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 Staff Report: June 20, 2003
 Hearing Date: July 10, 2003
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-03-011**

APPLICANT: **LINDA JOYCE**

AGENT: Oscar Larson & Associates

PROJECT LOCATION: On the east side of Victor Boulevard, adjacent to Humboldt Bay, in the Manila area, Humboldt County (APN 400-113-003)

PROJECT DESCRIPTION: Construction of a two-story, 2,200-square-foot single-family residence (1,500-square-foot footprint), a 480-square-foot attached garage, 12-foot-wide gravel driveway, and septic interceptor tank.

GENERAL PLAN DESIGNATION: Residential Single Family with Manufactured Home and Archaeological combining zones (RS-5-M/A)

ZONING DESIGNATION: Residential/ Low Density (RL), 3-7 units per acre

LOCAL APPROVALS RECEIVED: None Required

OTHER APPROVALS: None Required

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions of the proposed construction of a two-story, 35-foot-high, 2,500-square-foot single-family residence (1,500-square-foot footprint) with an attached 480-square-foot garage, a 12-foot-wide, 265-square-foot gravel driveway, and a septic interceptor tank. The project site is located in the rural residential area of Manila, an unincorporated area along the west side of Humboldt Bay along the Samoa Peninsula.

The site consists largely of disturbed coastal dunes that have been stabilized by scattered development and exotic vegetation and do not function as an active dune system. As discussed in Finding 3 below, these stabilized dunes do not constitute an environmentally sensitive habitat area (ESHA). These stabilized dunes extend from Victor Boulevard east to Humboldt Bay where emergent salt marsh vegetation occurs as part of the intertidal estuarine wetland, an ESHA. The ESHA is separated from the upland, stabilized dunes by a low bluff and a steep gradient of transitional vegetation approximately three feet wide and parallel to the bay.

The applicant proposes to locate the residence as far from the ESHA as possible while maintaining the required 20-foot front yard setback. The applicant proposes to construct a fence that would delineate a minimum of a 60-foot-wide buffer from the edge of the salt marsh and allow for a modest yard adjacent to the residence. As proposed, the majority of the development would be located on the landward slope of the topographic rise which creates a visual and noise buffer from the ESHA. The development would be located to the west of the dense pine trees located along the top and bayward side of the slope that also provide visual screening between the development and the ESHA. The eastern portion of the site between the fence and the ESHA would continue to provide transitional habitat for use by birds and other wildlife that utilize the ESHA. Furthermore, the proposed buffer is consistent with buffers that have been approved by the Commission for other development located along the east side of Victor Boulevard.

As proposed, no development would be sited in the environmentally sensitive habitat area and the project would provide an adequate buffer from the ESHA. However, additions or improvements to the single family residence that would otherwise be exempt from coastal permit requirements could be sited and designed in a manner that could compromise the value of the buffer and have potentially adverse impacts on the environmentally sensitive habitat area. Therefore, to ensure consistency with Section 30240 of the Coastal Act, staff recommends Special Condition No. 2 that requires a coastal development permit or a permit amendment for all future additions or improvements on the subject parcel that might otherwise be exempt from coastal permit

requirements. This condition will allow future development to be reviewed by the Commission to ensure that it will not be sited or designed in a manner that would result in adverse impacts to the ESHA. Special Condition No. 3 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the requirement to obtain a permit for development that would otherwise be exempt. This requirement will reduce the potential for future landowners to make improvements to the residence without first obtaining a permit as required by this condition. Furthermore, Special Condition No. 5 would require that the fence delineating the boundary of the ESHA buffer be installed as proposed and that it be maintained over the life of the project to ensure that it will have the intended benefit of protecting the ESHA.

The ESHA could also be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native wetland vegetation, thereby disrupting the value and function of the adjacent ESHA. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that the ESHA is not adversely impacted by any future landscaping of the site, staff recommends Special Condition No. 6 that requires only native and/or non-invasive plant species be planted at the site.

Furthermore, the ESHA could also be adversely affected by the proposed development from site runoff that could impact the water quality of the salt marsh and bay. It is unlikely that stormwater runoff from the site would reach the salt marsh and bay at the eastern edge of the parcel because of the high infiltration capability of the sandy substrate, the proposed minimum 60-foot-wide buffer area, and the natural topography of the site which would direct runoff toward the west away from the bay. However, staff recommends Special Condition No. 4 to ensure the protection of the quality and biological productivity of the ESHA and coastal waters by minimizing the volume of stormwater runoff that could potentially drain to the ESHA consistent with Sections 30240 and 30231 of the Coastal Act. The condition requires the applicant to submit a drainage plan for review and approval of the Executive Director prior to the issuance of the coastal development permit. The condition requires the drainage plan to demonstrate that the runoff from the site, including roof gutters, is collected and directed toward Victor Boulevard and away from the ESHA in a non-erosive manner into pervious areas on the site so as to achieve infiltration to the maximum extent practicable.

