

CALIFORNIA COASTAL COMMISSION

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Date Filed:	April 18, 2003
49th Day:	June 6, 2003
180 th Day:	October 15, 2003
Staff:	Tiffany S. Tauber
Staff Report:	June 20, 2003
Hearing Date:	July 10, 2003
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	1-03-012
APPLICANT:	LINDA JOYCE
AGENT:	Oscar Larson & Associates
PROJECT LOCATION:	On the west side of Victor Boulevard, in the Manila area, Humboldt County (APN 400-113-008)
PROJECT DESCRIPTION:	Construction of a two-story, 35-foot-high, 2,200-square-foot single-family residence (1,100-square-foot footprint) with attached garage, a 12-foot-wide gravel driveway, and a septic 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 single-family residence, gravel driveway, and septic tank. The project site is located in a rural residential area of Manila, an unincorporated area west of the City of Eureka along the Samoa Peninsula.

The proposed project includes construction of a two-story, 35-foot-high, 2,200-square-foot single-family residence (1,100-square-foot footprint) with an attached garage, a 12-foot-wide, 265-square-foot gravel driveway, and a septic tank. The project site is relatively flat and involves less than 50 cubic yards of grading. The project also involves removing approximately 1,000 square feet of vegetation comprised of huckleberry, blue blossom, and himalyaberry. No trees would be removed. The parcel is served by community sewer and water.

The subject site is zoned with an archaeological combining zone under the County's LCP based on the potential presence of archaeological resources. A cultural resources investigation was prepared for the site and did not identify the presence of any culturally significant resources on the parcel. However, the report recommends that because the entire project area is sensitive and may contain buried archaeological deposits or features, it is recommended that a qualified cultural resources monitor be present during ground disturbing activities. 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.

Although the subject property does not contain environmentally sensitive habitat, the site is located approximately 220 feet from Humboldt Bay where emergent salt marsh vegetation occurs as part of the intertidal estuarine wetland. In addition, the site is located approximately 0.4 miles from active dune habitat on the west side of Highway 255 that is considered ESHA.

The ESHA located near the site could 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 to the east or native dune vegetation to the west, thereby disrupting the values and functions of the adjacent ESHAs. The applicant is not proposing any landscaping as part of the proposed

project. However, to ensure that the ESHA near the site is not significantly degraded as required by Section 30240(b) of the Coastal Act, staff recommends Special Condition No. 2 that requires only native and/or non-invasive plant species be planted at the site. In addition, 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 ensure that all future owners of the property are aware of the landscaping restriction.

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 subject property is bisected between County and state coastal permit jurisdiction. However, the proposed project is located entirely on a portion of the parcel that is 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. 1-03-012 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. Landscaping Plan

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.

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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

1. Site Description & Project Description

The project site is a 0.67-acre parcel located on the west 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 bordered by developed residential property to the north and south, a railroad right of way to the west, and Victor Boulevard to the east. (See Exhibit Nos. 1 & 2).

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 other sandy dune areas, 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.

A small patch of Hooker willow occurs on the southeastern corner of the parcel and beach pine occurs along the southern boundary and throughout the site. California wax myrtle, silk tassel, pacific bramble, coast figwort, and bear berry comprise the understory. Vegetated sandy portions of the site include species such as European sea rocket, rattlesnake grass, hedgehog dogtail grass, and sand mat. Seasonal floristic surveys were conducted at the site to determine the presence of sensitive plant species. No sensitive plant species were found at the site.

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.

The proposed project includes construction of a two-story, 35-foot-high, 2,200-square-foot single-family residence (1,100-square-foot footprint) with an attached garage, a 12-foot-wide, 265-square-foot gravel driveway, and an interceptor septic storage tank. The project site is relatively flat and involves less than 50 cubic yards of grading. The project also involves removing approximately 1,000 square feet of vegetation comprised of huckleberry, blue blossom, and himalyaberry. No trees would be removed. The parcel is served by community sewer and water. Site soils are comprised primarily of sand. A drainage evaluation prepared for the site indicates that because of the infiltration capability of the sandy substrate, all of the runoff from the proposed development would percolate within the limits of the site. (See Exhibit No. 3).

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. Therefore, the proposed residential use would be located in 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. Thus, the area has adequate services to accommodate the proposed development.

