

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

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Filed: March 30, 2000  
49<sup>th</sup> Day: May 18, 2000  
Staff: Tiffany S. Tauber  
Staff Report: April 26, 2000  
Hearing Date: May 10, 2000  
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Humboldt

DECISION: Approval with Conditions

APPEAL NO.: A-1-HUM-00-16

APPLICANT: Steve Moser, Moser Realty

PROJECT LOCATION: North side of Murray Road near the Mad River in McKinleyville, Humboldt County, APN 511-11-14.

PROJECT DESCRIPTION: Construction of 37 single-family residences and associated drainage facilities and a subdivision identification sign at a 37-lot residential subdivision on 26.5 acres.

APPELLANTS: Pat Hassen representing Concerned Citizens of McKinleyville

SUBSTANTIVE FILE: 1) Humboldt County file no. CDP-99-42, and  
DOCUMENTS 2) Humboldt County Local Coastal Program

**SUMMARY OF STAFF RECOMMENDATION:**

1. **SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE**

The staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeal has been filed. These grounds include alleged project inconsistencies with Humboldt County's certified LCP policies pertaining to visual resources and geologic hazards. The appellant has not raised any substantial issue with the local government's action and its consistency with the certified LCP.

Humboldt County approved a coastal development permit for the construction of 37 single-family residences and associated drainage facilities on 37 lots and a subdivision identification sign to be constructed at the Sand Pointe subdivision off of Murray Road in McKinleyville. The County required the development to be constructed consistent with the subdivision's Planned Development design permit and with Coastal Development Permit A-1-HUM-96-70 granted by the Commission on July 8, 1998 for the division of the property and associated infrastructure development. The Commission completed action on revised findings for the subdivision and associated infrastructure coastal development permit in February of this year.

The appellants contend that the approved project for the construction of 37 single family residences and associated drainage and sign raises a substantial issue of conformance with the County's LCP policies pertaining to visual resource protection and geologic hazards. First, the appellant asserts that the County's action is inconsistent with Section 3.42 of the McKinleyville Area Plan (MAP) which incorporates Coastal Act policies 30251 and 30253 pertaining to the protection of visual resources. Section 3.42 of the MAP requires that permitted development be sited and designed to protect public views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas. The appellant asserts that the 35-foot homes allowable on some lots would block public views to and along the ocean and that the height and bulk of the maximum allowed 35-foot-high, 5,000-square-foot homes would be inconsistent with the character of the surrounding area.

However, although the approved residences would block portions of some ocean views from public vantage points, the degree to which coastal visual resources would be affected is not substantial because public views have been protected through other project elements. Furthermore, the character of the surrounding area is diverse and the proposed residences are of similar height and bulk as some homes located in adjoining developments to the north and south of the subdivision.

Second, the appellant asserts that the approved development is inconsistent with MAP Section 3.28 which incorporates Coastal Act Section 30253 and requires new

development to neither create or contribute to erosion or geologic instability in areas of high geologic hazard. The appellant asserts that the weight and height of the maximum allowable 35-foot-high and/or 5,000-square-foot homes could cause erosion on the coastal bluff in areas of asserted geologic instability.

However, the County conditioned approval of the homes with requirements that grading and the construction of foundations and drainage conform to the recommendations of a geotechnical report prepared to ensure that the homes would not contribute to geologic hazards. In addition, the appellant has not provided compelling or factual information to support the contention that the project would contribute to geologic hazards and that it is inconsistent with the LCP.

For all of the above reasons, staff recommends the Commission find that the appeal raises no substantial issue of consistency with the certified LCP. The Motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 5.

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**STAFF NOTES:**

1. Appeal Process

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within one hundred feet of a wetland or stream or three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments, which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission because it is located between the sea and the first public road paralleling the sea as well as within 300 feet of the mean high tide line and top of the seaward face of a coastal bluff. Accordingly, the grounds for appeal may include an allegation that the development does not conform to the certified LCP or the access policies of the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, because the proposed development is between the first road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

## 2. Filing of Appeal

The appellants filed an appeal to the Commission in a timely manner on March 30, 2000 within 10 working days after receiving notice of final local action on March 14, 2000 (Exhibit No. 4).

## 3. Background

On July 8, 1998, the Commission approved with conditions, Coastal Development Permit No. A-1-HUM-96-70 for the subdivision of 26.5 acres into 37 single-family lots and common areas ranging from 0.34 acres to 1.22 acres, with an average size of 0.64 acres and for related subdivision infrastructure development such as roads, utilities, drainage improvements etc. The subdivision, known as "Sand Pointe" has been the subject of numerous hearings before the Commission on previous occasions. Most recently, on February 16, 2000, the Commission adopted revised findings for the approval of the Sand Pointe subdivision.

In July, 1999, the applicant applied to the County for a coastal development permit for the construction of the 37 single-family homes which was approved by the Humboldt County Planning Commission on March 2, 2000 and is the subject of this appeal. While the Commission has previously addressed the consistency of the Sand Pointe subdivision with the County's LCP during the permit process for the subdivision, the proposed construction of the homes themselves has not previously been before the Commission. The current project on appeal for the construction of 37 homes is separate from the Commission's previous action on the subdivision. However, the approved project which is the subject of the current appeal is related to the previous Commission action to the

extent that it complies with conditions imposed by the Commission for the subdivision in Coastal Development Permit No. A-1-HUM-96-70.

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

**MOTION:** I move that the Commission determine that Appeal No. A-1-HUM-00-16 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

### **STAFF RECOMMENDATION ON NO SUBSTANTIAL ISSUE:**

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

### **RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission finds that Appeal No. A-1-HUM-00-16 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## **II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. BACKGROUND**

On July 8, 1998, the Commission approved with conditions, Coastal Development Permit No. A-1-HUM-96-70 for the subdivision of 26.5 acres into 37 single-family lots and common areas ranging from 0.34 acres to 1.22 acres, with an average size of 0.64 acres and for related subdivision infrastructure development such as roads, utilities, drainage improvements etc. The subdivision, known as "Sand Pointe" has been the subject of numerous hearings before the Commission on previous occasions. Most recently, on February 16, 2000, the Commission adopted revised findings for the approval of the Sand Pointe subdivision.

In July, 1999, the applicant applied to the County for a coastal development permit for the construction of the 37 single-family homes which was approved by the Humboldt

County Planning Commission on March 2, 2000 and is the subject of this appeal. While the Commission has previously addressed the consistency of the Sand Pointe subdivision with the County's LCP during the permit process for the subdivision, the proposed construction of the homes themselves has not previously been before the Commission. The current project on appeal for the construction of 37 homes is separate from the Commission's previous action on the subdivision. However, the approved project which is the subject of the current appeal is related to the previous Commission action to the extent that it complies with conditions imposed by the Commission for the subdivision in Coastal Development Permit No. A-1-HUM-96-70 (Exhibit No. 7).

When the subdivision permit was before the Commission, the project's consistency with visual resource protection policies of the LCP was addressed primarily by reducing the proposed density of the subdivision. Other visual resource protection conditions addressed lighting, deletion of an RV storage area, elimination of a locked gate, undergrounding utility lines, and requiring open-style fences. In addition, building height restrictions (23-feet in some areas and 35-feet in others) and a maximum home size (5,000-square-feet) were voluntarily imposed by the applicant and were incorporated into a deed restriction condition on the residential lots. While the Commission addressed the issue of protecting public coastal views as reflected in the conditions of approval for the subdivision, the homes and their heights were not specifically addressed.

Furthermore, to address both visual issues and geologic issues, the Commission attached Special Condition No. 7 which requires the applicant to submit for the review and approval of the Executive Director, a revised subdivision map that has been approved by the County. The revised map is to demonstrate the following restrictions: (a) the proposed westernmost 21 parcels shall be eliminated; (b) there shall be no more than 37 lots; (c) the remaining 37 lots may be reconfigured, but the building envelopes must be located at least 100 feet back from the bluff edge, and at least 50 feet back from the fault line; and (d) the proposed recreational parking and storage area shall be eliminated. The County Planning Commission approved the revised tentative map at the same time that they approved the coastal development permit for construction of the 37 homes (Exhibit No. 6). The tentative subdivision map has recently been submitted for the review and approval of the Executive Director pursuant to Special Condition No. 7 of CDP No. A-1-HUM-96-70.

#### **B. APPELLANT'S CONTENTIONS**

The Commission received an appeal of the County of Humboldt decision to approve the project with conditions from Pat Hassen representing Concerned Citizens of McKinleyville. The project as approved by the County is for the construction of 37 single-family residences and associated drainage facilities to be constructed consistent with the subdivision's Planned Development design permit and Coastal Development permit No. A-1-HUM-96-70.

The appellant's contentions are summarized below and the full text of the appellant's contentions as submitted to the Commission is included in Exhibit No. 4. The

contentions allege that the appealed project, as approved by the County, is inconsistent with policies contained in the certified LCP.

**1. Project consistency with LCP visual resource protection policies**

The appellant contends that the County's approval is inconsistent with LCP policies pertaining to the protection of coastal views to and along the ocean. The appellant contends that the 35-foot maximum allowable height on some lots would block public ocean views.

The appellant further contends that the project as approved is inconsistent with LCP visual resource policies requiring new development to be compatible with the character of the surrounding area. The appellant contends that the maximum allowable 35-foot-height and 5,000-square-foot bulk of the homes is not consistent with the scale of the homes in the area.

**2. Project consistency with LCP hazard area policies**

The appellant contends that the project as approved is inconsistent with LCP policies that relate to geologic hazards. The appellant contends that some homes would be built in areas that have experienced previous erosion and where unstable fill has been placed. The appellant further contends that the weight of an allowable 35-foot-high, 5,000-square-foot home would exacerbate erosion of the coastal bluff regardless of the required 100-foot setback from the edge of the bluff.

**C. LOCAL GOVERNMENT ACTION**

On March 2, 2000, the Humboldt County Planning Division of the Planning and Building Department issued a Notice of Final Action (Exhibit No. 3) approving Coastal Development Permit No. CDP-99-42 (Steve Moser). The approved development includes construction of 37 single-family residences and associated drainage facilities to be constructed consistent with the subdivision's planned development design permit and Coastal Development Permit No. A-1-HUM-96-70, granted by the California Coastal Commission on July 8, 1998. The Planning Commission's approval was not appealed to the Board of Supervisors.

The proposed development was approved by the Humboldt County Planning Commission with six special conditions. The conditions that are most relevant to the contentions raised in the appeal are Condition Nos. 1 and 6. Condition No. 1 requires all recommendations set forth in the "R-1" geotechnical and geologic evaluation (SHN, 1994) and the Addendum dated October 5, 1999 to be implemented as a condition to the issuance of permits or other grants of approval for the development or improvement of the site(s). Condition No. 6 requires all development to be in conformance with the Planned Unit Development permit, entitled "Project Refinements, Amendments, and Clarifications", (14 July 1999), and the conditions of Coastal Development Permit No. A-

1-HUM-96-70 imposed by the Commission. The other conditions imposed by the County in the new permit for the 37 homes relate to lighting, services, mitigation measures, and grading. Condition No. 2 requires all exterior lighting to be shielded such that it is not directed off of the parcel as further specified in the conditions of approval in Coastal Development Permit No. A-1-HUM-96-70. Condition No. 3 requires connection to McKinleyville Community Services District water and sewer service before the building permit is filed. Condition No. 4 requires all development pursued under the coastal development permit to be subject to the environmental impact mitigation measures adopted by the Board of Supervisors. Condition No. 5 requires all grading, excluding the curtilage areas, to occur at one time to minimize the length of time the ground will be significantly disturbed.

The County issued a Notice of Final Action on the coastal development permit, which was received by Commission staff on March 14, 2000 (Exhibit No. 3). The project was appealed to the Coastal Commission in a timely manner on March 30, 2000 within 10-working days after receipt by the Commission of the Notice of Final Local Action. On March 30, 2000 staff requested all relevant documents and materials regarding the subject permit from the County; these materials were received on April 18, 2000.

#### **D. PROJECT SETTING AND DESCRIPTION**

##### **Project Setting**

The project site is located on a gently sloping, open coastal terrace that is about 50 to 80 feet above sea level. The site includes the upper portion of the coastal bluff west of the terrace. The Hammond Trail is located mid-slope on the bluff. The lower portion of the bluff below the Hammond Trail adjoins a low-lying sandy terrace at least 70 feet wide covered with riparian vegetation that fronts on the east bank of the Mad River estuary.

The areas to the west and to the immediate north of the subject property are primarily undeveloped lands consisting of the Hammond Trail, the old channel of the Mad River, whose mouth is near to the south of Sand Pointe as a result of the river naturally breaching the sand spit in 1999, the sand spit, the Pacific Ocean, and Widow White Creek. Much of this area is designated and zoned in the County LCP as NR (Natural Resources). Consequently, these areas are not comparable to the subject property. However, the areas to the east and to the south consist of fully developed or developing subdivisions.

The property is currently developed with one residential unit which fronts Murray Road near the southeast corner of the project site. The site was previously used for agriculture, primarily to grow flowers and bulbs. A series of small indentations indicating where gullying has occurred in the past is found on the top of the bluff. Natural drainage of the site is to the west and southwest with a minor drainage area to the north to Widow White Creek.

There are generally five areas in the project vicinity that currently provide or will provide public views to and along the ocean. These viewing areas include Murray Road, the Hammond Trail, the



proposed northern Hammond Trail extension, Sand Pointe Drive, and streets within the adjacent Pacific Sunset subdivision. Except for the Hammond Trail itself, the area from the Mad River shoreline to the top of the bluff is generally covered by dense brush and trees. The dense vegetation limits the northwesterly views from Murray Road to blue water above and between the trees growing at the top of the bluff. A small corridor void of vegetation along the south end of the bluff provides an area of unobstructed view of the water including both blue and white water views. The slightly higher elevation of Murray Road at the southeast corner of the site allows northwesterly views of the coast ridge, Trinidad Head and offshore rocks in the distance, minimally obstructed by tall trees.

From the area of the main road proposed through the subdivision, Sand Pointe Drive, the view from the south end would be limited by the bluff edge vegetation that blocks nearly all view of the water with the exception of the small corridor at the south edge of the site. Tall cypress and eucalyptus trees and residential development would limit southerly views of the water from Sand Pointe Drive. From the center of the route of Sand Pointe Drive, the slightly higher elevation would provide blue water views, distant views of Trinidad Head, and some white water in areas of lower bluff edge vegetation. Heading north along the area of Sand Pointe Drive, views of the ocean and Trinidad Head become entirely obstructed by the dense forest at the northern property boundary.

The existing streets within the Pacific Sunset subdivision directly east of the site also provide public views to the ocean. These views are limited to intermittent blue water views from between the existing residences and above and between the vegetation along the bluff edge.

The most significant, unobstructed coastal views in the project vicinity are from the existing portion of the Hammond Trail which runs along the bluff face west of the proposed homes. As a condition of the Commission's approval of the subdivision, the applicant is required to construct an extension of the Hammond Trail extending from the bluff along the northern edge of the subdivision. The route of the trail extension does not provide coastal views to the north due to the dense beach pine forest at the northern property boundary. Coastal views southwesterly from the area of the trail extension are also limited to the blue water visible above and between the vegetation at the bluff edge and are further obstructed by residential development to the south.

#### Project Description

The proposed project subject to this appeal involves a "blanket" coastal development permit to allow for the construction of 37 single-family residences and associated drainage facilities to be constructed consistent with the subdivision's Planned Development design permit and Coastal Development Permit A-1-HUM-96-70, granted by the California Coastal Commission on July 8, 1998. Specific design plans for the homes were not developed prior to approval of the "blanket" coastal development permit. Instead, the applicant submitted a list of restrictions that provide development criteria for the physical characteristics of the homes. The restrictions address roofs, exterior siding, windows, fences, chimneys, storage facilities, driveways, exterior lighting, and accessories (Exhibit No. 5). As noted in the Background section above, Coastal Development Permit No. A-1-HUM-96-70 granted for the subdivision itself, imposed a deed restriction

condition that limits the maximum height of the homes to 35 feet on some of the lots and to 23 feet on the rest of the lots (Exhibit Nos. 6 & 7). In addition, the condition limits the maximum residence size to 5,000-square-feet.

**E. SUBSTANTIAL ISSUE ANALYSIS**

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

**1. Appellant's Contentions That Are Valid Grounds for Appeal**

The contentions raised in the appeal present valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County raises no substantial issue.

a. **Project consistency with LCP visual resource protection policies**

The appellant contends that the project as approved is inconsistent with McKinleyville Area Plan (MAP) Policy 3.42 because the 35-foot homes would block public views to the ocean. Specifically, the appellant contends that 35-foot homes along the bluff would block public coastal views from Murray Road along the south edge of the site and from Sand Pointe Drive, the main access road within the subdivision. The appellant also contends that the project as approved is inconsistent with MAP Policy 3.42 because the maximum allowable 35-foot height and 5,000-square-foot bulk of the homes would not be consistent with the scale of the homes in the area.

**LCP policies**

LUP Policy 3.42 states in applicable part:

30251. *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 areas, 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.*

30253. *New development shall:*

*Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

**A. PHYSICAL SCALE AND VISUAL COMPATIBILITY**

1. *No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel;*

*and the following criteria shall be determinative in establishing the compatibility of the proposed development;*

- a. for proposed development within an urban limit as shown in the Area Plan that such development meets all standards for the principal permitted use as designated in the plan and zoning;*
- b. for proposed development not within an urban limit as shown in the Area Plan, that such development meet all standards for the principle permitted use as designated in the plan and zoning, where such principle use is for detached residential, agricultural uses, or forestry activities;*
- c. for proposed development that is not the principle permitted use, or that is outside an urban limit and for other than detached residential, agricultural uses, or forestry activities, that the proposed development is compatible with the principle permitted use, and , in addition is either:*
  - (1) No greater in height or bulk than is permitted for the principle use, and is otherwise compatible with the styles and visible materials of existing development or land forms in the immediate neighborhood, where such development is visible form the nearest public road.*
  - (2) Where the project cannot feasibly conform to paragraph 1, and no other more feasible location exists, that the exterior design, and landscaping be subject to a public hearing, and shall be approved only when:*
    - (a) There is no less environmentally damaging alternative location.*
    - (b) The proposed exterior design, and landscaping are sufficient to assure compatibility with the physical scale established by the surrounding development;*

**Discussion:** As stated above, the LCP requires that permitted development be sited and designed to protect public views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of the surrounding area. The appellant asserts that 35-foot-high, 5,000-square-foot homes would be inconsistent with the surrounding character of the area. However, the character of the area itself is partially defined by the vast diversity of homes in the area. The residences in the area consist of assorted heights and sizes. The subdivision directly to the east of the subject site is comprised of a mixture of one and two-story homes of varying size. The subdivision to the south has a minimum 3,000-square-foot size requirement and is comprised of homes of that size and larger. In addition, homes in the subdivision to the north range in size from 3,000 to 5,000-square-feet. The proposed 35-foot-height and 5,000-square-foot area restrictions are maximum limits that are consistent with the diversity of size and height that defines the character of the area. The maximum size limits do not necessarily imply that all or

any homes at the site would be constructed to those dimensions. Therefore, the maximum allowable height and bulk of 35-foot-high (on 16 of the 37 lots) and 5,000-square-foot does not raise a substantial issue of consistency with the LCP policies addressing compatibility of development with the character of the surrounding area.

The appellant also contends that the 35-foot-high homes would block public views to the ocean. The appellant specifically notes that the 35-foot-high homes would block views from Murray Road and Sand Pointe Drive. As noted in the site description, there are generally five areas in the project vicinity that currently provide or will provide public views to the ocean including Murray Road, the Hammond Trail, the Hammond Trail extension, Sand Pointe Drive, and streets within the Pacific Sunset subdivision to the east.

The western bluff edge of the site is densely vegetated with the exception of a limited corridor void of vegetation toward the south end of the site. Blue water views are visible above the line of vegetation, as are white-water views in the small area void of vegetation. As approved, the homes at the south end of the subdivision near Murray Road would be on lots with a 23-foot height limit. The 23-foot-high homes that would be constructed along the southwest portion of the site would not extend significantly above the level of existing vegetation along the bluff edge as seen from Murray Road and would therefore not significantly impact existing blue water views. The 35-foot-height limit of the homes on 16 of the 37 lots, 8 of which are among the western-most lots, would extend further above the level of vegetation and would block more of the blue water view than the 23-foot-high homes. However, as proposed, the 35-foot homes would not be located near Murray Road and would still allow public views to and along the ocean from Murray Road.

Similarly, blue water views from the yet to be constructed Sand Pointe Drive would be somewhat impaired by 35-foot homes along the bluff. However, from vantage points along Sand Pointe Drive, the public would be so close to the homes that views would be inevitably impaired regardless of the height of the structures. While the homes would partially block some public views in those specific lot locations, the impact would not be significant because other public viewing opportunities exist along Sand Pointe Drive as well as from other surrounding public vantage points such as the Hammond Trail.

The issue of protecting public views to and along the coast was addressed by the Commission during the previous approval of the subdivision itself and resulted in project elements that would continue to provide areas available to the public for viewing the coast. As approved, there will be an area of open space among the westernmost row of homes from which the public would have a view of the ocean from Sand Pointe Drive unobstructed by residences. In addition, at the north end of Sand Pointe Drive will be a west-facing, 5-car public parking area available for viewing the ocean. The Commission also previously required a "public resting park" with 5 parking spaces from which the public would have views to the ocean from along Murray Road. The Commission also conditioned the approval of the subdivision to reduce the density of the lots to provide

view corridors between the homes as seen from Sand Pointe Drive and from the streets within the subdivision to the east. The County's approval of the homes imposed Condition No. 6 to require that development of the homes be consistent with Coastal Development Permit No. A-1-HUM-96-70 which imposed the above listed elements that provide public views to the ocean (see Exhibit No. 7 for conditions of CDP A-1-HUM-96-70). Furthermore, the most pristine, unobstructed views of the coast in the project area are from the Hammond Trail. These views will be unaffected by the project. Due to the dense vegetation upslope from the trail to the east, the angle of the slope, and the required 100-foot setback of the homes from the bluff edge, the 35-foot homes will not impair public views from the trail.

The appellant also contends that the 35-foot-height would block "the public maximum blue water view." The vacant condition of the subject site currently provides maximum public views and construction of 35-foot homes at the site would undoubtedly affect those views. However, the site is planned for residential development rather than for open space in the County's LCP and the proposed heights are consistent with what is allowable under the County's zoning ordinance. The project site has not been designated as being either a "coastal scenic" or a "coastal view" area in the LCP. Furthermore, the County's approval was conditioned to be consistent with Coastal Development Permit No. A-1-HUM-96-70 in which the Commission imposed numerous conditions requiring project elements that protect public views of the coast. Therefore, the County's decision does not set a negative precedent for future interpretations of the LCP.

As discussed above, the extent and scope of the development has been previously reduced resulting in a lower density of lots. The lower density resulted in the project being more consistent with the character of the adjacent residential subdivision and provided more and wider view corridors between the homes. The allowable 35-foot homes would block some public view to the ocean. However, even if all 16 of the 37 lots were developed with homes of the maximum allowable 35-foot height, the view impact would not be a significant impact on coastal resources and would not be an impact of statewide significance because many public viewing opportunities have been protected through other elements of the project.

Therefore, the Commission finds that no substantial issue is raised with regard to the provisions of the LCP policies in Section 3.42 of the McKinleyville Area Plan that requires new development to be sited and designed to protect public views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of the surrounding area.

**b. Project consistency with LCP hazard area policies**

The appellant contends that some 35-foot homes would be built in areas that have experienced previous erosion and where unstable fill has been placed. The appellant further contends that the weight of an allowable 35-foot-high, 5,000-square-foot home

would exacerbate erosion of the coastal bluff regardless of the required 100-foot bluff setback.

**LCP policies**

LUP Policy 3.28 of the McKinleyville Area Plan states:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

**Discussion:** The County imposed a condition on the approval of the homes which requires that all recommendations set forth in the "R-1" geotechnical and geologic evaluation (SHN, 1994) and Addendum dated October, 5, 1999 be implemented in the development or improvement of the site(s) (Exhibits Nos. 8 & 9). In addition, the construction of the homes was conditioned to require all development to be consistent with Coastal Development Permit No. A-1-HUM-96-70. As conditioned, no building permit or other building entitlement could be granted for an individual home that was not consistent with these requirements. The staff report prepared by the County indicates that the Building Inspection Division (BID) has determined that based upon correspondence from the applicant's agent, the findings of the preliminary geologic and geotechnical R1 report (SHN, 1994) and the Addendum dated October 5, 1999, adequate building sites exist on all lots. Accordingly, BID indicated no concerns regarding structural development at the site.

Furthermore, the Commission previously addressed the issue of the project's consistency with LCP policies relating to geologic hazards and new development in the conditions of approval for the subdivision. As a result, the Commission required that all building envelopes be setback 100-feet from the bluff edge to assure stability and structural integrity and prevent the development from creating or contributing to erosion or geologic instability of the site. The County's approval of the homes imposed Condition No. 6 to require that development of the homes be consistent with CDP No. A-1-HUM-96-70 which imposed the 100 foot setback.

In contrast to the geologic report and addendum that provide a high degree of legal support for the County's decision that the project as conditioned is consistent with the LCP hazard policies, the appellant has not submitted any technical or factual information that demonstrates that homes of the proposed height and bulk would exacerbate bluff

erosion. Furthermore, the appellant has not submitted any technical information to suggest that the 100-foot setback previously imposed by the Commission is not adequate to prevent geologic hazards.

The Commission therefore concludes that the appeal raises no substantial issue with respect to conformance of the approved project with LCP provisions pertaining to geologic hazards and new development.

### Conclusion

The Commission finds that, for the reasons stated above, that the appeal raises no substantial issue with respect to conformance of the approved project with the certified LCP.

