

RECORD PACKET COPY

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
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SAN FRANCISCO, CA 94105-2219
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LSM



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Staff: Robert Merrill-E
Staff Report: June 21, 1996
Hearing Date: July 10, 1996
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 1-96-63
APPLICANT: TRUEMAN E. VROMAN
PROJECT LOCATION: Adjacent to Arcata Bay, along the Samoa Peninsula, at the north end of Peerless Avenue, in the unincorporated community of Manila, Humboldt County. APN 506-371-08
PROJECT DESCRIPTION: Construct a 1,643-square-foot, 18-foot-high, one-story single-family home with an attached two-car garage and a 200-foot-long driveway.
Lot area: 213,000 square feet (4.9 acres)
Building coverage: 2,186 square feet
Floor Area: 1,643 square feet
Pavement coverage: 1,200 square feet
Landscape coverage: 2,000 square feet
Ht abv fin grade: 18 feet
Parking spaces: 2 garage spaces and 3 off-street spaces
Zoning: Residential Single Family, 5,000-square-foot min. parcel size, mobile home allowed, with archaeological resource area and coastal wetland combining zones (RS-5-M/A,W)
Plan designation: Residential Low Density (RL)
LOCAL APPROVALS RECEIVED: None required.
SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program.

STAFF NOTES

1. Standard of Review.

The proposed project is located within the unincorporated community of Manila in Humboldt County. Humboldt County has a certified LCP, but the proposed development is within the Commission's retained jurisdictional area. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will be in conformity with the Humboldt County Local Coastal Program, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached

III. Special Conditions:

1. Protection of Environmentally Sensitive Habitat. The proposed habitat mitigation work proposed on the property shall not include the planting of *Ammophila arenaria* (European Beachgrass).

2. Archaeological Resources.

The project site is located in an area believed to contain archaeological resources. If any additional archaeological resources are discovered on the project site during construction authorized by this permit, all work that could damage or destroy these resources shall be suspended. The applicant shall then have a qualified archaeologist inspect the project site, determine the nature and significance of the archaeological materials, and, if he or she deems it necessary, develop appropriate mitigation measures using standards of the State Historic Preservation Office.

Should the qualified archaeologist determine that mitigation measures are necessary, the applicant shall apply to the Commission for an amendment to this permit requesting that the permit be amended to include the mitigation plan proposed by the qualified archaeologist. The plan shall provide for monitoring, evaluation, protection, and mitigation of archaeological resources on the project site. Should the archaeologist determine that no mitigation measures are necessary, work on the project site may be resumed.

IV. Findings and Declarations.

The Commission hereby finds and declares:

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1. Project and Site Description:

The applicant proposes to construct a single-family home with an attached two-car garage on a 4.9-acre parcel located adjacent to Arcata Bay, along the Samoa Peninsula, at the north end of Peerless Avenue, in the unincorporated community of Manila (see Exhibits 1-5).

The relatively large land-locked and currently undeveloped parcel extends approximately 700 feet from the shoreline of Arcata Bay to the edge of the railroad right of way near the center of the community. The undulating parcel has a sandy substrate and is vegetated with a mixture of brushy and grassy areas. Salt marsh vegetation lines the fringes of the bay shoreline.

The proposed building site would occupy a small clearing at a relative high point of the property, approximately 150 feet away from the bay shoreline. Approximately 900 square feet of brush would be cleared to provide room for the structure. The proposed 1,643-square-foot, 18-foot-high, one-story house would include an attached two-car garage, expanding the footprint of the building to 2,186 square feet. The ranch-style, wood-framed house would have wood siding. Access to the house would be created by clearing a total of approximately 2,500 square feet of brush and constructing a 12-foot wide driveway through an undeveloped roadway easement that extends from the north end of Peerless Avenue through an intervening parcel to the applicant's property.

The project also includes a proposal to restore vegetative cover over a total of 5,500 square feet of area in scattered areas of open dune throughout the parcel which are thought to have resulted from incursions from old clearing activities on adjoining properties (see Exhibits 6 and 7). The goal of the vegetation planting is to mitigate for the planned removal of native vegetation for the residence and driveway. The plan provides for the planting of 3,400 square feet of brush habitat and 2,100 square feet of grassy area. The proposed mitigation plan is included as Exhibit 8.

2. New Development:

Section 30250(a) of the Coastal Act states that new development shall be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources.

The proposed residence will be constructed on a vacant property within the developed community of Manila. The residence will be served by a community water and sewer system operated by the Manila Community Services District. Therefore, the proposed development is consistent with Section 30250(a) to the extent that the development will be located in an existing developed area able to accommodate it.