The subject site is zoned with an archaeological combining zone under the County's LCP. A cultural resources investigation was prepared for the site and identified an area of archaeological resources on the southern portion of the site. Although no development is proposed in this area, it is likely that additional areas of cultural resources could be encountered during development. To ensure protection of any archaeological or cultural resources that may be discovered at the site during construction of the proposed project, staff recommends Special Condition No. 1. The condition requires the applicant to comply with all recommendations and mitigation measures contained in the

archaeological report prepared for the project. The condition further requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required. Special Condition No. 1 and recommended Special Condition Nos. 2 and 3 restricting future development and requiring recordation of a deed restriction would further ensure the protection of the existing cultural resources at the site consistent with Section 30244 of the Coastal Act.

As conditioned, staff believes that the project is fully consistent with the Chapter 3 policies of the Coastal Act.

STAFF NOTE:

1. **Standard of Review**

The proposed development is located in an area shown on State Lands Commission maps as being subject to the public trust. Therefore, the proposed development is within the Commission's retained coastal development permit jurisdiction and the standard of review for the permit application is the Coastal Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-03-011 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Archaeological Resources

- A. The applicant shall comply with all recommendations and mitigation measures contained in the Cultural Resources Study prepared for the project by James Roscoe, dated November 2002. The applicant shall also comply with the following monitoring conditions during construction.
- B. If an area of cultural deposits is discovered during the course of the project all construction shall cease and shall not recommence except as provided in subsection (c) hereof; and a qualified cultural resource specialist shall analyze the significance of the find.
- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director.
 - (i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - (ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

2. Future Development Restriction

This permit is only for the development described in coastal development permit No. 1-03-011. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit No. 1-03-011. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 1-03-011 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

3. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

4. Drainage Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director, for review and written approval, a drainage plan demonstrating that site runoff, including roof gutters, shall be collected and directed toward Victor Boulevard and away from Humboldt Bay in a non-erosive manner into pervious areas of the site (i.e. undeveloped areas, landscaped areas) to achieve infiltration to the maximum extent practicable.
- B.** 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. No changes to the approved final plans shall occur without a

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Buffer Fence

The permittee shall install the fence delineating the boundary of the ESHA buffer as proposed and as shown on Exhibit No. 3 and shall maintain the fence over the life of the project to ensure that it will have the intended benefit of protecting the ESHA.

6. Landscaping Restriction

Only native and/or non-invasive plant species shall be planted at the site. No invasive exotic plant species shall be planted with any landscaping of the site.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

1. Site Description & Project Description

The project site is a 1.42-acre parcel located on the east side of Victor Boulevard approximately 400 feet south of the intersection of Victor Boulevard and Dean Avenue in Manila, an unincorporated community located east of the City of Eureka along the Samoa Peninsula. The site is located adjacent to Humboldt Bay and is bordered to the north and south by residential development. (See Exhibit Nos. 1 & 2).

As is the case for much of the Manila area, the site consists largely of disturbed coastal dunes that have been stabilized by scattered development and exotic vegetation and do not function as an active dune system. The parcel extends from Victor Boulevard east to Humboldt Bay where emergent salt marsh vegetation occurs as part of the intertidal estuarine wetland. Species in this area include pickleweed, spear-oracle, arrow-grass, club rush, and gumweed. The intertidal estuarine wetland system is separated from the upland, stabilized dunes by a low bluff and a steep gradient of transitional vegetation approximately three feet wide and parallel to the bay.

The proposed project includes construction of a two-story, 35-foot-high, 2,500-square-foot single-family residence (1,500-square-foot footprint) with an attached 480-square-foot garage, a 12-foot-wide, 265-square-foot gravel driveway, and a septic interceptor tank. The applicant proposes to locate the house a minimum of 60 feet from the edge of the environmentally sensitive habitat area (salt marsh) and to construct a fence along the landward edge of the ESHA buffer. The fence would be pressure treated posts, approximately 3-6 inches in diameter, 2-3 feet in height, with 2-3 strands of cable or heavy gauge wire between the posts. The project also involves the removal of one dying,

12-inch-diameter pine tree and approximately 50 cubic yards of grading. (See Exhibit No. 3).

Hooker willow and silk tassel border the bluff and upland dune area along the southeastern portion of the site and surround part of a thicket of California wax myrtle and pacific bramble. Coast buckwheat, beach evening-primrose, and dune goldenrod occur in what is known as 'dune mat' habitat adjacent to the thicket area. Sweet vernal grass, sea thrift, rattlesnake grass, sheep sorrel, and yellow bush lupine surround the perimeter of the dune mound.

Scotch broom and sandmat occur in the middle of the parcel in a deflation plain, a low-lying area between dune ridges. North of the deflation plain, the parcel consists of rattlesnake grass, dune wild-rye, twinberry, and pacific bramble. A vehicle trail bisects the site throughout this area. Beach pines of various sizes occur throughout the parcel, primarily along the top of the bayward side of the slope. The northeastern boundary of the parcel consists of a thicket of California wax-myrtle approximately ten feet thick.

According to the biological survey prepared for the site, it is possible that several sensitive raptor species could nest in the beach pines found throughout the site including White-tailed kite, Cooper's hawk, and/or Sharp-shinned hawk. In addition, the thickets and other densely vegetated habitats could potentially support sensitive passerine species including Black-capped chickadee and California yellow warbler.

2. Locating and Planning New Development

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The subject property is located within a developed residential area zoned Residential Single-Family with 5,000-square-foot minimum parcel sizes, where 3-7 residential units per acre is a principally permitted use. Thus, the proposed residential use would be located within a developed area planned for such use.