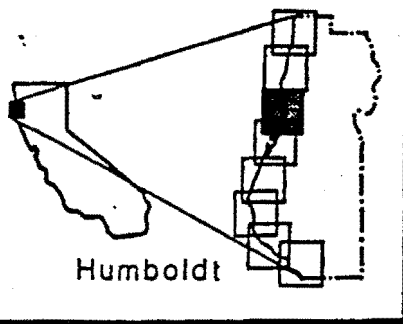
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### EXHIBITS:

1. Regional Location
2. Site Location
3. Notice of Final Action, Staff Report, and Conditions of Approval (March 3, 2000)
4. Appeal to Commission (March 30, 2000)
5. Development Restrictions (as proposed by applicant)
6. Subdivision Map as Approved by Humboldt County
7. Conditions of Approval for CDP # A-1-HUM-96-70
8. Relevant Excerpts from Geologic and Geotechnical Report (SHN, 1994)
9. Addendum to Geologic and Geotechnical Report (SHN, 1999)
10. Correspondence (8 letters)



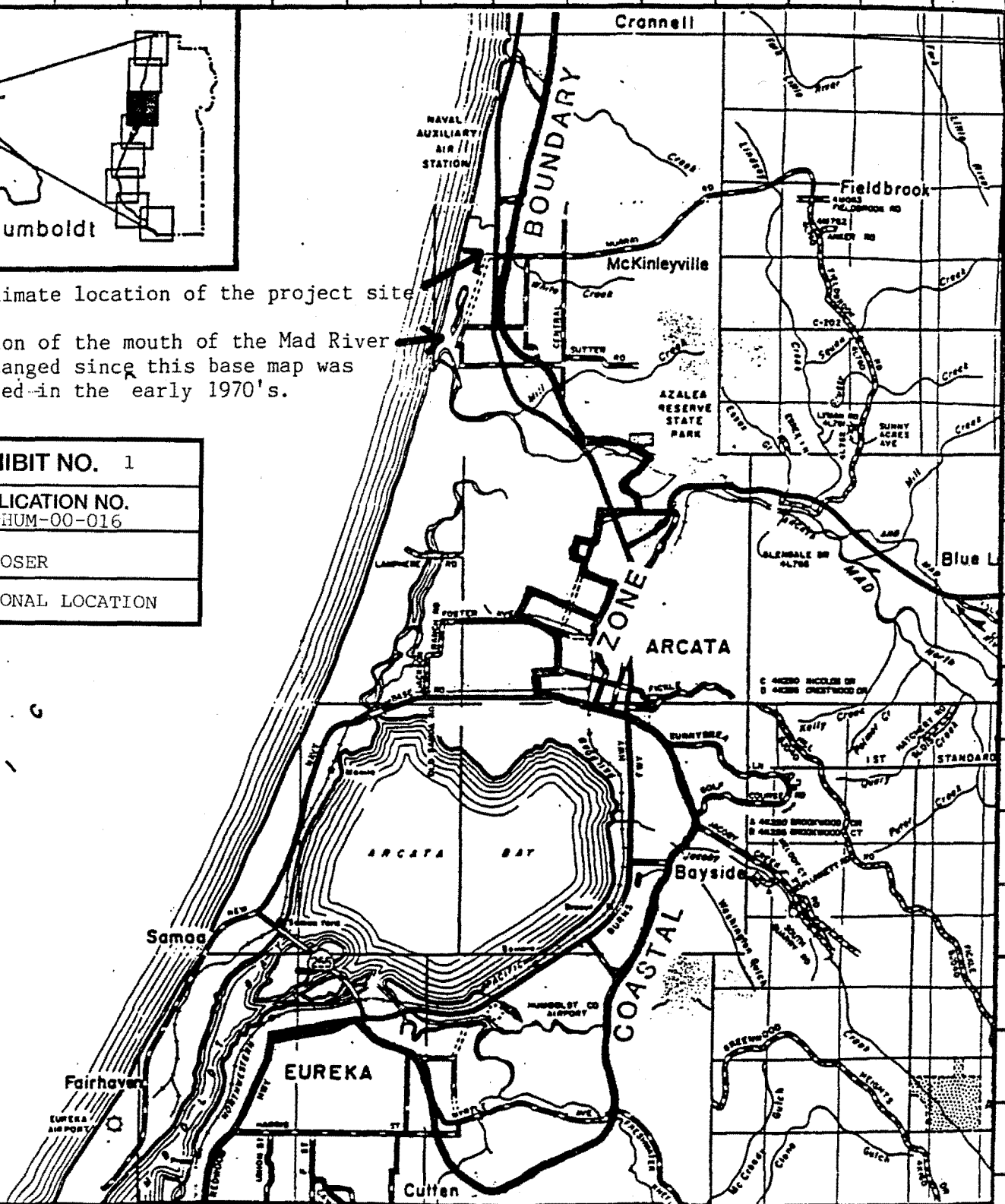
A B C D E F G H I J K L M N O



Approximate location of the project site

Location of the mouth of the Mad River has changed since this base map was prepared in the early 1970's.

EXHIBIT NO. 1
APPLICATION NO. A-1-HUM-00-016
MOSER
REGIONAL LOCATION



California Coastal Commission

# LOCATION MAP



R 17 405000m E 408 5' 409 10

PACIFIC OCEAN  
 SAND DUNES

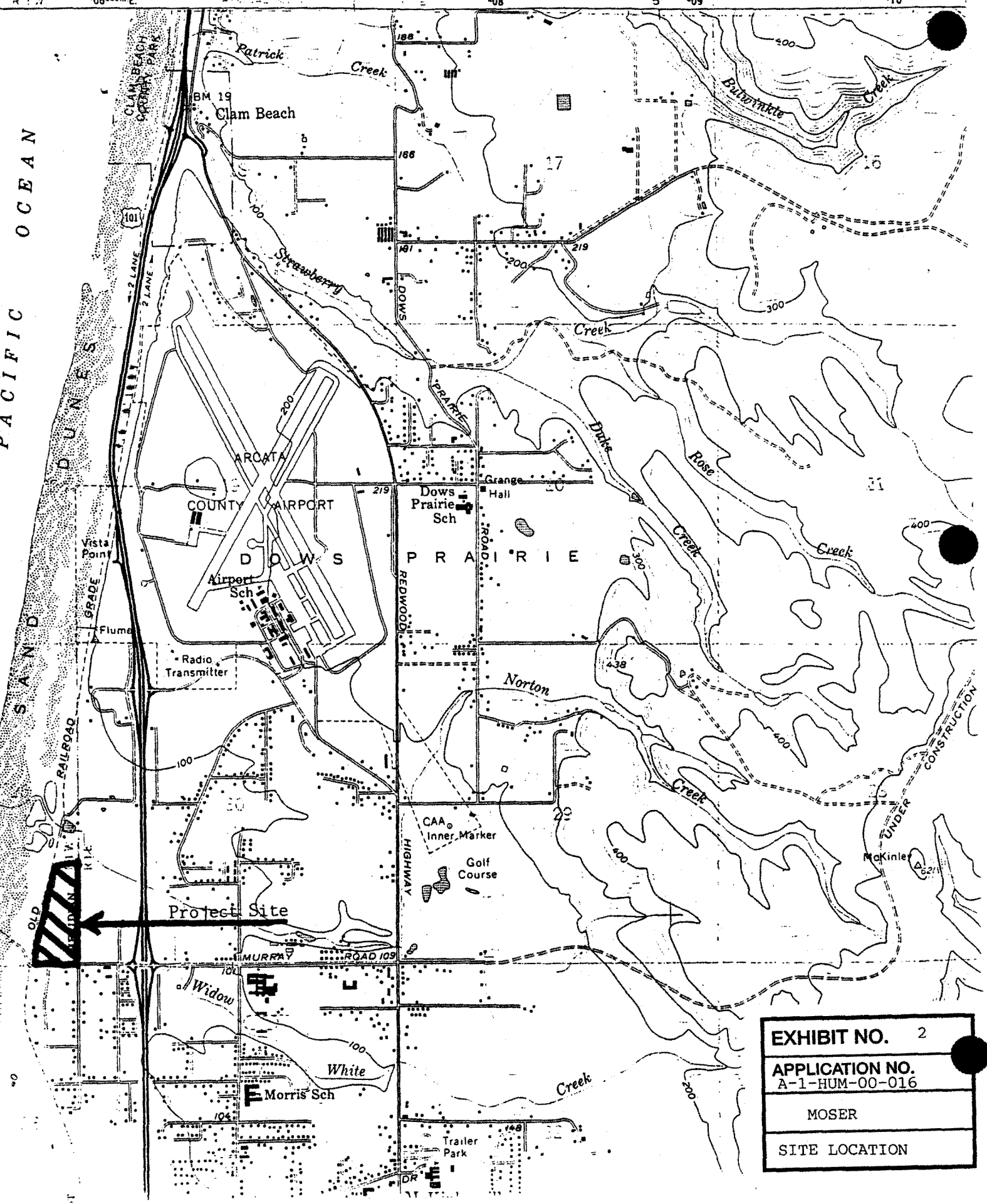


EXHIBIT NO.	2
APPLICATION NO.	A-1-HUM-00-016
MOSER	
SITE LOCATION	



PLANNING DIVISION  
COMMUNITY DEVELOPMENT SERVICES

# COUNTY OF HUMBOLDT

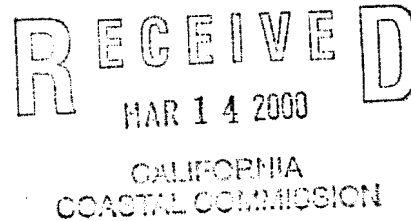
3015 H STREET

EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

Appealable Status: APPEALABLE

Date: March 3, 2000

CALIFORNIA COASTAL COMMISSION  
Eureka Office  
P.O. Box 4908  
Eureka, CA 95502-4908



Subject: Coastal Development Permit  
Notice of Action Taken

Contact: Michael Wheeler, Senior Planner

Applicant: Steve Moser  
Address: Moser Realty  
1836 Central Avenue  
McKinleyville, CA 95519

Case No.: CDP- 99-42/ FMS-11-94M  
File No.: APN 511-011-14

Following a noticed public hearing, the Humboldt County Planning Commission approved the referenced application on March 2, 2000.

Sincerely,

  
Michael Wheeler, Senior Planner  
Humboldt County Planning Division  
Humboldt County Community Development Services

Attachments: Record of Action  
Agenda Item Transmittal  
Planning Commission Resolution  
Conditions of Approval

(J:\Planning\Current\handouts\cdp-apl.doc) Rev: 1/28/00

EXHIBIT NO. 3
APPLICATION NO. A-1-HUM-00-016
Page 1 of 18 MOSER
NOTICE OF FINAL ACTION



PLANNING DIVISION  
COMMUNITY DEVELOPMENT SERVICES

**COUNTY OF HUMBOLDT**

3015 H STREET  
EUREKA, CALIF. 95501-4484      PHONE (707) 445-7541

Dear Applicant:

The Humboldt County Planning Commission has approved the referenced Coastal Development Permit. The Planning Commission's decision on the project may be appealed by any aggrieved person within ten (10) working days of the Planning Commission's action. In addition, your development is appealable to the State Coastal Commission. There is a State ten (10) working day appeal that begins after the local appeal process ends. You will receive a "Notification of Appeal Period" from the California Coastal Commission. If no appeals are received, the permit is effective on the day following the last day to appeal to the California Coastal Commission. For more information concerning the appeal process or for filing an appeal, please contact the Planning Division of the Humboldt County Community Development Services. (Appeals may be filed in the Planning Division office, Room 1, Mondays through Fridays, 8:30 AM to 5:00 PM).

This is to advise you of the Planning Commission's action and to inform you of the conditions of approval and the steps you will need to complete the Coastal Development Permit.

The Planning Commission's approval will expire in two years from the effective date. If the use or necessary construction has not begun before the approval expires, a new application must be filed. The new application will require additional fees and may be subject to different requirements and standards. If development or necessary construction cannot begin within said two year period, you may apply to the Planning Division of the Humboldt County Community Development Services for an extension. Applications for such extensions must be submitted before the scheduled expiration date, accompanied by the appropriate fees, and may be granted only when the circumstances and conditions of the original approval have not changed.

The Coastal Development Permit may be revoked or rescinded, in whole or in part, if grounds are found to exist in accordance with terms and proceedings of the County Code. Please note that other permits, including a building permit, may be required before the proposed development is commenced. For information regarding the required permits, contact the Building Inspection Division of the Humboldt County Community Development Services at 445-7245.

If you have any questions regarding this application, please contact this office at your convenience.

Kirk Girard, Director  
PLANNING DIVISION OF THE HUMBOLDT  
COUNTY COMMUNITY DEVELOPMENT SERVICES

Attachments: Record of Action  
Agenda Item Transmittal  
Planning Commission Resolution  
Conditions of Approval

cc: California Coastal Commission  
Agent (if any)

**PLANNING COMMISSION  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified Copy of Portion of Proceedings, Meeting of MARCH 2, 2000.

**SUBJECT:** STEVE MOSER, McKinleyville Area, Case No(s). FMS-11-94M & CDP-99-42;  
File Nos. APN 511-011-18 & APN 511-011-05. (MEW)

**ACTION:**

1. Opened the Public Hearing, Item #1.
2. Received staff report and supplemental information.
3. Received Public Testimony (See attached Minutes).
4. Closed the Public Hearing.
5. Approved project as revised, recommended, and conditioned by staff.

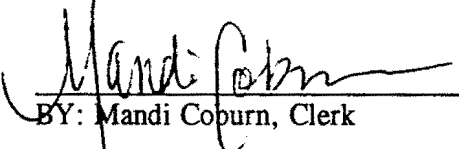
**MOTION:** To adopt the Addendum to the FEIR, make all the required findings, based on evidence in the staff report, supplemental information, and public testimony; approve the project subject to the revised recommended conditions of approval with the following additional note to Condition #9.D.25-Note: By motion of the Planning Commission on March 2, 2000, the Planning Commission recommends to the Board of Supervisors that the interior roads of this subdivision be accepted into the County road system. Therefore, if the Board of Supervisors does accept the interior roads into the County road system, this condition as it relates to maintenance of the interior roads shall not apply, however, a maintenance association would still be required for maintenance of drainage facilities and landscaping.

Adopted on motion by COMMISSIONER JEFF SMITH, second by COMMISSIONER JOE RICE, and the following vote:

AYES: EMAD, HANGER, RICE, & J. SMITH  
NAYS: BLYTHER  
ABSTAIN: GEARHEART  
ABSENT: G. SMITH

STATE OF CALIFORNIA    )  
  )  
COUNTY OF HUMBOLDT    )

I, KIRK GIRARD, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at the meeting held on the Date noted above.

  
BY: Mandi Coburn, Clerk

DATE: March 3, 2000

Last day to appeal (FMS) to the Board of Supervisors: March 13, 2000 (file with the Planning Division & the Clerk of the Board)

Last day to appeal (CDP) to the Board of Supervisors: March 16, 2000 (file with the Planning Division & the Clerk of the Board)

The project is not effective until ALL appeal periods have ended.

**DRAFT**

Humboldt County Code. Pursuant to Section 316-13.2(k.1) H.C.C., a Special Permit for Parcel 1 to deviate from the parking standards based on anticipated level of use: The code requires seventeen (17) spaces, and the applicant is proposing thirteen (13) on-site parking spaces. The project also involves on- and off-site drainage and road improvements. The proposed parcels will be served by community water and sewer. Currently the property is developed with a house, a duplex, and a shed, all of which are proposed to be demolished. **CASE NOS. PMS-99-04, PUD-99-02, & SP-99-24; FILE NO. APN 015-221-10. (MGN)**

*Staff report and recommendations:*

Continue discussion of Public Works' condition regarding the placement of sidewalks, receive a staff report, supplemental information, and approve the project subject to the recommended conditions of approval.

**THE MOTION WAS MADE** (Rice/Gearheart) to make all the required findings, based on evidence in the supplemental information from Public Works and public testimony; and approve the project subject to the revised recommended conditions.

**THE MOTION PASSED 5-0-1. Commissioner J. Smith abstained.**

2. This item was heard as **Agenda Modification, Item #2.**

**PUBLIC HEARINGS**

1. **STEVE MOSER, MCKINLEYVILLE AREA;** the project includes: 1) the modification of the Tentative Tract Map for the subdivision of a 26.5 acre parcel into 37 lots, ranging from 14,925 square feet to 53,467 square feet, under a Planned Development design featuring specified building envelope areas, setbacks, height limits, open space easements, and native plant landscaped areas; and 2) a Coastal Development Permit application for the construction of 37 single family residences and associated drainage facilities and subdivision identification sign to be constructed consistent with the subdivision's planned development design and Coastal Development Permit No. A-1-HUM-96-70, granted by the California Coastal Commission on July 8, 1998. **CASE NOS. FMS-11-94M & CDP-99-42 (filed on 07/19/99), FILE NO. APNs 511-011-18 & 511-011-05. (MEW)**

*Issues:* Road acceptance into the County system.

*Staff report and recommendations:* **Michael Wheeler** gave a summary of the project and the modifications to the original permit. Staff recommends the Commission conduct the public hearing; adopt the addendum to the Focused Impact Report for this project, make all the required findings, based on evidence in the staff report and public testimony; and approve the project subject to the recommended conditions of approval.

**Commissioner Blyther** inquired about the height restriction for the various lots. **Commissioner Hanger** spoke with Mr. Moser yesterday about condition #25 placed on the project by public works. Mr. Moser believes the road will be used by the public and therefore should be maintained by the County. **Harless McKinley** explained reasons behind the condition and the process for adopting a road into the County system..

*Public Speakers:*

**Steve Moser**, questions condition #25. He would like the Commission to recommend the road be taken into the County's system.

Pat Hassen, 2975 Fortune Street, McKinleyville, submitted photos to the Commission. She summarized the meeting between Mr. Moser and the surrounding neighbors. She wants the heights to be 23 feet, just as restrictive as in Pacific Sunset. She believes the heights need to be lower on the properties closer to the ocean to protect the view.

Steve Moser, noted that his project has met all the requirements of the Coastal Commission.

Commissioner J. Smith noted that the original project has been reduced in scope. He spoke with Mr. Moser about Condition #25. Giny Chandler noted the condition could be conditioned upon the Board's acceptance of the road. Harless McKinley also suggested the Commission make it clear to the Board their recommendation for the road.

Commissioner Blyther doesn't support the motion with the 35 foot height restrictions as noted in the recommended conditions.

**THE MOTION WAS MADE** (J. Smith/Rice) to adopt the Addendum to the FEIR, make all the required findings, based on evidence in the staff report, supplemental information, and public testimony, and approve the project subject to the revised recommended conditions of approval with the following additional note to Condition #9.D.25-Note: By motion of the Planning Commission on March 2, 2000, the Planning Commission recommends to the Board of Supervisors that the interior roads of this subdivision be accepted into the County road system. Therefore, if the Board of Supervisors does accept the interior roads into the County road system, this condition as it relates to maintenance of the interior roads shall not apply, however, a maintenance association would still be required for maintenance of drainage facilities and landscaping.

**THE MOTION PASSED 4-1-1.** Commissioner Gearheart abstained. Commissioner Blyther voted against.

## PUBLIC APPEARANCES

Harless McKinley asked for clarification on what the Commission would like to cover in his study session on drainage.

## OLD BUSINESS

1. Staff presentation and Commission discussion on the proposed School Impact Fees in the South Bay School District and it's consistency with the Housing Element's goals of affordable housing.

**BY ORDER OF THE CHAIR**, continue this old business item was continued to the April 6, 2000 Planning Commission meeting.

## NEW BUSINESS

Commissioner Blyther commented on the amount of material to review for the last few meetings.

The meeting adjourned at 11:30 p.m.

**AGENDA ITEM TRANSMITTAL**

**TO:** HUMBOLDT COUNTY PLANNING COMMISSION

**FROM:** Kirk A. Girard, Director of Planning and Building

<b>HEARING DATE:</b> 3/2/00	<b>SUBJECT:</b> MODIFIED FINAL MAP SUBDIVISION, AND COASTAL DEVELOPMENT PERMIT	<b>CONTACT:</b> Michael E. Wheeler
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Before you is the following:

**PROJECT:** 1) Modified Tentative Tract Map for the subdivision of a 26.5-acre parcel into 37 lots ranging from 14,925 square feet to 53,467 square feet in size under a Planned Development design featuring specified building envelope areas, setbacks, height limits, open space easements, and native plant landscaped areas; and 2) a Coastal Development Permit for the construction of 37 single-family residences and associated drainage facilities and subdivision identification sign to be constructed consistent with the subdivision's Planned Development design and Coastal Development Permit No. A-1-HUM-96-70, granted by the California Coastal Commission on July 8, 1998.

**PROJECT LOCATION:** The project site is located on the north side of Murray Road at its intersection with Kelly Avenue, on property known as 775 Murray Road (*Sand Pointe* site).

**PRESENT PLAN DESIGNATIONS:** Residential Estates (RE). McKinleyville Area Plan.  
Density: 0-2 dwelling units per acre.

**PRESENT ZONING:** Residential Single-Family - 20,000 Square Foot Minimum Parcel Size with Airport Protection, Geologic Hazard, Archaeological Resource Protection, Planned Development, Coastal Streams and Riparian Corridor Protection, and Qualified Combining Zones, (RS-20/AP,G,A,P,R,Q).

**ASSESSOR PARCEL NUMBERS:** 511-011-18, 511-011-05

**APPLICANT**  
Steve Moser  
Moser Realty  
1836 Central Avenue  
McKinleyville, CA 95519  
707-839-3233  
707-839-3234(fax)

**OWNER(S)**  
Stephen A. Moser Trust  
1836 Central Avenue  
Suite A  
McKinleyville, CA 95519  
707-839-3233  
707-839-3234(fax)

**AGENT**  
Timothy L. Boese, PE  
Boese Engineering  
2919 Highland Court  
Arcata, CA 95521  
707-826-0774  
707-826-02149(fax)

**ENVIRONMENTAL REVIEW:**  
Environmental review is required.

**MAJOR ISSUES:**  
Modification of previously approved subdivision map to reflect changes required by the California Coastal Commission under terms of Permit No. A-1-96-70.

**STATE APPEAL STATUS:**  
Project is appealable to the California Coastal Commission.



## EXECUTIVE SUMMARY

### MOSER Final Map Subdivision

### Case Number FMS-11-94M/CDP-99-42

The project involves subdividing and developing property in the unincorporated community of McKinleyville. As currently proposed, the Sand Pointe subdivision is a residential development project encompassing 26.5 acres of relatively flat, elevated coastal terrace. The proposed subdivision is a phased project which will ultimately provide 37 residential single-family residential lots ranging from 0.34 acres to 1.22 acres, with an average size of 0.64 acres. The Sand Pointe Subdivision Project is proposed as a Planned Unit Development with the following amenities: specific building envelopes called "curtilage areas", open space easements, native landscape areas, a formal landscape strip along Murray Road and the entrance to the project, paved roadways with gravel shoulders, underground utilities, and engineered drainage.

Originally the project was proposed as a phased subdivision of the 26.5 acre site into 63 single-family residential parcels ranging in size from 9,900 square feet to 21,800 square feet. The Humboldt County Planning and Building Department received an application for this proposed subdivision on February 9, 1995. A draft Environmental Impact Report for the project was completed in early 1996, and the hearing process took place during the months of May through July, 1996. At these Planning Commission hearings, numerous comments and concerns were received from the public. On July 16, 1996 the Planning Commission deadlocked in a 3 to 3 vote (with one abstention), thus failing to act upon the Final EIR and the proposed project. The tie vote of the Planning Commission represented "no action" being taken on the project, which is a functional denial of the project. The Planning Commission's non-action and effective denial of the project was then appealed by the applicants to the Board of Supervisors.

The Humboldt County Board of Supervisors held a series of public hearings on the appeal and the proposed development on August 13, August 20, August 27, September 3, September 24, and November 5, 1996. On August 20, 1996, while acting as the Airport Land Use Commission, the Board of Supervisors found, by a 3 to 2 vote, that the proposed 2.4 dwelling units per acre density for the project and site was compatible with the adopted (1980) airport master plan. At the September 3, 1996 meeting, the Board of Supervisors approved three permits with conditions for the project, consisting of a tentative map approval, a conditional use permit, and a coastal development permit. At the September 24, 1996 meeting, the Board of Supervisors adopted County Resolution No. 96-76 to certify the Final Environmental Impact Report (EIR) for the project and adopt findings, mitigation and monitoring measures, and a statement of overriding considerations.

The California Coastal Commission received notice of the County's final action on the coastal development permit on October 1, 1996. The local decision was appealed to the Coastal Commission in a timely manner by three appellants representing three groups of people: 1) Patricia Hansen representing a group called Concerned Citizens; 2) Barbara Kelly representing a group called the Humboldt Coastal Coalition; and 3) Lucille Vinyard representing the Redwood Chapter of the Sierra Club. The California Coastal Commission convened several public hearings on the project in 1997 and 1998. On February 5, 1997, the Coastal Commission found that the appeal of Humboldt County's approval raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 13115 of Title 14 of the California Code of Regulations. As a result, the County's approval is no longer effective, and the Coastal Commission considered the project de novo. A De Novo Hearing on Appeal was held by the Coastal Commission on July 8, 1998. The Coastal Development Permit for the project was approved by the California Coastal Commission at this July 8, 1998 hearing subject to conditions. The California Coastal Commission convened a subsequent public hearing on December 10, 1999 for consideration of the needed findings to support their decision. The conditions of approval are contained in the **Corrected Revised Notice of Intent to Issue Permit** (January 7, 1999) issued by the California Coastal Commission. The current project proposal incorporates revisions to comply with these conditions.

The Coastal Commission's conditional approval of the project under Permit No. A-1-HUM-96-70 included Special Conditions requiring specific dedications for public trail access and open space easements (conditions 1-5), improvements within park and trail areas (condition #8), deed restrictions for residential lots (condition #6), and revisions to the tentative subdivision map (condition #7). The deed restrictions set building height limits for each parcel, restricted exterior lighting to minimize glare, limited house size to not more than 5,000 SF, required undergrounding of all utilities, substituted a landscape barrier for new fencing along the Hammond Trail edge, eliminated the gate and specified that all access roads and parking would be available to the public, and required that any perimeter fencing be of open-style construction. Additionally, the permit directed that the revised tentative map reflect the following changes: (a) the proposed 21 westernmost parcels to be eliminated; (b) a maximum of 37 lots; (c) the remaining 37 lots to be reconfigured, but must maintain a minimum 100 foot setback from bluff edge, and 50 foot setback from fault line; and (d) RV parking and storage area to be eliminated. The project proposal as modified incorporates all of these features.

