

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

W 14.a

Page 1 of  
Date January 26, 1995

Permit Application No. 1-95-71

ADMINISTRATIVE PERMIT

APPLICANT: EDWARD C. BOTT

PROJECT DESCRIPTION: Remove an aged windbreak consisting of approximately 40 Monterey Cypress trees with diameters ranging from two to four feet on an agricultural parcel to prevent damage from falling limbs to existing barns and a residence.

PROJECT LOCATION: East of Highway 101, at 1371 Clam Beach Road, in the McKinleyville area, Humboldt County, APN 511-301-05.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

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

This permit will be reported to the Commission at the following time and place:

Date: Wednesday, February 7, 1996 Tel. No. (619) 232-3121  
Time: Meeting begins at 10:00 a.m., Item 14a  
Place: U.S. Grant Hotel  
326 Broadway, San Diego

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

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

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

PETER DOUGLAS  
Executive Director

By: Robert Merrill  
Title: Coastal Planner

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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, is in conformity with the provisions of the Humboldt County and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:1. Project/Site Description

The applicant proposes to remove an aged windbreak consisting of approximately 40 Monterey Cypress trees planted close together in a row from his agricultural parcel at 1371 Clam Beach Road north of McKinleyville in Humboldt County (see Exhibits 1 and 2).

The subject property is east of Highway 101, which in this location lies adjacent to Clam Beach. The property is not visible from the highway as the site is on top of and approximately 1,000 feet back from the bluff edge of the approximately 150-foot-high coastal terrace that rises to the east of the highway. The relatively flat parcel contains a residence but is used primarily as a dairy farm and for other agricultural purposes, and is surrounded by other similarly used property. In addition to the single-family home, the property also is developed with a hay barn, a dairy barn, and a pumphouse. Most of the landscape in the area consists of open pasture with an occasional windbreak composed usually of Cypress trees planted close together in a row to block the wind.

The proposed project consists of the removal of one such windbreak that extends north from Clam Beach Road near the middle of the parcel behind the residence and barns. The approximately 40 trees that make up the 500-foot-long windbreak are very tall and have trunks that range in diameter from two to four feet. Due to the advanced age of the trees, high winds associated with storms have broken off a number of limbs which threaten the adjacent house and barns. The windbreak is proposed for removal to avoid this hazard of falling limbs.

Monterey Cypress is not a rare or endangered tree species and the windbreak is not considered to be environmentally sensitive habitat (ESHA). No other ESHA exists in the immediate vicinity of the windbreak.

The applicant applied for and received Emergency Permit No. 1-95-07G on May 5, 1995 to remove the windbreak. At the time, the fact that some limbs had already fallen caused Commission staff to believe the situation was sufficiently dangerous to warrant issuing the emergency permit. However, the applicant did not remove the trees within the time period allowed by the emergency permit, and the permit expired. Fortunately, there has been no significant damage from falling limbs in the meantime. In December, the applicant reapplied to remove the windbreak. The fact that no further damage from falling limbs has occurred since issuance of the emergency permit, suggests that the situation is not as dangerous as staff previously believed. Therefore, the current application has been processed as an administrative permit rather than as an emergency permit.

2. Visual Resources.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding area, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The windbreak to be removed is not visible from either Highway 101, the main coastal arterial in the area, or from nearby Clam Beach County Park because of its location well back from the edge of the 150-foot-high coastal terrace that rises steeply just to the east of the highway and the beach. Thus, removal of the trees will not affect public views to and along the ocean. The windbreak is one of many along the coastal terrace, so its removal will not dramatically alter the visual character of the area. Furthermore, the subject property is not designated in the McKinleyville Area Plan LUP as a "Coastal Scenic Area." Therefore, the Executive Director finds that the proposed project is consistent with Section 30251 of the Coastal Act.

3. 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 California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment. As discussed above, the project does not have a significant adverse effect on the environment within the meaning of CEQA.

