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Commission Action:

STAFF REPORT:
PERMIT AMENDMENT

APPLICATION NO.: 1-01-052-A1

APPLICANTS: AVATARIC RUCHIRASALA OF ADIDAM

AGENTS: Jack Lewis
Julia Knox, Esq.
Michael J. Wood, Esq.

PROJECT LOCATION: 1512 and 1570 Stagecoach Road, north of Trinidad, Humboldt County, (APNs 517-011-05 & -04).

DESCRIPTION OF PROJECT
PREVIOUSLY APPROVED: After-the-fact authorization of a six-foot-high, wooden perimeter fence, gate, and landscaping, with special conditions that the fencing along the parcel's roadside frontage be reduced from six-feet to four-feet in height and screened subject to a revised landscaping plan.

DESCRIPTION OF
AMENDMENT REQUEST: Modify after-the-fact permit granted for the construction of a residential fence, gate, and related landscaping to: (1) replace the existing fence and extend it around the perimeter of the adjoining parcel with a landscaped six-foot-high wire field fence; (2) construct an approximately

250-square-foot solarium addition to the existing residence's attached garage; (3) modify and enlarge the current driveway and parking area; (4) install a new landscaped path from parking area to patio and from parking area to house; (5) construct a slate patio and other landscaping yard improvements; (6) develop walking paths on the vacant adjoining parcel; and (7) relocate the existing pump house, water tank, generator, gas tank, and install four 5,000-gallon water storage tanks.

**SUBSTANTIVE FILE:
DOCUMENTS**

- 1) CDP File No. 1-83-096 (Knight & Preston);
- 2) CDP File No. 1-01-052 (Eleutherian Pan-Communion of Adidam);
- 3) CDP Reconsideration File No. 1-01-052-R (Eleutherian Pan-Communion of Adidam);
- 4) CDP Extension File No. 1-01-052-E1 (Avataric Ruchirasala of Adidam);
- 5) County of Humboldt Special Permit No. SP-03-25; and
- 4) County of Humboldt Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions, the requested amendment to the after-the-fact coastal development permit originally granted for the construction of rural residential perimeter fencing on a parcel in the Stagecoach Road Area-of-Deferred-Certification approximately two miles north of the City of Trinidad. The original 2001 permit (CDP No. 1-01-052, Eleutherian Pan-Communion of Adidam, Applicants) authorized after-the-fact the construction of a wooden perimeter fence, gate, and landscaping, requiring the applicants to reduce the height of the fencing along the parcel's Stagecoach Road frontage from six to four feet, submit a revised landscaping plan for the review and approval of the Executive Director, and satisfy all of the permit's special conditions within sixty days of the Commission's action on the permit.

Staff believes the amended project with the attachment of certain special conditions would be consistent with the policies of Chapter 3 of the Coastal Act. The revised project would conform to the Chapter 3 requirements that permitted new development: (1) 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; and (2) be located in an area with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources, including the environmentally sensitive riparian habitat along McNeil Creek.

One of the three special conditions of the original permit approved by the Commission is reimposed with revisions to assure that the amended development remains consistent with the policies of the Coastal Act. In addition staff is also recommending that three new special conditions be attached to the permit as amended including a condition that would require the original solid wooden fence to be removed within one year of the Commission's action on the permit, a condition that would deem the permit issued to ensure the original construction of the solid wooden fence without a permit is brought into compliance, and a condition requiring that an easement be established conveying rights to the developed parcel for use of water supply facilities to be built partially on the currently vacant northerly parcel to prevent the potential future loss of the domestic water pumping, treatment, storage, and transmission facilities intended to support the residence on the southerly parcel that might occur if the adjoining, currently vacant parcel is later sold, leased, transferred, offered for financing, or put to alternative uses apart from the remainder of the project property.

As conditioned, staff has determined that the development with the proposed amendment would be consistent with the policies of the Coastal Act.

STAFF NOTES:

1. Procedural Note.

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if: (a) it lessens or avoids the intent of the approved permit; unless (b) the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

On December 14, 2001, Coastal Permit No. 1-01-052 (Eleutherian Pan-Communion of Adidam) was approved by the Commission with three special conditions intended to address visual resource protection, and assure that the unpermitted development violation aspect of the project be promptly corrected.

The Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the approved or conditionally approved permit and subsequent permit amendments. The original permit issued by the Commission authorized site development that specifically conditioned to assure consistency with the provisions of the Coastal Act for protecting visual resources, namely ensuring that new development is visually compatible with the character of surrounding areas. A principal requirement of the conditions of the original permit is to lower the height of the fence so as to reduce the sense of mass presented by the wooden board fence. The area primarily contains open wire fence designs that are mostly transparent. Although the amendment proposes an

increase in fencing height, the project as amended would still be consistent with the Coastal Act's visual resource policies as the proposed project changes would also entail replacing the existing solid board-on-board wooden fence with open wire and post fencing that would be compatible with the design of other fences in the area. The development as amended would conform to the policies and standards of the Coastal Act with respect to visual resource protection.

Therefore, for the reasons discussed above, the Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the approved permit and has accepted the amendment request for processing.

2. Commission Jurisdiction and Standard of Review.

The project subject to this coastal development permit amendment is located within an Area-of-Deferred-Certification along the west side of Stagecoach Road and Partick's Point Drive within the Trinidad Planning Area of the County of Humboldt's Local Coastal Program. The project site is located between the first through public road and the sea. Pursuant to Section 30604(a) of the Coastal Act, prior to certification of a certified LCP for this geographic segment, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

3. Scope.

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources and achieve consistency with the certified LCP and the public access and recreation policies of the Coastal Act, and provides findings for conditional approval of the amended project. All other analysis, findings, and conditions related to the originally permitted project, except as specifically affected by the proposed permit amendment and addressed herein, remain as stated within the revised findings for the original development adopted in by the Commission on March 6, 2002.

4. Commission Action Necessary.

The Commission must act on the application at the November 19, 2004 meeting to meet the requirements of the Permit Streamlining Act.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-052-A1 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 amendment 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 with Conditions:

The Commission hereby approves the proposed permit amendment and adopts the findings set forth below, subject to the conditions below, on the grounds that the development with the proposed amendment, 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 all feasible mitigation measures and alternatives have been incorporated to substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See attached.

III. SPECIAL CONDITIONS:

Note: Special Condition No. 1 of the original permit is modified and imposed as a condition of this permit amendment. Special Condition Nos. 2 and 3 of the original permit are not imposed as conditions of the permit amendment and are shown below in deleted wording format for reference. Special Condition Nos. 4, 5, and 6 are additional new conditions attached to the permit amendment.

Deleted wording within the modified special conditions is shown in ~~strikethrough~~ text, new condition language appears as **bold double-underlined** text. For comparison, the text of the original permit conditions are included in Exhibit No. 6.

1. Revised Landscaping Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, WITHIN 60 DAYS OF COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT AMENDMENT APPLICATION NO. 1-01-052-A1,** the applicant shall submit a revised landscaping plan prepared by a qualified professional with expertise in the fields of landscaping or botany, such as a landscape architect or botanist, for the review and approval of the Executive Director. The landscaping plan shall ~~substantially conform with the plan received by the Commission on November 6, 2001 from James Caledine except that the plan shall also provide for the following:~~
- (a) Landscaping shall be planted along ~~all three the southern and eastern~~ lengths of the fence **on Assessor's Parcel No. (APN) 517-011-05 and around the utility / guest parking area on APN 517-011-05 and -04** to minimize the visual impacts to Stagecoach Road and shall include the planting of plants or shrubs on at least three-foot centers along the entire span of ~~each of the three~~ **these replacement and new** lengths of fence;
 - (b) The landscaping shall include only native species or non-invasive, non-native species commonly found along Stagecoach Road and shall include a planting plan detailing the specific locations where individual plants and shrubs would be planted. No exotic invasive plants shall be planted anywhere at the project site;
 - (c) Specifications shall be included to indicate species, size at planting, height at maturity, and establishment techniques (e.g., irrigation, fertilization, etc.);
 - (d) A site map showing the type, size, and location of all plant materials that will be planted at site, the irrigation system, and all other landscape features;
 - (e) A schedule for installation of the plants;
 - (f) All planting shall be completed within 60 days of ~~receipt of the coastal development permit~~ **the Executive Director's approval of the revised landscaping plan**. The applicant shall notify the Executive Director in writing when the vegetation has been planted, and Commission staff shall verify the planting via a site visit or by examining photographs submitted by the applicant.
 - (g) All required plantings shall be maintained in good growing condition throughout the life of the project, and wherever necessary, shall be replaced with new plant materials to ensure continued compliance with the approved landscaping plan.

(h) The installed landscaping shall achieve 80% coverage of the portions of the fence located on APN 517-011-05 and the portions of the fence that will be constructed on APNs 517-011-05 and -04 around the new utility / guest parking area within three years of planting. Monitoring to determine if the success standard has been achieved shall be conducted in the fall after the summer dry season. Monitoring shall continue each year for three years or until the success standard has been achieved. Monitoring reports shall be submitted to the Executive Director by October 1 of each year and shall contain accurate counts of the numbers of plants that survived or died, a plan showing the location of plants that did not survive, a narrative assessment of the general condition of the vegetation along the fence, an analysis of reasons for any failure of the planting, photographs of the landscaping, and an evaluation of whether the 80% coverage standard will be or has been achieved within three years of planting. If a report indicates that the plants will not be or have not been successful in part, or in whole, the applicant shall submit for the review and approval of the Executive Director a revised landscaping program containing recommendations for any additional planting and other corrective measures needed to achieve the 80% coverage performance standard. The revised landscaping program shall require an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

~~2. Revised Fence Plans~~

~~A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised plan for the design of the fence to the Executive Director for review and approval. The revised plan shall provide for lowering the portion of the fence extending along the eastern property boundary (along Stagecoach Road) and the driveway gate from approximately six feet high to a maximum of four feet high.~~

~~B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.~~

3. Condition Compliance

A. WITHIN 60 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

4. Permit Expiration and Condition Compliance

Because some of the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.