Additionally, the applicant has further modified the tentative map to include an access easement through the subdivision between Lots 19 and 20, to connect with the 20 foot easement extending from Wilbur Avenue to allow for pedestrian access to the Hammond Trail. The subdivider also proposes to develop five parking spaces between Lots 14 and 15. This parking will provide a coastal viewing area for the public and will accommodate the public seeking access to the north end of the Hammond Trail from within the subdivision.

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR have occurred. It has been determined that none of the conditions described in Section 15162 have occurred. The revised project represents a less intensive development (37 lots versus 53 lots) than the one originally proposed and considered in the adopted EIR and is actually a modified alternative that was considered in the EIR. Among the alternatives of the EIR was "Project Without Density Bonus" which would have allowed of a subdivision resulting in up to 53 parcels. The current project requires no density bonus and would result in only 37 new residential parcels. Thus the effects of the current proposal were considered in the EIR, but would not be as great as that initially evaluated with the no-density bonus alternative. The Addendum to the FEIR provides additional analysis of the currently proposed 37 residential parcel subdivision as the no-density bonus alternative of the certified EIR.

Based on the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the proposed subdivision.

#### STAFF RECOMMENDATIONS:

1. Describe the application as a Public Hearing;
2. Allow staff to present the project;
3. Open the public hearing;
4. After receiving testimony, make a motion(s) to:

"Adopt the Addendum to the FEIR, make all of the required findings, based on evidence in the staff report and public testimony, and approve the project as described in the Agenda Item Transmittal, subject to the recommended conditions of approval."

**ALTERNATIVES:** The Planning Commission could deny the proposed subdivision if the Commission finds that the submitted evidence does not support making all of the required findings. However, based on this staff report, planning staff believes the submitted evidence does support making all of the required findings and does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 00-24**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE MOSER FINAL MAP  
SUBDIVISION APPLICATION: CASE NUMBERS FMS-11-94M/CDP-99-42;  
ASSESSOR PARCEL NUMBER 511-011-14**

WHEREAS, Steve Moser submitted an application and evidence in support of approving: 1) Modified Tentative Tract Map for the subdivision of a 26.5-acre parcel into 37 lots ranging from 14,925 square feet to 53,467 square feet in size under a Planned Development design featuring specified building envelope areas, setbacks, height limits, open space easements, and native plant landscaped areas; and 2) a Coastal Development Permit for the construction of 37 single-family residences and associated drainage facilities to be constructed consistent with the subdivision's Planned Development design and Coastal Development Permit No. A-1-HUM-96-70, granted by the California Coastal Commission on July 8, 1998; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is subject to environmental review pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Division prepared an Addendum to the FEIR, included in Attachment 3, which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15164 of the Public Resources Code; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed subdivision;

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission finds on the basis of the submitted evidence that none of the conditions described in Section 15162 requiring preparation of a Supplemental EIR have occurred, and approves the proposed Addendum to the FEIR in Attachment 3, as required by Section 15164 of the CEQA guidelines.
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers **FMS-11-94M/CDP-99-42** based on the submitted evidence.
3. The Planning Commission conditionally approves the proposed subdivision and Coastal Development Permit as recommended in the Planning Division staff report for Case Number **FMS-11-94M/CDP-99-42**.

Adopted after review and consideration of all the evidence on MARCH 2, 2000.

The motion was made by COMMISSIONER JEFF SMITH and seconded by COMMISSIONER JOE RICE.

AYES: Commissioners: EMAD, HANGER, RICE, & J. SMITH

NOES: Commissioners: BLYTHER

ABSTAIN: Commissioners: GEARHEART

ABSENT: Commissioners: G. SMITH

I, Kirk Girard, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

Kirk Girard, Director of Planning and Building

By:   
Mandi Coburn, Clerk

Last day to appeal (FMS) to the Board of Supervisors: March 13, 2000 (file with the Planning Division & the Clerk fo the Board)

Last day to appeal (CDP) to the Board of Supervisors: March 16, 2000 (file with the Planning Division & the Clerk of the Board)

The project is not effective until ALL appeal periods have ended.

## REVISED EXHIBIT "A-1" \*

SECTION 1: TENTATIVE MAP CONDITIONS OF APPROVAL

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PARCEL OR FINAL MAP MAY BE RECORDED:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. ~~The applicants shall secure from the Board of Supervisors an ordinance rezoning the project site from Residential Single Family 20,000 Square Foot Minimum Parcel Size with Airport Protection, Geologic Hazard, Archaeological Resource Protection, Flood Hazard, Noise Impact, and Coastal Streams and Riparian Corridor Protection Combining Zones, (RS-20/AP,G,A,F,N,R) to Residential Single Family 20,000 Square Foot Minimum Parcel Size with Airport Protection, Geologic Hazard, Archaeological Resource Protection, Planned Development, Coastal Streams and Riparian Corridor Protection, and Qualified Combining Zones (RS-20/AP,G,A,P,R,Q) or other zoning designation(s) consistent with a comprehensive view of the General Plan.~~
3. The phase-specific conditions on the enclosed Department of Public Works referral dated ~~March 6, 1996~~ November 16, 1999 (Exhibit "B"), shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Department of Public Works.
4. The frontage street "Murray Road " shall appear on the final map. Additionally, the applicants shall obtain approval from the Planning Division's Cartographic Systems Section for the names of the private interior roads. The precise spelling of the names as approved shall appear on the final map.
5. The phase-specific conditions on the enclosed McKinleyville Community Services District referral dated May 9, 1996 (Exhibit "C"), shall be completed or secured to the satisfaction of that agency. Prior to performing any work on the improvements, contact the MCSD. (Note: The MCSD facilities extended to the parcel north of the project site (APN 511-011-12) shall be limited in size to service a single (1) dwelling.)
6. Sewer, water, street lights, and available utilities shall be extended onto each lot to the specifications of the affected agencies providing the facilities and utilities and to the satisfaction of the Department of Public Works. The improvements shall be inspected by the affected agency and a certificate of acceptance of the improvements from the agency shall be filed with the County Public Works Department prior to the recordation of the map. Streetlighting shall be installed as may be required by MCSD. Note: See Condition No. 9.A.(12). below, regarding streetlighting requirements.)
7. ~~The applicants shall make an irrevocable offer of dedication to the McKinleyville Community Service District for the "resting park". The term of the dedication offer shall be for a period of not less than 21 years from the date of project approval. The offer of dedication shall appear on the final map. The applicants may also enter into an agreement with the MCSD for the operation and maintenance of the park as proposed in the planned development proposal. (Note: See Exhibit "B", Condition 13(g) and Coastal Permit No. A-1-96-70).~~

8. Accessways, fire hydrants, cul-de-sac stripping and emergency vehicle turn-around as may be required by the Arcata Fire Protection District shall be installed to the satisfaction of the AFPD, McKinleyville Community Services District, and the Department of Public Works.
9. The applicant shall submit three (3) copies of a Development Plan for the specifically approved Planned Development to the Planning Division for review and approval. Approval of the Development Plan shall be obtained prior to the commencement of site preparation work and/or the construction of any improvements on the project site. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include the following site development details:

A. Plot Plan Elements

- (1) Topography of the land in 1-foot contour intervals.
- (2) Proposed access, traffic, pedestrian ways and related easements, as detailed in the "Traffic and Circulation Plan", Permit Application Exhibit "G", as modified by the Department of Public Works, "Project Refinements, Amendments, and Clarifications", DEIR, Volume 1 Appendix "B" pp. 1-16, and Permit No. A-1-96-70).
- (3) Location of waterline and sewer easements in favor of McKinleyville Community Services District.
- (4) Off-street parking area detail and improvement for four (4) vehicles on each lot. For Lots 6-9, 12-16, 20, and 36-37, one (1) of the four (4) off-street parking spaces may be a tandem space. Off-street parking area detail for five (5) spaces -- 4 standard, 1 handicap -- along the north side of Murray Road adjacent to the "resting park."
- ~~(5) On street (pocket) parking area detail and improvement for a total of forty (40) vehicles along the interior access roads, as illustrated in the "Off Street Parking Information Plan", Permit Application Exhibit "E".~~
- (6) Building "envelopes" (dwelling site locations with applicable yard setback standards as designated on the ~~"Planned Unit Development 'P' Overlay Justification", Permit Application Exhibit "D", "view corridors" and 10-foot setbacks for lots accessing from alleys, as detailed in the "Project Refinements, Amendments, and Clarifications" (14 July 1999), DEIR, Volume 1 Appendix "B" pp. 1-16).~~ and Permit No. A-1-96-70.
- (7) Building height limitations for each lot, as designated in the ~~"Planned Unit Development 'P' Overlay Justification", Permit Application Exhibit "D", Figure D-7, and "Project Refinements, Amendments, and Clarifications", DEIR, Volume 1 Appendix "B" pp. 1-16).~~ follows: maximum 23 foot building height for lots 1-8, 13, 22-29, and 34-37; maximum 35 foot building height limitation on all other lots.
- (8) All non-residential lot components, including "open-space", "resting" parks, ~~"view parks", recreational vehicle parking areas, public parking, and coastal access corridors."~~
- (9) Project phasing, as detailed in the ~~"Development Phasing Plan", Permit Application Exhibit "F"~~ "Proposed Phasing Plan for Sand Pointe Planned

Development" (received 12-3-99), with the exception that lot 30 shall be included with Phase 1.

- (10) Location of project entry signage, as detailed in the "Signage Plan", Permit Application Exhibit "I".
- (11) Location and "typical" improvement standard for fencing, screening, and gating as detailed in the ~~"Security Plan", Permit Application Exhibit "J" and "Project Refinements, Amendments, and Clarifications", " (14 July 1999), DEIR, Volume 1 Appendix "B" pp. 1-16)~~, as modified by the Board of Supervisors and as specified in the Conditions of Approval of the California Coastal Commission Coastal Development Permit A-1-HUM-96-70. (Note: Perimeter fencing of open style design is permitted. Fencing eight along the eastern property line was subsequently limited to five (5) feet as part of the approval motions of the project by the Board of Supervisors on September 3, 1996)
- (12) Exterior lighting, including location and "typical" improvement standards as required by the McKinleyville Community Services District and detailed in the "Outdoor Lighting Design Specifications for Sand Pointe", DEIR, Volume 1 Appendix "B" pp. 1-16) and as specified in the Conditions of Approval of the California Coastal Commission Coastal Development Permit A-1-HUM-96-70.
- (13) Location of unstable areas as identified by the geotechnical report (SHN, 1994).
- (14) Location of thrust and reverse fault traces, and building exclusion zones as identified in the fault evaluation report (SHN, 1994).
- (15) An emergency vehicle turnaround on lot 30.
- (16) Cul-de-sacs shall be posted "No Parking - Fire Lane."

#### B. Landscaping Plan Elements

- (1) Delineation of landscaped areas along streets, pathways, ~~RV parking lot, within parks areas designated as "native landscape areas" on the tentative map to be those areas on each lot not designated as the curtilage or building site areas,~~ and at the entrance to the development, and related improvements typicals (i.e., irrigation lines, trelliswork, bedding construction).
- (2) Planting Schematic showing the location and extent of mature landscape vegetation, coded by reference numbers, letters, or species acronym (e.g., "Bp" for *Baccharis pusillus*)
- (3) Planting Schedule indicating the common and scientific plant names, mapping code, type, habit, planting size, mature size, and special maintenance and upkeep information as applicable (integrated pest management techniques, exclusion of the use of inorganic fertilizers, phenoxyacetic defoliant, and other biocidal compounds).
- (4) Itemized provisions for landscaping maintenance (e.g., frequency of watering, fertilizing, pruning) by the owners association.

## C. Notations

- (1) "Construction of site improvements are subject to the recommendations of the approved preliminary geotechnical report and the fault evaluation report (SHN, 1994) for the subdivision. Contact the Planning Division for specific information."
- (2) "All road construction shall be subject to the following mandatory mitigation measures:
  - Limitation of soil exposure time and the extent of the disturbed area;
  - Minimizing uninterrupted slope length through surface roughening and the use of serrated slopes;
  - Grading operations shall not occur during the rainy season (November through April).
  - Disturbed slopes once at final grade shall be immediately replanted with vegetation native to the surrounding area;
  - Control of runoff through controlled water and drainage systems with dissipated discharges and receiving streambank protection shall be utilized as needed;
  - Runoff shall be diverted away from graded areas and areas traveled during project development; and
  - Temporary and permanent sediment control will be pursued through the use of dikes, filter beams, and sediment basins, as needed.
- (3) "All new development on the parcels are subject to the following coastal natural drainage mitigation measures:
  - Dissipation and, where feasible, screening of the discharges from storm water outfalls, culverts, gutters, and the like; and
  - Except for removal as provided consistent with the Streams and Riparian Corridors Protection Regulations, natural vegetation within and immediately adjacent to the bankfull channel shall be maintained.
- (4) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
  - If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
  - Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."

- (5) "The McKinleyville Union School District have indicated that "curbside" pick-up and drop-off of school children will not be provided within the gated bounds of the development. A centralized bus stop will be made on Murray Road, near the front gate entrance of the site."
- (6) "A Grading/Erosion Control Plan must be a part of building or grading permits for each curtilage area."

D. Other Elements

- (1) A zoning compliance table, as follows:

Standard Category	RS Zone	Project
Minimum Lot Area	20,000 sq. ft.	9,900 14,925 sq. ft. (Lot C4 36)
Minimum Lot Width	75 ft.	~55 70 ft. (Lots D3 2-9)
Maximum Density	1 d.u./lot +1 DU w/ SP	22 37 lots w/ 1 d.u./lot; no SDUs; 41 lots w/ 2 d.u. (locations unspecified)
Maximum Lot Depth	3 • Lot Width	3.14 5.36 • Lot Width (Lot B4 2)
Minimum Front Yard	20 ft.	20 ft. for all lots <u>except</u> 10 ft. for lots 11 through 14.
Minimum Rear Yard	10 ft.	10 ft.
Minimum Ext. Side Yard	20 ft., or 10 ft. if main bldg. >= 25 ft. rear line	20 ft.
Minimum Int. Side Yard	5 ft.	5 ft.
Double Frontage Lots	20 ft.; 10 ft. if abutting an alley	20 ft.; 5 ft. for lots <u>abutting alleys not applicable</u>
Flaglots	As determined by Planning Director & Dept. Public Works	Not Applicable lots 17 & 30
Maximum Ground Coverage	35%	35% overall
Maximum Building Height	35 ft.	=23 ft. (Lots A1-A4, B7, C1-C24 1-8, 13, 22-29, 34-37); 35 ft. (all other lots)
Main Building Types	Residential Single Detached, Limited Mixed Residential - Nonresidential, Nonresidential detached or Multiple/Group	Residential Single Detached

- (2) Four (4) authorizing signature blocks for the Humboldt County Planning & Building Department, McKinleyville Community Services District, Arcata Fire Protection District, Sheriffs Office approvals.



10. The applicant will cause to be recorded a *Notice of Development Plan* on forms provided by the Humboldt County Planning and Building Department. The Development Plan will also be noticed on the Final Map.
11. The recommendations set forth in the fault evaluation report and preliminary "R-1" geologic and geotechnical report (SHN, 1994) for the residential structural improvements on parcels to be created shall be implemented as a condition to the issuance of permits or other grants of approval for the development or improvement of the site(s). The referenced parcels shall not be created unless the report concludes that each individual parcel is suitable for conventional residential purposes.
12. The applicant shall cause to be record a *Notice of Geologic Report* for Lots 1 through 37 on forms provided by the Humboldt County Planning and Building Department. Document processing, notary, legal description review fees (presently \$121), recording fees (variable), and copies of applicable deeds must accompany the Notice. The Geologic Report shall also be noticed on the Final Map. Contact the Department of Public Works concerning the wording of the statement. This condition may be satisfied in conjunction with Condition #10 with a combined Notice.
13. ~~A fee of \$875.00 must be paid to the County Recorders Office at 825 Fifth Street, Room \_\_\_ in Eureka. This fee is required by state law for processing the environmental document through the Department of Fish & Game. A copy of your receipt must be submitted to the Planning Division to satisfy this condition. (Note: Notice of Determination and associated CDFG fees recorded/paid on 9/12/96).~~
14. ~~A Parkland In-lieu fee pursuant to formulas established under HCC §314-29 shall be paid to the County Planning & Building Department, 3015 H Street, Eureka, CA. (Note: the applicant is requesting credit for parkland dedication instead of paying in-lieu fees).~~
15. ~~The applicant shall remit a land value assessment fee in the amount of \$60 to cover the Assessor's Office cost in making the fair market value determination required for the Parkland In-Lieu Fee. This fee may be paid to the Planning and Building Department, 3015 H Street, Eureka, CA. The fund shall be deposited in Assessor's Revenue Account No. 1100-602-060 (Assessor's Fees). (Note: the applicant is requesting credit for parkland dedication instead of paying in-lieu fees).~~
16. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$51 per parcel) as required by the County Assessor's Office shall be paid to the County Planning & Building Department, 3015 H Street, Eureka, CA. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's costs in updating the parcel boundaries.
17. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit. ~~The excess processing costs accrued and projected to date (May 30, 1996) are \$5,500.00~~
18. The applicant shall submit three (3) copies of a ~~fencing plan prepared by a licensed civil engineer~~ landscaping plan for the improvements to be made to the Hammond Trail corridor. The ~~report~~ plan will specifically address design, and mitigation features necessary to install the ~~fencing without causing adverse environmental impacts to the coastal bluff.~~ installation, and maintenance of the landscape barrier composed of low-growing, natural vegetation to remain no higher than 3 feet at maturity, as specified in the Conditions of Approval of the California Coastal Commission Coastal Development Permit A-1-HUM-96-70. Bluff stability and erosion control issues shall be included in this plan.

19. All construction plans shall bear the following note: The work to be performed under these plans shall be subject to the required mitigation measures detailed on the project Development Plan and Mitigation Monitoring Plan on file with the Humboldt County Department of Planning & Building."
- ~~20. The applicants shall secure from the Airport Land Use Commission a resolution stating that the requested increased land use density to 2.4 persons per acre is compatible with the Eureka Arcata Airport. (Note: This condition was satisfied on August 20, 1996 by the 3-2 affirming vote of the ALUC.)~~
- ~~21. The final map shall show an easement over the westerly portion of the project site (APN 511-011-14) in favor of the County of Humboldt for protection of vegetation.~~
- ~~22. The subdivision is subject to the required environmental impact mitigation measures adopted by the Board of Supervisors.~~
- ~~23. The applicant shall convey to the County of Humboldt the rights to develop second residential units on each parcel to be created by this subdivision. The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by the Humboldt County Planning and Building Department (enclosed in the final approval packet). Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$121.00) will be required.~~
- ~~24. Lot 30 shall be included in Phase 1 of the phasing plan.~~
- ~~25. The applicant shall form a maintenance association for the maintenance of interior roads and drainage facilities within the subdivision to the satisfaction of the Department of Public Works. This condition will be enforced by the Department of Public Works. The maintenance association shall also be responsible for the implementation and enforcement of the landscape plan for the native landscape areas as indicated on the tentative map and required to be shown on the development plan. Maintenance Association provisions for implementation and enforcement of landscaping shall be reviewed and approved by the Planning Division, the Department of Public Works, and PG&E. **Note: By motion of the Planning Commission on March 2, 2000, the Planning Commission recommends to the Board of Supervisors that the interior roads of this subdivision be accepted into the County road system. Therefore, if the Board of Supervisors does accept the interior roads into the County road system, this condition as it relates to maintenance of interior roads shall not apply, however, a maintenance association would still be required for maintenance of drainage facilities and landscaping.**~~
- ~~26. The applicant shall submit a letter from the Coastal Commission indicating that all requirements of Permit No. A-1-96-70 have been completed to their satisfaction and that they do not object to the filing of the Final Map for the subdivision.~~

## SECTION II. DENSITY BONUS JUSTIFICATIONS

### THE GRANTING OF THE 20% DENSITY BONUS TO ALLOW FOR 2.4 DWELLING UNITS PER ACRE IS CONTINGENT UPON THE FOLLOWING OFFERS OF DEDICATION AND SITE IMPROVEMENTS LISTED BELOW:

- ~~1. An offer of fee simple ownership to a public agency or suitable private not for profit entity of the approximately 67.27 acre parcel known as Assessors Parcel Number (APN) 511-011-05, located in Section 25, Township 7 North, Range 1 East, Humboldt Base & Meridian.~~

~~2. An offer of dedication of an easement to the McKinleyville Community Services District for the creation of an Open Space Management Zone of the approximate 5,000 square foot "resting park" along the southwestern side of APN 511-011-14, and associated site improvements (split rail fencing, benches, sodded turf, etc.) as detailed in the project description.~~

~~3. The removal of two westerly existing combined electrical power / telephone / cable television poles along the Murray Road frontage of the project site and their replacement with undergrounded equivalents.~~

~~4. The offer of dedication of an easement for public access from the end of Wilbur Avenue along the east side of APN 511-011-14 northward to the revised Hammond Trail alignment on APN 511-011-12. (Note: Applicants have stated their agreement to include neighboring owners/residents of the adjacent Pacific Sunset subdivision in the review of the final design of this access facility.)~~

~~5. A self-imposed 23-foot height limit (from the average grade to roof peak) on Lots A-1, A-7 through A-10, B-7, and C-1 through C-24.~~

~~6. An offer to install a fence located adjacent to the improved portion of the Hammond Trail.~~

**Note: A density bonus is not requested for the revised project, however, the above requirements were, for the most part, adopted as Conditions of Approval of the Coastal Development Permit (A-1-HUM-96-70) by the California Coastal Commission, and these open space and park/trail dedications and improvements have been considered in evaluation of the request for waiver of Parkland In-Lieu Fees for the project.**

### SECTION III: INFORMATIONAL NOTES

#### Informational Notes:

- To reduce costs the applicant is encouraged to bring in written evidence\* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Conditions 4-26) for review as a **package** as early as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is a \$95 charge for the first post project approval meeting. Please contact the Planning Division at (707) 445-7541 for copies of all required forms and written instructions.

\* Each item evidencing compliance should note in the upper right hand corner:

Assessor's Parcel No. \_\_\_\_\_, Exhibit "A", Condition \_\_\_\_\_  
(Specify) (Specify)

- Before any grading work may be initiated, the applicant must obtain all necessary permits under the National Pollution Discharge Elimination System (NPDES) for mitigation of stormwater runoff. Contact the North Coast Regional Water Quality Control Board for appropriate application forms and details.

## EXHIBIT "A-2"

## APPROVAL OF THE "BLANKET" COASTAL DEVELOPMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

1. All recommendations set forth in the "R-1" geotechnical and geologic evaluation (SHN, 1994) and Addendum dated October 5, 1999 shall be implemented as a condition to the issuance of permits or other grants of approval for the development or improvement of the site(s).
2. All exterior lighting shall be shielded such that it is not directed off of the parcel as specified in the Conditions of Approval of the California Coastal Commission Coastal Development Permit A-1-HUM-96-70.
3. Connection to McKinleyville Community Services District water and sewer service shall be required before the building permit is finalized.
4. All development pursued under the coastal development and conditional use permits is subject to the environmental impact mitigation measures adopted by the Board of Supervisors.
5. All grading, including excluding the curtilage areas shall occur at one time to minimize the length of time the ground will be significantly disturbed.
6. All development shall be in conformance with the Planned Unit Development permit, Development Plan, "Project Refinements, Amendments, and Clarifications", (14 July 1999), and the specified Conditions of Approval of the California Coastal Commission Coastal Development Permit A-1-HUM-96-70.

Informational Notes:

1. The Coastal Development Permit (CDP) for development of one single family dwelling each on Lots 1 through 63 37, inclusive, of this subdivision shall be valid for ~~24 months~~ seven (7) years following the recordation of the final map for that phase. If construction of a residence in reliance upon the permit has not commenced within this period, the CDP for that lot shall expire and become null and void; provided, however, that the period within which such construction or use must be commenced may be extended as provided by H.C.C. Section A315-24.
2. The applicant shall be responsible for all staff costs involved in carrying out responsibilities for mitigation monitoring set forth in Exhibit "E", "Mitigation Monitoring and Reporting Program." These costs shall be charged using the most current County burdened hourly rate. A deposit may be collected to cover anticipated costs, if required by the Planning Director.
3. This permit does not authorize the development of second dwelling units on any lot in the subdivision.

Note: On July 8, 1999, the California Coastal Commission granted a Coastal Development Permit (A-1-HUM-96-70) to Steve Moser subject to conditions contained in the Corrected Revised Notice of Intent to Issue Permit. These exhibits reflect changes made to the conditions of project approval made by the Board of Supervisors on September 3, 1996 and conditions for approval of the California Coastal Commission made on July 8, 1999. In addition, final action to consider Revised Findings for this project was considered by the California Coastal Commission on February 16, 2000. This action included the acceptance of two voluntary changes to the project by the applicant: 1) development of a 5 space parking area for public use between lots 14 and 15; and 2) development of a pedestrian 20 foot easement between lots 19 and 20 linking the subdivision to the Hammond Trail through the north end of the subdivision (connecting with the 20 foot easement extending from Wilbur Avenue.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
PHONE (707) 445-7833  
FACSIMILE (707) 445-7877

MAILING ADDRESS:  
P. O. BOX 4908  
EUREKA, CA 95502-4908

RECEIVED  
MAR 30 2000



CALIFORNIA  
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

PATRICIA HASSEN (Representing Concerned Citizens of McKinleyville)  
2975 FORTUNE ST.  
McKinleyville, CA 95519 (707) 839-8241  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Humboldt County Planning Commission

2. Brief description of development being appealed: Sand Pointe Subdivision / Steve Moser / FINAL MAP  
Subdivision: Case Nos: FMS-11-94M; CDP-99-42

3. Development's location (street address, assessor's parcel no., cross street, etc.): 775 W. MURRAY Rd McKinleyville, CA 95519  
APN 511-011-14

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: Humboldt County Planning Commission  
March 3, 2000

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

EXHIBIT NO. 4
APPLICATION NO. A-1-HUM-00-016
Page 1 of 7 MOSER
APPEAL TO COMM.



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: MARCH 2, 2000

7. Local government's file number (if any): APN 511-011-14  
FMS-11-94M; CDP 99-44

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Steve Moser / Moser Realty  
1836 Central Ave.  
McKinleyville, CA 95519

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) PATRICIA HASEN - Representing Concern Citizens of  
2975. Fortune Street  
McKinleyville, CA 95519 McKinleyville

(2) Attachment B: NOTICE OF APPEAL + Concern Citizens

(3) \_\_\_\_\_  
\_\_\_\_\_

(4) \_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.