The subject parcel is located in an area served by community water and sewer that would serve the proposed residence. The applicant proposes to install a septic interceptor tank consistent with the Manila Community Services District standards. Thus, the area has adequate services to accommodate the proposed development.

The subject parcel is located in a designated archaeological combining zone. A cultural resources investigation prepared for the site identified an area of archaeological resources

on the southern portion of the site. As discussed in Finding No. 3 and 4 below, the proposed development has been conditioned to minimize potential impacts to water quality, environmentally sensitive habitat, and archaeological resources. Furthermore, as discussed in Finding Nos. 5 and 6, the proposed development would not have impacts on public access or visual resources.

Therefore, the Commission finds that as conditioned, the proposed development is consistent with Coastal Act Section 30250(a) in that it is located in a developed area, it has adequate water and sewer capability to accommodate it, and it will not cause significant adverse effects, either individually or cumulatively, on coastal resources.

3. Protection of Adjacent Environmentally Sensitive Habitat Area (ESHA) and Water Quality

Section 30240(b) of the Coastal Act states in applicable part:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

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

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

Section 30240(b) requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values potentially resulting from adjacent development. Additionally, Section 30231 provides that the quality of coastal waters be maintained.

The Samoa Peninsula forms a barrier dune complex that separates the ocean from Humboldt Bay. Most of the area is developed with residential units resulting in a degraded and fragmented dune environment. The Commission's staff biologist visited

the site and determined that unlike some other sand dune areas along the coast, the upland portion of the subject site does not constitute environmentally sensitive habitat. The substrate of the subject site and surrounding area is stabilized by scattered development and exotic vegetation and does not function as an active dune system. Therefore, the proposed development would not be located in an ESHA.

The subject property does contain an environmentally sensitive habitat area consisting of salt marsh and mudflat habitat at the base of the slope near the eastern edge of the parcel. The wetlands provide important flood protection, water quality and pollution control functions including storing surface water and improving water quality by absorbing organic and inorganic nutrients and filtering toxins. The salt marsh and adjacent mudflats provide breeding, rearing and feeding habitat for a variety of wildlife species, including mammals, birds, reptiles, amphibians, and invertebrates.

The applicant proposes to locate the residence as far from the ESHA as possible while maintaining the required 20-foot front yard setback. A large portion of the residence and garage is sited in the low portion of the site on the landward side of the slope. The applicant proposes to construct a fence that would delineate a minimum of a 60-foot-wide buffer from the edge of the salt marsh and allow for a modest yard adjacent to the residence. Buffers provide separation from development and environmentally sensitive habitat areas (ESHA) to minimize disturbance to plants and animals inhabiting an ESHA and to protect the habitat values of the area. Buffers are typically intended to create a spatial separation between potentially disruptive activity typically associated with development such as noise, lighting, and human activity, which can disrupt feeding, nesting, and behavior patterns of wildlife. Buffer areas also provide transitional habitat between development and environmentally sensitive habitat areas. Additionally, buffers are often required to provide a vegetated area to capture and treat drainage and stormwater runoff from development to minimize the amount of pollutants potentially entering environmentally sensitive habitat areas and receiving waters.

The project would result in an increase in activity at the site common to residential use, thereby subjecting birds and other wildlife that inhabit the ESHA to increased noise and disturbance. By siting the residence as far from the ESHA as possible and providing a spatial buffer that varies in width from 60-feet to approximately 90 feet, the Commission finds that the proposed development would not result in adverse impacts to the ESHA. As proposed, the majority of the development would be located on the landward slope of the topographic rise which creates a visual and noise buffer from the ESHA. The development would be located to the west of the dense pine trees located along the top and bayward side of the slope that also provide visual screening between the development and the ESHA. In addition, the applicant proposes to construct a fence along the base of the landward edge of the slope to delineate the buffer area from the yard and residence to further minimize disturbance and human encroachment into the buffer area. The eastern portion of the site between the fence and the ESHA would continue to provide transitional habitat for use by birds and other wildlife that utilize the ESHA.

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Furthermore, the proposed buffer, which is 60 feet at the narrowest width, is consistent with buffers that have been approved by the Commission for other development located along the east side of Victor Boulevard (CDP No. 1-94-10, Barnum; CDP No. 1-97-15, Kaiser).

As proposed, no development would be sited in the environmentally sensitive habitat area and the project would provide an adequate buffer from the ESHA. However, the Commission notes that future minor incidental development normally associated with single family residences such as additions to the residence, construction of outbuildings, decks and patios, or installation of landscaped areas could be sited and designed in a manner that could compromise the value of the buffer and have potentially adverse impacts on the environmentally sensitive habitat area. Many of these kinds of development are normally exempt from the need to obtain a coastal development permit under Section 30610(a) of the Coastal Act. Thus, the Commission would not normally be able to review such development to ensure that impacts to sensitive habitat are avoided.