3. Environmentally Sensitive Habitat

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and that development in areas near such sensitive habitat areas shall be sited and designed to prevent significant adverse impacts to these areas.

Section 30107.5 of the Coastal Act defines "environmentally sensitive habitat area" as 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.

Apart from a small fringe of salt marsh along the bay shoreline, the vegetation on the site is of two general types, grassy areas and dense brushy vegetation. The grassy areas are a mixture of low growth rapid seeding native grasses, brambles and ferns that create a low ground cover. The brushy areas are dominated by *Myrica californica* (wax myrtle), although other plant species are found within the stands of *Myrica californica* including various ferns, berry plants, willows, lupine, and Scotch Broom. The *Myrica californica* is a shrubby plant but grows in places on the site to a height of about 18 feet.

The undulating terrain appears to cause some variation of habitat values within the brushy vegetation. The lower spots may support wetlands, which provide greater habitat value than the higher locations, such as in the location of the proposed house.

Although some locations within the areas covered with brushy vegetation may constitute environmentally sensitive habitat areas (ESHA) pursuant to Section 30107.5 of the Coastal Act, there is no evidence in the record that the particular brushy areas to be cleared for the proposed house and driveway constitutes ESHA. The Commission has determined in numerous permit actions that wetland and riparian habitat areas constitute ESHA. Wetland and riparian habitat areas often include some of the species found in the brushy habitat on the site, such as *Myrica californica*. However, many of these same species also grow in areas that are not considered wetland or riparian habitat. Such plants are considered facultative plants because they grow under a variety of conditions, both in wetlands and outside of wetlands. The proposed house and driveway are located in generally higher portions of the site where wetlands are not likely to be found. No evidence has been presented to suggest that any wetlands exist in the proposed location of the house and driveway. In addition, the brushy vegetation in this area does not appear to be true riparian habitat. Furthermore, given that *Myrica californica* grows in a variety of settings and there is no evidence to suggest that the *Myrica californica* in the vicinity of the proposed residence and road are associated with wetlands or a riparian habitat, it cannot be established that these areas of habitat "are either rare or especially valuable because of their special nature or role in an ecosystem" as is required to meet the Coastal Act definition of ESHA. Therefore, the Commission finds that the brushy vegetation to be cleared for the road and house does not constitute an ESHA.

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Nonetheless, even though the brushy vegetation to be cleared does not constitute an ESHA, it still provides habitat value for birds and other wildlife. The applicant has examined alternative locations for the proposed house and driveway, but no other alternative exists that would result in less damage to the brushy habitat. The applicant proposes to mitigate for the habitat loss associated with the project by restoring similar habitat in largely barren areas of the site that are thought to have been cleared many years ago. The proposed mitigation plan, included as Exhibit 8 of the staff report, would provide for the establishment, maintenance, and monitoring of an equivalent amount of brushy habitat to the habitat that will be cleared for driveway and house construction, thus preserving habitat values.

Section 30240 provides that development near ESHA shall be sited and designed to prevent significant adverse impacts to these areas. One element of the proposed mitigation plan could result in a degradation of habitat values within the various ESHA habitat areas that may exist in the project vicinity. The proposal calls for planting various grassy species to create additional grassland habitat similar to the grassland habitat that will be disturbed by the project. The application indicates that one of the grassy species growing in the existing habitat is *Ammophila arenaria* (European Beachgrass). The *Ammophila* is not a native plant, and it can do damage to native dune habitat by invading and outcompeting native dune grass. Much of the native dune grass on the Samoa Peninsula has disappeared, and to prevent further damage to this habitat, the Commission attaches Special Condition No. 1, which prohibits the applicant from replanting *Ammophila arenaria* as part of the mitigation proposal.

Therefore, the Commission finds that the project, as conditioned, is consistent with Section 30240 of the Coastal Act as all ESHA in the project vicinity will be protected from disturbance.

4. Archaeological Resources:

Section 30244 of the Coastal Act states that where development would adversely affect archaeological resources, reasonable mitigation measures shall be required.

An area within Manila has been identified by the Humboldt County Public Works, Natural Resources Division as one of 117 archaeological sites within the Humboldt Bay area. The site is associated with the Native American Wiyot tribe, part of the Algonkian family. The Wiyots depended heavily upon the fish and shellfish resources of Humboldt Bay, and their heritage is an important resource within the Humboldt Bay area.

It is not known whether any portion of the archaeological site extends specifically to the proposed building site. However, the possibility exists that important resources may still be present. Therefore, the Commission attaches Special Condition No. 2 to this permit. Special Condition No. 2 requires that all construction shall cease should any additional

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archaeological resources be discovered during construction, and that an archaeologist must then inspect the property and recommend appropriate mitigation measures. Therefore, the Commission finds the proposed development, as conditioned, to be consistent with Coastal Act Section 30244.