5. Well Water Pumping, Treatment, and Storage, and Guest Parking Easement.

A. APN 517-011-04 shall provide, in perpetuity, rights for access, maintenance, and use of that portion of APN 517-011-04 depicted as "utility / guest parking area," as shown on pages 4 and 5 of Exhibit No. 4 attached to this staff report for domestic water supply pumping, treatment, storage, and transmission facilities, and for supplemental off-street parking for guests of the residence on APN 517-011-05

B. WITHIN 60 DAYS OF COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT AMENDMENT APPLICATION NO. 1-01-052-A1 or within such additional time as the Executive Director may grant for good cause, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against that real property known as 1570 Stagecoach Road, Trinidad, California (APN 517-011-04) an easement in favor of that real property known as 1512 Stagecoach Road, Trinidad, California (APN 517-011-05), in a form and content acceptable to the Executive Director conveying rights in perpetuity for access, maintenance, and use of that portion of APN 517-011-04 depicted as "utility / guest parking area," as shown on pages 4 and 5 of Exhibit No. 4 attached to this staff report for domestic water supply pumping, treatment, storage, and transmission facilities, and for supplemental off-street parking for guests of the residence on APN 517-011-05. The easement shall include a legal description of the

entire parcel or parcels governed by this permit. The easement shall be irrevocable, running from the date of recordation and shall run with the land binding all landowners, and their heirs, assigns, and successors in interest to the subject property. The easement shall also indicate that, in the event of an extinguishment or termination of the easement 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.

6. Removal of Wooden Fence.

The existing wooden fence along the Stagecoach Road frontage side of APN 517-011-05 shall be removed by November 15, 2005. The demolition materials from removal of the fence shall be disposed of at a solid waste or recycling facility appropriately licensed to receive such materials.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares as follows:

A. Project and Site Description.

1. Project Setting and Background

The project site is comprised of two blufftop lots located on the west side of Stagecoach Road approximately ¼ mile south of the northern intersection with Patrick's Point Drive and approximately 2.2 miles north of Trinidad (Exhibit Nos. 1 & 2). The site is located in an area of low-density, rural residential development along a densely vegetated, narrow road corridor. These blufftop lots lie at an elevation of approximately 200 feet above sea level. The southerly lot, Assessor's Parcel No. (APN) 517-011-05, is approximately .98-acre in size and is developed with a single-family residence built pursuant to a coastal development permit approved by the Commission in 1983 (CDP No. 1-83-096, Knight). The northerly parcel, APN 517-011-04 encompasses approximately three acres and is currently vacant and unimproved. The site and surrounding area is vegetated with a North Coast Coniferous Forest consisting primarily of a Sitka spruce (*Picea sitchensis*) / western hemlock (*Tsuga heterophylla*) complex, with an attending understory of red alder (*Alnus rubra*), California wax myrtle (*Myrica californica*), swordfern (*Polystichum munitum*), western bracken fern (*Pteridium aquilinum*), evergreen huckleberry (*Vaccinium ovatum*), salal (*Gaultheria shalon*), and related undergrowth species.

2. Description of Originally Approved Project

The original permit application came before the Commission on December 14, 2001 in response to an investigation by the Enforcement Unit wherein it was confirmed that a fence had been constructed on the southerly parcel, in an area within the Commission's jurisdiction, without the benefit of a coastal development permit contrary to the requirements of Section 30600(a) of the Coastal Act. To resolve the violation, the applicants submitted a coastal development permit application seeking an after-the-fact authorization for a six-foot-high, solid wood perimeter fence, gate, and landscaping. The fence is constructed of 1" x 6" vertical redwood slats, 2" x 8" horizontal redwood slats across the top, on 6" x 6" vertical posts and 2" x 4" stringers spaced every ten feet, with a similarly designed gate across the driveway (Exhibit No. 5). The fence extends along the north, east, and south property boundaries of APN 517-011-05 for approximately 124, 186, and 127 linear feet respectively (Exhibit No. 3). The applicants indicated in the original permit application that the purpose of the fence is to provide security and privacy, as the residence is used from time to time as a retreat for the applicants' spiritual leader.

To screen the view of the fence from Stagecoach Road, the applicants also proposed to landscape along the eastern fence line paralleling the road. The applicants proposed to plant two types of vegetation native to the area including 32 silk tassel (*Garrya elliptica*) bushes, four to five feet apart, and 22 Clematis (*Clematis* sp.) vines. The applicants also proposed to install landscaping irrigation to help establish the vegetation.

The revised findings staff report for the original development, attached as Exhibit No. 7 and hereby incorporated by reference, state that the original conditionally-approved project entailed the after-the-fact authorization of a six-foot-high, solid wood perimeter fence, gate, and landscaping contingent upon certain modifications. The three special conditions attached to the original permit included requirements to assure visual compatibility with the character of the surrounding area. The conditions required that the run of the fence along the property's eastern side be reduced in height from six to four feet to reduce the apparent mass of the fence. In addition, the screening plants were to be installed consistent with a revised landscaping plan wherein specific standards as to their spacing, irrigation, maintenance, and upkeep were to be detailed. All requirements of the original permit special conditions (i.e., submittal of the revised landscaping plan, reducing the height of the eastern fence from six to four feet) were to be satisfied within sixty days of the Commission's action on the original permit, unless extended for good cause by the Executive Director.

3. Development of Alternate Fence Design and Submittal of Permit Amendment

The applicants objected to the requirements to lower the fence and submitted a request for reconsideration of the Commission's decision on the original permit. The reconsideration request hearing was scheduled for a hearing at the Commission's March 6, 2002 meeting, but was continued at the request of the applicants so that they could

develop an alternative fence design and apply for a permit amendment that would satisfy the Commission's concern about visual compatibility with the surrounding area and yet meet the applicant's concerns about privacy. The applicant subsequently developed the current design of the fence in consultation with their neighbors and on March 15, 2002 obtained a special permit for design review from the County of Humboldt for the fence and the other new development proposed in the amendment. The applicants have indicated that they intend to withdraw the reconsideration request upon favorable action on the permit amendment by the Commission. On December 5, 2003, the applicants also applied for a permit extension prior to the original permit's March 5, 2004 expiration date. This extension request will also be presented to the Commission for its consideration at the November 19, 2004 meeting.

4. Description of Permit Amendment

Replacement Fencing: The applicants now propose to amend the project to replace the existing fencing along the eastern side of APN 517-011-05 with a different type of fencing to be located approximately five feet westerly from the existing fence. The new fence would extend to six feet in height and be constructed of 4" x 4" galvanized wire mesh field fencing materials strung on 4" x 4" wooded posts set in concrete footings to an 18-inch-depth and spaced six to eight feet apart with 2" x 4" wooden top and bottom stringer rails. The front of the replacement fence would be planted with "privacy landscaping." The existing wooden fence run along Stagecoach Road would be retained in place for a period of one to two years to existing to allow the landscaping in front of the new fence run to mature to a point where privacy screening has been established. No further details were provided with the permit amendment application as to the specific landscaping plants to be utilized for the replacement fence, or precisely at what point the new landscaping would be deemed to have been adequately established to prompt the removal of the existing easterly fence run. The existing wooden fence segment along the southerly property line will remain unchanged and the fence segment along the boundary between the two parcels would be removed.

New Fencing: In addition to replacing the existing fence run along the eastern side of the property, the applicants propose to install similarly landscaped wire mesh field fencing along the eastern and northern perimeter of adjoining Assessor's Parcel No. 517-011-04. The applicants have indicated that they have recently acquired this property and wish to include most of its grounds within the curtilage of the residence on Assessor's Parcel No. 517-011-05. The proposed new fencing would commence at a point approximately 40 feet south-southwesterly from the southeastern corner of APN 517-011-05 and run approximately 20 feet westerly, 115 feet northerly, 36 feet easterly, and 65 feet southerly to enclose an approximately 3,200-square-foot utility and guest parking area for four vehicles to be created across the common property line of the two parcels. The new fencing would continue running northerly from the utility/guest parking area along the eastern side of currently vacant APN 517-011-04, setback a minimum distance of 25 feet from the centerline of Stagecoach Road until coming within 100 feet of the McNeil Creek

riparian corridor. At this point the new fence would turn and run westerly parallel to the creek drainage for a distance of approximately 650 feet to the parcel's blufftop edge.

Relocated and New Site Improvements: The applicants are also proposing to perform a variety of new improvements to the property, as follows:

- Modify the existing driveway and off-street parking facilities by constructing a new 10-foot-wide gravel driveway whose alignment would run southwesterly from the current entry point onto APN 517-011-05 approximately 75 feet to the existing concrete slab on the southern center of the parcel. The slab would be expanded to create a 32' x 32' paved parking and turn-around area for three vehicles. The parking area would be screened with additional "appropriate plants." A 30-inch-high stone wall would be constructed and backfilled between the new parking area to and across the existing driveway to create a terraced landscaped area at the edge of the stone patio. The remaining portions of the gravel surface of the existing driveway between the stone wall and its street entrance would be removed and replaced with "appropriate landscaping."
- Remodel the existing attached two-car garage into a art studio / general utility space. Attach a pre-fabricated approximately 215-square-foot, 15-foot-high solarium onto the landward former entrance to the garage. Install a 23-foot-diameter stone patio along the southeastern side of the garage and clear a footpath between the patio and the new parking area.
- Relocate the existing pump house, water tank, generator, and liquefied petroleum gas tank into the newly created utility / guest parking area. Extend new water, gas and electrical power lines to the relocated utilities from their former sites. Install four 5,000-gallon water storage tanks in tandem within the utility area. Construct a new 10' x 12', seven- to eight-foot-high pump house and water treatment structure. Clear a walking pathway between the utility /guest parking area to the main residence.
- Construct a series of three-foot-wide, unimproved surface walking paths across APN 517-011-04, remove downed trees and limbs, and groom the site of debris as necessary for safety and wildfire management purposes. No major vegetation is proposed for removal.

The amended development does not involve a change of use, as the property and existing residence is not currently used or proposed for church assembly.

B. Planning and Locating New Development.

1. Summary of Applicable Coastal Act Provisions.

Section 30250 of the Coastal Act states, in applicable part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

2. Analysis

The project site consists of two rural residential parcels, one of which (APN 517-011-05) is currently developed with a single-family residence. This property is served by easement-conveyed well water originating from a parcel on the other side of Stagecoach Road. Wastewater from the dwelling is accommodated by an on-site sewage disposal system approved by the County of Humboldt Public Health Department's Division of Environmental Health as part of the original permitting for the residence (see CDP No. 1-82-096, James Knight and Kathlene Preston, Applicants). The subject parcels abut and have direct access off of Stagecoach Road, a County-maintained public street. The parcels lie within the emergency services jurisdictional boundaries of the Humboldt County Sheriff's Office and the California Department of Forestry and Fire Protection. Electrical and telephone service is provided to the site by the Pacific Gas and Electric Company and SBC Communications, Inc., respectively. Gas fuel service is available onsite at APN 517-011-05 from an existing liquefied petroleum gas (LPG) tank.