To avoid such impacts to coastal resources from the development of otherwise exempt additions to existing homes, Section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of regulations. Section 13250(b)(6) specifically authorizes the Commission to require a permit for additions to existing single family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a development permit. As noted above, certain additions or improvements to the approved residence could involve a risk of adverse impacts to the ESHA on the site. Therefore, in accordance with provisions of Section 13250 (b)(6) of Title 14 of the California Code of Regulations, the Commission attaches Special Condition No. 2 which requires a coastal development permit or a permit amendment for all additions and improvements to the residence on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in adverse impacts to the ESHA on the site. Special Condition No. 3 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the requirement to obtain a permit for development that would otherwise be exempt. This requirement will reduce the potential for future landowners to make improvements to the residence without first obtaining a permit as required by this condition. Furthermore, Special Condition No. 5 would require that the fence delineating the boundary of the ESHA buffer be installed as proposed and that it be maintained over the life of the project to ensure that it will have the intended benefit of protecting the ESHA.

The ESHA could also be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native wetland vegetation, thereby disrupting the value and function of the adjacent ESHA. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that the ESHA is not adversely impacted by any future landscaping of the site, the Commission attaches Special Condition No. 6 that requires only native and/or non-invasive plant species be planted at the site. As discussed above, Special Condition No. 3 requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property which would also ensure that all future owners of the property are aware of the landscaping restriction.

Lastly, the ESHA could also be adversely affected by the proposed development from site runoff that could impact the water quality of the salt marsh and bay. The subject site is comprised of sandy substrate and does not contain any developed impervious surfaces. Thus, the majority of stormwater at the site currently infiltrates prior to leaving the site as surface runoff. The proposed house and garage would result in 1,676-square-feet of impervious surface area at the site. The driveway is proposed to be gravel and therefore would continue to function as a pervious area. However, the increase in impervious surface area from the development would decrease the infiltrative function and capacity of the existing permeable land on site. The reduction of permeable surface area leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative adverse impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters and reduce optimum populations of marine organisms.

It is unlikely that stormwater runoff from the site would reach the salt marsh and bay at the eastern edge of the parcel because of the high infiltration capability of the sandy substrate, the proposed minimum 60-foot-wide buffer area, and the natural topography of the site which would direct runoff toward the west away from the bay. However, to ensure that drainage structures are not directed to the ESHA and bay and to ensure the protection of the quality and biological productivity of the ESHA and coastal waters by minimizing the volume of stormwater runoff that could potentially drain to the ESHA,

the Commission attaches Special Condition No. 4. The condition requires the applicant to submit a drainage plan for review and approval of the Executive Director prior to the issuance of the coastal development permit. The condition requires the drainage plan to demonstrate that the runoff from the site, including roof gutters, is collected and directed toward Victor Boulevard and away from the ESHA in a non-erosive manner into pervious areas on the site to achieve infiltration to the maximum extent practicable.

Section 30412 prevents the Commission from modifying, adopting conditions, or taking any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality. There are no existing National Pollutant Discharge Elimination System (NPDES) permits that apply to the site and the proposed project does not require any permits from the Regional Water Quality Control Board. Therefore, conditions and/or BMPs required by the Commission to minimize adverse impacts to water quality from the proposed development would not conflict with actions of the RWQCB consistent with the requirements of Coastal Act Section 30412.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent environmentally sensitive habitat area, the project as conditioned will not significantly degrade adjacent ESHA and will be compatible with the continuance of the habitat area. Therefore, the Commission finds that the project as conditioned is consistent with Sections 30240(b) and 30231 of the Coastal Act.

4. Archaeological Resources

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

The subject site is zoned with an Archaeological combining zone under the County's LCP. A Cultural Resources Investigation was prepared for the site by a qualified archaeologist (November 2002). According to the report, the Wiyot Indians prehistorically occupied the project area. Wiyot settlements lay along Humboldt Bay and along the banks of many of the streams and sloughs in the area.

According to the report, the study was designed to (1) identify all archaeological resources or sites of ethnic significance; (2) perform preliminary evaluations of site significance; (3) consider the potential adverse effects to cultural resources resulting from project implementation; and (4) advance recommendations aimed at reduction or elimination of adverse impacts to significant cultural resources as needed. A literature search, a field survey, and a consultation with a tribal representative were conducted as part of the site review.

The field reconnaissance determined that a portion of the site contains dense midden deposits associated with a Wiyot habitation site. The midden deposit was examined by

the Director of the Cultural Department for the Table Bluff Reservation Wiyot Tribe and was deemed to be a potentially significant cultural resource with high research potential as well as the possibility of containing human remains. It was noted that the archaeological deposit did not seem to extend over areas where the proposed development is located. However, it was further noted that the potential exists for buried cultural deposits to occur within other portions of the project area that may have been covered by drifting sand. It was concluded that the archaeological deposit should be protected from ground disturbing activities. In addition, the report recommends that development within other areas of the site should be monitored by a cultural resource specialist. The report further recommends that if buried archaeological resources are encountered during construction activities, that all work in the immediate area of the find should be halted temporarily and/or shifted to another area, so that the monitor can evaluate the materials to determine their significance.

To ensure protection of any archaeological or cultural resources that may be discovered at the site during construction of the proposed project, the Commission attaches Special Condition No. 1. The condition requires the applicant to comply with all recommendations and mitigation measures contained in the archaeological report prepared for the project. The condition further requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required.