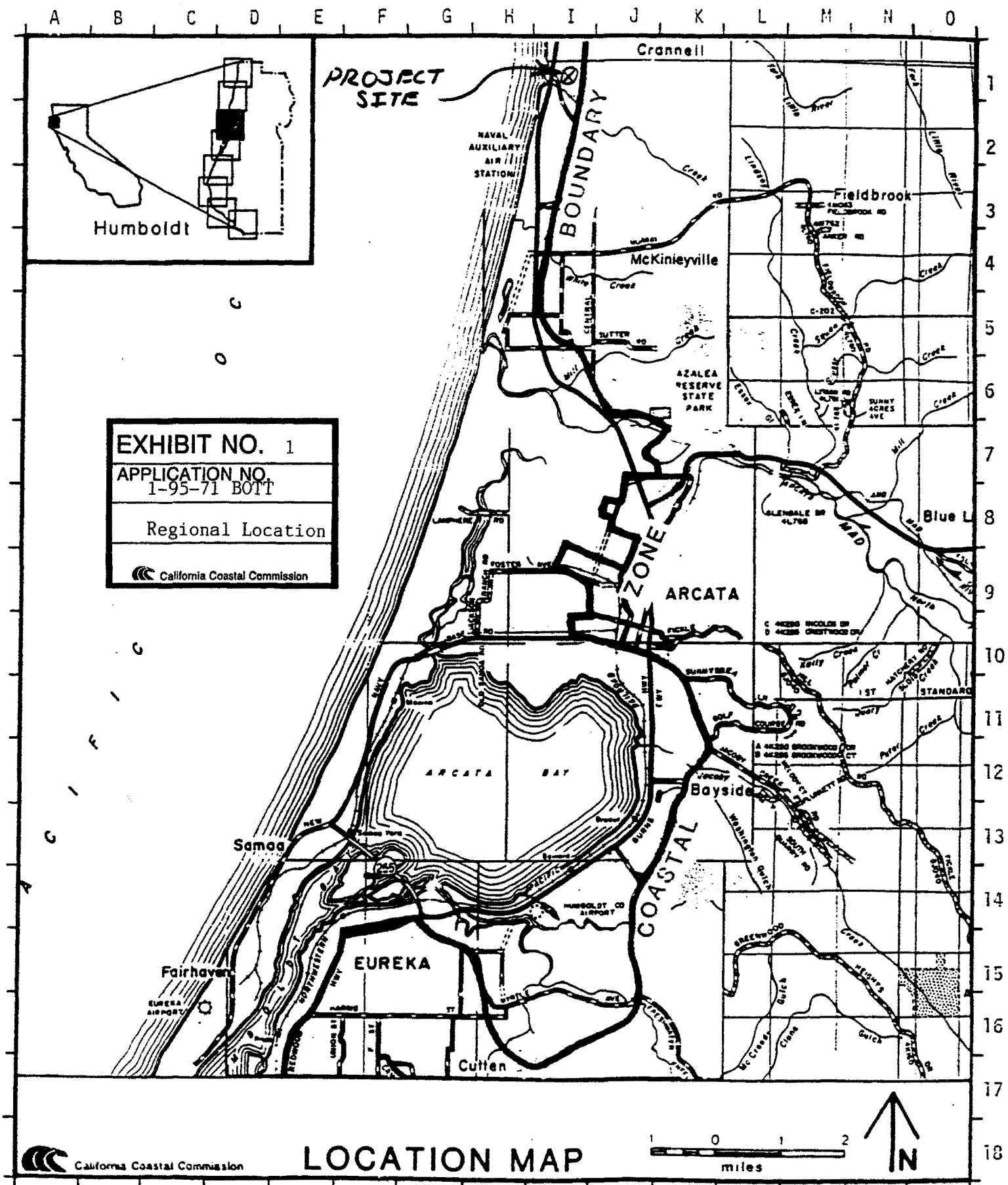
SPECIAL CONDITIONS: **NONE**

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing



**EXHIBIT NO. 1**  
**APPLICATION NO.**  
1-95-71 BOTT  
**Regional Location**  
California Coastal Commission

**LOCATION MAP**