As described in Findings Section IV.A.3 above, the applicants are proposing to amend the permit originally granted to replace the section of the existing solid wooded fence along the property's eastern road frontage whose height had been required to be lowered from six feet to four feet with a landscaped, six-foot-high, open wire mesh field fence to be located five feet further in from the existing fence. The amended project description also proposes a variety of new development, including: (1) installing new field fencing to enclose a utility / guest parking area and around the adjacent, currently vacant lot (APN 517-011-04); (2) revising driveway and off-street parking areas; (3) remodeling the existing attached garage into an art studio and general utility area, and constructing a solarium addition; (4) relocating and augmenting the existing water pump house and storage, generator and LPG fuel tank facilities into the utility area; and (5) establishing a patio area, walkways, paths, and landscaping at various locations on the property.

With respect to impacts on road circulation, wastewater disposal capabilities, utilities, or other public services, the proposed amended development would not have significant adverse effects, either individually or cumulatively, on coastal resources. The proposed

improvements to the driveway and off-street parking facilities would not result in a change in road capacity, create new vehicular entry points onto the adjoining public road, or reduce the amount of off-street parking amenities provided at the project site.

A major new aspect of the amended development is the proposed relocation of the fuel domestic water supply pumping, treatment, and storage infrastructure into a fenced-off approximately 3,200-square-foot "utility area" to be situated at a location straddling the property line of the two lots. The Commission notes that as a separate and discrete parcel of real property, APN 517-011-04 is available for lease, sale, transfer to other parties, or as lien collateral for purposes of financing. If a successor upon receivership should then opt to discontinue allowing the owners of APN 517-011-05 to use the portion of the utility and guest parking area on APN 517-011-04, the adjoining residential uses could lose a crucial supporting element. Such elimination of water supply facilities could have significant implications to the residents of APN 517-011-05 that could adversely affect their health, safety, and comfort. A lack of water would also affect sewage disposal practices, resulting in impacts to water quality and coastal resources, inconsistent with the intent of Sections 30250 that development be located in areas with adequate services where it will not have significant adverse effects of coastal resources.

Thus, to prevent the potential loss of the water supply facilities provided on the adjoining parcel, the Commission attaches new Special Condition No. 5. Special Condition No. 5 states that the applicants must submit within 60 days of the Commission's approval of the subject coastal development permit a copy of a recorded easement, in a form acceptable to the Executive Director, establishing rights in perpetuity for the owners of APN 517-011-05 for access, maintenance, and use of the utility / parking area on APN 517-011-04 for domestic water supply pumping, treatment, storage and transmission facilities, and supplemental off-street guest parking for the existing residential use on APN 517-011-05. Recordation of the easement will also provide constructive notice that the conveyed rights of use of the utility area are fully disclosed to all potential future purchasers of either property.

Therefore, the Commission concludes that the amended development as conditioned is consistent with the new development policies of the Coastal Act because the amended development would not have significant adverse effects, either individually or cumulatively, on coastal resources with regard to circulation, water and wastewater facilities, or other public services.

C. Visual Resource Protection and Compatibility with Surrounding Character.

1. Summary of Applicable Coastal Act Provisions

Section 30251 of the Coastal Act states, in applicable part, that:

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

2. Analysis

The site is located on the west side of Stagecoach Road in an area of low-density, rural residential development on heavily forested lots. Stagecoach Road is a narrow, public road within a densely vegetated travel corridor that provides public access to several coastal recreation areas including various units of Trinidad State Beach to the south from the City of Trinidad and serves as an alternate parallel route to Patrick's Point Drive for southbound traffic coming from the north. The proposed amended project does not involve the removal of any trees or major vegetation and would not be visible from any park or public recreation area, only from the public road.

The character of the area is largely defined by the dense, native spruce/hemlock forest and coastal scrub vegetation along the east and west sides of the road corridor. As a result of the densely vegetated character of the area, very little development is actually visible from Stagecoach Road with the exception of occasional rooftops and some property line fencing. This dense vegetation is the dominant characteristic of the area; the few fences that do exist and that are visible from the roadway do not by themselves define the character of the area.

Protection of Views To and Along the Ocean and Coastal Scenic Areas

As noted above, views of the ocean from Stagecoach Road are limited by the intervening dense spruce forest vegetation and the distance from the road to the ocean (approximately 125 feet at the subject property). As seen from Stagecoach Road, the subject property affords only a minimal blue water view corridor across the property down the area of the driveway entrance. The majority of the former ocean view across the property was obstructed with the construction of the single-family residence approved under CDP No. 1-83-096. The Commission notes that CDP No. 1-83-096 did not require the establishment of a view corridor across the site, or otherwise require the view to be maintained. The permit did include a condition that limited additional tree removal beyond the project proposal and required the maintenance of native vegetation on the site to maintain compatibility with the densely vegetated character of the area. However, maintenance of the densely forested site also minimizes any ocean view across the property. Thus, the Commission finds that the proposed replacement fence and new fencing as well as the other relocated and new site improvements, including the new 15-foot-high, 215-square-foot solarium, which will be located on the landward side of the existing house, would not result in a significant adverse impact on views to or along the coast.

Minimization of Natural Landform Alteration

As described further in Project Setting and Site Description Findings Section IV.A.1, the subject site consists of flat uplifted marine terrace comprising two blufftop lots. The parcels are covered with dense coastal conifer forest and understory vegetation. The installation of the revised and new fencing, changes to the driveway and off-street parking areas, relocation of the water, fuel, and generator facilities, and the landscaping work would entail some minor grading and excavation, primarily for the placement of fence posts, gravel and pavement surfaces, and for the foundations for the proposed structural additions. However, no additional trees or other areas of major vegetation (i.e., large contiguous patches of brush) would be removed. A 30-inch-high stone wall would be constructed and backfilled to the edge of the proposed stone patio. Given the relatively minor scope of the proposed changes to the site terrain, the Commission finds that the proposed amended development would not result in substantial alteration of natural landforms.

Visually Compatibility with the Character of Surrounding Areas

As discussed in the revised findings for the original permit, the Commission found that planting vegetation to screen the existing six-foot wooden fence alone would not be sufficient to find consistency with the character compatibility requirement of Section 30251, as the mass of the solid wooden fence itself is out of character with the surrounding area. There are no other significantly visible fences along the street frontage of the properties on either side of the subject property, which results in the originally proposed solid wooden fence being even more visually prominent among the adjacent dense vegetation. Fences elsewhere along the road are either of a lower, three to four foot height and/or are of an open-style design, such as wooden posts and wire, that provides greater compatibility with the character of the area in that they are less visually prominent. Many of these open-style fences are also covered with vegetation common to the area that furthers their compatibility with the character of the area.

Thus, even though the replacement fence proposed under the current amendment request would be the same height as the existing fence and would include screening landscaping, this barrier would not create a solid edifice, as does the existing fence that visually projects a structural mass at the front of the subject property, atypical of other properties along Stagecoach Road. Similarly, the new wire fence around the northerly parcel as proposed to vary in setback from the road consistent with topographic features and to be located so as to utilize existing vegetation for screening would be compatible with the character of the surrounding area. Therefore, the Commission finds that all of the proposed fencing would be compatible with the character of the surrounding area, as required by Section 30251, provided the existing fence is promptly removed once the screening to be planted around the replacement fence as screening has been established. Thus, the Commission imposes revised Special Condition No. 6 which requires the applicant to demolish the existing fence within one year (November 15, 2005) of the

Commission's action on the permit and to require that the demolition materials are disposed of at a solid waste or recycling facility appropriately licensed to receive such materials.

The solarium, utility areas, driveway, and other new development components of the amended development must also be compatible with the character of the surrounding area. Several of these elements, such as the pathways, trails, driveways, patio, and landscaping stonewall will either not extend noticeably above the ground or, as screened by the proposed replacement fence, would not be visible from public vantage points along Stagecoach Road. Although the solarium addition would extend to a height of 15 feet, the structure would be no taller than the existing 28-foot-high house. The Commission does note that while the existing house may form a backdrop to the solarium, the glass panels of this structure as well as the industrial appearance of the water storage tanks and the other water supply facilities would not necessarily be compatible with the character of the area. Accordingly, additional mitigative actions would need to be taken to ensure that the replacement fence on the southerly parcel and around the utility area adequately screen these structures to ensure the appearance of the amended development is compatible with the character of the surrounding area

When the original fence was constructed, the applicants planted vegetation along the eastern fenceline that has been only partially successful in screening the fence, as some of the plantings did not survive due to what the applicants attribute to lack of light and irrigation. As part of the amended development, the applicants are proposing to provide additional native landscaping along the replacement fence line segment facing Stagecoach Road, consisting of "appropriate plants."

To ensure that the replacement fencing and the development behind it is adequately screened in a manner consistent with the character of the area, the Commission reimposes revised Special Condition No. 1. Special Condition No. 1 requires the applicant to submit a revised landscaping plan for review and approval of the Executive Director. Special Condition No. 1 also requires that the revised landscaping plan provide for native landscaping along all lengths of the replacement fencing to screen the fence from view in all directions along the public road. Furthermore, due to the limited success of previous landscaping attempts, the Commission finds that it is again necessary to require a mechanism to monitor and maintain the health of the vegetation to ensure its successful establishment. The landscaping plan requires specifications including species, sizes at planting, heights at maturity, and establishment techniques including irrigation and fertilization. Special Condition No. 1 also requires that the installed landscaping achieve 80% coverage of the fence within three years of planting to ensure that it achieves consistency with the character of the area as discussed above. Monitoring reports are required to be submitted to the Executive Director by October 1 of each year and a narrative assessment of the general condition of the vegetation along the fence, an analysis of reasons for any failure of the planting, photographs of the landscaping and an evaluation of whether the 80% coverage standard will be or has been achieved within

three years of planting. If a report indicates that the plants will not be or have not been successful in part, or in whole, the applicant is required to submit for the review and approval of the Executive Director a revised landscaping program containing recommendations for any additional planting and other corrective measures needed to achieve the 80% coverage performance standard and obtain a permit amendment unless the Executive Director determines that no amendment is legally required.