The project does not propose any development or construction activities within the area of known archaeological resources. However, the Commission notes that future development on the site such as additions to the residence, construction of outbuildings, or installation of landscaped areas could be sited and designed in a manner that would result in adverse impacts to the cultural resource area. Much of this kind of development is normally exempt from the need to obtain coastal development permits pursuant to Section 30610 of the Coastal Act as an addition to an existing structure. Thus, the Commission would not normally be able to review such development to ensure that impacts to cultural resources are avoided.

To avoid such impacts to coastal resources from the development of otherwise exempt additions to existing homes, Section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of regulations. Section 13250(b)(6) specifically authorizes the Commission to require a permit for additions to existing single-family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a

development permit. As noted above, certain additions or improvements to the approved residence could involve a risk of adverse impacts to the cultural resource area on the site. Therefore, in accordance with provisions of Section 13250 (b)(6) of Title 14 of the California Code of Regulations, the Commission attaches Special Condition No. 2 which requires a coastal development permit or a permit amendment for all future development on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in adverse impacts to the cultural resources on the site. Special Condition No. 3 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the requirement to obtain a permit for development that would otherwise be exempt. This requirement will reduce the potential for future landowners to make improvements to the residence without first obtaining a permit as required by this condition.

Therefore, the Commission finds that the proposed project, as conditioned, would not result in adverse impacts to cultural resources and would be consistent with Section 30244 of the Coastal Act.

5. Visual Resources

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The proposed single-family residence is located in a developed rural residential area. Although the site provides spectacular views across Humboldt Bay, the site is located at the end of Victor Boulevard, a narrow, dead-end public road that does not provide shoreline access and does not provide appreciable public viewing of the bay or ocean because of intervening development, vegetation, and landforms. Thus, the development would not block any public views of the bay, or other coastal areas. The residence would be sited as far from the bay as possible and therefore, would be only minimally visible from Humboldt Bay. The development would be located largely on the landward side of the topographic rise and would be located to the west of the dense pine trees that provide additional visual screening from the bay. Furthermore, the project would not result in the alteration of natural landforms, as the development would require only minimal grading.

The character of the Manila area is largely defined by a diversity of architectural styles and sizes of residences ranging from small, manufactured homes to larger two-story homes. The proposed residence would be wood framed and wood sided with a light gray or weathered wood exterior and a darker gray composition roof. As proposed, the residence would be of similar size, scale, and architectural style to other development in

the neighborhood. Thus, the project would also be visually compatible with the residential character of the surrounding area.

Therefore, the project would be consistent with Section 30251, as the project would not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

6. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

Although the project site is located adjacent to Humboldt Bay, the proposed project would not adversely affect public access. There are no trails or other public roads that provide shoreline access within the vicinity of the project and therefore, the proposed development would not interfere with existing public access. Furthermore, the proposed project would not create any new demand for public access or otherwise create any additional burdens on public access. Public access to the bay is available via a trail at the Manila Community Park located approximately 0.5 mile north of the project site.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

7. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being

approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures that will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

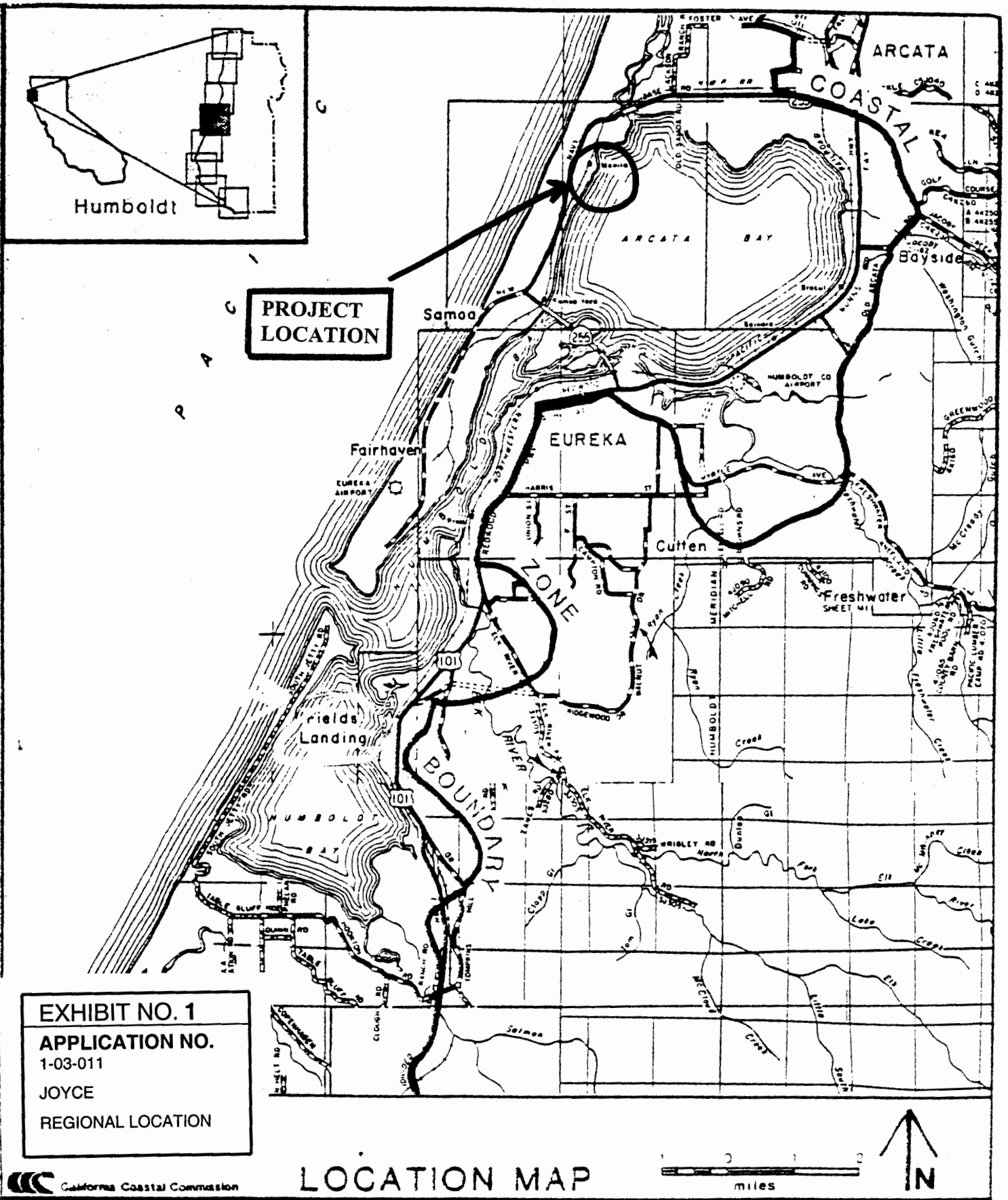
EXHIBITS:

1. Regional Location
2. Vicinity Map
3. Site Plan

ATTACHMENT A

Standard Conditions:

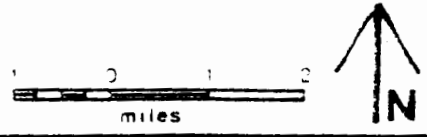
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



**PROJECT
LOCATION**

EXHIBIT NO. 1
APPLICATION NO.
 1-03-011
 JOYCE
 REGIONAL LOCATION

LOCATION MAP



California Coastal Commission

County of Humboldt

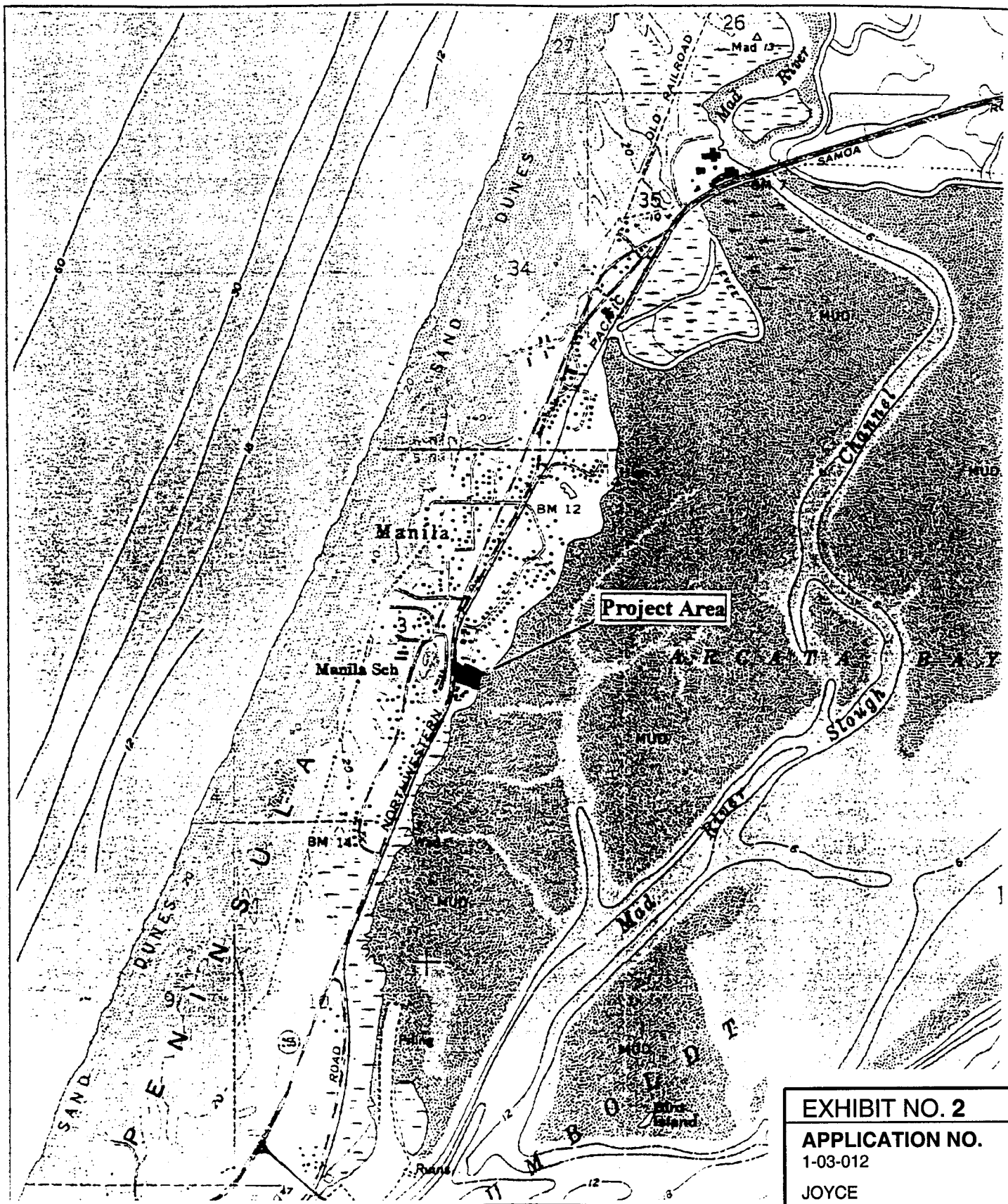