5. Visual Resources:

Section 30251 of the Coastal Act provides in applicable part that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas, and (b) be visually compatible with the character of surrounding areas.

The proposed project will not block public views to and along the ocean from public roads. The principal through coastal road along the Samoa Peninsula is New Navy Base Road. The proposed residence is located approximately one-quarter mile east of New Navy Base Road, and existing development and vegetation blocks all view of Arcata Bay through the site from Highway 101.

With respect to the building's visual compatibility with the character of the surrounding area, it should be noted that the subject property is located within an existing residential subdivision. Other one-story residences are located within the immediate area of the project site, and the homes in Manila have been built according to a great variety of architectural styles. The proposed wood-framed building with its wood siding will not appear out of character with existing development (see Exhibits 3-5).

Therefore, the Commission finds that the proposed project is consistent with the visual resource policies of Section 30251 of the Coastal Act as the project will not block views to and along the coast and is compatible with the visual character of the surrounding area.

6. Natural Hazards.

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood and fire hazard and neither create nor contribute significantly to erosion or geologic instability.

The Humboldt Bay Area is a very seismically active area and has experienced strong earthquakes in the past. The applicant is a foundation engineer with soils expertise. He has submitted an evaluation of the hazards of soil liquefaction that can often be a problem in seismically active areas. His assessment states the following:

"The proximity of the site to Humboldt Bay, together with the free draining nature of the soils, would create a groundwater elevation at very near the current level of the tide. This corresponds to a 15 foot depth to groundwater at an extreme high tide. This depth to groundwater, in conjunction with the nature of the land forms, combine

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to produce a low risk of liquefaction...In my opinion...there is a "low" risk of liquefaction induced settlement or distress for the proposed project."

Given this assessment of the engineer/applicant, the Commission finds that the proposed project will not contribute to a geologic hazard and the project is consistent with Section 30253 of the Coastal Act.

7. Public Access.

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e. potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

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

The project site fronts on Arcata Bay, but the proposed project will not adversely affect public access. No evidence has been presented to suggest that an implied dedication of a public access easement to or along the shoreline of the property has occurred. Therefore, the proposed project will not adversely affect any existing rights of access that may have been acquired through use. In addition, the project will not otherwise adversely affect public access as no existing public access will be blocked and the additional residential unit to be provided by the development will not increase the demand for access facilities sufficiently to overcrowd the public access that exists along the bayfront at Manila Community Park, and at other points along the Samoa Peninsula providing access to both the bay and the ocean shorelines.

Therefore, the Commission finds that public access is not warranted for the proposed development and the project, which does not include public access, is consistent with the public access policies of the Coastal Act.

8. Humboldt County LCP.

Although Humboldt County has a certified LCP, and much of the 4.9-acre parcel is within the County's permit jurisdiction, the particular area of the parcel where the proposed development would occur is within the Commission's retained coastal development permit jurisdiction. Therefore, the standard of review

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that the Commission is applying in its consideration of the application is the Coastal Act. The Humboldt County LCP policies are considered advisory and are not binding in this case.

As noted above, the Humboldt Bay Area Plan segment of the Humboldt County LUP designates the project site as Residential Low Density (RL) and the site is zoned as Residential Single Family 5,000-square-foot minimum parcel size, mobile home allowed, with archaeological resource area and coastal wetland combining zones (RS-5-M/A,W). The proposed use of the site for a single-family dwelling unit is consistent with the RL designation and the RS zoning.

Coastal Act Section 30604(a) authorizes permit issuance if the Commission finds that the proposed development is in conformity with the provisions of Chapter 3 of the Coastal Act and if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare or implement a local coastal program that is in conformance with Chapter 3 of the Coastal Act. As discussed above, approval of the project, as conditioned, is consistent with Chapter 3 of the Coastal Act, and thus will not prejudice local government's ability to implement a certifiable LCP for this area.

9. 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 conditioned 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, alternatives have been considered and the project has been mitigated to avoid or minimize impacts to coastal resources, specifically to prevent the introduction of exotic invasive plant species into environmentally sensitive habitat areas and to protect archaeological resources which may be present on the site. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

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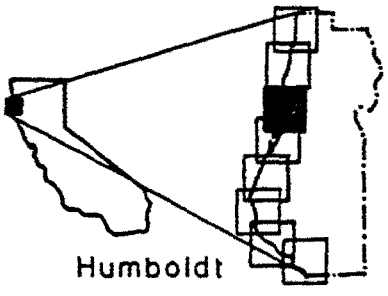
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ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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 of 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 development during construction, 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.