State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SECTION 30257: CA COASTAL ACT OF 1976 JAN 1994  
Development scenic and VISUAL

Humboldt County General PLAN Volume II

MAP-LCP (10/89) 342 30253 Chp 3pg 35 C (1)

This section was deleted by County Planning March 3, 2000

SECTION 30253: CA Coastal Act (1), (2), (5)

See: ATTACHMENT A

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Patricia Hassen

Signature of Appellant(s) or  
Authorized Agent

Date MARCH 30, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_



Attachment A

California Coastal Act of 1976 - January 1994

Section 30251

(pg. 46) Article 6 - Development

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 surrounding areas, ect. ect.

35 ft. height limit is blocking the public maximum blue water view.

Humboldt County General Plan Volume II McKinleyville Area Plan - Local Coastal Plan - Oct. 1989

Section 3.42 /30253 Chp. 3 pg. 35 C (1)

Visual Resources Protection

Establishes development policies for visual resource protection in the McKinleyville area. Generally, no development shall be approved which is not designed to protect coastal views from public roads and public lands, designed in harmony with the "PHYSICAL SCALE" of surrounding developments, or is not "VISUALLY COMPATIBLE" with the surrounding area. The criteria for review projects against these standards are based on height and bulk of structures, and their ability to blend with surrounding improvements and landforms. These standards, while germane to development in all locations are primarily intended to apply to coastal scenic and coastal view designed areas.

(There are no Residential Single Family Homes in the area of planned project that are in the bulk and height of 5,000 sq. ft. nor 35 ft. in height.)

Section: 30253 CA COASTAL ACT OF 1976 - JANUARY 1994

- (1) MINIMIZE RISKS & PROPERTY IN AREAS OF HIGH GEOLOGIC, FLOOD & FIRE HAZARD.
- (2) ASSURE STABILITY & STRUCTURAL INTEGRITY, & NEITHER CREATE NOR CONTRIBUTE SIGNIFICANTLY TO EROSION, GEOLOGIC INSTABILITY, OR DESTRUCTION OF THE SITE OR SURROUNDING AREA OR IN ANYWAY REQUIRE THE CONSTRUCTION OF PROTECTIVE DEVICES THAT WOULD SUBSTANTIALLY ALTER NATURAL LAND FORMS ALONG BLUFFS & CLIFFS
- (3) WHERE APPROPRIATE, PROTECT SPECIAL COMMUNITIES & NEIGHBORHOODS WHICH BECAUSE OF THEIR UNIQUE CHARACTERISTICS, ARE POPULAR VISITOR DESTINATION POINTS FOR RECREATIONAL USE

(OVER)



in Summary.

Section 30251

The scenic & usual view from MURRAY Road + Sand Pointe Dr, with 35 ft height homes on the BLUFFS <sup>at the</sup> 100 ft. Setback will do BLOCK the ocean views from the public.

Section 30253 (1) (2) (5)

~~This~~ This Land has had 7 AREAS of Blowouts in this site where the 35 ft heights are to be build. ~~They~~ <sup>They</sup> were Filled There ARE ~~still~~ 2 - Blowouts that ARE ~~unstable~~ ~~geologic~~ geologic unstable. With the extra weight of a 35 ft height and/or 5000 sq ft bulk could be hazardous & cause more erosion for this area even though there is a 100 FT Setback, the Land Fills on these Blowouts ARE STILL HAZARDOUS AREAS.

Humboldt Co. General Plan Volume II 3.42

MAP LCP 10/89

This section was Deleted from County Planned Meeting 3/2/09  
COASTAL Development Permit.

C (1)

no greater in height or bulk than is permitted for the principle use and is otherwise compatible with the styles & visible materials of existing development ~~or~~ OR LANDFORMS in the immediate neighborhood, where such development is visible from the nearest public road.

SUMMARY: There ARE NO homes in the view of this <sup>Sand Pointe</sup> Subdivision that ARE in bulk & height of 5,000 sq Feet & 35 FT in height



Attachment B

Concern Citizens McKinleyville

SECTION 1. ~~APPELLANT~~ (S)

1. DOROTHY ALVES  
2990 FORTUNE STREET  
MCKINLEYVILLE, CA 95519

---

2. ELIZABETH ALVES  
2990 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-9520

---

3. DALE & BETTY BROWN  
2820 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-3876

---

4. THEODORE & KAY CARIGNAN  
2940 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-1638

---

5. LARRY & JYME CHAMBERS  
2973 SPRINGER DR.  
MCKINLEYVILLE, CA 95519  
(707) 839-5394

---

6. DENNIS & CAROLYN DENTLER  
2920 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-4439

---

7. DONALD & SELBY FERMER  
3767 ERLEWINE CIRCLE  
SACRAMENTO, CA 95819  
(916) 451-4742  
(property owners:)  
(2915 Fortune St.)  
(McKinleyville, CA 95519)

---

8. BRENDA GYLN-WILLIAMS  
2863 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-2622

---

9. GALEN & PATRICIA HASSEN  
2975 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-8241

---

10. WES & OPAL SCHUELER  
2845 FORTUNE STREET  
MCKINLEYVILLE, CA 95519  
(707) 839-8711

---

11. NEAL & SYLVIA JEPPSON  
2900 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-4672

---

12. BARBARA KELLY  
2670 KELLY AVE.  
MCKINLEYVILLE, CA 95519  
(707) 839-5356

---

13. PATRICK & MELANIE KENNEDY  
2960 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-2504

---

14. BARBARA KITCHENER  
2740 KELLY AVE.  
MCKINLEYVILLE, CA 95519  
(707) 839-0125

---

15. THOMAS & ANNETTE LESHER  
2993 SPRINGER AVE.  
MCKINLEYVILLE, CA 95519  
(707) 839-4743

---

16. GARY & JILLANN MELTON  
2955 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-4275

---

17. THEODORE & MIE MERZ  
2988 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-5148

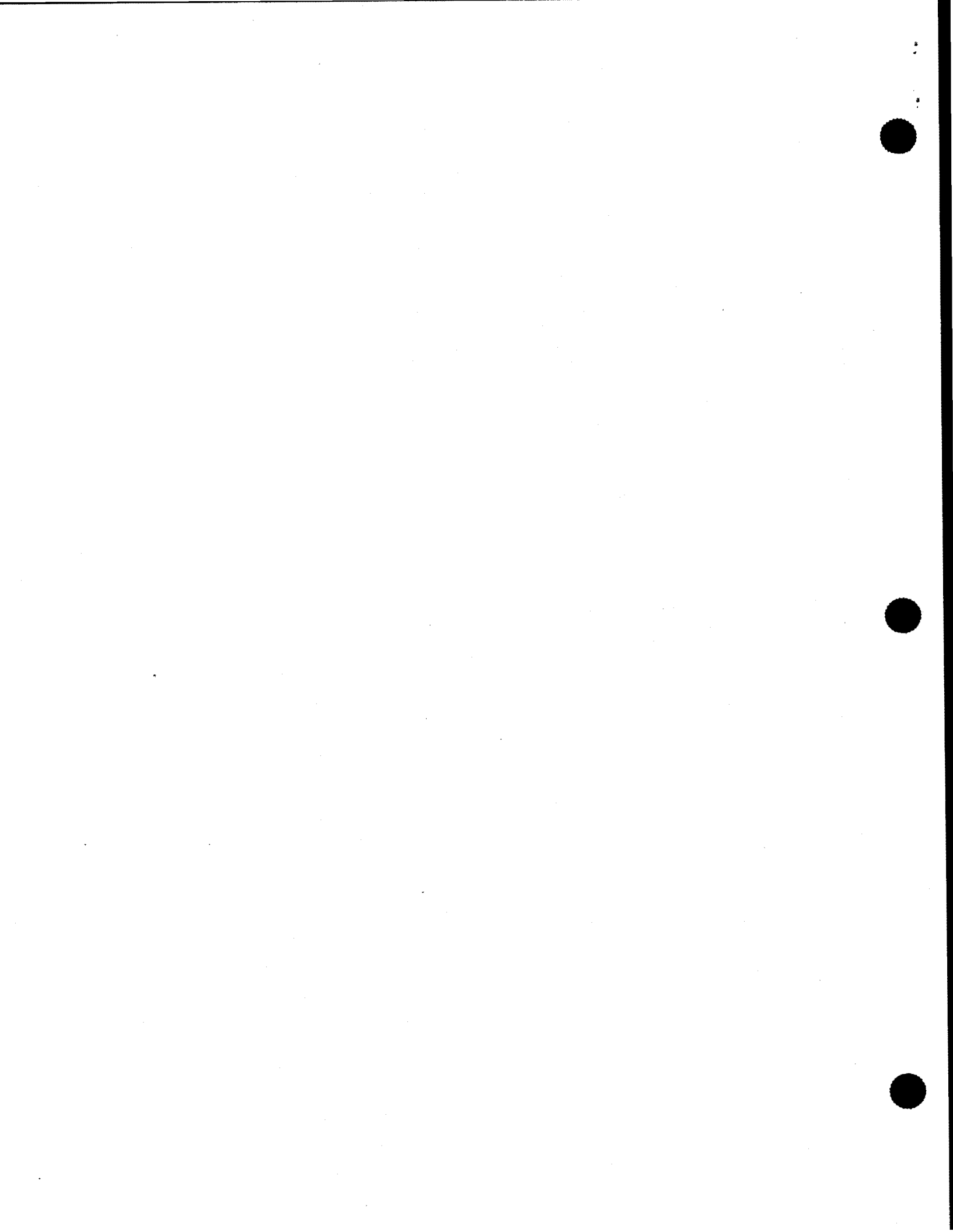
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18. MARY MORRISON  
2980 SPRINGER AVE.  
MCKINLEYVILLE, CA 95519  
(707) 839-0349

---

19. BRIAN & BARBARA NEWKIRK  
2860 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-8030

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Attachment B

SECTION I. ~~APPELLANT~~ (S)  
(page 2)

*Concern Citizen McKinleyville*

*Notification only*

20. JIM and FRAN ARMSTRONG  
2930 SPRINGER  
MCKINLEYVILLE, CA 95519  
(707) 839-5747

---

21. RONALD & JOAN REDMOND  
2895 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-3848

---

22. LEONARD & PATRICIA SHUMARD  
2965 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-3664

---

23. LUCILLE VINYARD  
68 METSKO LANE  
TRINIDAD, CA 95570  
(707) 677-3497

---

24. BRIAN & SARAH ROBB  
2800 FORTUNE STREET  
MCKINLEYVILLE, CA 95519  
(707) 839-0897

---

25. IIA L. WESTFALL  
1204 CORLISS PLACE  
MEDESTO, CA 95358  
(property owner:)  
(2990 Fortune St.)  
(707) 839-9520

---

26. MICHEAL & KATHRYN WILLET  
2840 FORTUNE ST.  
MCKINLEYVILLE, CA 95519  
(707) 839-5880

---

27. NORTH GROUP SIERRA CLUB  
REDWOOD CHAPTER  
P. O. BOX 238  
ARCATA, CA 95521

---

28. DEBBIE HARTMAN-MIZER  
1412 I STREET  
EUREKA, CA 95501  
(707) 443-4426

---

29. MCKINLEYVILLE PRESS  
JACK DURHAM  
P. O. BOX 2593  
MCKINLEYVILLE, CA 95519

---

30. JESSIE FAULKNER  
P. O. BOX 837  
TRINIDAD, CA 95570  
(707) 677-0481

---

31. WILLIAM & BETTI-JEAN WINER  
2999 SPRINGER  
MCKINLEYVILLE, CA 95519

---

32. JUDY HARTMAN  
P. O. BOX 3023  
EUREKA, CA 95501  
(707) 268-8630

---

33. THOMAS & SHELANDA NELSON  
2935 FORTUNE STREET  
MCKINLEYVILLE, CA 95519  
(707) 839-5093

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## Supplement to Table 1 Sand Pointe Development Restrictions

Residence Size Requirements. No residence shall be erected on any of the Lots unless the total floor area of the main structure, exclusive of open porches, garages, patios, exterior stairways and landings, is less than five thousand (5,000) square feet.

Roofs. Roof coverings are to be 40-year minimum composition shingles either black or dark gray. Built up dark gray or black tar and gravel roofs may be allowed on carports.

Exterior Siding. All exterior siding shall be either natural wood, wood shingles, stucco, non-textured horizontal lap Hardiplank with smooth surface or four (4) foot by eight (8) foot wood grain Hardiplank with natural wood batts.

Windows. Windows must be either wood, fixed glass with wood stops or vinyl.

Fences. The maximum height shall not exceed seventy-two (72) inches. The fence shall be designed to be an extension of the house and constructed of the same material and with the same color and finish as the house.

Chimneys. Chimneys shall be of the same material as the siding.

Storage Facilities. All wood storage, equipment storage or similar storage facilities shall be either installed or constructed within the exterior walls of the building or be screened from the view of other Lots.

Driveways. Driveways Shall be excavated within the curtilage area only and shall be constructed of gravel or blacktop only.

Exterior Lighting. There shall be no exterior lighting of any sort either installed or maintained; the light source of which is visible from a neighboring property.

Accessories. No mailboxes, newspaper tubes, receiving tubes or anything similar is allowed on any Lot.

File Name: Sand Pointe

EXHIBIT NO. 5
APPLICATION NO. A-1-HUM-00-016
(2 pages) MOSER
DEVELOPMENT RESTRICTIONS

**Table 1 Sand Pointe Development Restrictions**  
(all building improvements are to be placed in curtilage areas)

Parcel No.	Setbacks				Maximum Building Height	Off-street Parking Spaces
	Front	Side	Side	Rear		
1	120	10 N	25 S	105 1	23	4
2	57	10 N	10 S	130 1	23	4
3	22	10 N	10 S	110 1	23	4
4	20	10 N	10 S	110 1	23	4
5	20	10 N	10 S	110 1	23	4
6	20	10 N	10 S	110 1	23	2
7	20	10 N	10 S	110 1	23	2
8	20	10 N	10 S	107 1	23	2
9	20	10 N	10 S	105 1	35	2
10	20	78 N	10 S	110 1	35	4
11	10	10 N	140 S	115 1	35	4
12	10	10 N	10 S	130 1	35	2
13	10	10 N	10 S	135 1	23	2
14	10	22 N	10 S	160 1	35	2
15	30	10 N	23 S	173 1	35	2
16	30	10 N	10 S	153 1	35	2
17	30	10 E	10 W 4	30	35	4
18	76	10 E	10 W	40	35	4
19	30	10 N	20 S	50 2	35	4
20	30	10 N	10 S	50 2	35	2
21	56	10 N	10 S	50 2	35	4
22	40	10 N	10 S	50 2	23	4
23	82	10 N	10 S	50 2	23	4
24	125	10 N	10 S	77	23	4
25	140	10 N	10 S	91	23	4
26	126	10 N	10 S	114	23	4
27	113	10 N	65 S	30	23	4
28	30	56 N	10 S	77	23	4
29	37	10 N	23 S	40	23	4
30	40	92 N	20 S	62	35	4
31	127	56 E	91 W	10	35	4
32	40	10 N	10 S	50	35	4
33	40	10 N	10 S	50	35	4
34	40	10 E	10 W	53 3	23	4
35	40	10 E	10 W	43	23	4
36	40	10 N	10 S	40	23	2
37	40	13 N	10 S	40	23	2

1 = and 100' from bluff

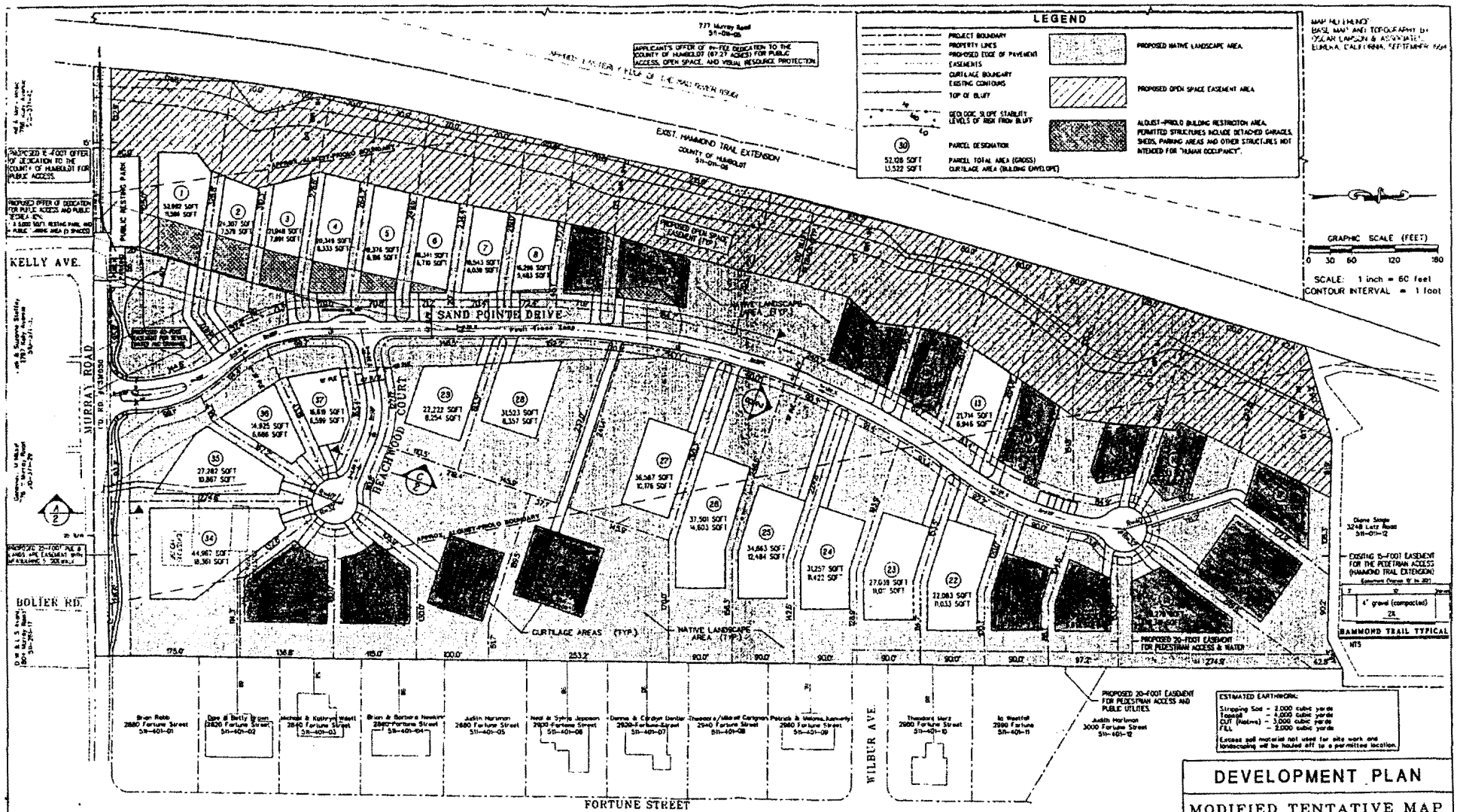
2 = and 30' from easement

3 = from right of way

4 = and 172' from bluff

N = North    S = South    E = East    W = West

Note - on all lots the maximum house size is 5,000 square feet (exclusive of garages and out buildings).



**PROJECT SUMMARY AND NOTES**

- PROJECT TITLE:** SAND POINTE PLANNED DEVELOPMENT
- ASSESSOR PARCEL Nos.:** 511-011-18 and 511-011-05.
- APPLICANT/OWNER:** Steve Moser  
c/o Moser Realty  
1836 Central Avenue  
McKinney, CA 90538  
Telephone: 707-439-3233
- GENERAL PLAN LAND USE DESIGNATION:** RE - RESIDENTIAL ESTATES
- GROSS AREA:** 28.5 acres
- Thirty-seven (37) parcels are proposed as "Planned Unit Development".  
Average Parcel Size: 28,531 sq. ft. (0.65 acres)  
Minimum Parcel Size: 14,325 sq. ft. (0.34 acres)  
Maximum Parcel Size: 53,487 sq. ft. (1.22 acres)
- Water and Sanitary Sewer service shall be provided by McKinneyville Community Services District (MCSO).
- Gas, electricity, telephone and cable television shall be undergrounded.
- All easements of record are shown on the Tentative Map and will appear on the recorded subdivision Final Map.
- Fire service will be provided by Fortville Fire District. Fire hydrants are located along Henry Road, Sand Pointe Drive and Beechwood Drive with fire truck turn-arounds provided by curbside access of roadway turnouts.
- Five public parking spaces are provided between lots 14 and 15. Other on-street parking is not permitted within the development. All parking shall be off-street, located within the curtlage areas shown on the plan and as described in the Description of the Proposed Project, submitted separately.
- GEOLOGICAL AND GEOTECHNICAL REPORTS:**  
The following geologic and geotechnical reports have been prepared for the proposed project:
  - SMH Consulting Engineers and Geologists (SMH) "Earthquake Fault Report", November 1994.
  - SMH Consulting Engineers and Geologists (SMH), "Preliminary R-1 Geologic and Geotechnical Report and Earthquake Fault Zone, Final Evaluation Report", December 1994.
  - SMH Consulting Engineers and Geologists (SMH) "Supplement to the Preliminary R-1 Geologic and Geotechnical Report and Earthquake Fault Zone, Final Evaluation Report", January 18, 1998.
- GRADING, DRAINAGE AND EROSION CONTROL:**  
Grading operations will be confined to roadway related work, so as to accommodate drainage, utility infrastructure, and uniform grading along the right-of-way. The goal is to minimize disturbances of native vegetation and the exposure of bare soil. Culverts across will be graded by future property owners, to direct runoff in the general direction as shown on the Tentative Map, Sheet 2. Beyond the curtlage areas, drainage will sheet flow across native landscape areas prior to entering the storm drain system located on the west side of Sand Pointe Drive. Portions of the curtlage areas for Parcels 1 through 17 may be graded toward the street and the bluff. Concentrated runoff generated from impervious surfaces (paved areas, concrete, roofs, etc.) will be channeled and/or piped to the storm drain system located on the west side of Sand Pointe Drive or, if necessary, to the alternative storm drain located to the west of the curtlage areas. Channeled culverts (catches, grades or buried pipes) shall not be permitted to flow over the existing bluff area. Erosion/sediment control best management practices (BMPs) will be installed and maintained during and after construction as well as to minimize soil erosion and to control sediment. See list of BMPs on sheet 2.

\*Shaded lots = maximum allowable height is 35 feet  
other lots = maximum allowable height is 23 feet

**DEVELOPMENT PLAN**

**MODIFIED TENTATIVE MAP**  
**SAND POINTE**  
**PLANNED DEVELOPMENT**

MAJOR SUBDIVISION: FILE NO. APM 511-011-18  
CASE NOS. ZR-18-94, FMS-11-94, CDP-39-94, CUP-22-94

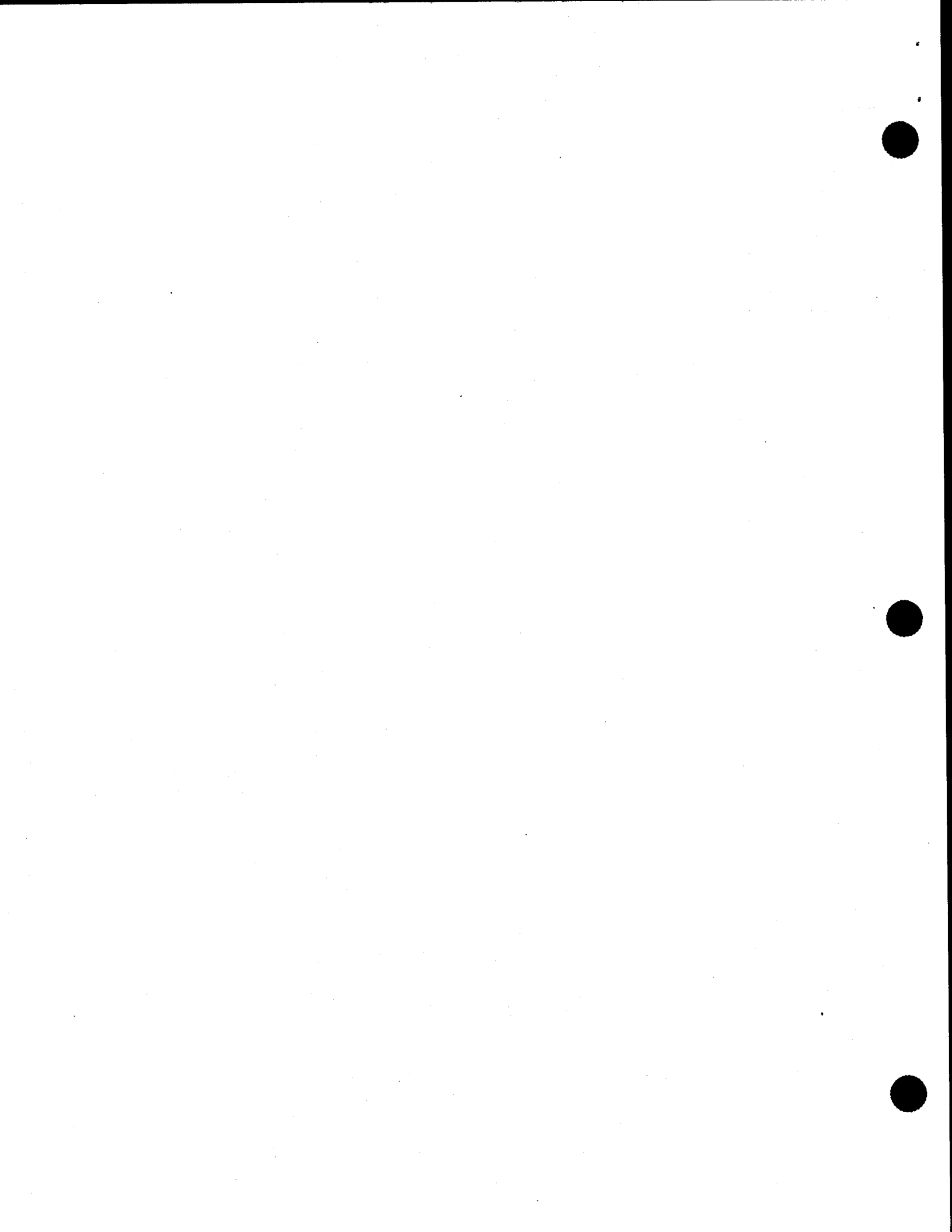
DEVELOPER: S

**EXHIBIT NO. 6**

**APPLICATION NO. A-1-HUM-00-016**

MOSER

\*SUBMISSION MAP AS APPROVED BY COUNTY



RECEIVED  
JAN 20 1999

CALIFORNIA COASTAL COMMISSION  
NORTH COAST AREA  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260

CALIFORNIA  
COASTAL COMMISSION



Page 1 of 6

Date: January 7, 1999

Permit Application No. A-1-HUM-96-70

**CORRECTED**  
**REVISED NOTICE OF INTENT TO ISSUE PERMIT**

On July 8, 1998, by a vote of 10 to 1, the California Coastal Commission granted to STEVE MOSER Permit A-1-HUM-96-70, subject to the attached conditions, for development consisting of

37-lot subdivision of a 26.5-acre site.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Humboldt County at North side of Murray Road near the Mad River in McKinleyville, Humboldt County, APN 511-11-14.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions 1-10, imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on July 8, 1998.