Conclusion

The Commission concludes that the amended development as conditioned has been sited and designed to protect views to and along the coast. Furthermore, the Commission concludes that, as conditioned by reimposed revised Special Conditions No. 1 and new Special Condition No. 6 to: (a) ensure that landscaping is successfully planted and maintained along the replacement fence to ensure that the development behind the fence would be screened from view and that only non-invasive native vegetation appropriate to the surrounding area is utilized; and (b) require the existing fence run along the eastern property line be promptly removed one year after issuance of the permit, the amended development will not have significant adverse effects on visual resources.

The Commission therefore finds that as: (1) views to and along the ocean would not significantly be adversely effected by the project modifications; (2) natural landform alteration would be minimized; and (3) the amended project has been conditioned to ensure that it would be visually compatible with the character of surrounding areas, the amended development as conditioned is consistent with Coastal Act Section 30251.

D. Environmentally Sensitive Habitat Areas.

1. Summary of Applicable Coastal Act Provisions

Section 30240(b) of the Coastal Act states:

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.

2. Analysis

The roughly 700-foot-long northern boundary of the project site is co-terminus with the centerline of McNeil Creek, a first-order perennial coastal stream that drains a small an approximate 400-acre watershed. The creek and its adjoining riparian corridor occupy the bottom and sides of a relatively steep-sided gulch whose vegetation changes abruptly at the top of the slopes into the adjacent North Coast Coniferous Forest series, clearly demarcating the boundaries of the creek's environmentally sensitive habitat areas.

As detailed further in the Description of Permit Amendment Findings Section IV.A.3, above, the applicants propose to install new fencing northward along the eastern side of the currently vacant lot APN 517-011-04 to a point 100 feet from the top of the slope down into McNeil Creek. The fence would then turn to the west and run parallel to the top of the bank terminating at the parcel's blufftop edge. Rudimentary walking trails would also be developed throughout APN 517-011-04 in the area to the south of the proposed northerly fenceline.

The applicants are proposing to provide a minimum 100-foot-wide buffer between the riparian corridor ESHA and the proposed fencing and pathways uses. As the amended development would comprise a relatively small project on existing parcels zoned for low-density single family residential uses, and as the Commission has often found 100-foot-wide buffers to be adequate to protect ESHA from the impacts of adjacent development, the Commission finds the proposed 100-foot-wide buffer to be adequate.

To ensure that the habitat provided within the McNeil Creek is not impacted by the introduction of invasive landscaping plants, Special Condition No. 1 requires that only native or non-invasive, non-native plant species common to the Stagecoach Road rural residential area be used in the fence's landscaped screening. No exotic invasive plants are allowed to be planted anywhere at the project site. Introduced invasive exotic plant species could physically spread into the ESHA and displace native riparian and wetland vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to other nearby ESHA by wind dispersal or by birds and other wildlife. Special Condition No. 1 will ensure that the ESHA near the site is not significantly degraded by any future landscaping that would contain invasive exotic species. Therefore, the Commission finds amended development as conditioned is consistent with the requirement of Coastal Act Section 30240(b) that development adjacent to ESHA be shall be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of those habitat areas.

E. Coastal Access.

1. Summary of Applicable Coastal Act Provisions

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new

development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

2. Analysis

In its application of these policies, the Commission is limited by the need to show that any denial of a permit application based on the above public access policies, 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 between the first public road (Stagecoach Road) and the sea, it will not otherwise adversely affect public access. There are no trails that provide shoreline access through the subject property and therefore, the revised fence or other site improvements would not result in a barrier to public coastal access. Furthermore, the proposed revised fence and site improvements would not change the nature or intensity of use of the site and thus, would not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the amended development is consistent with the public access policies of the Coastal Act.

F. Religious Land Use And Institutionalized Persons Act of 2000.

The Commission notes that its action on the proposed development is not based upon any animus toward the religious affiliation of the applicant. The Commission has reviewed the provisions of the Religious Land Use and Institutionalized Personas Act (RLUIPA), which prohibit certain actions even if *not* based upon animus, to ensure that its actions are not in violation of federal law in any other way. Section 2 of the RLUIPA, titled "Protection of Land Use as Religious Exercise" (42 USC §2000cc), contains four separate prohibitions on government action.¹

Pursuant to that section, the Commission may not "implement a land use regulation..."

- "In a manner that imposes a substantial burden on the religious exercise of a[n] . . . institution, unless the imposition of the burden... (A) [furthers]... a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest" (RLUIPA Section 2(a));
- "In a manner that treats a religious assembly or institution on less than equal terms with a non-religious assembly or institution" (RLUIPA Section 2(b)(1));
- "That discriminates against any assembly or institution on the basis of religion or religious denomination" (RLUIPA Section 2(b)(2)); or

¹ These prohibitions apply to all state agencies, including the Commission. 42 USC §2000cc-5(4).

- “That (A) totally excludes religious assemblies from a jurisdiction; or (B) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.” [RLUIPA Section 2(b)(3)]

These sections are inapplicable, initially, because the Commission’s action does not involve the implementation of a “land use regulation” as RLUIPA defines that phrase. RLUIPA specifically defines “land use regulation” to mean “a zoning or landmarking law ... that limits or restricts a claimant’s use or development of land... if the claimant has an ownership, leasehold, easement, servitude, or other property interest...or a contract or option to acquire such an interest.” RLUIPA Section 8(5); 42 U.S.C. § 2000cc-5(5). The Coastal Act provisions implemented by the Commission’s decision are neither zoning nor landmarking laws that limit or restrict the applicant’s use or development of the subject property.

Furthermore, even if the Commission’s action were to constitute implementation of a “land use regulation” for purposes of RLUIPA, it meets none of the four criteria listed above. Regarding the first prohibition, in RLUIPA Section 2(a), the Commission notes that the subject site is not used for church assembly and therefore, the Commission’s action imposes no substantial burden on the applicant’s religious exercise. The proposed amended development is not designed to facilitate the exercise of religion (much less is it central to such exercise). Thus, the imposition of conditions on the project by the Commission with the proposed revisions would not burden the applicant’s exercise of religion, much less pose a substantially burden to such activity.

Secondly, with respect to RLUIPA Section 2(b)(1), the Commission’s action treats the applicant on terms that are identical to those it would apply to any non-religious entity applying for the same development. It is the nature of the proposed amended development, and the fact that it involves coastal resource impacts, rather than the nature of the applicant, that is critical to the Commission’s decision.

Finally, the Commission’s action does not discriminate against the applicant on the basis of religion or religious denomination, and it does not exclude or unreasonably limit religious assemblies or institutions from any jurisdiction. Consequently, the Commission concludes that its action on the amended development is not in violation of the Religious Land Use and Institutionalized persons Act of 2000.

G. Alleged Violation.

As noted above, the original fence was constructed at the site in an area within the Commission’s jurisdiction without the benefit of a coastal development permit. Consideration of this permit amendment application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the cited alleged violation nor does

it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

H. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 which the activity may have on the environment.

The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. 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. As discussed above, the development as amended has been conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been required as permit special conditions. 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 may have on the environment. Therefore, the Commission finds that the development as amended and conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

V. EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Planning Area Boundary Map, Trinidad Area Plan – County of Humboldt LCP
4. Proposed Amended Project Narrative Description, Site Plans, and Elevation Views
5. Excerpts, Original Coastal Development Permit Revised Findings Staff Report
6. Original Project Site Map, Landscaping Plan, and Fencing Typical

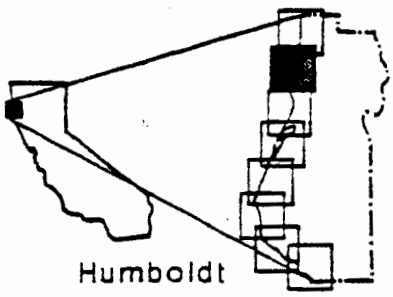
ATTACHMENT A:

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
3. 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.
4. 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.

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

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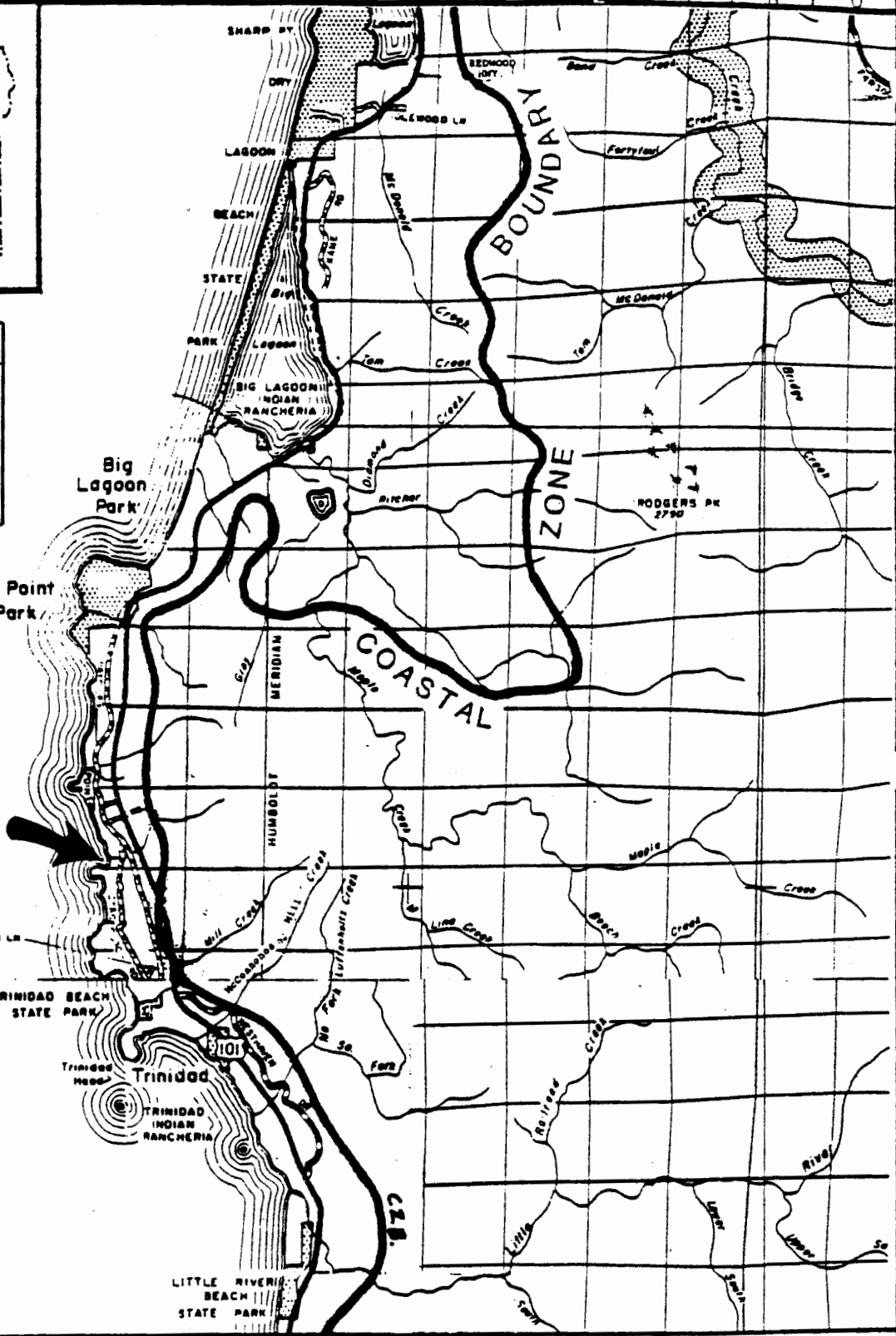