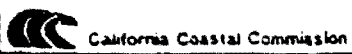
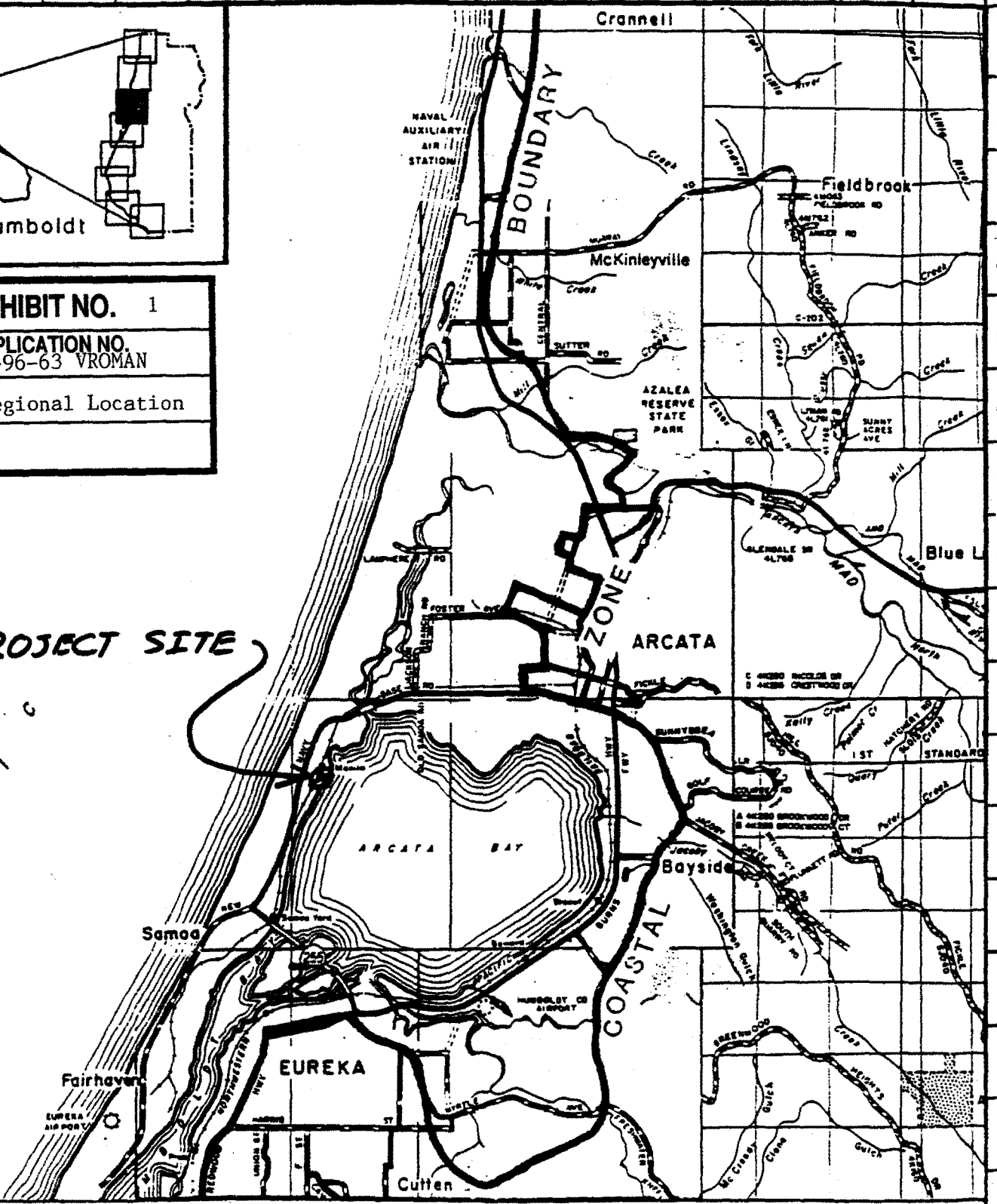
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Humboldt