PETER DOUGLAS  
Executive Director

By: JO GINSBERG

Title: Coastal Planner

**ACKNOWLEDGMENT:**

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. A-1-HUM-96-70, and fully understands its contents, including all conditions imposed.

1-15-99  
Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

EXHIBIT NO.	7
APPLICATION NO.	A-1-HUM-00-016
Page 1 of 6	MOSER
SUBDIVISION	CONDITIONS

**CORRECTED**  
**REVISED NOTICE OF INTENT TO ISSUE PERM.**

Page 2 of 6  
Permit Application No. A-1-HUM-96-70  
January 7, 1999

**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 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.

**SPECIAL CONDITIONS:**

1. **Evidence of Recordation of Proposed Offers to Dedicate Easements for Public Access:**

PRIOR TO ISSUANCE of the Coastal Development Permit, and consistent with the terms of the proposed project description, the applicant shall submit to the Executive Director for review and approval evidence that an irrevocable offer to dedicate a public access and public recreation easement to a public agency or private association approved by the Executive Director, such as the State Coastal Conservancy or the McKinleyville Community Services District, has been executed and recorded over the following areas, as described below and as generally shown in Exhibits 6 and 14:

- (a) A 5,000-square-foot public park area at the west end of Murray Road, which will include public parking for 5 cars; and
- (b) a 20-foot-wide easement extending along the eastern property boundary north from the west end of Wilbur Avenue to the proposed Hammond Trail at the north end of the Sand Pointe site.

The recorded documents shall include legal descriptions of both the applicant's entire parcel and the easement area. The documents shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The offer of dedication shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recordation.



**CORRECTED**  
**REVISED NOTICE OF INTENT TO ISSUE PERMIT**

Page 3 of 6  
Permit Application No. A-1-HUM-96-79  
January 7, 1999

2. Evidence of Offer of In-Fee Dedication of Open Space and Access Trail Area:

PRIOR TO ISSUANCE of the Coastal Development Permit, and consistent with the terms of the proposed project description, the applicant shall submit to the Executive Director for review and approval evidence that an irrevocable offer to grant in fee to a public agency such as Humboldt County or the McKinleyville Community Services District, which is approved by the Executive Directors of the Coastal Commission and the State Lands Commission, has been executed and recorded over the entirety of APN 511-011-05 (approximately 67.27 acres), including the existing trail leading from the Hammond Trail to the beach, and as generally shown on Exhibits 6 and 14. The grant shall be for public access, open space, and visual resource protection.

Within the easement area, all development as defined in Section 30106 of the Coastal Act is prohibited, except for (1) any public access improvements approved pursuant to a coastal development permit, and (2) installation, repair, and maintenance of any drainage improvements or utility lines approved pursuant to any necessary coastal development permit.

The recorded documents shall include legal descriptions of both the applicant's entire parcel and the easement area. The documents shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The offer of dedication shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recordation.

3. Evidence of Dedication of Access Trail to Humboldt County:

PRIOR TO ISSUANCE of the Coastal Development Permit, and consistent with the terms of the proposed project description, the applicant shall submit to the Executive Director for review and approval evidence that the applicant has dedicated to the County of Humboldt a 15-foot-wide strip of land for public access purposes between the end of Kelly Avenue and the Hammond Trail, along the southern property boundary, and as generally shown on Exhibits 6 and 14.

The grant of dedication shall be for public access purposes, and shall include legal description of the applicant's entire parcel and the public access trail area.

4. Evidence of Recordation of Offer to Dedicate Open Space Easement:

PRIOR TO ISSUANCE of the Coastal Development Permit, and consistent with the terms of the proposed project description, the applicant shall submit for review and approval of the Executive Director evidence that an irrevocable offer to dedicate an open space easement to Humboldt County or to a public agency or non-profit organization acceptable to the Executive Director has been executed and recorded over the 25-foot-wide non-buildable green belt area to be established between the public resting area and the subdivision, as generally depicted on Exhibits 6 and 14.

Within the easement area, all development as defined in Section 30106 of the Coastal Act is prohibited, except for (1) any public access improvements approved pursuant to a coastal development permit; and (2) installation, repair, and maintenance of any drainage improvements or utility lines approved pursuant to any necessary coastal development permit.

The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. The documents shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The offer of dedication shall run with the land in favor of the

**CORRECTED**  
**REVISED NOTICE OF INTENT TO ISSUE PERMIT**

Page 4 of 6  
Permit Application No. A-1-HUM-96-70  
January 7, 1999

People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recordation.

5. Evidence of Recordation of Offer to Dedicate Open Space Easement:

PRIOR TO ISSUANCE of the Coastal Development Permit, and consistent with the terms of the proposed project description, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director such as Humboldt County, the State Coastal Conservancy, or the McKinleyville Community Services District an open space easement. The open space area will encompass the area extending east from the Hammond Trail right-of-way to the top of the bluff, and inland from the top of the bluff to a point 100 feet east of the bluff edge, as generally depicted in Exhibit No. 5.

Within the open space area, all development as defined in Section 30106 of the Coastal Act is prohibited except for (1) the fences required by Special Condition No. 6(e); (2) any public access improvements approved pursuant to a coastal development permit; and (3) installation, repair, and maintenance of any drainage improvements approved pursuant to any necessary coastal development permit.

The recorded document shall include legal descriptions of the applicant's entire parcel and the easement area. The documents shall be recorded free or prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The offer of dedication shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recordation.

6. Deed Restriction over Residential Lots:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the following restrictions over the entire area to be subdivided into residential lots:

- (a) Height Limits. All structures on lots located in the areas shown in attached Exhibit "A" shall have a maximum building height of 23 feet. All structures on other lots are limited to 35 feet.
- (b) Lighting. On all parcels, all exterior lights, including any lights attached to the outside of the houses, shall be low-wattage, non-reflective, and have a directional cast downward so as not to shine beyond the limits of the parcel. There shall be no night street-lighting permitted.
- (c) House Size. On all parcels, maximum home size is 5,000 square feet (exclusive of garages and outbuildings).
- (d) Utility Lines. Above-ground power and telephone lines from the two westernmost poles along Murray Road shall be placed underground, and the poles removed. Any new utility lines required for the subdivision shall be placed underground.
- (e) Fencing.
  - (i) There shall be no fencing along the east side of the Hammond Trail between Murray Road and the northern extension of the property, but, rather, a landscape barrier composed of low-growing, natural vegetation which shall be no higher than three feet at maturity.

**CORRECTED**  
**REVISED NOTICE OF INTENT TO ISSUE PERMIT**

Page 5 of 6  
Permit Application No. A-1-HUM-96-70  
January 7, 1999

(ii) Fencing shall be erected along the 100-foot blufftop setback line that shall be at least three feet in height, and shall be of open-style construction.

- (f) Streets, Roads, and Public Parking Areas. All streets and roads within the residential lots shall be made available for public use. No locked gates or fences prohibiting public access into the subdivision shall be permitted. Privacy fences around private lots are permitted, but any perimeter fences shall be of open-style construction.

The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to the coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

7. Revised Tentative Map:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director a copy of the revised tentative map for the proposed subdivision that has been approved by the County. The revised tentative map shall incorporate the following: (a) the proposed westernmost 21 parcels shall be eliminated; (b) there shall be no more than 37 lots; (c) the remaining 37 lots may be reconfigured, but the building envelopes must be located at least 100 feet back from the bluff edge, and at least 50 feet back from the fault line; and (d) the proposed recreational parking and storage area shall be eliminated. The revised tentative map shall also be consistent with the other terms and conditions of Coastal Development Permit No. A-1-HUM-96-70 and shall depict all easement areas consistent with Coastal Development Permit No. A-1-HUM-96-70. The applicant shall record the revised map approved by the Executive Director.

All development shall take place consistent with the revised tentative map, as approved by the Executive Director.

8. Development of Improvements Within Park and Trail Areas:

Development of improvements within the park and trail areas shall occur consistent with the restrictions identified below.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for the Executive Director's review and approval, final plans that have been approved by Humboldt County, showing the designs, locations, and construction schedule for the following access improvements consistent with the restrictions identified below:

- (a) Public Resting Park: The proposed 5,000-square-foot resting park at the west end of Murray Road shall be constructed prior to recordation of the final map and shall include all proposed amenities depicted on Exhibit No. 9 including lawns, an underground sprinkler system, two picnic tables, two sitting benches, five public parking spaces, and shrubbery to block the view of vehicles from Murray Road.
- (b) Hammond Trail Extension: A 10-foot-wide trail extending from the northeastern corner of the subject property west to the developed portion of the Hammond Trail shall be constructed within the existing easement held by the County, and shall be constructed prior to recordation of the final map. The trail shall be graded and, at a minimum, gravelled; if determined by Humboldt County Public Works Department to be appropriate, the trail shall be raised above ground level and a drainage ditch constructed.

CORRECTED  
REVISED NOTICE OF INTENT TO ISSUE PERM.

Page 6 of 6  
Permit Application No. A-1-HUM-96-70  
January 7, 1999

(c) Fencing/Barriers:

(i) There shall be no fence constructed along the east side of the Hammond Trail between Murray Road and the northern extension of the property; rather, the applicant shall plant a vegetative barrier composed of low-growing, natural vegetation that shall be no higher than three feet at maturity, and shall be planted prior to recordation of the final map; and

(ii) Fencing shall be constructed along the 100-foot blufftop setback line prior to recordation of the final map, shall be at least three feet high, and shall be of open-style construction.

(d) Utility Lines: Above-ground power and telephone lines from the two westernmost poles along Murray Road shall be placed underground and the poles removed prior to recordation of the final map.

9. Final Site and Drainage Plans:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director final site and drainage plans for the proposed project. These plans shall be consistent with all recommendations contained in the Geotechnical Investigation Report prepared by SHN Consulting Engineers & Geologists dated December 1994 and the supplement dated January 8, 1998, including the recommendations regarding site preparation and grading, site drainage, and bluff setbacks.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

10. Runoff Control Measures:

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director plans for controlling stormwater runoff from the site which incorporate the following elements:

- (a) Construction-period sediment controls to minimize sedimentation-related impacts on Widow White Creek, the Murray Road drainage, and the Mad River that include sediment barriers consisting of filter fabric attached to supporting posts that are installed in a continuous fashion along at least the north, west, and south sides of the development, and other Best Management Practices as appropriate.
- (b) Vegetation filter areas adequate in size and designed to remove sediment, organic matter, and other pollutants from runoff from the subdivision before stormwater runoff is discharged from the parcel to drainage facilities along Murray Road.

The applicant shall undertake the mitigation program in accordance with the approved final runoff control plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plan shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

/mem

Reference: 940117.100

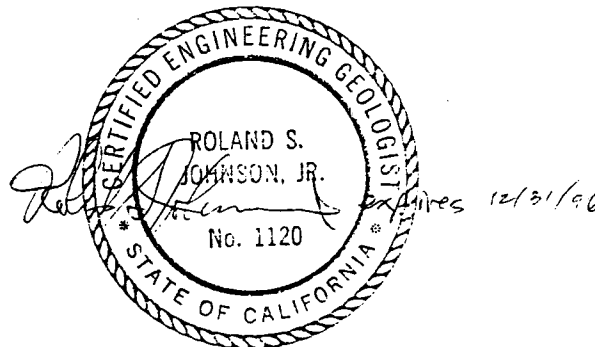
**PRELIMINARY R-1 GEOLOGIC AND  
GEOTECHNICAL REPORT  
FOR THE PROPOSED SUBDIVISION AT  
AP #511-011-14, MCKINLEYVILLE  
HUMBOLDT COUNTY, CALIFORNIA**

Prepared for:

**BRIAN AND CINDI HUNT AND STEVE MOSER**  
1836 Central Avenue  
McKinleyville, CA 95521

Prepared by:

**SHN**  
**CONSULTING ENGINEERS & GEOLOGISTS**  
812 W. Wabash  
Eureka, CA 95501  
707/441-8855



December 1994

QA/QC:RJ 

L:940117R-1-RPT

**EXHIBIT NO. 8**

**APPLICATION NO.**  
A-1-HUM-00-016

Page 1 of 4

MOSER

RELEVANT EXCERPTS  
FROM GEO REPORT



Areas disturbed during construction or minor site grading should be revegetated as soon as practical prior to the beginning of the rainy season. The bluff edge (western boundary of project parcel) shall not be subjected to ground disruption or vegetation removal that adversely effects the roots of plants near the bluff edge. Minor limb removal will not increase erosion hazards. It is very important that significant concentrated runoff not be permitted to flow down the bluff face.

#### 4. Site Preparation and Grading

**Surficial Low Density Soils.** Less than 1/2 foot of low density, root-filled, topsoil was encountered across the project parcel. These soils are not suitable for support of foundations, structural fills, or improvements. Laboratory tests and site observations indicate that low density, compressible soil typically extends downward about two feet beneath the site surface. In isolated areas compressible soils may reach depths of three to four feet. These soils may consolidate excessively under typical foundation or fill loads, causing foundations, improvements, and pavements to settle, if not mitigated. The compressible, upper soils should not be used for supporting foundations, fills, or improvements. Deeper than normal foundation systems, or remedial grading that results in adequate soil densification, can be used to mitigate settlement potential. Backfill placed into erosion features along the bluff top (TP-2A, 2B, 2C, 7A, and 7B) is unconsolidated and not suitable for foundation support.

Native soils are well drained. Subdrainage for conventional residential construction will not be required. A site-specific groundwater evaluation should be conducted if a builder proposes to construct a below grade crawl space or a basement.

**Cut and fill.** Cut and fill slopes up to 3 feet in height should be placed no steeper than 1-1/2 to one, and 2 to 1, respectively, (horizontal to vertical). Higher or steeper slopes should be reviewed by us for stability and erosion hazard consideration. Due to the generally low density, potentially compressible nature of the upper site soils, fills to support structures should be evaluated for settlement potential during the design process. Cut and fill along the bluff edge shall be avoided.

**Grading.** As proposed, development of building sites and access roads is expected to require minimal grading. If cuts or fills in excess of 3 feet in height are to be constructed on site, site specific geotechnical investigations and/or evaluations will be required in order to prevent significant settlement risk and adverse impacts on stability of existing slopes. All landscape fills over 1 foot thick should be compacted.

Grading associated with proposed lots near Widow White Creek (northern parcel boundary) should be restricted to slopes of 15 percent or less.

**Structural Fill placement.** In the following recommendations, "compact" and "compacted" refer to obtaining a minimum of 90% of the maximum relative dry density as referenced to the ASTM D1557-91 test method, or to the CALTRANS 216 test method for the access road system. We recommend the following:

- a. Notify Underground Service Alert (1-800-642-2444) prior to commencing site work, and use this service and other methods as appropriate to avoid damaging underground and overhead utilities.
- b. Strip all cultural debris, vegetation, root-systems, dark-colored organic-rich topsoil, uncontrolled existing fill, and any compressible, low density upper soils from areas to receive structural fill or improvements, and for five feet outside. Additionally, excavate as required to accommodate design grades and planned minimum fill or pavement section thicknesses.

With the exception of vertical sides or steps, subgrade surfaces to receive structural fill should be cut-graded to slope no steeper than 10 percent.

Conduct a geotechnical engineering review of exposed subgrade surfaces. The geotechnical engineer will recommend that remaining unsuitable soils, such as overly weak, compressible, or saturated soils, be additionally removed. Where structural improvements will be located above the loose backfill placed in Earthquake Fault exploration trenches, the following general recommendations for soil removal and recompaction are provided to reduce the risk of significant adverse settlement:

- (1) Residential structures--remove the top 8 feet of fill, then backfill with nonorganic native sand, river run gravel, or Class II aggregate base compacted to 90% of the maximum relative dry density as determined by ASTM D1557-91
- (2) Underground utilities using flexible materials--remove enough fill so that the excavation is 4 feet deeper than proposed utility grade, then backfill to utility line grade with soil material (as above) compacted to 90% (ASTM D1557-91) followed by conventional backfill placement to ground level
- (3) Access roads, driveways, and other pavement areas--remove the top 6 feet of fill, then backfill with soil material (as above) compacted to 90% of the maximum relative dry density as determined by CALTRANS 216, to subgrade level followed by the appropriate pavement section to ground level.

Additional construction recommendations will be needed when development details can be evaluated in relation to the specific fault investigation trenches to be encountered.

- c. Compact the upper six inches of exposed subgrade soils which are to receive structural fills.



- d. Structural fill material should consist of relatively non-plastic (Liquid Limit less than 35, Plasticity Index less than 12) material containing no organic material or debris, and no individual particles over 6 inches across. We suggest the use of granular soils (sand, gravel) for fill, because these soils are relatively easy to moisture condition and compact. Except for the root filled upper soil layer, on site native soils should be suitable for structural fill material.
- e. Structural fill should be placed to design grades and compacted to a minimum of 90% of the maximum relative dry density as determined by the ASTM D1557-91 test method (residential improvements) or CALTRANS 216 test method (access road system improvements)

ENGINEER  
REQUIRED to  
EVALUATE  
ALL FOOTINGS

## 5. Residence Foundations

We recommend that foundation elements be supported exclusively on in-place, undisturbed native soils, or on specifically designed structural fill that has been evaluated to minimize settlement potential by the geotechnical engineer. Compressible, low density upper soils and uncontrolled fill materials are not considered to be capable of supporting conventional residential building loads without excessive settlement risk. Investigations suggest that adequate foundation footing grades are typically two feet or more beneath the existing ground surface.

NO  
TARGET  
SOIL  
GIVEN  
BY GEO  
REPORT

Following removal of root-filled topsoil and compressible, low density subsoils, and grading as recommended, foundations may be constructed. Residence foundation excavations should be evaluated by the geotechnical engineer to determine if compressible soils have been removed. Foundations should be sized, embedded, and reinforced to at least the minimums presented in the current edition of the Uniform Building Code. Such foundations may be designed so they do not exceed an allowable bearing capacity of 800 pounds per square foot (psf) for dead plus live loads. These values may be increased by one-third to account for the short-term effects of wind and/or seismic loading. A friction coefficient of 0.3 may be used for the footing/soil contact. Retaining walls over 3 feet high should be designed after site specific soil conditions are evaluated.

When foundations are constructed in accordance with all our recommendations, it is unlikely that total post-construction settlement will exceed 3/4 inch or that differential settlement between adjacent foundation elements will exceed 1/2 inch.

The ground surface that is adjacent to foundations, driveways, exterior slabs, or parking areas should be sloped to drain away from the structure.

Foundation excavation and utility trench backfill should be compacted, except for landscape areas where the upper 1 foot should be placed in a "firm" condition. Landscape fills deeper than 1 foot should be compacted to a minimum of 80% of the maximum relative dry density. Areas excavated for the earthquake fault evaluation were not backfilled under structural fill criteria. Therefore, foundation and/or appurtenant structures traversing the trench alignments will be subject to differential settlement if mitigation measures are not employed.





Reference: 940117.100

October 5, 1999

Steve Moser  
1836 Central Avenue  
McKinleyville, CA 95521

RECEIVED

OCT 8 1999

HUMBOLDT COUNTY  
PLANNING COMMISSION

**SUBJECT: ADDENDUM TO PRELIMINARY R-1 GEOLOGIC AND  
GEOTECHNICAL REPORT FOR THE PROPOSED SAND POINTE  
SUBDIVISION AT AP #511-011-14, MCKINLEYVILLE, HUMBOLDT  
COUNTY, CALIFORNIA**

Dear Mr. Moser:

This addendum presents additional geotechnical criteria requested by the Humboldt County Planning and Building Department.

Our previous report, referred to as the reference report below, is the Preliminary R-1 Geologic and Geotechnical Report for the Proposed Subdivision at AP #511-011-14, McKinleyville, Humboldt County, California, dated December, 1994. This addendum is subject to the same limitations and provisions as the previous report.

County Planning and Building requested clarifications on, or inclusions of, the following:

1. A map showing the parcel layout for the subdivision;
2. Foundation type and design criteria, including bearing capacity, provisions to minimize the effects of expansive soils, and the effects of adjacent loads;
3. Building, and/or garage, slab-on-grade recommendations;
4. Soils criteria such that Humboldt County Planning and Building Department personnel can monitor construction for compliance with the geotechnical recommendations;
5. Provision of geotechnical criteria for isolated interior pier foundations; and
6. Special Inspections that may be required.

We address these topics in order, by number, below.

1. A finalized project/parcel development plan was premature and not available at the time of our original report. The currently planned subdivision layout should be available from you, the project developer. We understand that available mapping incorporates recommended fault and bluff setback criteria. We also understand that the bluff setback for the present layout of building sites is 100 feet inland of the top edge of the coastal bluff. This revision of the December, 1994 Site Map (as shown on Figure 2 in the SHN report) was required by the California Coastal Commission.

EXHIBIT NO.	9
APPLICATION NO.	A-1-HUM-00-016
Page 1 of 4	
MOSER	
GEO REPORT ADDENDUM	

Steve Moser

**Addendum to Preliminary R-1 Geo Report, Sand Pointe Subdivision**

October 5, 1999

Page 2

2. Foundations conforming to current minimum building code criteria for size, embedment, and reinforcing, were previously recommended on page 11 of the reference report. Also included were a recommended allowable soil bearing capacity, and sliding friction resistance criteria. On page 3 of the reference report, we wrote "By observation, the native site soils are of relatively low plasticity, and are considered non-expansive."

In addition to the criteria previously presented, we recommend an allowable lateral bearing capacity for foundation concrete bearing against reasonably competent undisturbed soils or structural fill of that represented by an equivalent fluid weighing 100 pounds per cubic foot. The upper foot of the undisturbed native soil profile, measured from the original ground surface, should be ignored in these calculations. The lateral bearing may be added to frictional resistance in calculating lateral capacity.

Effects of adjacent loads should be evaluated following review of the site-specific plans for the adjacent loads. For example, if a foundation is to be placed alongside an existing foundation, or if a basement is to be constructed.

As also discussed and recommended on pages 9 and 11 in the previous report, foundations or improvements should not be supported by uncontrolled fill soils or by upper low density, potentially compressible soils. For example, former fault investigation trenches were backfilled with uncontrolled fill, which will need to be removed and replaced with structural fill where necessary to support roads, buildings, and other improvements. Trench locations were surveyed, and can be relocated.

Recommendations on page 11 require specific geotechnical engineering design of, or design review of, any planned structural fill. Recommendations are also provided that require field evaluation of foundation embedment and soil bearing criteria, to mitigate risk of foundation settlement and/or soil bearing failure. The purpose of these recommendations is to allow a construction phase review by the geotechnical engineer to reduce risk of supporting a building, fills, or slabs-on-grade, on overly weak or compressible soils.

Investigations suggest that soils adequate for support of foundation elements or structural fills are typically two or more feet beneath the existing ground surface, and one and one-half feet beneath the ground surface for support of slabs-on-grade, provided the soil subgrade is compacted. As previously discussed, the depth of upper, compressible, weak soils may vary across the site to as much as 3 or 4 feet beneath the original ground surface at some locations. Therefore, the depth should be individually determined at each residence site.

3. Where garage slabs or building floor slabs are to be constructed, we recommend the slab area be initially excavated to a minimum of one and one-half feet beneath the existing ground surface. Secondly, the exposed, excavated soil surface should be reviewed by the geotechnical engineer, and any remaining, overly weak or overly compressible soils be additionally excavated and removed, the exposed soil surface then compacted to a minimum of 85 percent of the maximum dry density as referenced to the ASTM D-1557-91 test

Steve Moser

**Addendum to Preliminary R-1 Geo Report, Sand Pointe Subdivision**

October 5, 1999

Page 3

method, and then structural fill should be placed up to design grades and compacted to a minimum of 90% of the maximum dry density.

Recommendations for structural fill placement are presented in the previous report. It should be noted that careful control of soil moisture and compactive effort would allow native subsoils to be suitable as structural fill. Following site preparation and grading as recommended, slabs-on-grade may be constructed.

Concrete slabs can become damp from capillary water migration. As a precaution to minimize transmission of soil moisture up through floor slabs, we recommend that the slabs be underlain by an impermeable polyethylene membrane at least six mils in thickness. This membrane should overlie a drainage/stabilization/capillary break layer consisting of a 6-inch-minimum-layer of Class 1, Type B Permeable Material as specified in Caltrans Standard Specifications (in general, hard, durable, No. 4 sieve by 3/4 inch sieve gravel.) A thin (not more than 2 inches) layer of sand may be placed over the membrane to protect it during concrete placement. (The capillary break provides a layer with relatively large, intergranular, void spaces, which inhibit capillary rise of ground moisture or "wicking".) The gravel layer should be densified by at least two passes of a hand-pushed, motorized, vibratory plate compactor.