Humboldt

EXHIBIT NO. 1

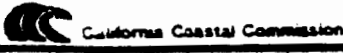
APPLICATION NO.

1-01-052-A1
AVATARIC RUCHIRASALA
OF ADIDAM
REGIONAL LOCATION
MAP



**PROJECT
SITE**

LOCATION MAP



topozone

Copyright 1999-2003 Maps & More, Inc.

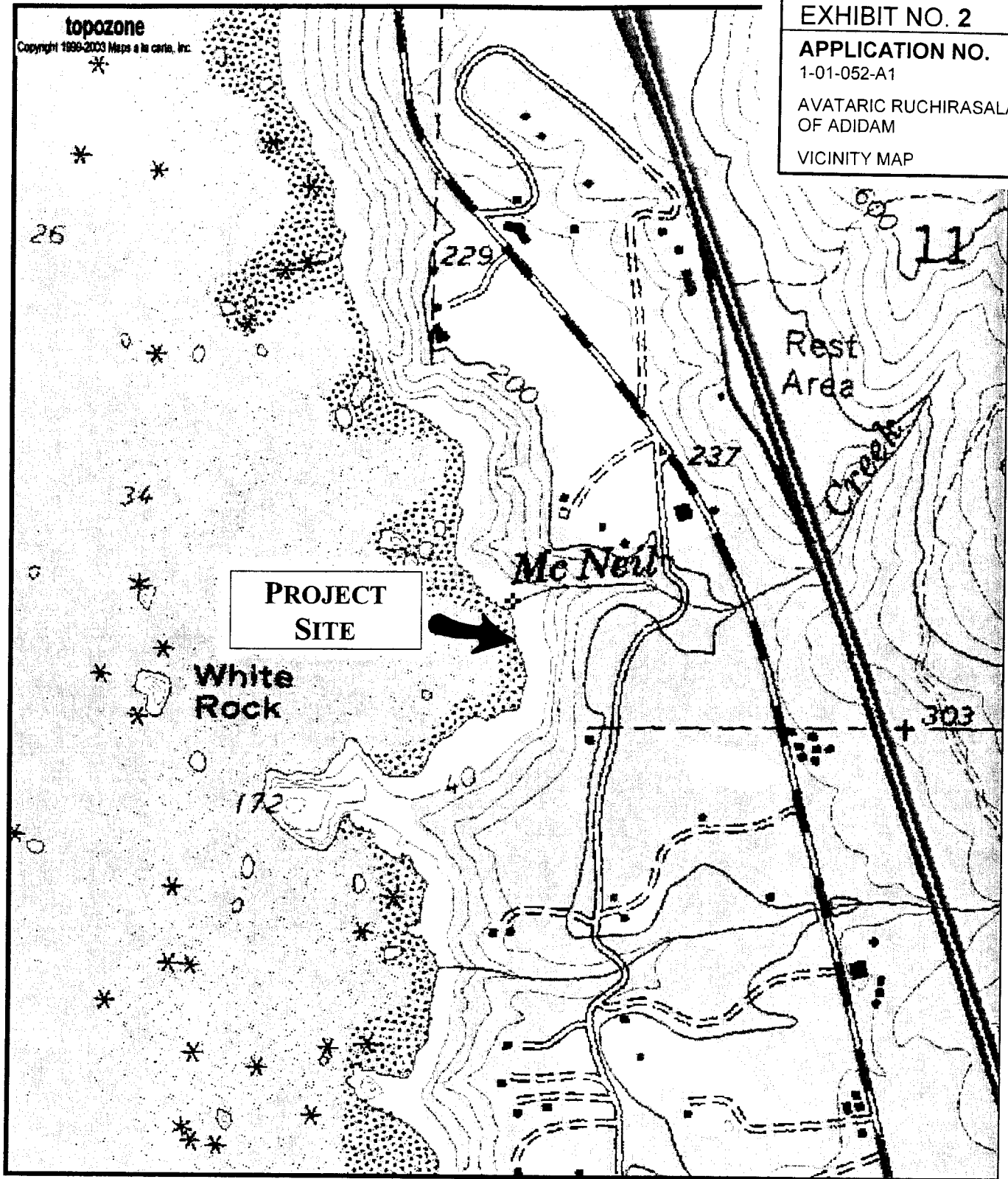
EXHIBIT NO. 2

APPLICATION NO.

1-01-052-A1

AVATARIC RUCHIRASALA
OF ADIDAM

VICINITY MAP



PROJECT
SITE

White
Rock

McNeil

Rest
Area

CREEK

0 0.1 0.2 0.3 0.4 0.5 km

0 0.09 0.18 0.27 0.36 0.45 mi

Map center is UTM 10 403009E 4549219N (WGS84/NAD83)

TRINIDAD quadrangle

Projection is UTM Zone 10 NAD83 Datum



M=16.338
G=-0.759

Trinidad Area Plan Map

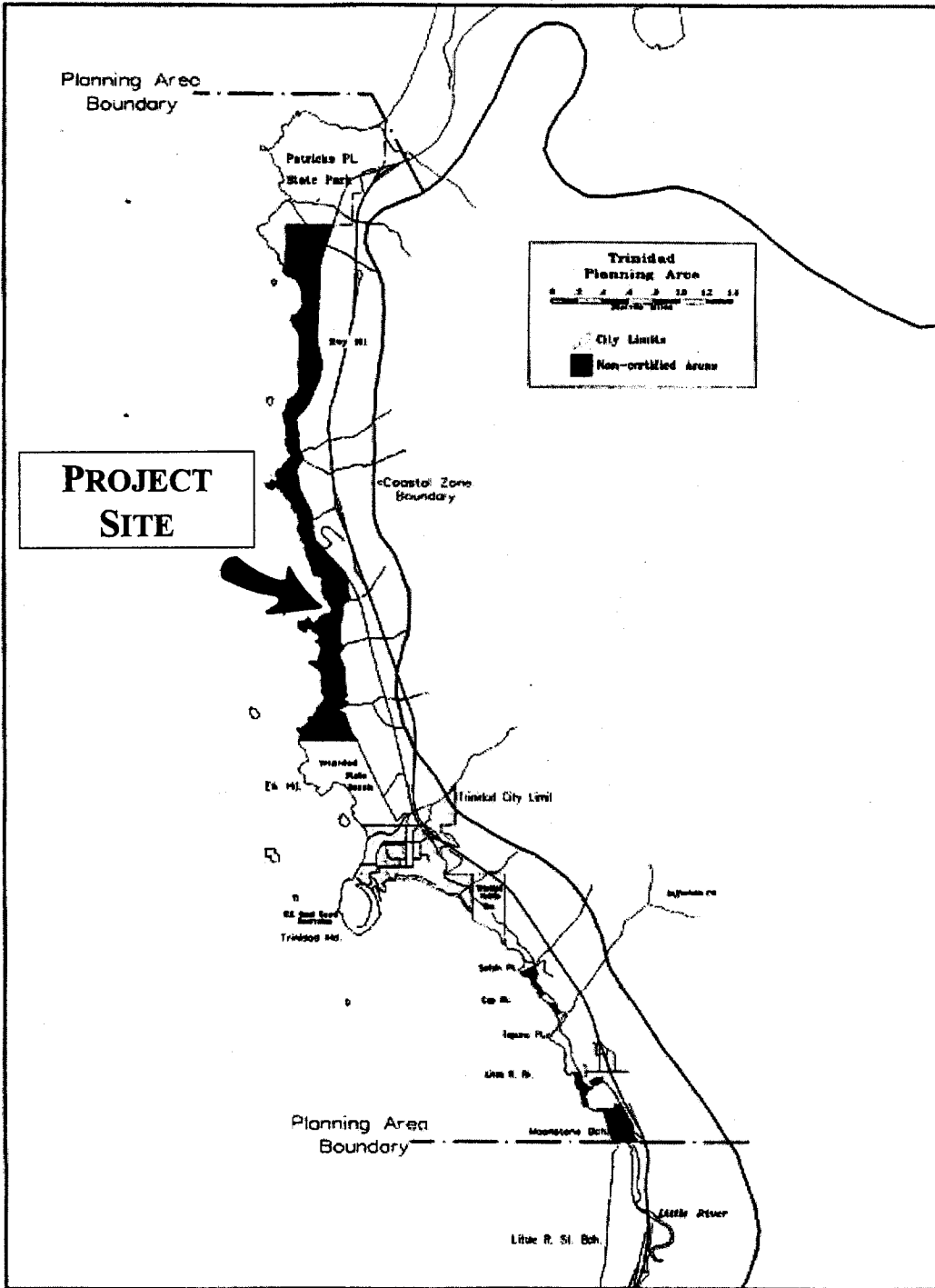


EXHIBIT NO. 3
APPLICATION NO.
1-01-052-A1
AVATARIC RUCHIRASALA
OF ADIDAM
PLANNED AREA BOUNDARY
MAP, TRINIDAD AREA PLAN -
COUNTY OF HUMBOLDT LCP