The subject parcel is located in a designated archaeological combining zone indicating potential archaeological resources. As discussed in Finding No. 3 below, the proposed development has been conditioned to minimize potential impacts to archaeological 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 Environmentally Sensitive Habitat Areas (ESHA)

Section 30240(b) of the Coastal Act requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values potentially resulting from adjacent development. 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.

The project 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 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. Therefore, the proposed development would not be located in an ESHA.

Although the subject property does not contain environmentally sensitive habitat, the site is located approximately 200 feet from Humboldt Bay where emergent salt marsh vegetation occurs as part of the intertidal estuarine wetland. In addition, the site is located approximately 0.4 miles from active dune habitat on the west side of Highway 255 that is considered ESHA.

The Commission finds that the ESHA located adjacent to the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could physically spread into the ESHA and displace native wetland vegetation to the east or native dune vegetation to the west, thereby disrupting the values and functions of the adjacent ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that the ESHA near the site is not significantly degraded by any future landscaping that would contain invasive exotic species, the Commission

attaches Special Condition No. 2 that requires only native and/or non-invasive plant species be planted at the site. In addition, 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 ensure that all future owners of the property are aware of the landscaping restriction.

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 Section 30240(b) of the Coastal Act.

4. Archaeological Resources

The subject site is zoned with an archaeological combining zone under the County's LCP based on the potential presence of archaeological resources. 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 survey did not identify the presence of any culturally significant resources on the parcel. However, the report recommends that because the entire project area is sensitive and may contain buried archaeological deposits or features, it is recommended that a qualified cultural resources monitor be present during ground disturbing activities. The report 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.

Therefore, the Commission finds that the proposed project, as conditioned, would not result in adverse impacts to cultural resources.

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 rural residential area on the west side of Victor Boulevard. The residence would not be visible from Humboldt Bay or from any designated scenic public road or public park. The development would thus not block any public views of the ocean, Humboldt Bay, or other coastal areas. The project would not result in the alteration of natural landforms, as the site is relatively flat and requires 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 two-story, 2,200 square-foot residence would be similar in size and bulk 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.

The proposed project would not adversely affect public access. The project site does not front directly on Humboldt Bay, as it is separated from the bay by an intervening parcel and Victor Boulevard. 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. 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.

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.

LINDA JOYCE

1-03-012

Page 11

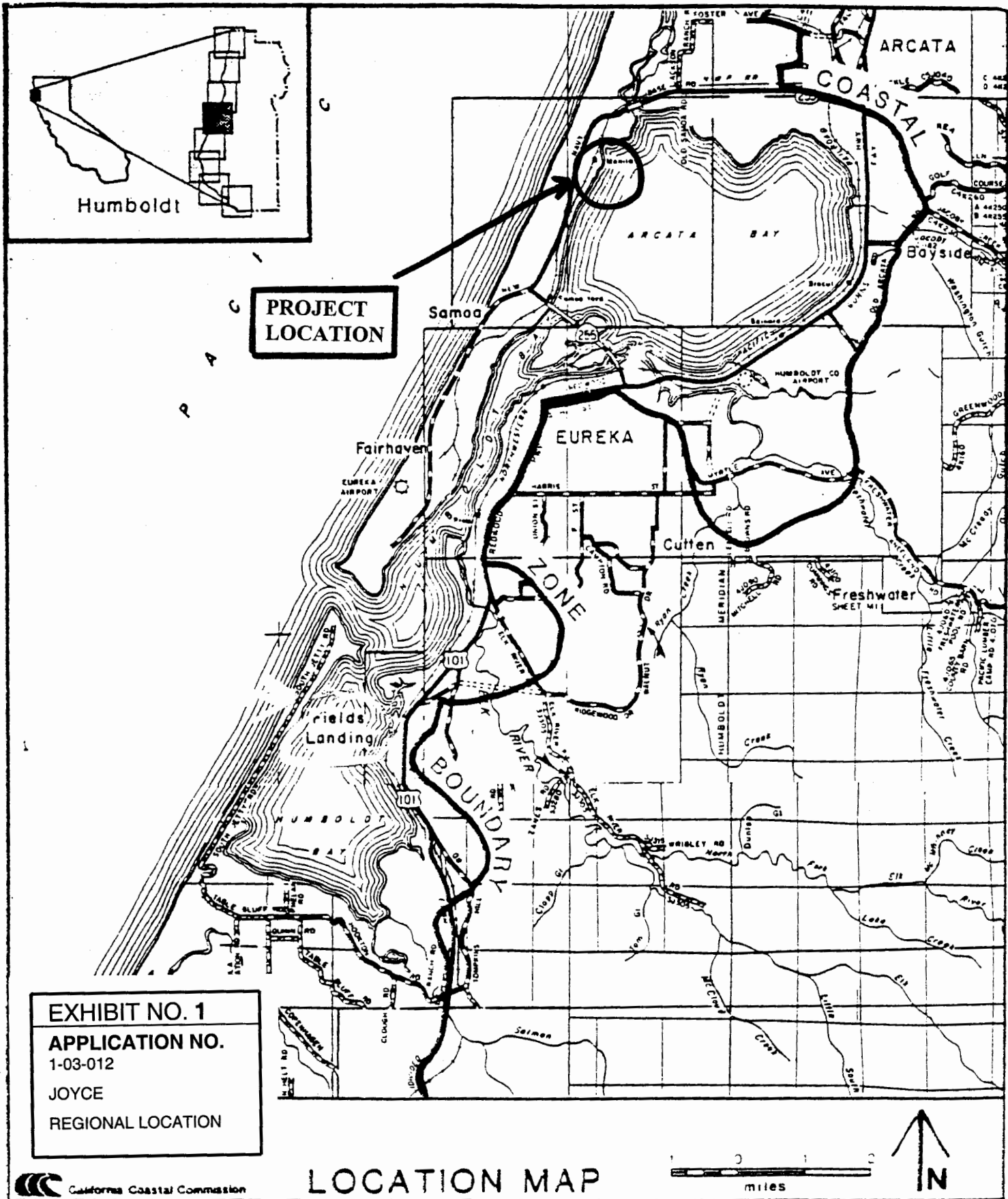
EXHIBITS:

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.



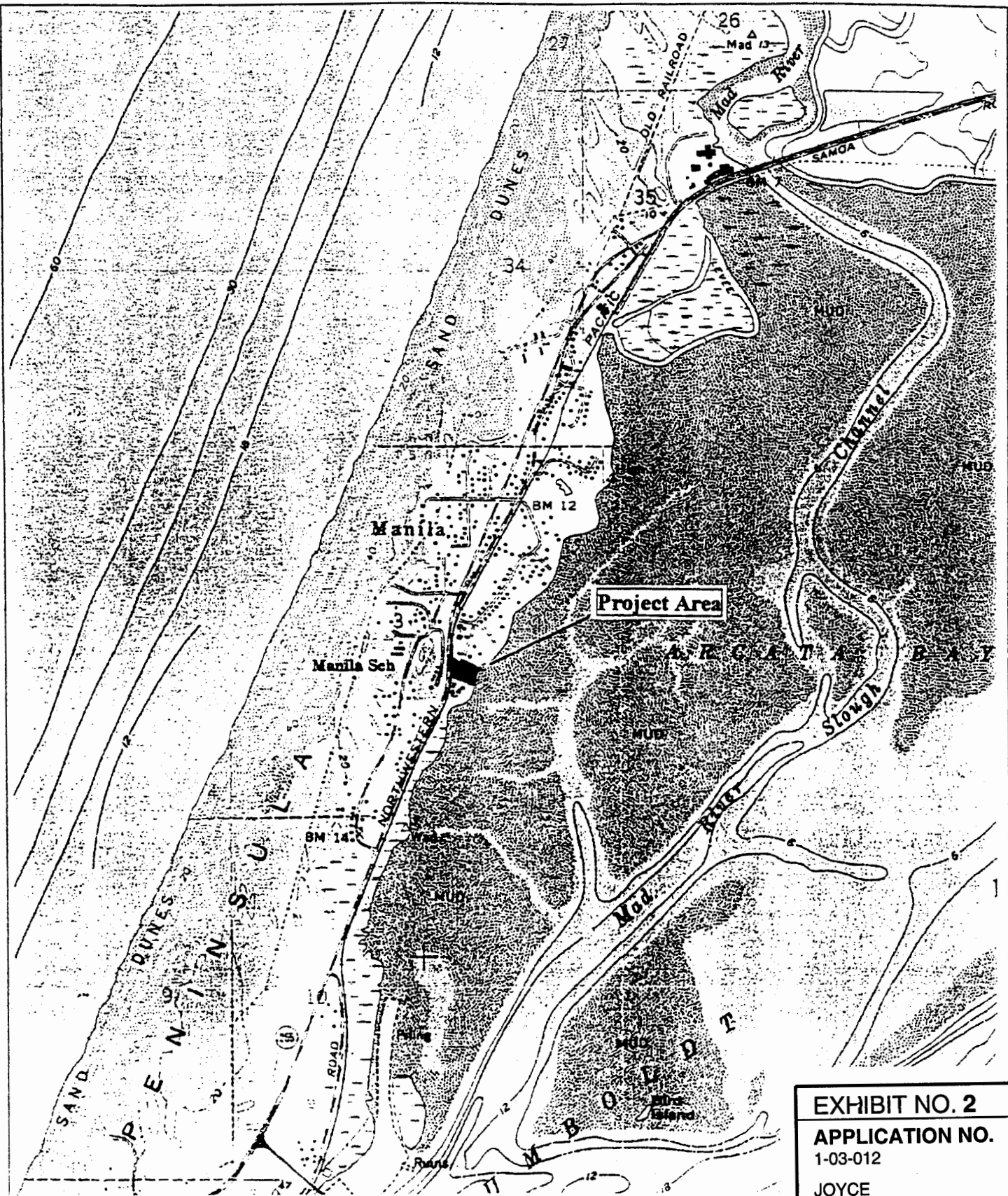


EXHIBIT NO. 2
APPLICATION NO.
1-03-012
JOYCE
VICINITY MAP

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

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 PARKING SPACES.
- PROPERTY LINES SHOWN HEREON ARE BASED ON TIES 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 #00109186-001-RB, AND A TITLE INSURANCE POLICY DATED FEBRUARY 22, 2001 BY CHICAGO TITLE INSURANCE COMPANY #0500720671017000103504-SB.
- VERTICAL DATUM IS NAVD83 BASED ON GPS TIES TO THE CITY OF EUREKA HUMBOLDT COMMUNITY SERVICES DISTRICT 2008 GPS CONTROL SURVEYS FOR GIS (A PROJECT BY OSCAR LARSON & ASSOCIATES AND MCGEE SURVEYING CONSULTING).
- VEGETATION LIMITS SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON A COMBINATION OF FIELD SURVEY AND AERIAL PHOTOGRAPHY DATA. SITE VEGETATION INCLUDES PINES, HUCKLEBERRY, WILLOW AND BERRY BRIARS. DIMENSIONS TO TREES SHOWN HEREON ARE DIAMETER OF THE TRUNK AT BREAST HEIGHT.