4. The primary criteria for determining in-place soils suitable for foundation and fill support is the in-place density. Soils with very low in-place densities are considered weak and overly compressible. Although the soil logs show a general change from silt to sand classifications at a depth of about two feet, the change is characteristically gradational, and not represented by a pronounced color or textural change. Also, at some locations the underlying sandy soils may be of very low density. For these reasons we have recommended individual geotechnical review of foundation excavations, fill support soils, and sub-slab support soils. Typically, we would expect to make in-place soil density determinations to confirm observational judgments.
5. For isolated foundations, such as isolated interior piers for structurally supported, above-grade, floors, we recommend the footing excavation be a minimum of two feet beneath the currently existing ground surface, and that the required depths at each residence location be evaluated along with the recommended footing depth evaluation for the residence.
6. Special inspections required for geologic or geotechnical engineering purposes will include the following:
  - individual residence site determinations of the depth to soils adequate to provide adequate support for the foundation systems, structural fills, and building slabs;
  - site evaluations needed to make these determinations in areas where the site has been disturbed by the fault investigation trenching; and
  - evaluation of compliance to setbacks from bluffs and fault zones.

Steve Moser

**Addendum to Preliminary R-1 Geo Report, Sand Pointe Subdivision**

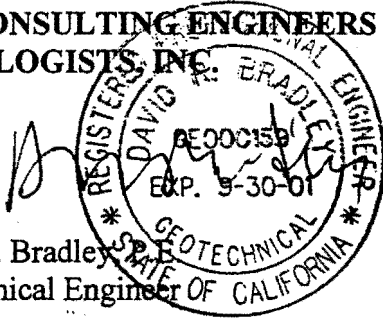
October 5, 1999

Page 4

If you have any questions, please call either of us at 707/441-8855.

Sincerely,

**SHN CONSULTING ENGINEERS  
& GEOLOGISTS, INC.**



David R. Bradley  
Geotechnical Engineer

A handwritten signature in cursive script, appearing to read "Roland S. Johnson, Jr.".

Roland S. Johnson, Jr. C.E.G.  
Project Manager

DRB:lms

# Concerned Citizens of McKinleyville

PATRICIA HASSEN

\* 2975 FORTUNE ST. \* MCKINLEYVILLE, CA 95519 \* (707) 839-8241 \* FAX (707) 839-5188 \* E-MAIL PHASSEN@NORTHCOAST.COM

Date: April 17, 2000

To: California Coastal Commission  
North Coast District Office  
710 E Street Suite 200  
P. O. Box 4908  
Eureka, CA 95502-4908

Attn: Tiffany S. Tauber, Coastal Planner  
Re: **Commission Appeal No. A-1-Hum-00-016**  
Sand Pointe Subdivision: Moser Realty; Steve Moser

The following planning issues are the reason that we feel should be considered for establishing Substantial Issues on the Sand Pointe Project

California Coastal Act of 1976 - January 1994 **Section: 30253**

- (1) Minimize Risks and property in areas of high geologic, flood and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in anyway require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs.
- (5) Where appropriate, protect special communities and neighborhoods which because of their unique characteristics, are popular visitor destination points for recreational use.

**DRAFT EIR:** The Sand Pointe Development Project - Volume II - January 1996

**Plan Map:** figure 1 - Matthews subdivision - Appendix A (June 5, 1981)  
Northcoast Geotechnical Services in June 5, 1981 did this report for the California Coastal Commission. The Matthews Subdivision on June 5, 1981 11 - 12 gullies present on this map.

**Exhibit I:** Aerial photograph taken of project area April 9, 1997 (4/9/97).

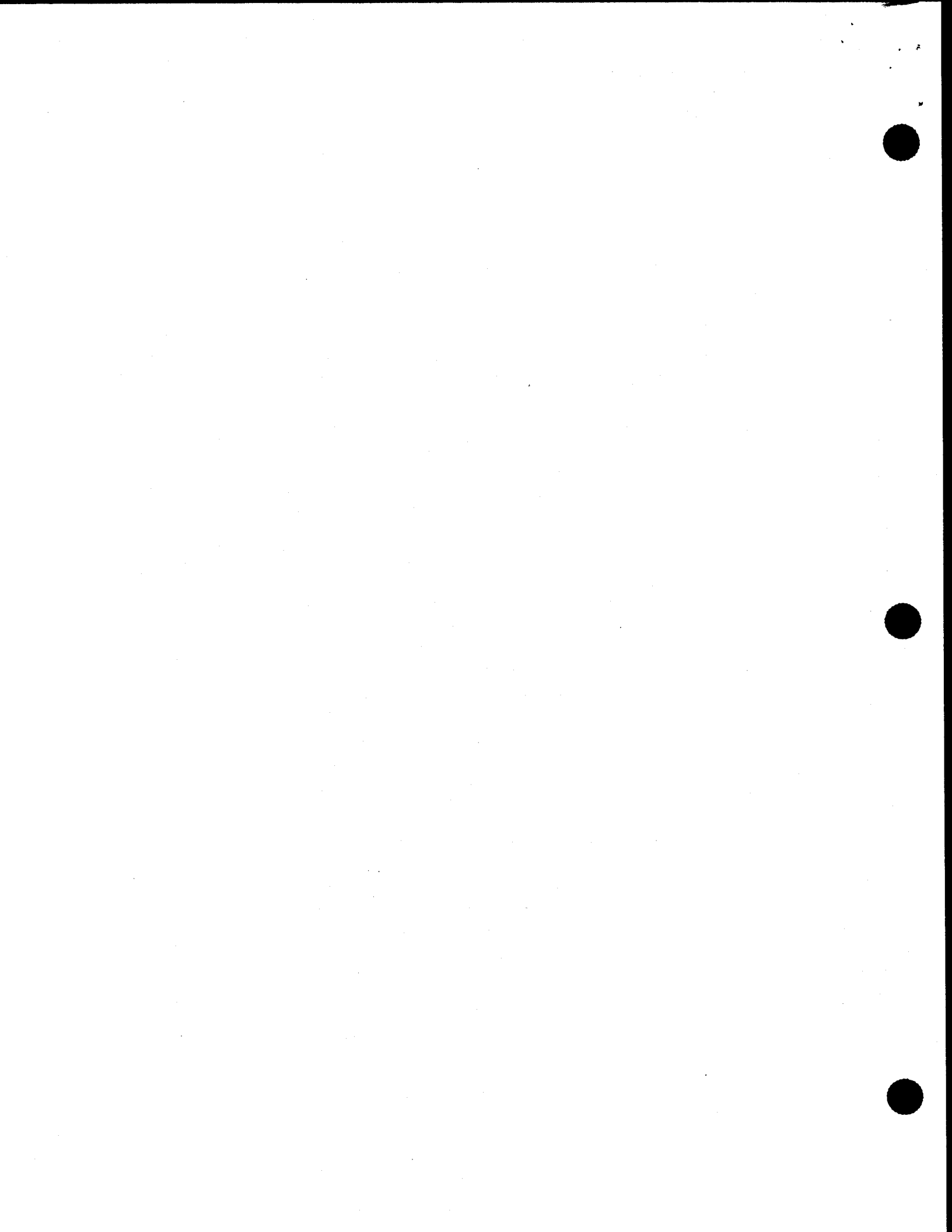
**(pg. 4) Bluff Stability:** Indicates 5 (five) significant areas of accelerated gully erosion along the bluff edge and top. (Oscar Larson & Associates report - Exhibit #2 Subdivision Plan) taken from Matthews subdivision map mailed March 12, 1996 for June 26, 1998 Staff report.

**(pg. 7) #4** Evaluation of gully activity along the bluffs indicate that concentrated runoff from above the bluff edge could produce excessive erosion.

**Appendix F:**(pg.7) June 22, 1995 SHN & Brian Hunt visually inspected the bluff edge to determine the type and quantity of cultural debris that exist on the subject site. Much of the bluff and gullies/washout areas had cultural debris and included the top of an automobile, and automobile steering wheel, rubber garden hose, small quantities of carpet, and miscellaneous metal pieces. other areas indicated rusted mattress springs, water heater and a swamp cooler.

In July of 1993 the Redwood Community Action Agency (RCAA) helped fill these areas with the cultural debris that existed within the washout area was consolidated into one portion, and other fill material was placed over the top. The other fill materials consisted of **pampas grass and bay mud, excavated from the Bracut wetland mitigation project; and clean sandy, silty, gravelly soil from the Mill Creek Mall (McKinleyville) project.**

IBIT NO. 10
APPLICATION NO. A-1-HUM-00-016 (8 letters) MOSER
CORRESPONDENCE





# Concerned Citizens of McKinleyville

Appendix F: Cont. Limited Phase 2 Field Investigation 7.0 (pg. 9)

Staff Report: August 22, 1997 **Th 6a**

Staff: James Muth

Hearing Date: Sept. 11, 1997

EXHIBIT NO. 42 (pg. 2) # 1. (b) (c) paragraph below continue to pg. 3

EXHIBIT NO. 43 (pg. 1-2) # 1

EXHIBIT NO. 48 (pg. 1-2)

Draft EIR January 1996 pg. 13, appendix C Alquist-priolo report and R-1 Geological and Geotechnical report states: If the period of time between the submission of our report and the start of work at the site exceeds 2 years, or if conditions have changed due to natural causes or construction operations at or adjacent to the project area, we should review our report to determine the applicability of the conclusions and recommendations considering the changed conditions and time lapse. This report is applicable only to the project and project area studied. (Oscar Larson & Associates)

**CA Coastal Act of 19976 - January 1994 Section: 30251 (pg. 46) Article 6 - Development**

**McKinleyville Area Plan - Local Coastal Plan - Oct. 1989 Section: 3.42/30253 (Chp. 3 pg. 35 C (1))**

## **DEVELOPMENT:**

The scenic and visual qualities of coastal area shall be considered and protected as a resource of public importance. Permitted development shall be site 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 surrounding areas.

## **VISUAL RESOURCES PROTECTION:**

Establishes development policies for visual resource protection in the McKinleyville area. Generally, no development shall be approved which is not designed to protect coastal views from public roads and public lands, designed in harmony with the "physical scale" of surrounding developments, and their ability to blend with surrounding improvements and landforms. These standards, while germane to development in all locations are primarily intended to apply to coastal scenic and coastal view designed areas.

**C (1)** No greater in height or bulk than is permitted for the principle use, and is otherwise compatible with the styles and visible materials of existing development or land forms in the immediate neighborhood, where such development is visible from the nearest public road.

**Proposed Revision: A** Sand Pointe Subdivision map presented to the Humboldt County Planning Commission on March 2, 2000.



## Concerned Citizens of McKinleyville

### IN CONCLUSION:

#### Draft EIR: January 1996:

Letters from Brian Hunt to RCAA with concerns about these gullies/washouts. There are letters from James Muth from the California Coastal Staff with these same concerns.

The De Novo Hearing Appeal: A-1-HUM-96-70 of July 8, 1998. We as The Concern Citizens gratefully appreciated the California Coastal Commissioners approval of the 100 ft setback imposed on this project.

In reviewing the Draft EIR and the 4 staff reports on this project The Concerned Citizens feel this area is still in danger of erosion if a structure of 35 ft. in height and 5,000 sq. ft. bulk is allowed to be built near the 100 ft. set back. In walking along the Hammond Trail in front of this project, the root system of trees and bushes are very visible. The gullies are still there and are visible to the eye.

The California Coastal Staff and some Commissioners have been to the area and seen photographs where this project is planned. The last 3 years the bluff area on this project and Knox Cove Subdivision (1 block south) and the Caltrans Armoring the mouth of the Mad River [appeal No. A-1-HUM-98-88] (1 block north) has had a dramatic effect with bluff erosion. Some of these areas have had the 100 ft. setback and they have continued to loose there back yards along with putting there homes in danger.

At present time you have an Appeal No. A-1-00-1 (Bell & Aniline) This was appealed by Commissioners Wan & Dresser. This 4,000 sq. ft., 35-ft.-high single-family home, with a 180 sq. ft., lap swimming pool is on 5-acre parcel on Letz Rd. (1 block north from Widow White Creek) Is there some concern about bluff erosion on this project ?

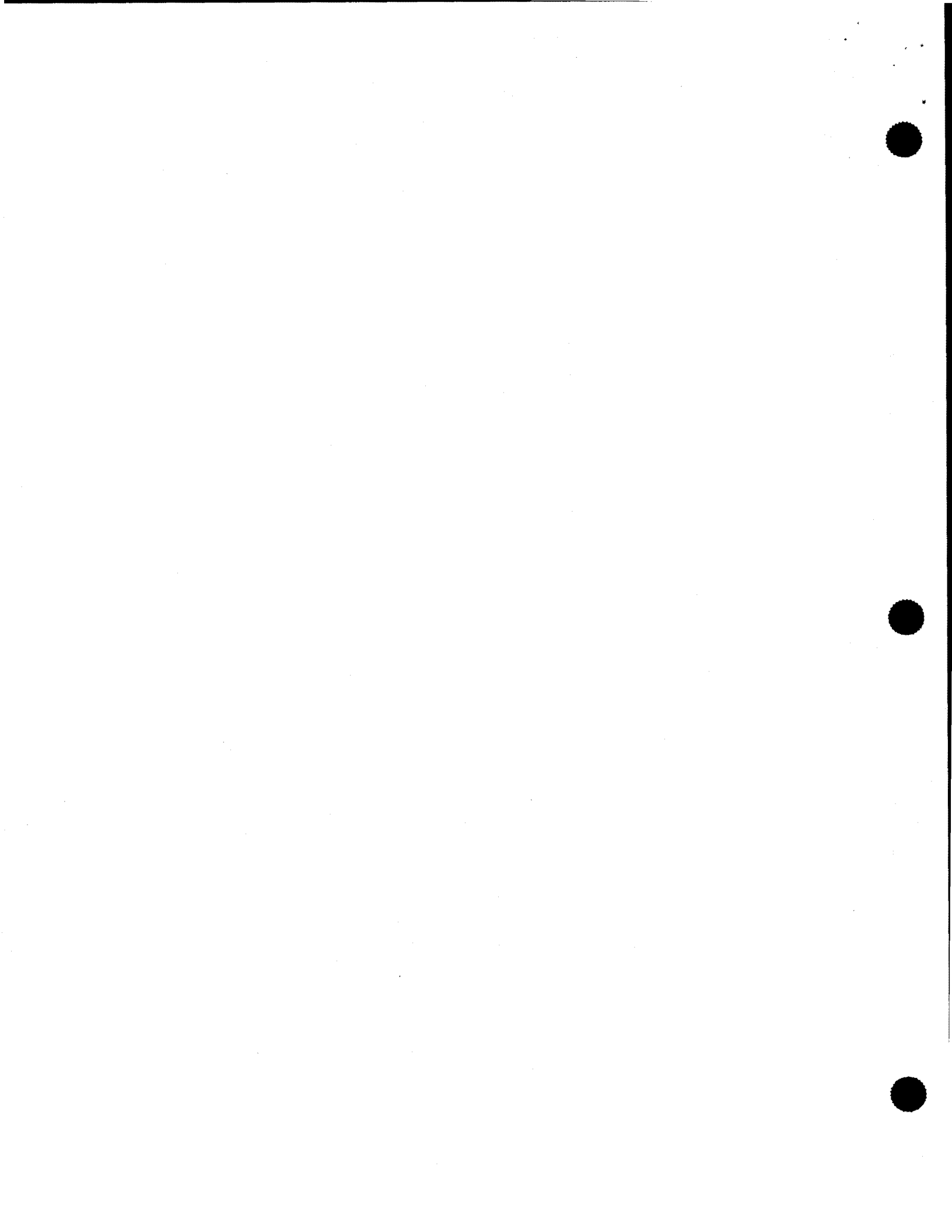
Section 30251 CA Coastal Act and Section 3.42 MAP - LCP and Section 30253 CA Coastal Act was deleted from the CDP-99-42 Received November 16, 1999 by Humboldt County Planning Commission. Why ?

The proposed 35' heights for structures and landscaping and 5,000 sq. ft. bulk are not compatible with the physical scale established by the surrounding development and therefore inconsistent with the CA Coastal Act - MAP Policy and LCP. At present there are no homes in the viewing area of this project of this stature and bulk.

As you can see from the proposed revision A map the view from Murray Rd. and going along Sand Pointe Dr. the publics view is diminished greatly. Single story homes on the bluff are less dangerous in weight and height and help to preserve the bluffs from more erosion while protecting public view.

This project has had multiple problems and we do appreciate The California Coastal Commission Staff and the Commissioners in all there endeavor to complete the Sand Pointe Subdivision Project. We respectfully request the Commission to determine this to be a SUBSTANTIAL ISSUE and proceed with a public hearing on these issues.

Sincerely,  
Patricia Hassen / Concern Citizens of McKinleyville

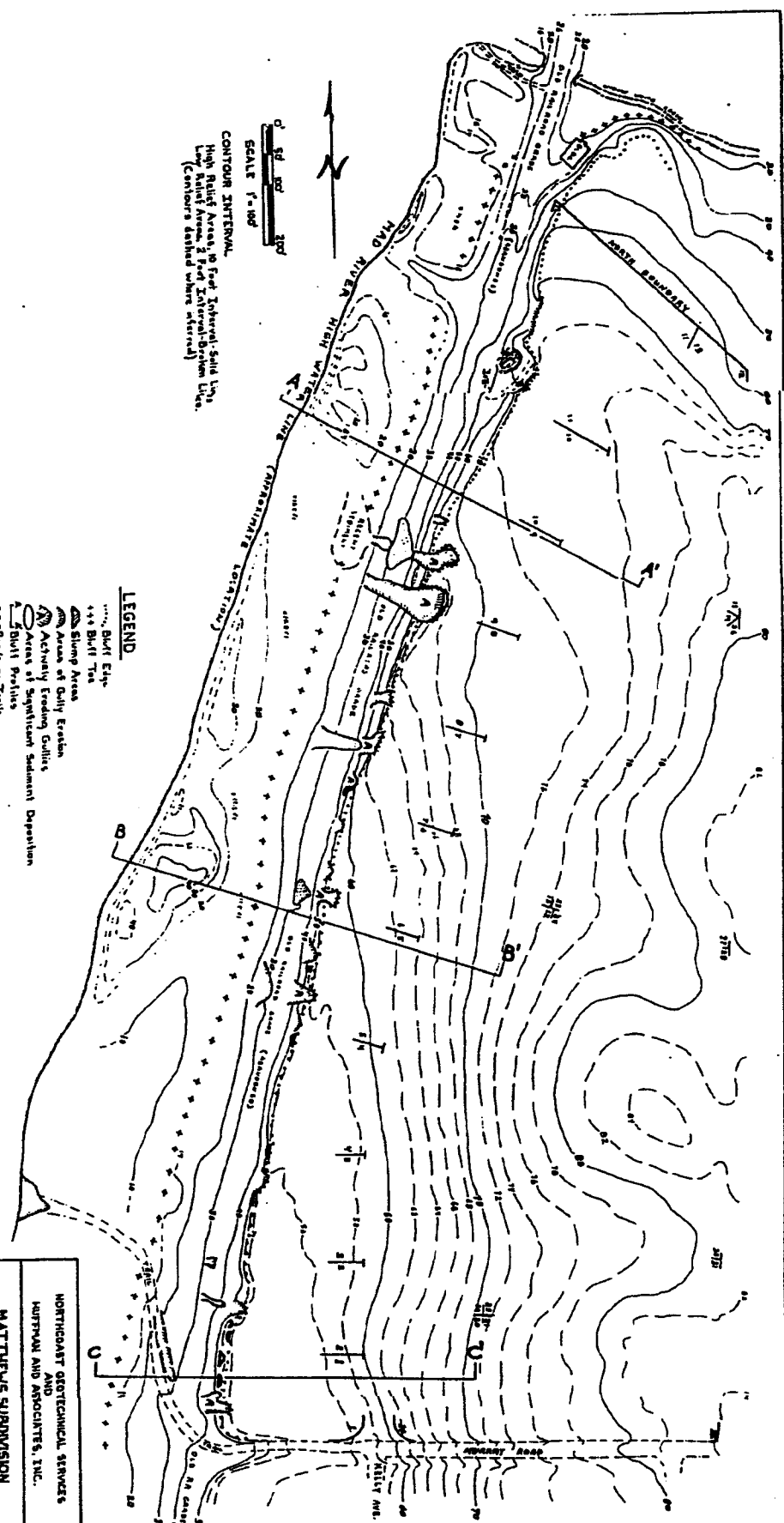


Reference Description:  
 Submittal Subdivision Plan by Otter Larson and Assoc.,  
 Erwin, Co. 6th 2nd, 3rd, 4th, 5th, 6th,  
 Enlarged Aerial Photograph, July 1979, File #.

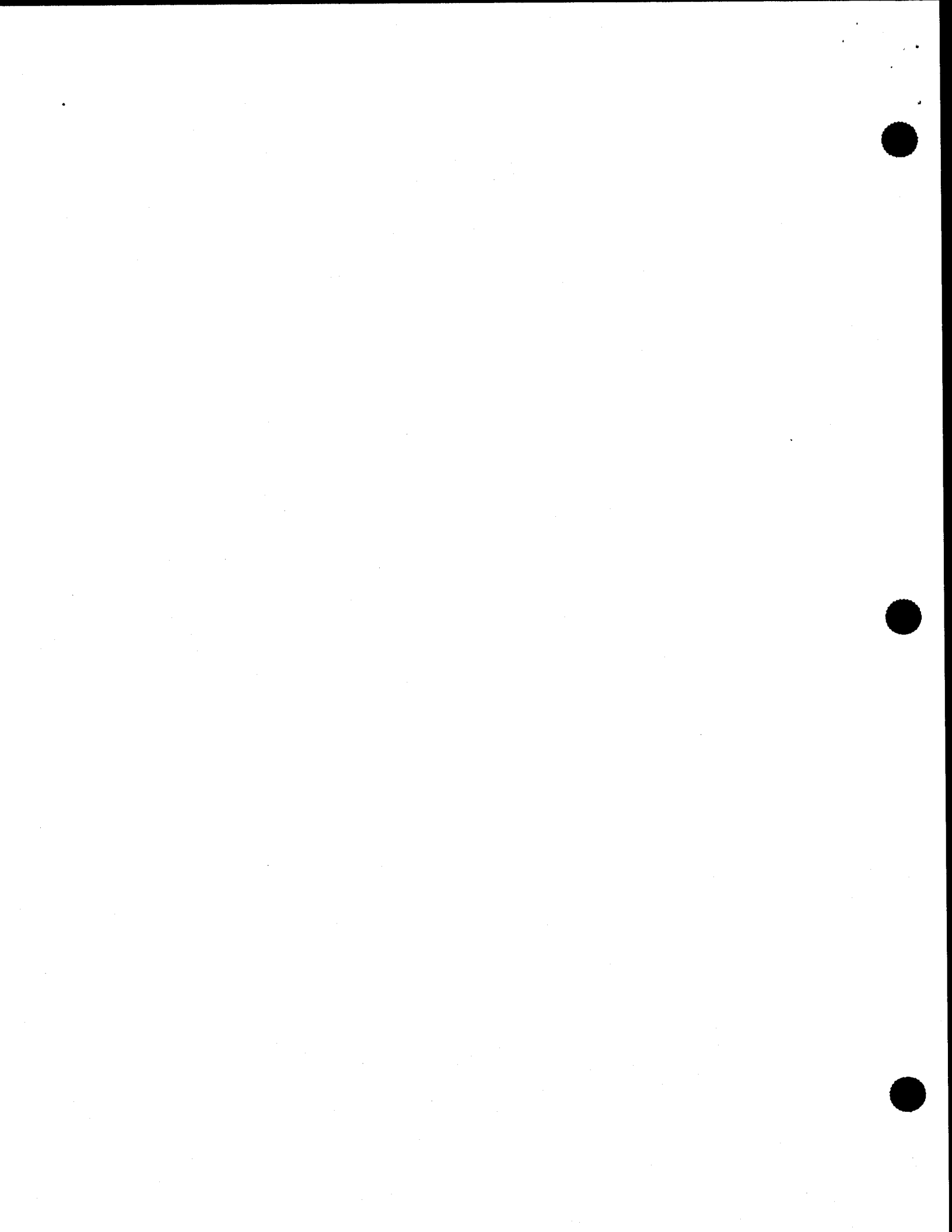
- LEGEND**
- ..... Shift Ede
  - Shift Top
  - ▲ Slump Area
  - Areas of Daily Erosion
  - Actively Eroding Gullies
  - Areas of Significant Sediment Deposition
  - Shift Profiles
  - Roads or Trails
  - ▲ Proposed Lot Lines and Numbers
- All Locations Approximately-Derived upon  
 Landmarks and Features.