EXHIBIT NO. 1
APPLICATION NO. 1-96-63 VROMAN
Regional Location

PROJECT SITE



LOCATION MAP

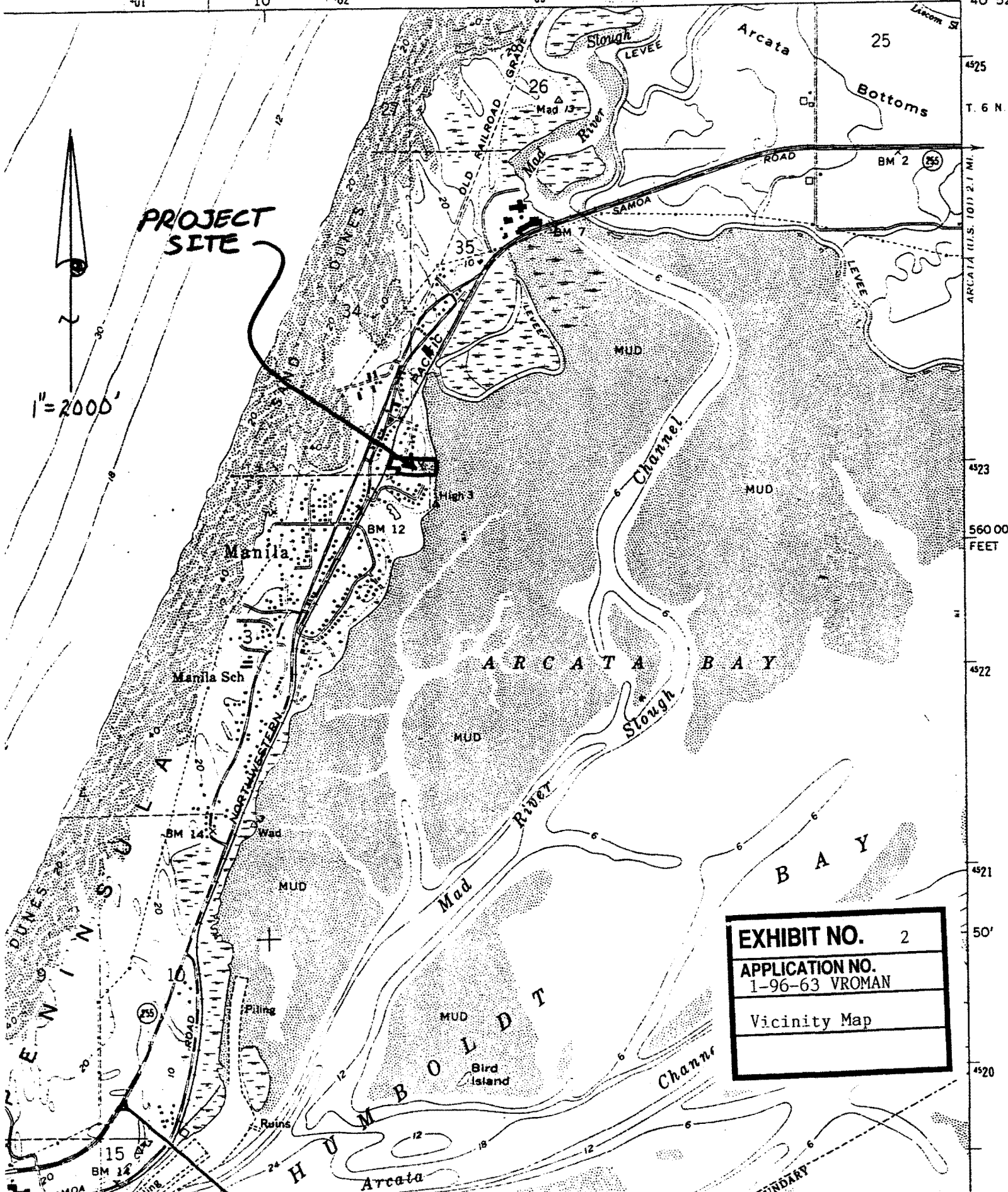


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PROJECT SITE



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T. 6 N.

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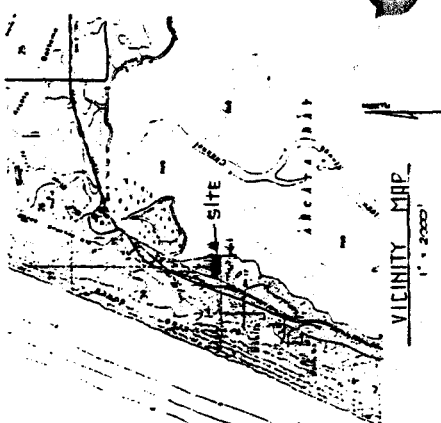
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EXHIBIT NO.	2
APPLICATION NO.	1-96-63 VROMAN
Vicinity Map	

ARCATA SAMOA

BOUNDARY



- GENERAL NOTES:**
1. Dimensions are to have performance over water.
 2. All work shall be done in accordance with the plans and specifications.
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 4. All work shall be done in accordance with the plans and specifications.
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 20. All work shall be done in accordance with the plans and specifications.