Attachment 2
1512 Stagecoach Road, Trinidad— Development Proposal
Narrative for Section II, #2, page 2 of the application

EXHIBIT NO. 4
APPLICATION NO. 1-01-052-A1
PROPOSED AMENDED PROJECT NARRATIVE DESCRIPTION, SITE PLANS, & ELEVATION VIEWS (1 of 9)

1. Driveway: The current driveway would be modified so that the entrance from Stagecoach Road is a gradual angle rather than a right angle. The entrance would be at the existing entrance but angled toward the proposed parking area.
2. Parking area: The parking location corresponds roughly to an existing concrete slab, but the slab would need to be enlarged to 32' x 32' to accommodate ease of turning around. This area will accommodate up to three cars. The parking area would be screened by the addition of appropriate plants.
3. Path from parking to patio: A new landscaped path would go from the parking area to the proposed stone patio. This would be the principal access path to the house.
4. Stone patio: The existing gravel in front of the entrance to the house would be replaced by a slate patio.
5. Solarium: A solarium would be added to the existing garage. A side entrance to the solarium would access the slate patio.
6. Stone wall and terrace: A rock wall about 30" high would be built and would be back filled to create a terrace across the existing driveway. This will set off the patio area by creating a landscaped back drop. The rest of the gravel driveway will also be removed and replaced by appropriate landscaping.
7. Utilities: The existing pump house, water tank, generator, and gas tank will all be moved to the proposed utility and visitor parking area. This utility area will be located partially on AP 517-011-04 and partially on AP 517-011-05. This area will accommodate guest parking for four cars. Water, power, and gas lines would need to be extended from the existing pump house to the new pump house. Gas line would need to be extended from the existing tank to the new tank. Likewise power lines to the generator would be extended to accommodate the new location of the utilities.
8. Water Storage: Four 5,000-gallon water storage tanks would be included within the utility area. These tanks are required to provide (via storage) year-round water to the property. Historically, late in the summer the supply to the property is cut off due to lack of water. This dry period lasts typically about 2 months. We have estimated our water needs at 6,000 gallons per month. The bulk of this is for landscape irrigation. We are sizing the storage tanks to take into account this two-month period, with an additional month's backup to account for unusually dry years. The tanks would easily be filled during the wet months using only our existing water allotment of two gallons per minute. The tanks would be screened front and back to minimize their visibility.

9. Path from visitor parking to house: This path would follow the fence and would end near the solarium. At that juncture there will be access either to the patio and the front door or to the service entrance on the side of the house.

10. Fence:

a. Parcel 517-011-05 is surrounded by a 6' high wooden fence. We propose to replace the portion of this fence bordering Stagecoach Road with a 6' high wire field fence. The new wire fence would be set back 3' to 5' behind the existing fence to accommodate privacy landscaping in front of the fence and to create in effect a "living fence." The existing fence would be retained in addition to the new wire fence until the landscaping has matured to the point of providing privacy (estimate is 1-2 years). The intent is that the "living fence" blend in with the surrounding area.

b. Parcel 517-011-04: There will be a 6' high wire fence set back from the road behind existing shrubbery. Plantings would be added inside and outside the fence to provide privacy and to cause the wire fence in effect to "disappear" into the landscape. The north fence line will be on the south side of the creek and will be set back from the creek 15' to 20', in accordance with local regulations.

11. Development of the new property (517-011-05): At this time, the church plans to develop walking paths on the new property. Downed trees and debris would be groomed or removed (as appropriate) for purposes of safety and fire hazard reduction, but the natural feel of the property will be retained.

Attachment 3
Project Heights for Five (5) Components of Development Proposal
Section II, #4, page 3 of the application

1. Fence

Project height: Maximum height of structure (ft.)

- a. above existing (natural) grade. 6'
- b. above finished grade. 6'
- c. as measured from centerline of frontage road. 6'

2. Solarium

Project height: Maximum height of structure (ft.)

- a. above existing (natural) grade. 15' at point of highest attachment to house
- b. above finished grade. 15'
- c. as measured from centerline of frontage road. 5'

3. Pumphouse

Project height: Maximum height of structure (ft.)

- a. above existing (natural) grade. 8'
- b. above finished grade. 8'
- c. as measured from centerline of frontage road. 8'

4. Stone wall

Project height: Maximum height of structure (ft.)

- a. above existing (natural) grade. 30"
- b. above finished grade. 30"
- c. as measured from centerline of frontage road 5'
(not visible from road)

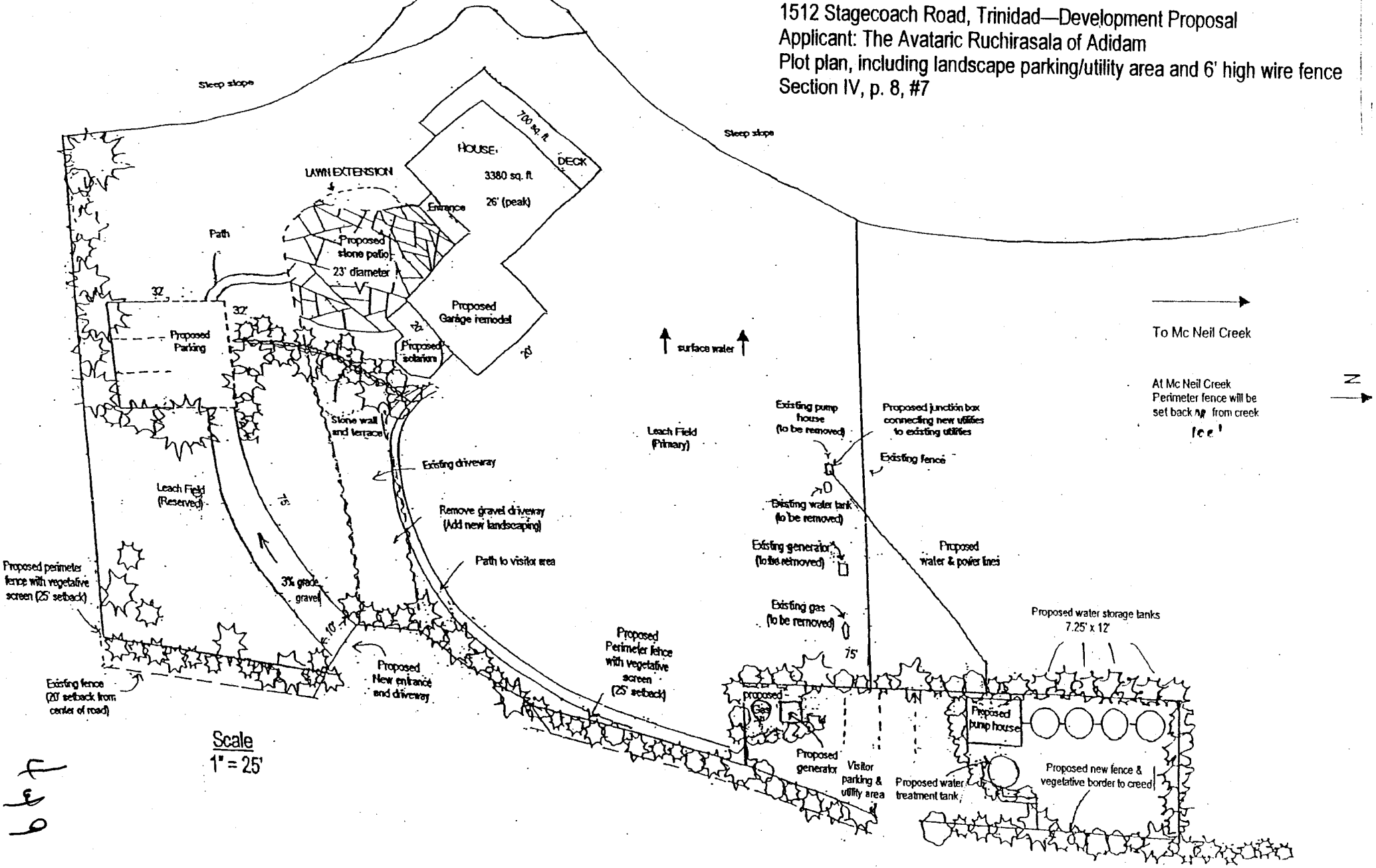
5. Water storage tanks

Project height: Maximum height of structure (ft.)

- a. above existing (natural) grade. 6'
- b. above finished grade. 6'
- c. as measured from centerline of frontage road. 6'

3 of 9

1512 Stagecoach Road, Trinidad—Development Proposal
 Applicant: The Avataric Ruchirasala of Adidam
 Plot plan, including landscape parking/utility area and 6' high wire fence
 Section IV, p. 8, #7