CONTOUR INTERVAL:  
 High Relief Areas to Foot of Ground-Solid Line  
 Low Relief Areas to Foot of Ground-Dashed Line  
 (Contours dashed where interval)

SCALE 1" = 60'



NORTHCANT GEOTECHNICAL SERVICES  
 HURTMAN AND ASSOCIATES, INC.  
 MATTHEWS SUBDIVISION  
 FISKEVILLE, CO. AP 2003-04  
**PLAN MAP**  
 27th 2003  
 APRIL 24, 1981  
 FIGURE 1



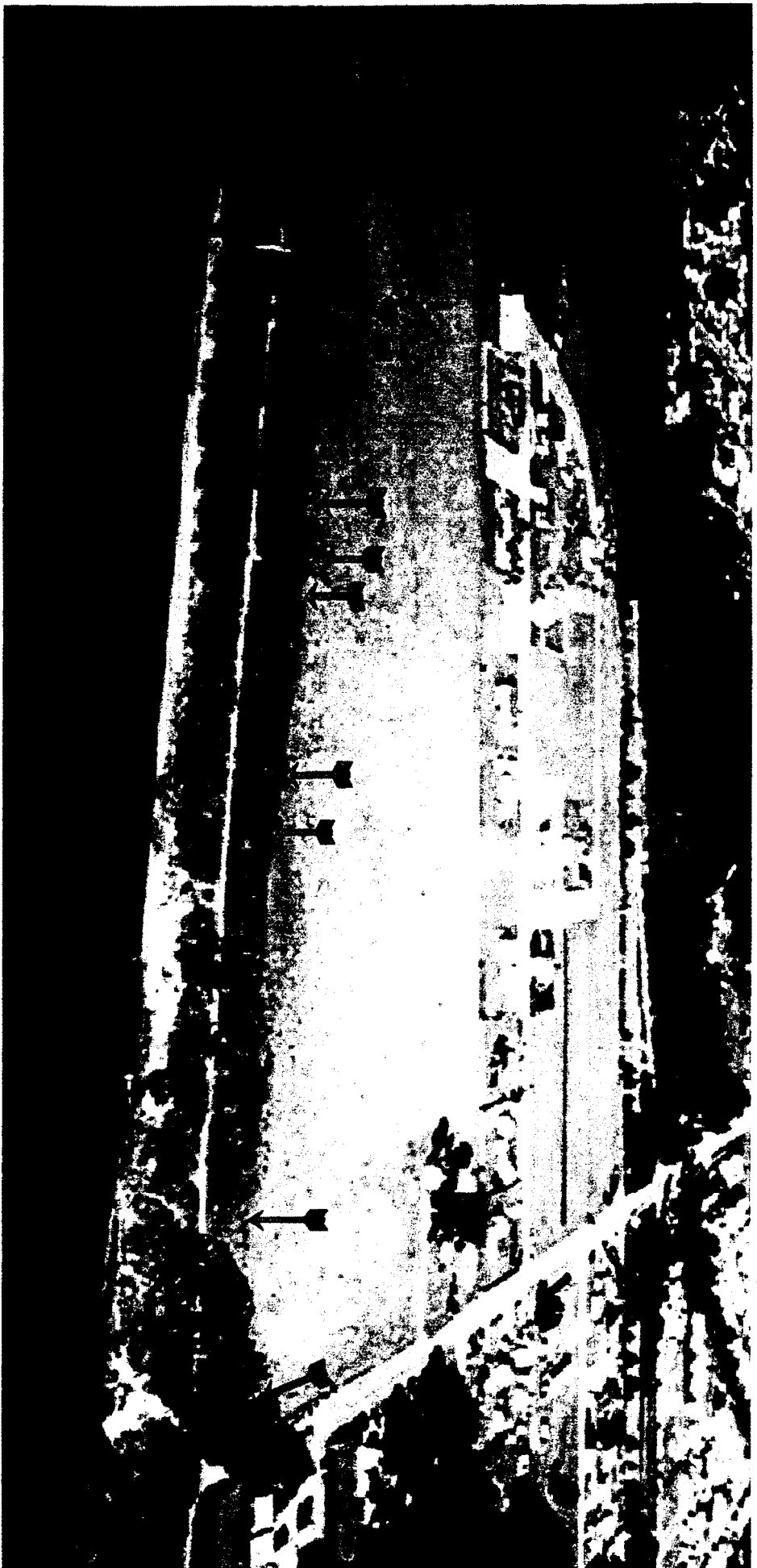
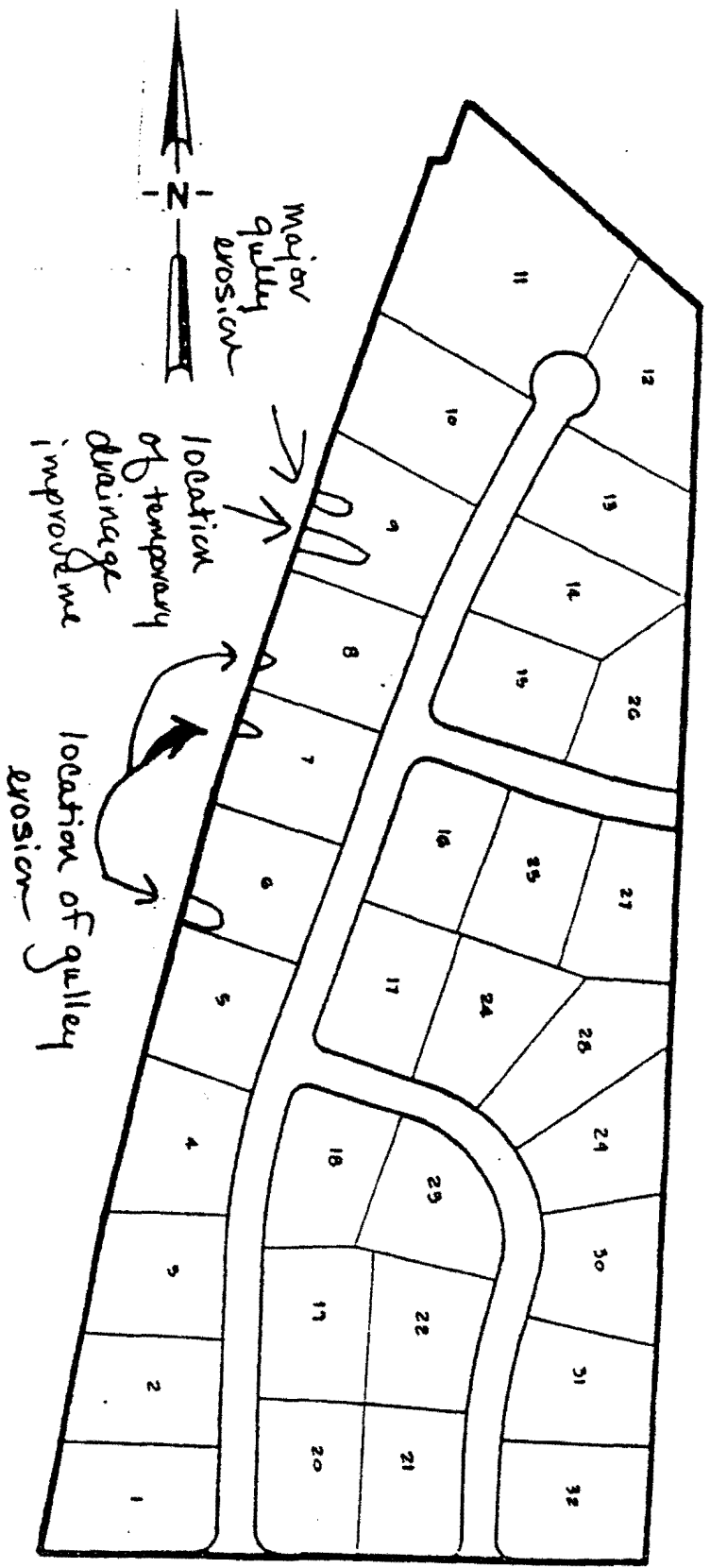


EXHIBIT I

**NOTE: Red arrows above Hammond Trail indicated point of bluff failure.**







# SUBDIVISION PLAN

PLATE

OSCAR L. [redacted] & ASSOCIATES, 1809 ALBEE ST., EUREKA, CA 95501

MARCH 12, 1996 Report

Exhibit 2



## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

Th 6a



Staff: James Muth  
 Staff Report: August 22, 1997  
 Hearing Date: Sept. 11, 1997  
 Commission Action:

STAFF REPORTDE NOVO HEARING ON APPEAL

LOCAL GOVERNMENT: Humboldt County

DECISION: Approval with Conditions

APPEAL NO.: **A-1-HUM-96-70**

APPLICANTS: **STEVE MOSER and BRIAN & CINDI HUNT**

AGENTS: MARTIN McCLELLAND and CHAD ROBERTS of Oscar Larson & Associates.

PROJECT NAME: Sand Pointe

PROJECT LOCATION: North side of Murray Road near the Mad River in McKinleyville, Humboldt County, APN 511-11-14.

PROJECT DESCRIPTION: 63-lot subdivision of a 26.5 acre site

APPELLANTS: Patricia Hassen/Concerned Citizens, Barbara Kelly/Humboldt Coastal Coalition, and Lucille Vinyard/Redwood Chapter of the Sierra Club.

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program; Humboldt County Coastal Development Permit No. CDP-39-94; Conditional Use Permit No. CUP-22-94; Major Subdivision Permit No. FMS-11-94; Rezone No. ZR-18-94; Draft Technical Report for the Humboldt County Airports Master Plan by Hodges & Shutt, dated January 25, 1985; Executive Summary of the Humboldt County Airports Master Plan by Hodges & Shutt, dated June 1980; Humboldt County Airport Land Use Compatibility Plan by Hodges & Shutt, dated March 1993; the Arcata-Eureka Airport Master Plan for Humboldt County by Hodges & Shutt, dated May 1993; Volumes I & II of the Draft EIR dated December of 1995; and the Final EIR dated March of 1996.

STAFF NOTE

On February 5, 1997, the Coastal Commission found that the appeal of Humboldt County's approval raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 13115 of the Title 14 of the California Code of Regulations. As a result, the County's approval is no longer effective, and the Commission must consider the project de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Since the proposed project is between the first public road and the sea, the applicable test for the Commission to consider is whether the development is consistent with Humboldt County's certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act. Testimony may be taken from all interested persons at the de novo hearing.

SUMMARY OF STAFF RECOMMENDATION

1. SUMMARY OF STAFF RECOMMENDATION DE NOVO: DENIAL

The staff recommends that the Commission **DENY** the coastal development permit application for the proposed project on the basis that the project is inconsistent with the County's certified LCP.

Staff believes that the project is inconsistent with LCP standards that require development to minimize risks to life and property from seismic hazards as 16 lots of the 63-lot subdivision only have a 25 to 30-foot setback from the surface trace of an earthquake fault when the LCP requires a minimum setback distance of 50 feet.

Staff also believes that the project's density is inconsistent with LCP policies regarding airport safety as the project's density is 6 to 7 times greater than the density normally allowed within an airport approach zone and the project's density has been allocated in a manner inconsistent with the LCP's seismic standards. Staff therefore recommends denial of the project.

Staff normally makes every effort to recommend approval of a project by conditioning the proposed development to make it consistent with the Coastal Act, or, in the case of appeals such as this, with the certified LCP. In this case, however, it is not possible to identify measures to mitigate the significant adverse seismic impacts of the proposed project consistent with the certified LCP without undertaking a major redesign of the proposed subdivision.

There are feasible alternatives that the applicants could explore which would mitigate significant adverse impacts consistent with certified LCP policies, such as reducing the number of lots and arraying the lots across the site differently, or by using the property's "P" (Planned Unit Development) combining zone to cluster lots together, to provide more adequate setbacks between designated building areas and earthquake faults.

## IFORNIA COASTAL COMMISSION

H COAST AREA

MONT, SUITE 2000

CO, CA 94105-2219

000000



May 13, 1997

EXHIBIT NO. 42
APPLICATION NO. A-1-Hvm-96-70
Pg 1 of 6
California Coastal Commission

Mr. Marty McClelland  
Oscar Larson and Associates  
317 Third Street, P.O. Box 3806  
Eureka, CA 95502-3806

RE: Request for Additional Information to Review the Sand Pointe  
Development Project in the McKinleyville area of Humboldt County,  
APN 511-11-14.

Dear Mr. McClelland:

As you know, the Commission acted on the appeal for the Sand Pointe Development on February 5, 1997. The Commission determined by a 3 to 6 vote that the project as approved by the County raises a substantial issue of conformance to the Humboldt County LCP. As a result, the County permit is ineffective and the Commission will be considering the project de novo.

I want to thank you for your letter of May 7, 1997 to me inquiring about the status of the above referenced project. As you know, we have had several conversations in the past where I have indicated to you that we would be requesting additional information to complete our review of the Sand Pointe Development Project. I apologize for the amount of time it took to write this letter but as I indicated in our telephone conversation on May 12, 1997, we have been identifying areas where we need additional information to determine what development can be approved, consistent with the certified LCP, and the Chapter 3 access policies of the Coastal Act.

In reference to the February 5, 1997 meeting, you indicate in your letter of May 7, 1997 that: "we were told the permit hearing would be in San Rafael in June of 1997." Although preferences for upcoming hearing dates are often requested, the scheduling of a hearing will largely depend on when you provide a complete response to the information requested.

Given that the project that the Commission will be considering de novo has come to the Commission after an appeal of a local government action, the Commission has not previously been in a position to request information from the applicants needed to determine whether the proposed project is consistent with these policies. This letter is intended to outline the information we will need from you to evaluate the consistency of the project with the LCP and the access policies of Chapter 3 of the Coastal Act, and to formulate a staff recommendation for the de novo proceeding. We also need certain other items of information to comply with certain procedural requirements.

Please provide us with the following information so that we may prepare a staff recommendation on the Sand Pointe Subdivision project.

1. Bluff Retreat Rate.

Please have a registered professional geologist or geotechnical engineer determine what is the actual or estimated rate of bluff retreat due to erosion and other factors over the next 75 years. The 1981 geotechnical report for the project does not provide usable or current bluff retreat and shoreline erosion information. The report states on page 8 that: "Minor variations of a few 10's of feet should be expected during the economic lifespan of the project." The estimated rate of bluff retreat in the geotechnical report is too vague to establish a reliable setback distance between the edge of the bluffs and the designated building site for each bluff top lot.

In determining the actual or estimated rate of bluff retreat, please:

- (a) Use a time period of 75 years as the economic lifespan of a single-family residence (instead of 50 years) to determine the appropriate setback distance between the edge of the bluffs and the designated building space for each of the 18 bluff top lots shown on the subdivision plan. The LCP does not define the number of years that constitutes the economic lifespan of a structure, but the Commission has considered 75 years to be a typical lifespan for a single-family residence in previous permit actions.
- (b) Specifically take into account the increased risk of bluff failure for those lots located near existing or former gullies, and
- (c) Specifically take into account possible movement of the mouth of the Mad River to (or a breach in the sand spit at) a location opposite the property.

Special attention should be given to those lots located near former or existing gullies or washouts along the edge of the bluffs when determining the appropriate setback between the edge of the bluffs and the designated building site for each bluff top lot. Volume II of the 1995 Draft EIR contains a 1981 geotechnical report of the property by Northcoast Geotechnical Services for Matthews Machinery Company which discusses bluff stability at the bottom of page 4. The 1981 report states that: "Five significant areas of accelerated gully erosion were noted during field examination along the edge and top of the bluff (see figure 1)." Please be advised that significant bluff failure occurred this winter on lot 11 in the nearby Knox Cove Subdivision. Lots 4 and 5 in the subdivision appear to have had bluff failure as well. The failure appears to have occurred where pre-development leveling and grading activity filled in pre-existing gullies. Since there may be physical similarities between the nature of the bluff top gullies on both properties (Knox Cove and Sand Pointe), particular attention should be paid to the setback line for those parcels located near former or existing gullies or washouts along the bluffs.

We also ask that special attention also be given to the possible migration of the mouth of the Mad River. With respect to bluff retreat hazards, the Preliminary R-1 Geologic and Geotechnical Report for the project states on page 8 that it would be "highly unlikely" and an "unprecedented and unexpected event" if the current location of the mouth of the Mad River were to migrate

south by one mile so that river mouth is opposite the Sand Pointe property, or if a breach in the sandy spit that separates the river from the ocean were to occur opposite the Sand Pointe property.

However, under a discussion of the effects of the Mad River on page 5 of the 1981 geotechnical report for the property, the report indicates that the mouth of the Mad River migrated past the Sand Pointe property sometime during 1972 or 1973. Among other things, the 1981 geotechnical report concludes on page 6 that:

"Historic data indicate that the river has migrated and retreated along a path parallel to the bluff since prior to 1870, apparently in response to natural dynamics of river and ocean hydraulics."

This evidence suggests that the mouth of the river could be located opposite the property again in the future, perhaps in the near future due to the rapid rate at which the mouth of the river appears to migrate. The impact of such an occurrence could be very significant as it would subject the bank to wave erosion from the ocean and it could result in a very high rate of river bank erosion and bluff retreat over a short period of time.

Our request for current bluff retreat rate information is required by the following LCP policies:

McKinleyville Area LUP Policy 3.28(C)(3) requires in applicable part that: "developments permitted in the hazard areas shall be sited and designed to assure stability and structural integrity for their expected economic lifespans..."

*(4/17/2000)*  
*NOTE: AS OF THIS DATE THE MAD RIVER MOUTH IS BACK TO HILLER RD.*  
*WHERE IT BEGAN MOVING IN 1982.*  
*AT HIGH TIDE WAVES NOW REACH BACK TO WIDOW WHITE CREEK RIGHT*  
*AT THE SAND POINTE SUBDIVISION.*





## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA  
 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260



July 11, 1997

Martin G. McClelland, Operations Manager  
 Oscar Larson and Associates  
 317 Third Street  
 P.O. Box 3806  
 Eureka, CA 95502

EXHIBIT NO. 43
APPLICATION NO. A-1-HUM-96-70
Pg 1 OF 6
California Coastal Commission

RE: Coastal Development Permit Application No. A-1-HUM-96-70, Sand Pointe Development.

Dear Mr. McClelland:

Thank you for your letter of June 9, 1997 and the accompanying information noted as Attachments A through E that you submitted for the above-referenced permit application. We have completed our review of the submitted information and we find that the information satisfies the requests in our May 13, 1997 letter for more information regarding fault hazard setbacks, the value of the 67.27-acre parcel, the maximum density exception basis, the legal ability of the applicants to implement the project, and the declaration of the agents (items 2-5 of the May 13th letter).

As discussed below, however, we have several follow-up or clarifying questions concerning the geologic information submitted in response to item 1 of our May 13, 1997 letter, regarding bluff retreat rates and related bluff setbacks.

1. Verification that the two filled gullies on the bluff edge are now stabilized.

In our May letter's request for bluff retreat rate information, we had asked that in establishing the bluff retreat rate, special consideration be given to bluff retreat in those areas where gullies exist, since the rate of retreat might be greater in those areas. The SHN letter dated June 10, 1997 that you submitted states on page three, last paragraph, that: "The two worst gullies on the bluff edge (of the 5 referenced in the 1981 NGS report) were stabilized by filling with rocky clayey soil prior to construction of the Hammond Trail." The letter explains on page four, first paragraph, that the two stabilized gullies accommodated concentrated runoff during the intense storm of "New Year's" 1997 without significant erosion and that the trail below these gullies shows no evidence of erosion or measurable sediment deposition. The implication is that there is no greater bluff retreat hazard around the gullies than elsewhere along the bluff.

We appreciate SHN's observations that the two gullies that were filled did not fail during the New Years day storm. However, the fact that the recently placed fill did not fail during one storm event does not necessarily demonstrate by itself that the erosion of the gullies has been stabilized and that no greater bluff retreat hazard exists around the gullies. Please provide any additional verification you can that the two filled gullies on the Sand Pointe property are now stabilized. For example, were engineered plans prepared, and appropriate permits obtained, prior to the gully stabilization work? If there are plans, do they have an engineer's stamp? Is there any documentation that the rocky clayey soil was a suitable use of fill material for these gullies and that the fill material was adequately layered and compacted?

2. Clarification of discrepancy in the smallest of the bluff top setback distances between what is stated in the draft & final EIR's and shown on the tentative map for the proposed subdivision.

Volume 1 of the draft EIR is dated December, 1995. On page 3-9, the draft EIR states in applicable part:

In addition to avoiding the Mad River Fault trace, the project design has incorporated the consulting geologist's recommendations regarding setbacks from the existing bluff margin, together with other recommendations (such as avoiding discharging concentrated irrigation or runoff in the vicinity of the bluff setback, which ranges in width between 20 and 45 feet...).

The final EIR is dated March, 1996. At the bottom of page F-1-7 and the top of page F-1-8, the final EIR states in applicable part that: "The R-1 Report established setbacks along the bluff margin of the project site.... The width of the setback...ranges between 25 and 40 feet from the current bluff margin...."

The tentative map plan for the proposed subdivision is at a scale of 1" = 60. The map was last revised 8/8/95. The map indicates that the width of the bluff top setback ranges between 10 and 43 feet from the current bluff margin.

Of the three sources of information indicated above (i.e. the draft EIR, the final EIR, and the tentative map), the largest setback distances are approximately the same (i.e. 45 feet in the draft EIR, 40 feet in the final EIR, and 43 feet on the tentative map). However, there is a significant discrepancy between the smallest of the setback distances which should be explained (i.e. 20 feet in the draft EIR, 25 feet in the final EIR, and only 10 feet on the tentative map). In providing an explanation regarding the discrepancy between the smallest of the bluff top setback distances, please clarify which source for the bluff top setback distances is most correct and may be relied upon.

3. Clarification of the discrepancy between the bluff top retreat rate and the recommended bluff top setback distances indicated in the SHN letter, the final & draft EIR's, and the tentative map for the proposed subdivision.



**Oscar Larson & Associates**  
Consulting Engineers • Land Surveyors

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AUG 13 1997

CALIFORNIA  
COASTAL COMMISSION


317 Third Street • P.O. Box 3806 • Eureka • CA 95502 • (707) 445-2043 • FAX (707) 445-8230 • e-mail: olarson@northcoast.com

Mr Jim Muth  
North Coast Area  
California Coastal Commission  
45 Fremont Street Suite 2000  
San Francisco CA 94105-2219

Reply to: OL:08067:MGM:6357

6 August 1997

Subject: CDP No. A-1-HUM-96-70  
Sand Pointe Development  
Response to CCC Letter of 11 July 1997

<b>EXHIBIT NO. 48</b>
APPLICATION NO. A-1-HUM-96-70
Pg 1 of 2
 California Coastal Commission

Dear Mr. Muth:

The purpose of this letter is to forward to you answers to the questions contained in your 11 July 1997 letter concerning the geologic information previously provided.

Enclosed please find a letter dated 5 August 1997, prepared by Roland Johnson, C.E.G. of SHN Consulting Engineers and Geologists. Also enclosed is a letter dated 16 July 1997 prepared by Dr. Chad Roberts of our office, subject: Migration of Mad River Mouth.

In addition to the information provided in the enclosures, the following is offered:

Item 1 - Filled Gullies. As indicated in my phone conversation with you on 15 July 1997, it is our understanding that the gullies were filled using a Coastal Development Permit issued to the County of Humboldt for the Hammond Trail (approximately 1979). The actual work was performed by, and/or under the supervision or, control of the Redwood Community Action Agency. You may wish to discuss this with Don Tuttle, Natural Resources Director of the County's Department of Public Works.

It is our understanding that, before the RCAA construction, the filling of the gullies was also a component of a separate Coastal Development Permit application submitted to the North Coast Regional Coastal Commission (we believe in the early 1980s) by Mark Rynearson, Al Hartman, or Matthews Machinery Company. The application was placed on the Commission's agenda; however, it was pulled by the applicant because he/they did not agree with the staff recommendation to impose an offsite public access easement on other parcels also owned by the applicant. A copy of the permit information probably resides in your records.

Item 2 - "Discrepancy" in Bluff Top Setback. Prior to the preparation of the tentative map, we first had our surveyors identify the location of the bluff top edge. This was done by taking approximately a dozen spot locations and plotting the result. We did not identify every location along the entire length of the bluff because it would have required substantial vegetation removal, and was in any event unnecessary for mapping the edge.

Mr Jim Muth  
North Coast Area  
California Coastal Commission  
6 August 1997  
Page 2

The project geologist was subsequently asked to identify the location of his recommended bluff setback line "on the ground." This was done through the placement of metal fence posts at various locations along the setback line. The line of posts was subsequently surveyed with the results plotted and shown on the tentative map. Various references to the width of the setback reflect various estimates of the distances between this line and the bluff edge line above. All of the descriptions, however, have referred to this same project setback feature, regardless of how it was described.

Mr. Johnson's letter to you (enclosed) indicates, in part, his opinion that you have not followed standard professional practices in determining your "worst case" bluff setback distance.

Your "determination" is then seen (by you) as a discrepancy with the setback line shown on the tentative map.

We have spoken with the applicants about your "perceptual" problem. They are willing to accept a minimum required setback distance equal to the larger: (i) eighteen (18) feet from the "bluff top edge," as it is shown on the tentative map; or (ii) the bluff setback line delineated by the geologist.

Item 3. See SHN letter, page 2.

Item 4. See SHN letter, page 2.

Item 5. See SHN letter, page 3, and Chad Roberts letter.

Please let me know if there is any other answers you may need to assist you in your efforts concerning this project.

Sincerely,

OSCAR LARSON & ASSOCIATES

  
Martin G. McClelland  
Operations Manager

MGM:ikmy

Encl.

copy: Steve Moser (w/Encl.)  
Brian and Cindi Hunt  
Jim Baskin (w/Encl.)  
John Feeney, Esq. (w/Encl.)

Proposed Subdivision: A

STN

511-01-05

0 30 60 120 180  
SCALE: 1 inch = 60 feet

APPLICANT'S OFFER OF IN-FEE DEDICATION TO THE COUNTY OF HAMBOLDT (67.57 ACRES) FOR PUBLIC ACCESS, OPEN SPACE, AND VISUAL RESOURCE PROTECTION!

