBOLDT COUNTY SCHEDULE OF FEES AND CHARGES FOR PERMITS AND SERVICES, AS ADOPTED BY THE BOARD OF SUPERVISORS.
6. WHEN EXISTING AC PAVEMENT IS LESS THAN 5 YEARS OLD, USE 9' MINIMUM.  
 WHEN EXISTING AC PAVEMENT IS MORE THAN 5 YEARS OLD, USE 0.5' MINIMUM

NOTE: FIGURES HEREON ARE NOT DRAWN TO SCALE, UNLESS OTHERWISE NOTED.



**COUNTY OF HUMBOLDT**  
 DEPARTMENT OF PUBLIC WORKS  
 1106 SECOND STREET • EUREKA • CA • 95501  
 TEL. (707) 445-7377 • FAX (707) 445-7409

**TYPE I TRENCH DETAIL**  
**AGGREGATE BASE BACKFILL**

ISSUED: 08/26/2009 REVISED: 04/22/2013  
 R:\AUTOCAD\PROJECTS\STANDARD PLANS\DWG\STD-PLAN\_TRENCH\_DETAILS.DWG

STD DWG

SHT 1 OF 1