VROMAN RESIDENCE	
DATE: 11-20-63	DRAWN BY: J. VROMAN
CHECKED BY: J. VROMAN	SCALE: AS SHOWN
VROMAN ENGINEERING & CONSTRUCTION 1000 S. G ST. S.F. CALIF. 94108 PHONE: 398-3100	

VROMAN ENGINEERING & CONSTRUCTION
1000 S. G ST. S.F. CALIF. 94108
PHONE: 398-3100

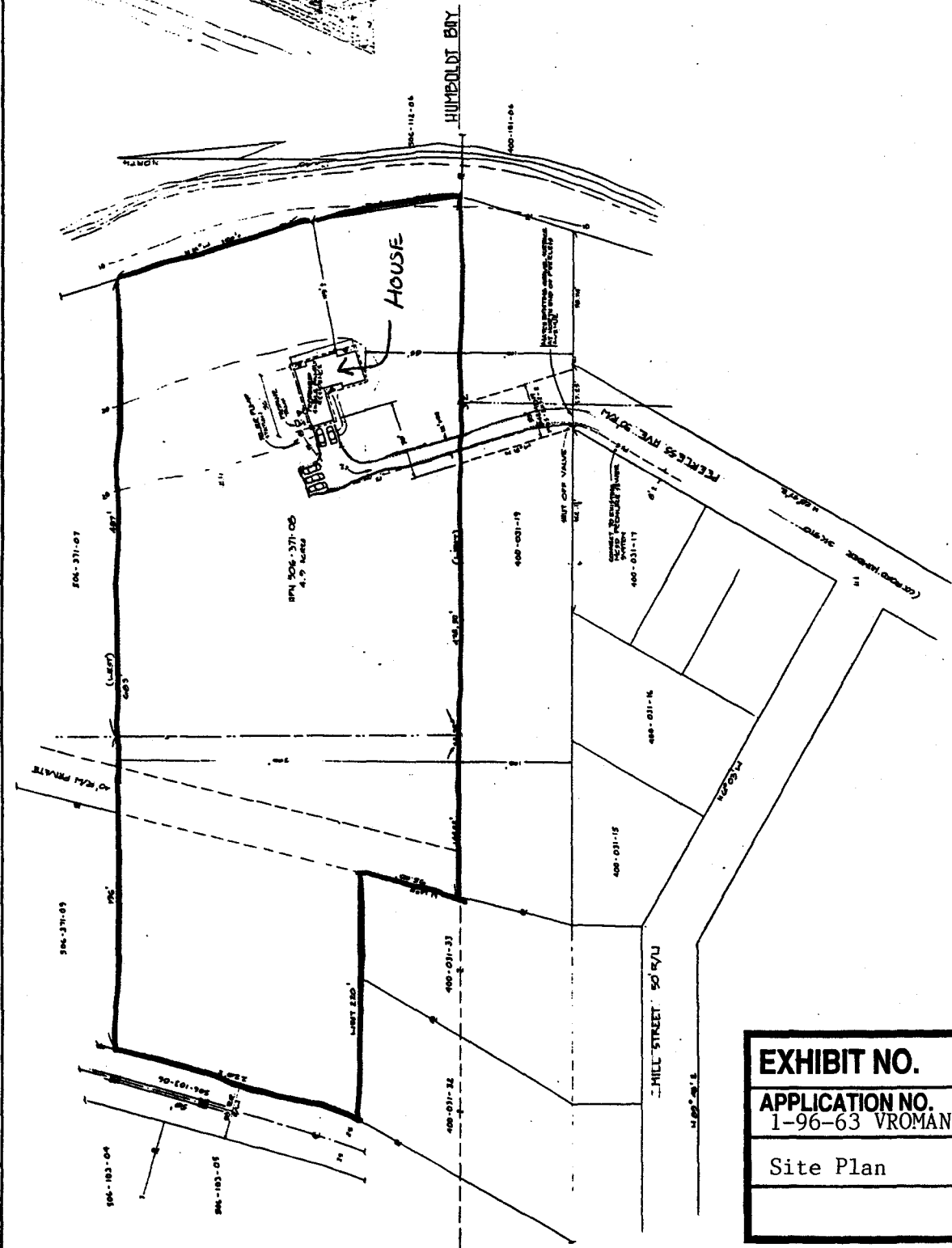
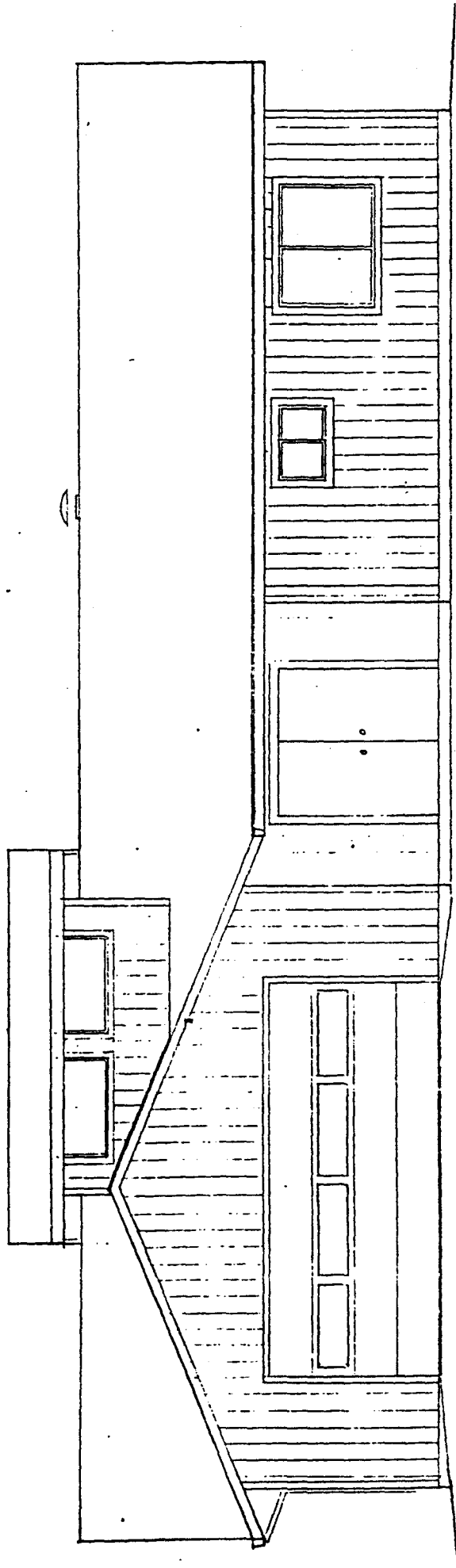