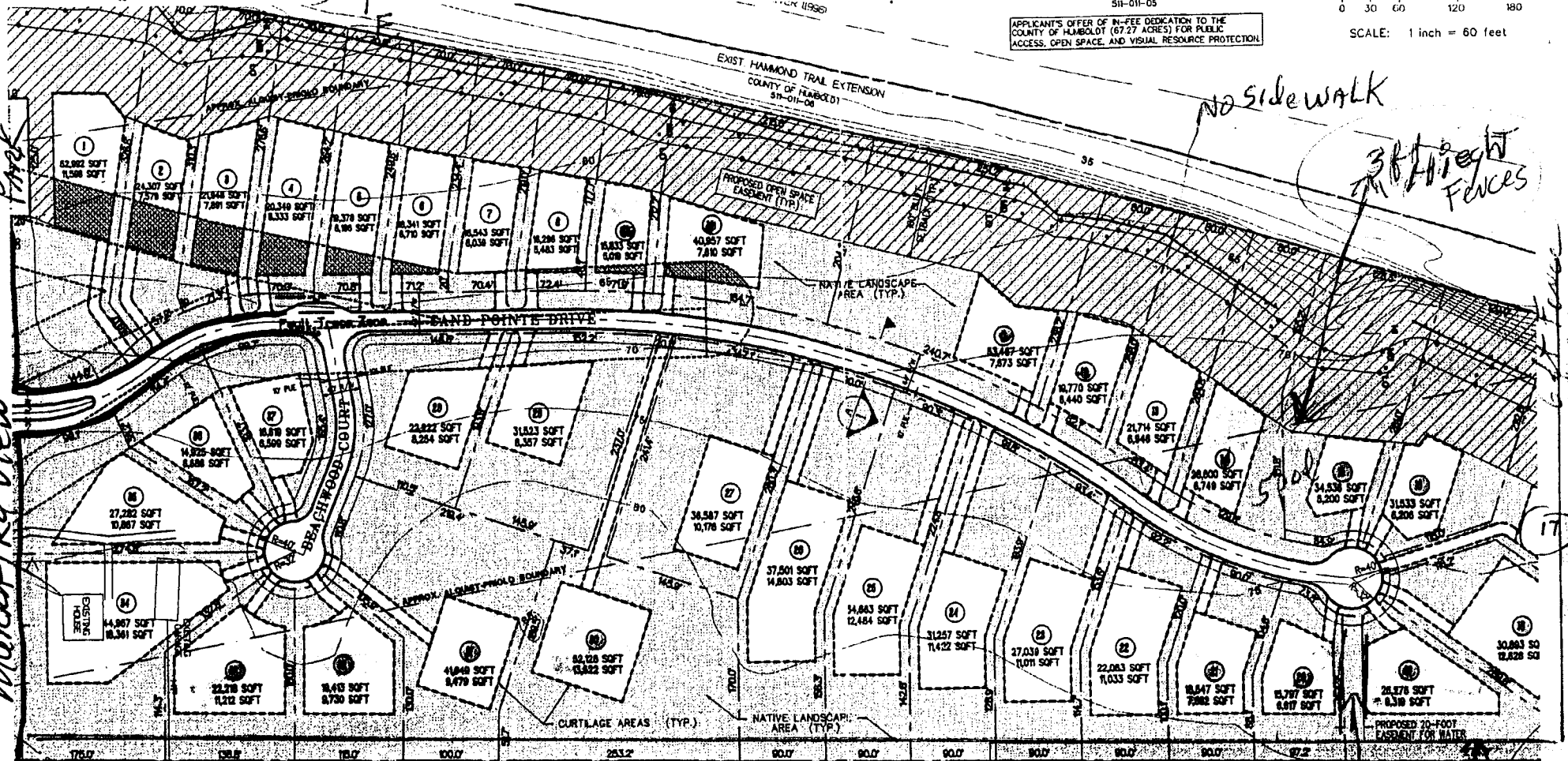
Prop

NO SIDEWALK

3ft Height Fences

Murphy Rd View

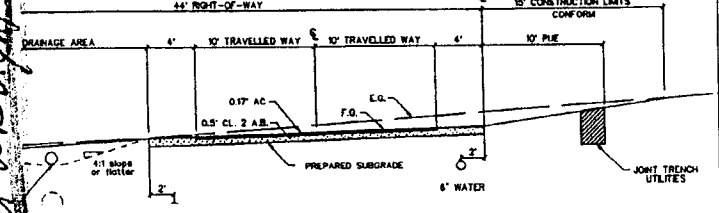
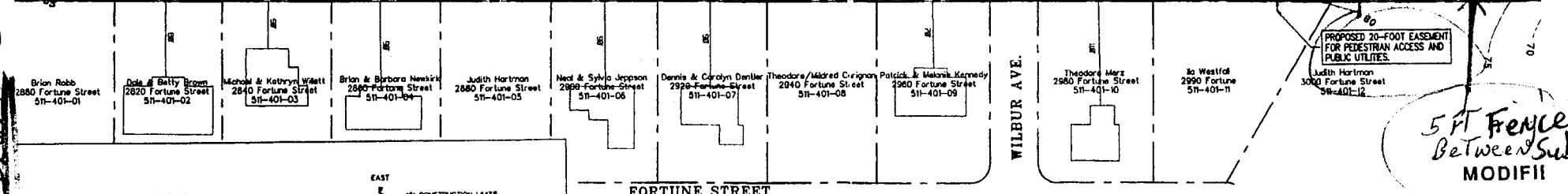
View to the East



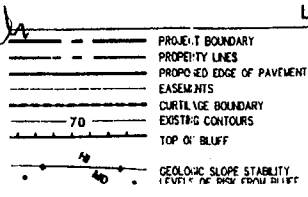
5ft wood post Iron Fence

PROPOSED 20-FOOT EASEMENT FOR PEDESTRIAN ACCESS AND PUBLIC UTILITIES.

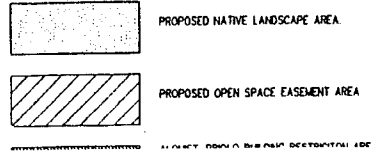
5ft Fence Between Subd MODIFI



wants Subdivision like Sea Ranch



LEGEND



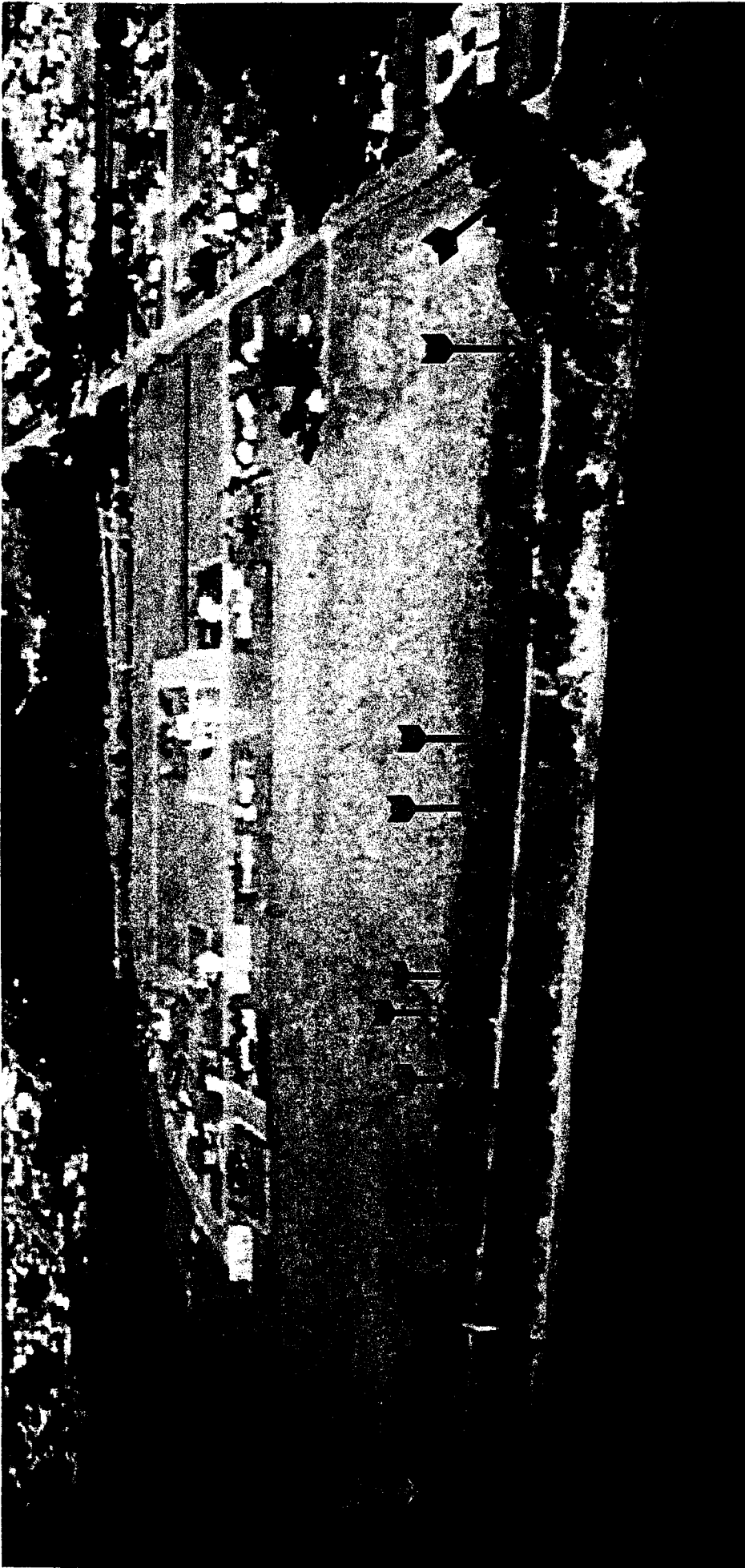
S PLANN

MAJOR SUB CASE NOS. 2R-1

DEVELOPER: STEVE I



21 @ 23 ft  
16 @ 35 ft



**NOTE: Red arrows above Hammond Trail indicated point of bluff failure.**



**SIERRA CLUB  
REDWOOD CHAPTER  
NORTH GROUP**  
Post Office Box 238  
Arcata, California 95518

April 14, 2000

California Coastal Commission  
North Coast District Office  
710 E Street, Suite 2000  
Eureka, CA 95501

Attention: Tiffany S. Tauber, Coastal Planner

Re: Commission Appeal No. A-1-HUM-00-016  
Local Permit No. CDP-99-42  
Applicant(s): Moser Realty, Attn: Steve Moser

Members of the Commission:

The North Group, Redwood Chapter, Sierra Club regrets that it is not a major participant in this appeal, which is due to lack of information being received in time when the revised project came before the Humboldt County Planning Commission.

However, at this point, the Sierra Club is in full support of the appeal being presented by the Concerned Citizens of McKinleyville for all the reasons stated in the appeal prepared by Patricia Hassen.

Those reasons include:

Obstruction of coastal views to the public from public roads, namely Murray Road and the proposed Sand Pointe Drive.

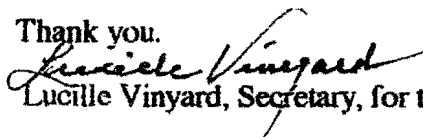
The bulk (weight) and height of proposed 35 ft. structures on the first row of lots at the 100 ft. setback from the bluff. The well documented material already in the Commission's records from past coastal development proposals in this area show that erosion of the coastal bluffs has, and will inevitably continue to pose a threat to any development and the safety of its occupants.

The other issue is "character" of the area, where neighboring residential building has adhered to lower heights. In our view 35 ft. residences are out of character and not advisable for Sand Pointe.

We feel the Coastal Act would be violated by allowing blockage of ocean views for the public if 35 ft. structures on the westernmost lots become a reality. We believe it would be far more acceptable to the community if all structures throughout the development were kept to 23 ft. or less.

We hope the Commission will consider our views and find substantial issue in order to proceed with a de novo hearing.

Thank you.

  
Lucille Vinyard, Secretary, for the Executive Committee

California Coastal Commission:

4/12/00

As residents of McKinleyville, living near the proposed Sand Point Subdivision, we are very alarmed that the following is being ignored in the proposed Sand Point Subdivision:

California Coastal Act of 1976-January 1994  
section 30251  
(pg. 46) Article 6-development

Please note that Sand Point's proposed houses and their 35 ft height will directly violate this sections intent, which says "Permitted development shall be sited and designed to protect view to and along the ocean and scenic coastal areas....and to be visually compatible with the character of the surrounding area...." The proposed sites and height will eliminate the ability of the general public to walk along Murray Rd and view Trinidad Head and it's rocks. The only view possible for the public will be directly ahead. We strongly urge you to consider spacing the sites so the public can at least still have a glimpse of Trinidad Head. Limiting the height would also help considerably.

Humboldt County General Plan VolumeII McKinleyville Area Plan-Local Coastal Plan-Oct. 1989  
Section 3.42/30253 Chp. 3 pg. 35 C (1)  
Visual Resources Protection

This section states that Generally, no development shall be approved which is not designed in harmony with the "Physical scale" of surrounding developments or is not "Visually compatible" with the surrounding area.

Please note that the Sand Point houses will be much taller than any other houses visible by the general public walking along Murray Rd and allows them to be almost twice the size of the already existing houses along Murray Rd. The size and spacing of these existing homes at least allows the public glimpses of the ocean between the houses. Sand Point will not give anyone a glimpse of the ocean at all.

Please also note that slippage and erosion has already occurred in developments directly North and South of Sand Point (Knox Cove to the South and Letz Lane to the North). The homeowners involved have appealed to Humboldt County for assistance. By allowing Sand Point to develop at the edge of such unstable ground, it will perpetuate this ongoing problem that could result in a costly lawsuit for both the County of Humboldt and State of California.

We do not ask that all development of Sand Point be halted. We believe Mr. Moser has legal right to develop this property, however Sand Point should not be allowed to completely impede the public view of Trinidad Head. To do so does a disservice to all of us that rely on the Coastal Commission to protect the value of our "visual resources". Please do not let the public lose the view of Trinidad Head from Murray Rd.

RECEIVED

APR 17 2000

CALIFORNIA  
COASTAL COMMISSION

Sincerely,

Brian & Sarah Robb  
2800 FORTUNE ST.  
McKinleyville, CA  
95519



RECEIVED

APR 17 2000

CALIFORNIA  
COASTAL COMMISSION

April 13, 2000

attention: Tiffany S. Tauber,

RE - Commission Appeal # A-1-HUM-00-016

It has been brought to our attention about the new plans to build homes on the Sand Pointe Subdivision. We oppose building of homes in this <sup>proposed</sup> area. We feel the land in this area is not strong <sup>or</sup> <sup>stable</sup> enough to support the proposed homes. Also there is an Earthquake fault in this area.

We recently built a new home on Lot 21 of Pacific Sunset Division. We most assuredly would not even consider building so close to the ocean. I can imagine what kind of Insurance one could get to protect the homes with this sort of circumstance.

Our vote on this is a strong no!!

Thanks

Opal Schueler, Wes Schueler  
4845 Fortune ST.

California Coastal Commission  
North Coast District Office  
710 E Street Suite 200  
Eureka Ca 95501

April 14, 2000

RE: Commission Appeal No. A-1-HUM-00-016  
Local Permit # CDP-99-42

I have lived on APN 511-401-02 for over ten years and will state up front that I do not object to the development of the Sand Pointe Subdivision in principal. However I do have two major concerns as follows;

1. As a past chair of the Humboldt County Planning Commission, I considered my major responsibility to be to protect the interest of future owners of the property under review. In this case there were major land fills on the bluff of the Sand Pointe Subdivision. I did not document the event but during the summer of 1993 or 1994 there was many dozens of truck loads of fill in several gullies. I was told at the time the fill material came from the clean out of silt and wetland vegetation along US 101 north of Eureka.

I am sure that you are aware that a coastal property just a few hundred yarda south of Sand Pointe lost 35 to 40 feet from their yard in one winter night. The old timers here tell me that land was filled about 20 years ago.

2. A review of the proposed plat map for Sand Pointe raises my concern as an adjacent property owner, that the proposed thirty five foot tall houses would essentially block the ocean view of most homes in the Pacific Sunset Subdivision, thereby causing substancial value reduction to our property.

I consider these concerns to be a substancial issue to this proposed development.

Sincerely,

*Dale Brown*

Dale Brown  
2820 Fortune  
McKinleyville, Ca 95519  
707-839-3876

RECEIVED  
APR 17 2000

CALIFORNIA  
COASTAL COMMISSION

April 15, 2000

California Coastal Commissioners  
North Coast District Office  
710 'E' St. Suite 200  
Eureka, Ca 95501

RECEIVED  
APR 13 2000  
CALIFORNIA  
COASTAL COMMISSION

RE: Commission Appeal No. A-1-HUM-00-016

Dear Commissioners,

We are home owners at 2999 Springer in the Pacific Sunset Subdivision, McKinleyville, CA. We strongly support keeping the proposed building height in the Sand Point Subdivision, McKinleyville, CA below 35 feet. The reasons for concern include: accelerated erosion of a very sensitive piece of coastline and blockage of public ocean views.

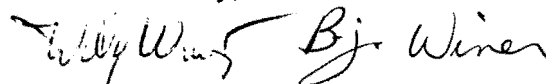
We have personal experience with the erosion problem in this area. We resided in a single story residence at 3312 Letz Ave., McKinleyville, CA., from September of 1998 through November 1999. During this fourteen month period we experienced severe erosion on that property. The bank literally fell away, losing up to 90 feet of horizontal bluff toward the ocean and another 180 feet across the width of the lot. Trees and foliage literally disappeared. The back yard to the west began to slant and settle. Most of the interior doors of the home were unable to close properly due to the settling; large cracks appeared in the cement slab of the garage and cracks occurred in the tile grout lines of the bathroom.

The properties on Letz Ave., are directly adjacent to the same stretches of coastline as the proposed Sand Point Subdivision. These same erosion problems are to be anticipated at Sand Point. In addition to the hazardous erosion, Section 30253 of the California Coast Act sites landfills and blow outs in this area.

Not only does the height and weight ration of a residence need to be carefully considered but also the additional run off of water will be a definite negative impact on the Sand Point Subdivision. It also seems that proposed building height should be congruent with the precedence previously set in the neighborhood.

We urge you to consider the various issues discussed as they effect more than just the Sand Point Subdivision. As conscientious neighbors we are concerned about the long term safety and health of our homes and the coastline.

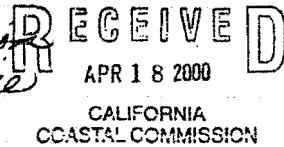
Sincerely,



Willy and Bj Winer  
PO Box 578  
Trinidad, CA 95570

April 16, 2000

California Coastal Commission  
North Coast District Office



Dear Sirs:

We wish to register our concerns about the Sand Pointe Development that is proposed at the foot of Murray Rd. in McKinleyville, California.

We feel that they would block the public view from Murray Rd. Murray Rd. is a commonly used walking, and parking area that the public uses to access the Hammond Trail, or just to view the incredible view while sitting in their cars. The ocean view would also be blocked as one uses the Sand Pointe Drive itself.

The height, 35ft., and size of houses up to 5,000 sq. ft., is also a concern, due to the fragile nature areas close to the bluff. The ocean often causes unpredicted changes in shorelines, as we have seen in many cliff-side settings. These same heights and square footages, are not consistent with the existing development in the area as would be required by Humboldt County General Plan, Volume II McKinleyville Area Plan - Local Coastal Plan - Oct. 1989 Sec. 3.42 30253 Chgs. 17.35c

(707)  
839-5747

Thank you for hearing our concerns -  
We are -

James & Frances Remington  
2930 Spruance Dr. McKinleyville, Calif. 95519

Theodore P. Merz  
2988 Fortune Street  
McKinleyville, CA 95519  
April 18, 2000

California Coastal Commission  
North Coast District Office  
710 E Street, Suite 200  
Eureka, CA 95501

RECEIVED  
APR 20 2000  
CALIFORNIA  
COASTAL COMMISSION

Attn: Tiffany S. Tauber, Coastal Planner

RE: Commission Appeal No. A-1-HUM-00-016

Local Permit No.: CDP-99-42

Applicant: Steve Moser

Commissioners:

I am writing this letter to support the appeal of Pat Hassen (Concerned Citizens of McKinleyville) in regard to structure height and bulk limits for the Sand Pointe subdivision. My reason for this support is that at the Coastal Commission Meeting, July 8, 1998, where approval was given with conditions, the subject of structure height and bulk was not addressed.

After public testimony, the Commissioners began their discussion and made motions to impose several conditions. When the gate had been removed, when RV parking had been removed, when all street lighting had been removed, when the total number of lots had been reduced from 58 to 37 with a 100-ft bluff setback, Commissioner Nancy Flemming asked Mr. Moser if, at 37 lots, he still had a financially feasible project. His reply was a definite no. As anyone who was there or has since heard the tapes or read the transcript can attest to, the result of Commissioner Flemming's timely question and Mr. Moser's obviously untruthful answer was to cease discussion on any additional conditions. Structure height and bulk limits were among the several additional items that were brought before the Commission and not addressed. It is my opinion that this happened as a result of the aforementioned maneuver and not because of a lack of interest on the Commission's part.

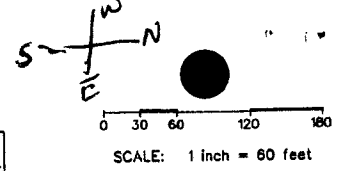
I trust that the Coastal Commission will declare this appeal to have substantial issue and have a public hearing on the topic of structure height and bulk. I would also hope that any public hearing on this issue would be on a future date at a Northern California location. My personal recommendation at this time is a maximum structure height of 23-ft for the entire subdivision with a maximum north-south structure dimension of 60-ft. Such conditions would satisfy all current county and coastal regulations and guarantee coastal views for all who come to enjoy them.

I thank you for your attention.

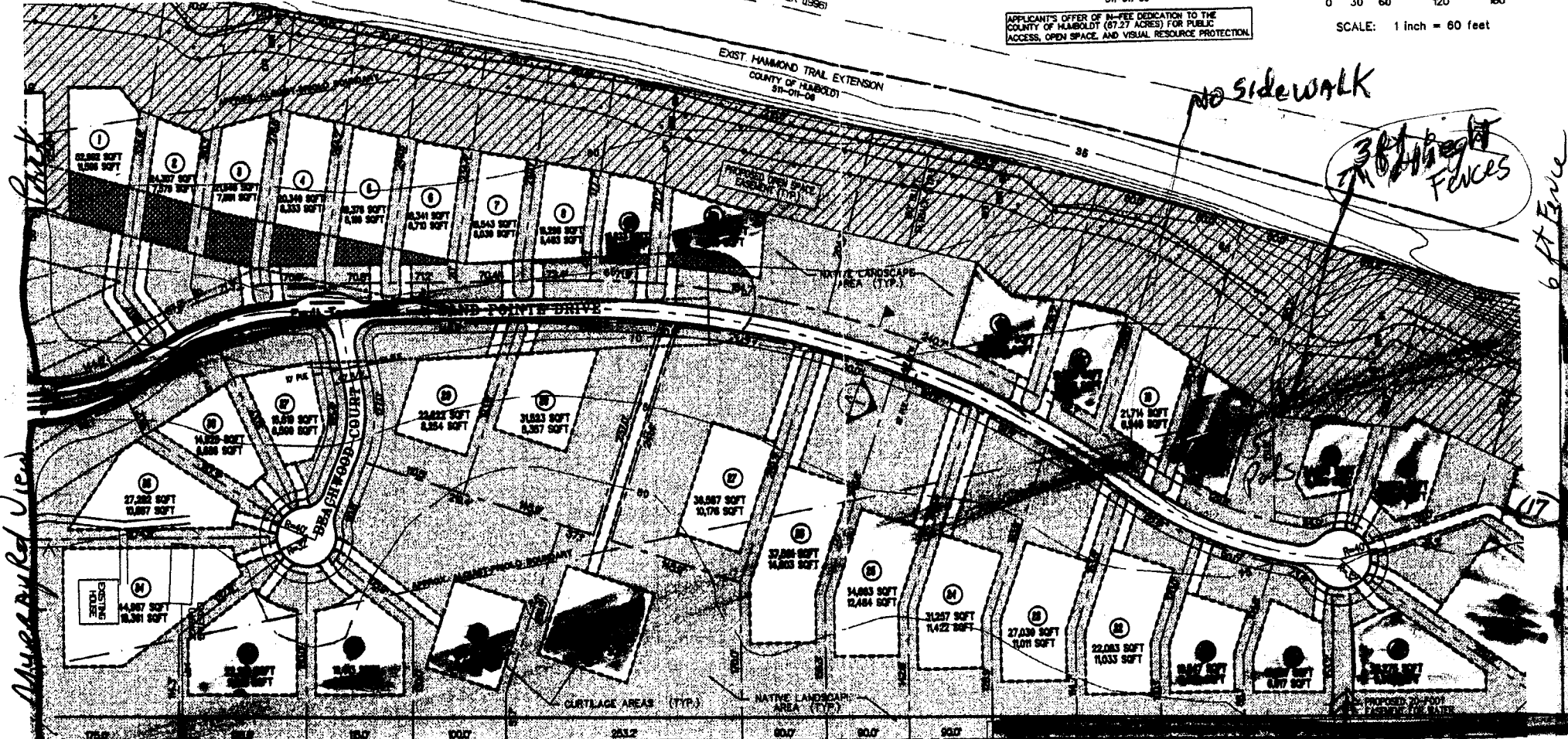
  
Theodore P. Merz



# Proposed P-UDistrict



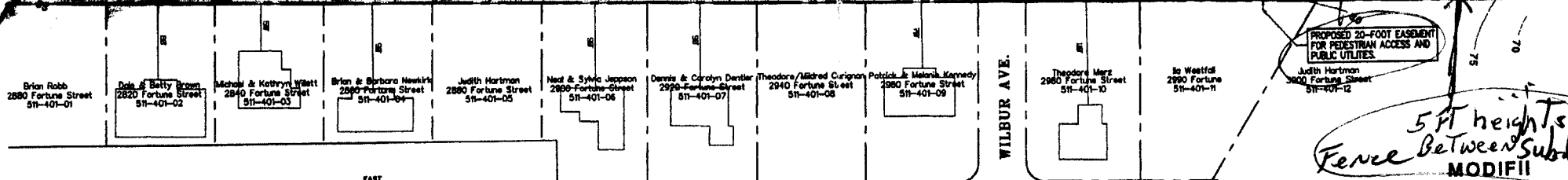
511-011-05  
 APPLICANT'S OFFER OF IN-FEE DEDICATION TO THE COUNTY OF HUMBOLDT (57.27 ACRES) FOR PUBLIC ACCESS, OPEN SPACE, AND VISUAL RESOURCE PROTECTION.



Muirwood View Road

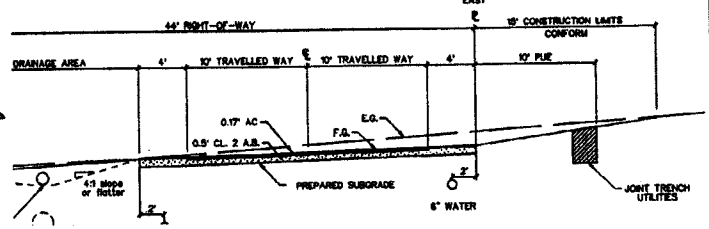
NO sidewalk  
 3ft height fences

6ft Fence



PROPOSED 20-FOOT EASEMENT FOR PEDESTRIAN ACCESS AND PUBLIC UTILITIES.  
 Judith Hartman  
 2800 Fortune Street  
 511-401-12

5ft heights Fence between Subd MODIF II



wants subdivision like Sea Ranch

**LEGEND**

	PROJECT BOUNDARY		PROPOSED NATIVE LANDSCAPE AREA.
	PROPERTY LINES		PROPOSED OPEN SPACE EASEMENT AREA
	PROPOSED EDGE OF PAVEMENT		
	EASEMENTS		
	CURLTAGE BOUNDARY		
	EXISTING CONTOURS		
	TOP OF BLUFF		
	GEOLOGIC SLOPE STABILITY (FROM 1% TO 5% FORM 15:1)		

S  
 PLANN  
 MAJOR SUB  
 CASE NOS. ZR-1  
 DEVELOPER: STEVE I



2 @ 2300  
 16 @ 3500

5ft height Iron Fence







**NOTE: Red arrows above Hammond Trail indicated point of bluff failure.**