b67

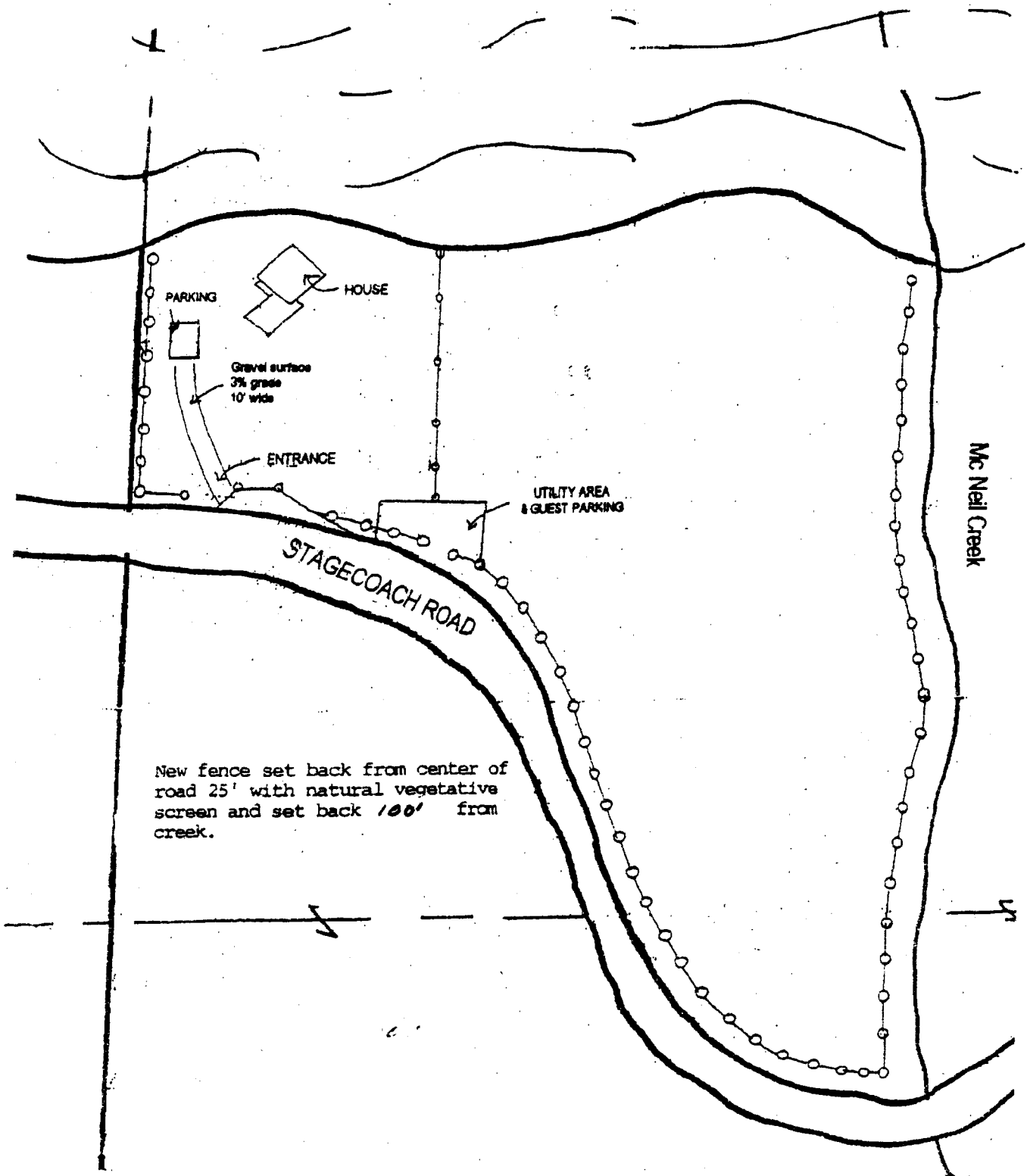
Scale
 1" = 25'

→
 To Mc Neil Creek

At Mc Neil Creek
 Perimeter fence will be
 set back 40' from creek
 (see)

N
 ↑

1512 Stagecoach Road, Trinidad—Development Proposal
Applicant: The Avataric Ruchirasala of Adidam
Plot plan showing detail of proposed new 6' high wire fence
Section IV, p. 8, #7



New fence set back from center of road 25' with natural vegetative screen and set back 100' from creek.

599

4/4/02 11:17 PAGE 2/2 RightFax

FINISH CONCERNING ROOMS
 FOR FINISHES
 SEE EXHIBIT B FOR
 FINISHES TO BE USED

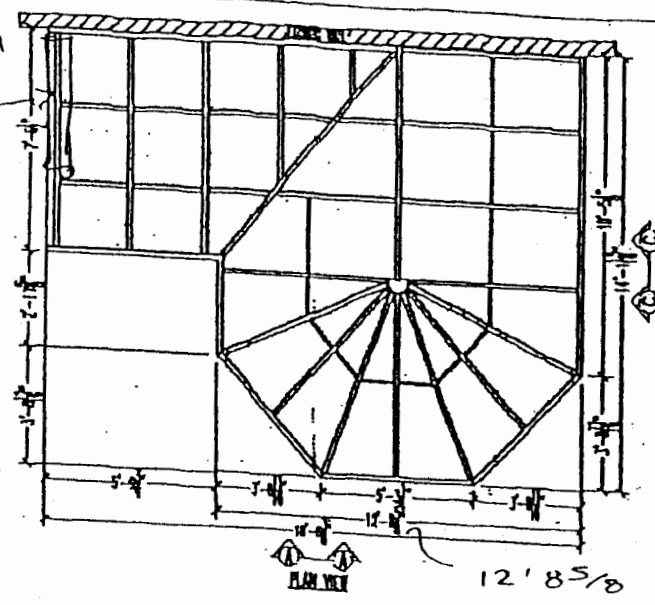
USE # 4 FOR SEVEN FEET 4
 INCHES CONCERNING, WALL
 MATERIALS

NOTES

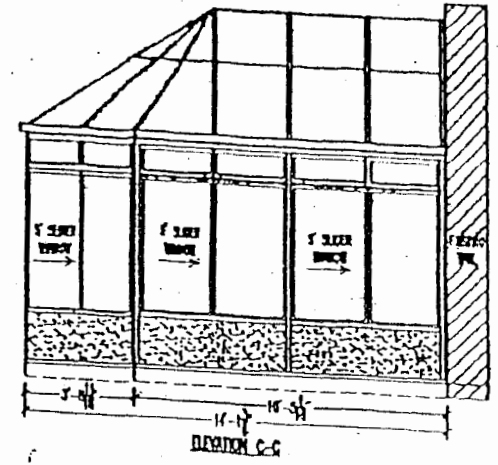
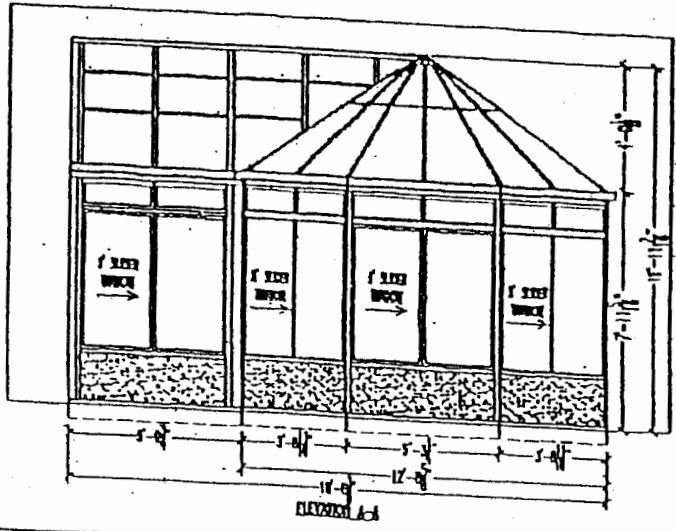
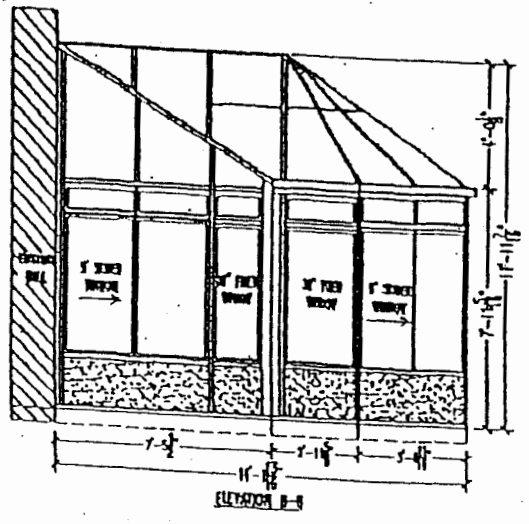
- 1) WALL BRICK ONE IN. 4-4
- 2) WALL BRICK ONE IN. 4-4
- 3) BRICK LAYING IN W. END
- 4) REPAIRS ONE END IN FT.
- 5) REPAIRS ONE END IN FT.

SCALE: 1/4" = 1'-0"

Replace 5' win
 with
 French Door

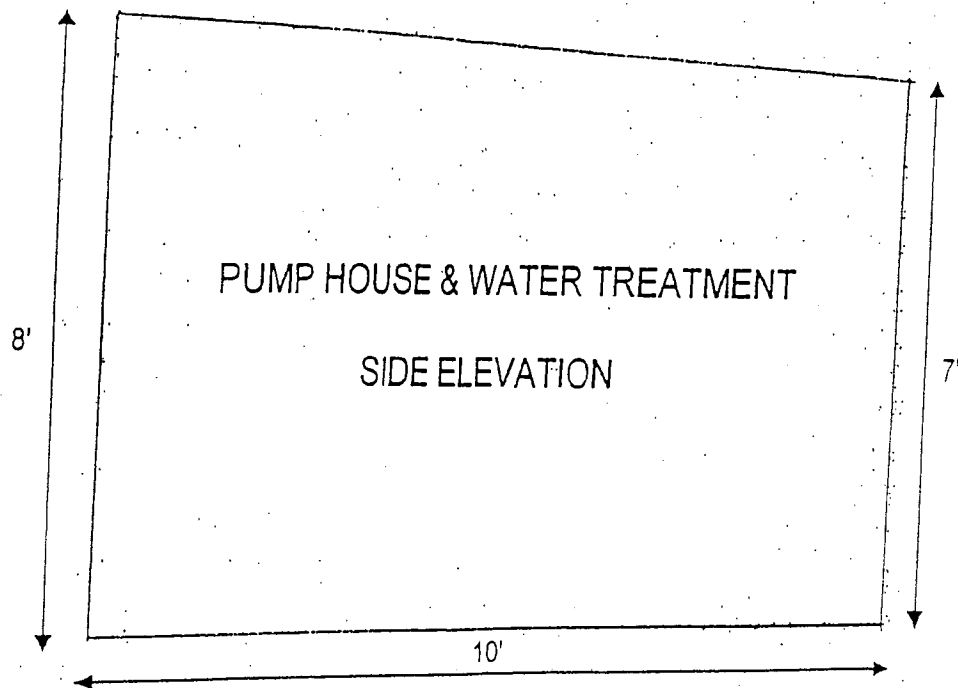
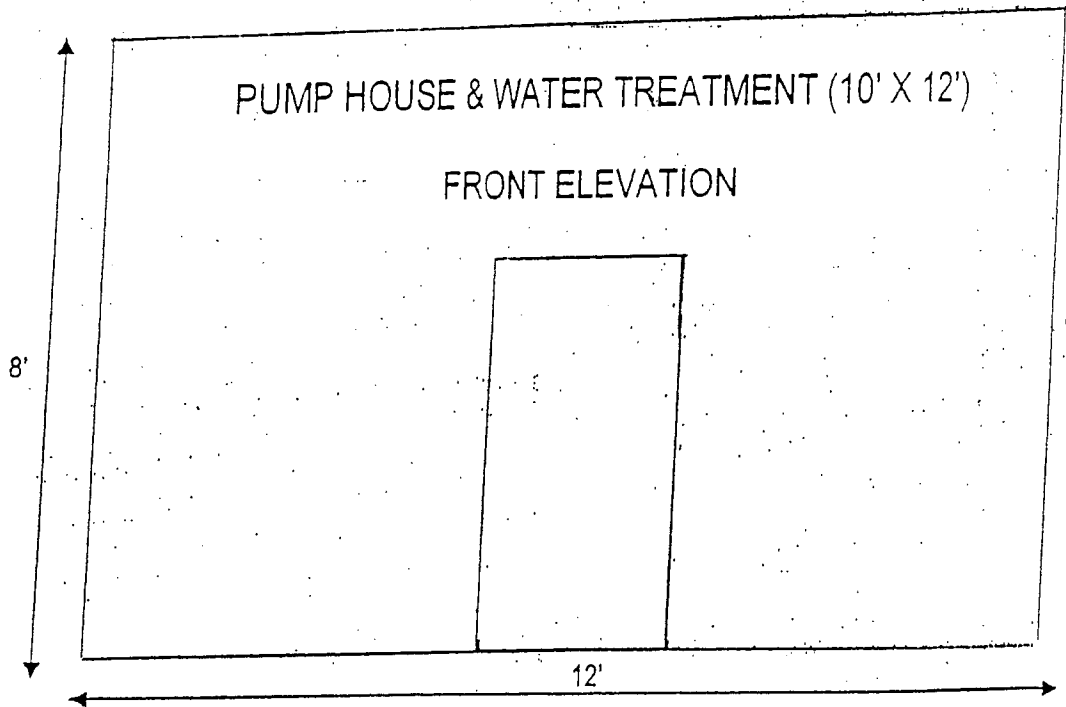