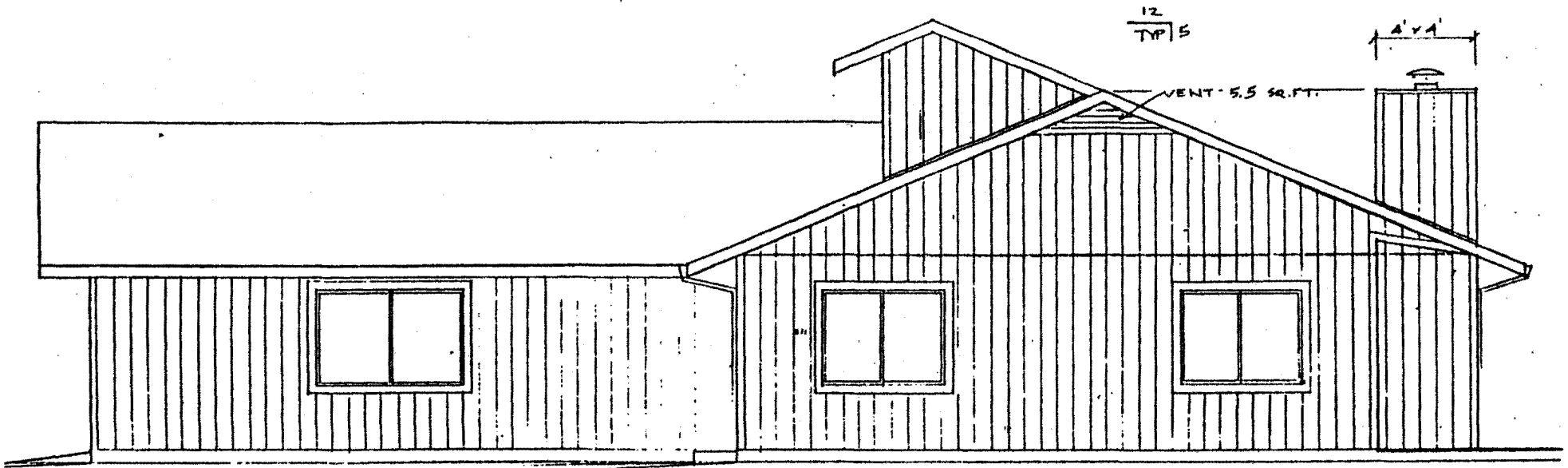
EXHIBIT NO.	3
APPLICATION NO.	1-96-63 VROMAN
Site Plan	