- WATER AND SEWER FACILITIES SHOWN HEREON ARE PER THE MANILA COMMUNITY SERVICES DISTRICT S.T.E.P. SEWERAGE SYSTEM IMPROVEMENT PLANS DATED JUNE 1978, AND PER VISIBLE IMPROVEMENTS.
- THE PARCEL LIES WITHIN ZONE C, A ZONE OF MINIMAL FLOODING, PER FIRMA MAP WITH COMMUNITY PANEL NO. 060760 0775 C.
- THE LOCATION OF THE INTERCEPTOR TANK SHOWN HEREON ANTICIPATES FUTURE DEVELOPMENT OF THIS PARCEL.

REVISED SITE PLAN
FOR
LINDA JOYCE
APN 400-113-008

NW 1/4 OF SE 1/4 OF SEC. 3 T5N R1W HM
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
 COMMUNITY OF MANILA, STATE OF CALIFORNIA
 FEBRUARY 2003

OSCAR LARSON & ASSOCIATES
 317 3RD ST P.O. BOX 3808 EUREKA, CALIFORNIA 95501
 (707)-445-2043

SHEET 1 OF 1

1" = 60'

VICINITY MAP
 (NOT TO SCALE)



APPLICANT

NAME: LINDA JOYCE, TRUSTEE OF THE LINDA JOYCE REVOCABLE TRUST
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 PHONE NUMBER: (727) 343-3444

AGENT

NAME: OSCAR LARSON
 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 8'x18' PARKING SPACE