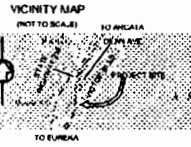
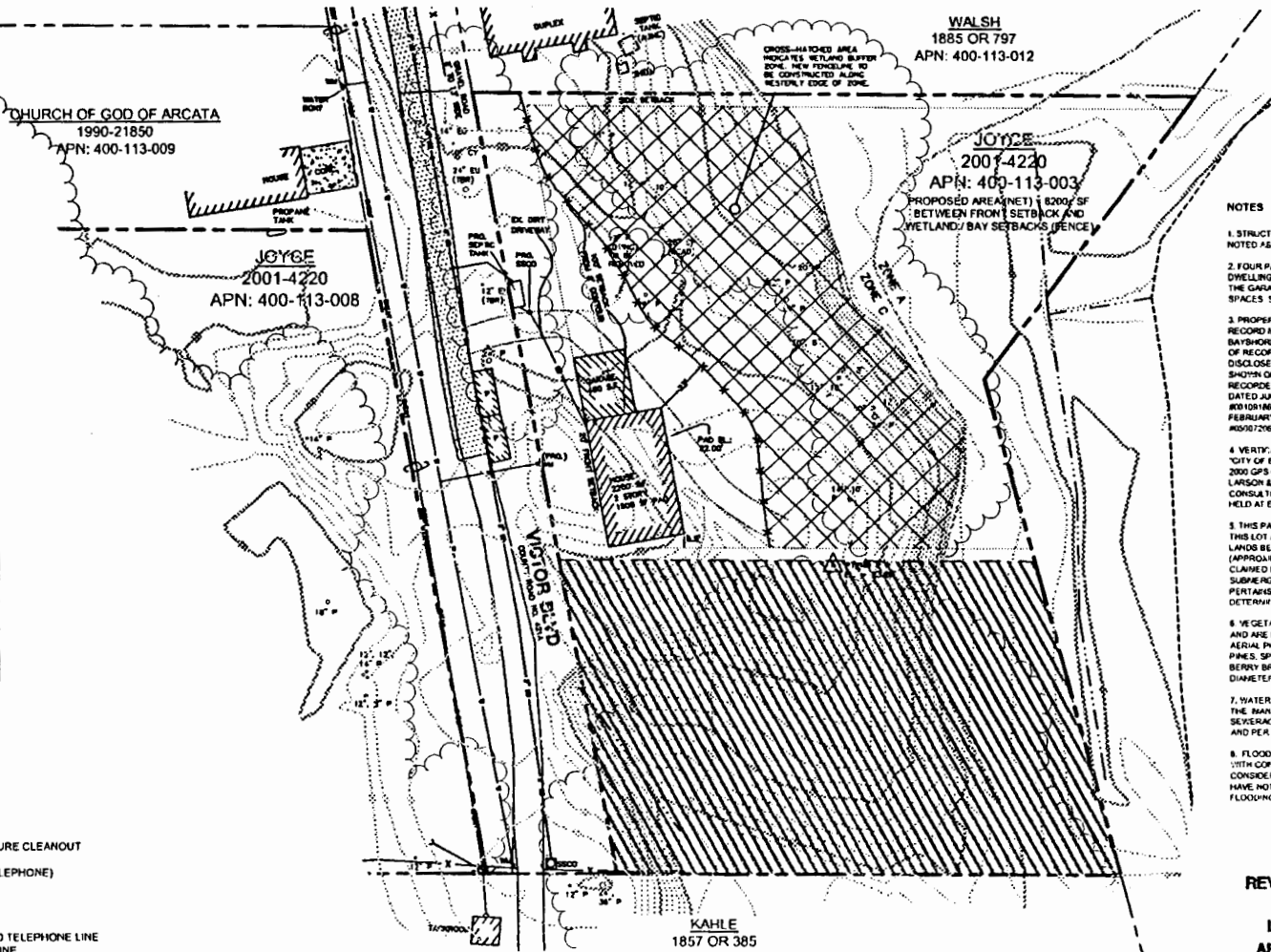


EXHIBIT NO. 2
APPLICATION NO.
1-03-012
JOYCE
VICINITY MAP

EXHIBIT NO. 3
APPLICATION NO.
 1-03-012
 JOYCE
 SITE PLAN



APPLICANT	
NAME	LINDA JOYCE, TRUSTEE OF THE LINDA JOYCE TRUSTS-ORCA TRUST
ADDRESS	2705 W. PLUMMER BLVD. 3
PHONE NUMBER	ST. PETERSBURG, FL 33707 (772) 343-3444