WEST ELEVATION

VEC
VROMAN ENGINEERING & CONSTRUCTION
CONSULTING ENGINEERS
2950 E STREET, EUREKA, CALIFORNIA (707) 443-8476
CONSTRUCTION MANAGEMENT

EXHIBIT NO.	4
APPLICATION NO.	1-96-63 VROMAN
West Elevation	



SOUTH ELEVATION

EXHIBIT NO.	5
APPLICATION NO.	1-96-63 VROMAN
South Elevation	

VEC VROMAN ENGINEERING & CONSTRUCTION
 CONSULTING ENGINEERS CONSTRUCTION MANAGEMENT
 2950 F STREET, EUREKA, CALIFORNIA (707) 443-8476

EXHIBIT NO. 7

APPLICATION NO.
1-96-63 VROMAN

Proposed
Mitigation

(1 of 2)

PROJECT MITIGATION PLAN
VROMAN RESIDENCE

The purpose of this report is to recommend a mitigation plan for Humboldt County Assessor's Parcel No. 506-371-08, to compensate for the planned removal of current native vegetation for a proposed single family dwelling and appurtenant driveway.

The current vegetation has been inventoried and mapped upon Exhibit "A" herein. The site is generally dominated by a dense 10 foot to 18 foot high growth of predominately *Myrica californica* (30%) and *Salix* (25%) as to those areas without evidence of historic disturbance. Formerly cleared areas support unvegetated or undervegetated (less than 20% coverage) dunes and a diverse mixture of native grasses. A comprehensive list of plant species is included in Exhibit "B".

The brush species are clearly dominant in the project study area, and will, with enough time, invade and succeed the areas currently dominated by grass species. The grasses establish rapidly following fires or other clearing of the dominant brush types of vegetation, only to be succeeded by the subsequent invasion of the slower but more suited brushes.

The *Myrica californica* at this location can achieve up to a 6 inch basal diameter main stem, branch prolifically, and attain a maximum mature height of about 18 feet. The *Salix* appears in two variation and likewise have a large horizontal spread, main stem of up to 6 inches in basal diameter, and heights comparable to that of the intermixed *Myrica californica*. The brush habitat is then supplemented by infills and understories of the lesser species, as shown on Exhibit "B", with none of the lesser species comprising more than about 5% by gross volume.

The grass habitat is a mixture of low growth, rapid seeding native grasses, brambles and ferns that effect a ground cover of from a few inches to up to 6 feet in height. The grasses are well mixed, with very small dominant plots rapidly giving way to a succession of differing species. The westerly portion of the study parcel contains a grassland with small isolated incursions of brush species or a grassland in transition to brush.

There are several areas of open dunes and very sparsely (less than 20% coverage) vegetated dune areas along the south line of the subject property. These areas are thought to result from incursions from old clearing activities on adjoining properties. They adjoin similar features to the south and would seem the best candidates for mitigating the necessary clearing for the proposed project.

The open and undervegetated dune areas are designated D1 through D5 on Exhibit "A". The two dominant species removed from brush and the three dominant species removed from grassland should be established in 1 to 1 equal ratios, pursuant to the matrix below.

AREA	GRASS MITIGATION AREA	BRUSH MITIGATION AREA
D1	300	0
D2	0	800
D3	1000	1100
D4	0	1500
D5	<u>800</u>	<u>0</u>
TOTALS	2100 Square Feet	3400 Square Feet

Grassland species can be established by transplant and/or seeding. Brush species should be established from live root shoots in 8'x8' grids. Adequate specimens can be obtained from the areas of proposed clearing, as these would be well adapted to the site and have the best chances for survival.

Mitigation sites were all selected to enlarge upon adjoining areas of similar habitat, providing a maximum probability of successful starts, as well as encouraging the incursion from the established stands.

Once planted, the specimens should receive water and light fertilizer during the summer and fall to assist in survival. Any starts not well established within 6 months should be supplemented or replanted, and records kept of such work. All failed plantings should be immediately replaced, with the plots monitored weekly for the first 3 months, thence monthly thereafter. Replacement stock should be maintained until all plantings have survived at least one year. The monitoring should continue until all plantings have survived at least 2 years from the date of original planting or replanting, as applicable.

The intent of the mitigation plan is to enlarge the fringes of naturally occurring site vegetation in equal areas to that removed for the proposed construction project. Since the isolated dune areas contain no or little habitat value, the conversion of these areas should compensate for the adverse effect of the project upon the existing ecosystem.

EXHIBIT NO.	7
APPLICATION NO.	1-96-63 VROMAN
Proposed Mitigation	
	(2 of 2)