AGENT	
NAME	MARTIN MACIELANO
ADDRESS	OSCAR LARSON & ASSOCIATES 317 3RD ST. EUREKA, CA 95501
PHONE NUMBER	(707) 445-2043

- LEGEND**
- TREES: EU EUCALYPTUS
 - P PINE
 - SP SPRUCE
 - B BAY LAUREL
 - CY CYPRESS
 - (TBR) TO BE REMOVED
- WM WATER METER
 - SSCO SANITARY SEWER PRESSURE CLEANOUT
 - JOINT POLE (POWER & TELEPHONE)
 - DITCH FLOWLINE
 - FENCE LINE
 - PROPERTY LINE
 - OVERHEAD ELECTRIC AND TELEPHONE LINE
 - UNDERGROUND SEWER LINE
 - UNDERGROUND WATER LINE
 - VEGETATION LIMIT LINE
 - PROPOSED 12' WIDE GRAVEL ROAD
 - PROPOSED 6x18' PARKING SPACE OFF-STREET

- NOTES**
- STRUCTURES AND IMPROVEMENTS ARE EXISTING UNLESS NOTED AS "PROPOSED" OR "PRO."
 - FOUR PARKING SPACES ARE PROVIDED FOR THE PROPOSED DWELLING UNIT AS SHOWN HEREON, WITH TWO SPACES IN THE GARAGE AND 2 ADDITIONAL OFF-STREET PARKING SPACES. SEE THE LEGEND AT LOWER LEFT.
 - PROPERTY LINES SHOWN HEREON ARE BASED ON THIS TO RECORD MONUMENTS FROM BOOK 12 OF MAPS, PAGES 44-46, BAYSHORE ACRES SUBDIVISION, AND SUBSEQUENT SURVEYS OF RECORD IN THE AREA. ALL EASEMENTS OF RECORD, AS DISCLOSED IN THE FOLLOWING TITLE DOCUMENTS, ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP. A PRELIMINARY TITLE REPORT DATED JUNE 27, 2002 BY HUMBOLDT LAND TITLE COMPANY, 8010 BAYVIEW RD. AND A TITLE INSURANCE POLICY DATED FEBRUARY 23, 2001 BY CHICAGO TITLE INSURANCE COMPANY, #050720671017000103004-58.
 - VERTICAL DATUM IS NAVD83 BASED ON GPS TIES TO THE CITY OF EUREKA/HUMBOLDT COMMUNITY SERVICES DISTRICT 2000 GPS CONTROL SURVEYS FOR GDA (A PROJECT BY OSCAR LARSON & ASSOCIATES AND INGLE SURVEYING CONSULTING), CONTROL POINT AND BENCHMARK #11017545 HELD AT ELEVATION 23.29' BASED ON SAID SURVEY.
 - THIS PARCEL IS LOT 23 OF BAYSHORE ACRES SUBDIVISION. THIS LOT ADJACES HUMBOLDT BAY AND LINELY INCLUDES LANDS BELOW THE MEAN HIGH WATER MARK (APPROXIMATELY ELEVATION 8.0 NAVD83) THAT WOULD BE CLAIMED BY THE STATE OF CALIFORNIA UNDER THE SUBMERGED LANDS ACT AND PUBLIC TRUST DOCTRINE AS IT PERTAINS TO ISLANDS. THIS SURVEY MAKES NO DETERMINATION OF THE BOUNDARIES OF SAID LANDS.
 - VEGETATION LIMITS SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON A COMBINATION OF FIELD SURVEY AND AERIAL PHOTOGRAPHY DATA. SITE VEGETATION INCLUDES PINES, SPRUCES, EUCALYPTUS, HUCKLEBERRY, YELLOW, AND BERRY BRUSHES. DIAMETERS TO TREES SHOWN HEREON ARE DIAMETER OF THE TRUNK AT BREAST HEIGHT.
 - WATER AND SEWER FACILITIES SHOWN HEREON ARE PER THE HUMBOLDT COMMUNITY SERVICES DISTRICT S.T.E.P. SEWERAGE SYSTEM IMPROVEMENT PLANS DATED JUNE 1978 AND PER VISIBLE IMPROVEMENTS.
 - FLOOD ZONE DETERMINED BY SCALING FROM FRM MAP WITH COMMUNITY PANEL NO. 060080 075 C AND SHOULD BE CONSIDERED APPROXIMATE. FLOOD ELEVATIONS IN ZONE A HAVE NOT BEEN DETERMINED. ZONE C IS A ZONE OF MINIMAL FLOODING.

REVISED SITE PLAN
 FOR
LINDA JOYCE
 APN: 400-113-003

NW 1/4 OF SE 1/4 OF SEC. 3 T5N R1W HM
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
 COMMUNITY OF MARINA, STATE OF CALIFORNIA

JUNE 2003
OSCAR LARSON & ASSOCIATES
 317 3RD ST. P.O. BOX 3004 EUREKA, CALIFORNIA 95501
 (707)-445-2043