- 1) owner will construct BASE WALL
- 2) Door on left gable AS indicated



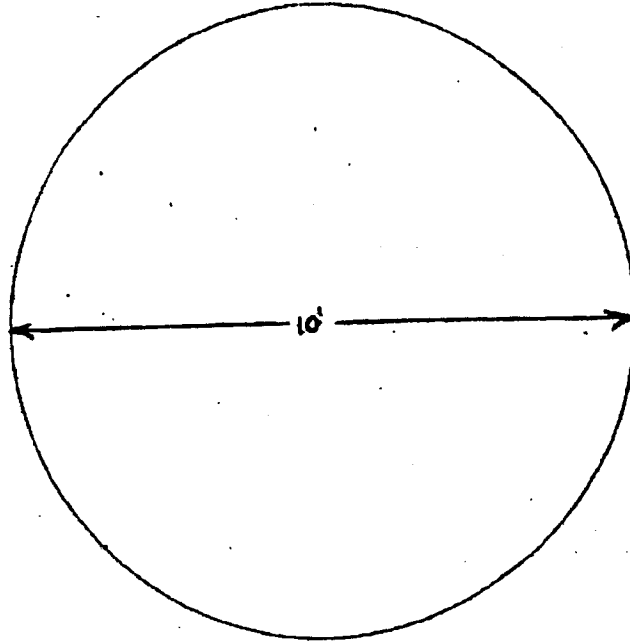
PLANS		ELEVATIONS	
OWNER	AVATARIC	PROJECT	1512 STAGECOACH ROAD
ADDRESS	TRINIDAD, CA 95076	ARCHITECT	NAUMANN
DATE	4/3/02	SCALE	1/4" = 1'-0"
FOUR SEASONS SOLAR PRODUCTS CORP. 6000 VERMONT AVENUE, SUITE 117A WASHINGTON, NEW YORK 11781 516-437-1100 FAX 516-437-1101			
SYSTEM 4 VICTORIAN CONSERVATORY (OPTIONAL)			
REV.	BY	DATE	BY
CORRECTED DATE: 4/3/02 DRAWN BY: RPL DATE: 4/3/02			
NAUMANN			
1 of 3			

1512 Stagecoach Road, Trinidad--Development Proposal
Applicant: The Avataric Ruchirasala of Adidam
Building Elevations: Pump house & water treatment
Section IV, #7, p. 8

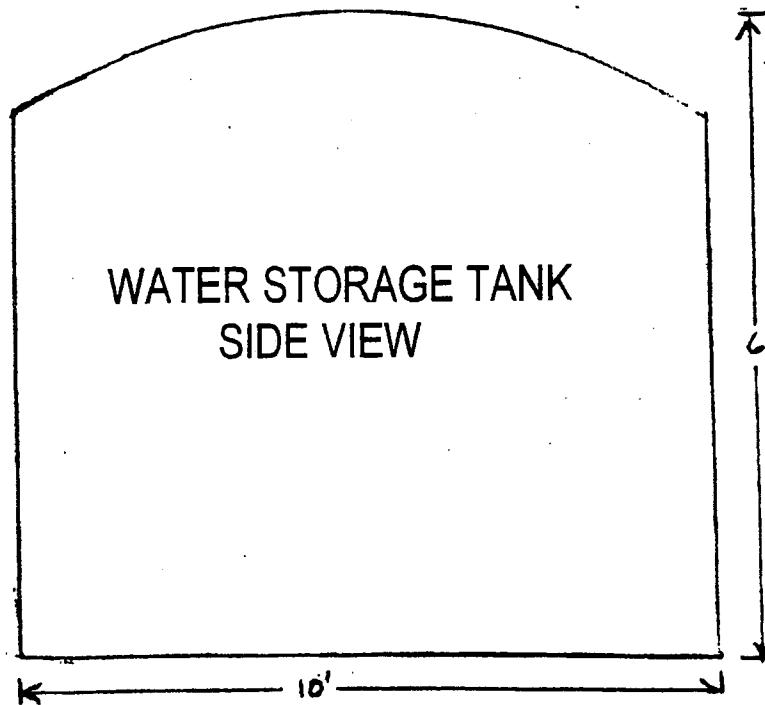


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1512 Stagecoach Road, Trinidad--Development Proposal
Applicant: The Avataric Ruchirasala of Adidam
Building Elevations: Water Storage Tanks
Section IV, #7, p. 8



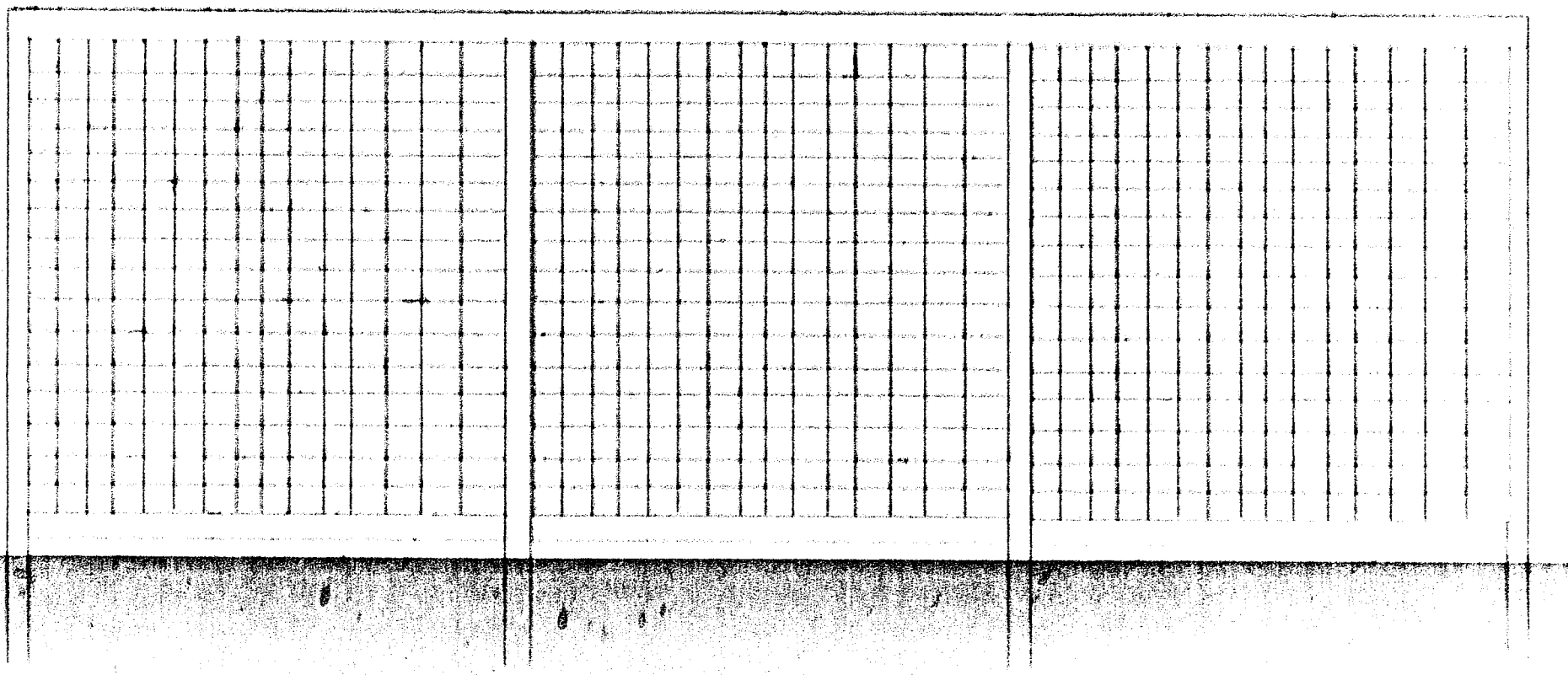
WATER STORAGE TANK
TOP VIEW



WATER STORAGE TANK
SIDE VIEW

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Fence Detail- 1512 Stage Coach Road

1. 4" x 4" Posts on 6 to 8 foot centers.
2. Posts are 6 feet above grade and 18 inches below grade, set in concrete footings
3. 2" x 4" top and bottom rails
4. Field fence stretched between posts and tacked to top and bottom rails.

CALIFORNIA COASTAL COMMISSION

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

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

**EXHIBIT NO. 5****APPLICATION NO.**

1-01-052-A1

EXCERPTS, ORIGINAL
 COASTAL DEVELOPMENT
 PERMIT REVISED FINDINGS
 STAFF REPORT (1 of 8)

W 24b

Staff: Tiffany S. Tauber
 Staff Report: February 15, 2002
 Hearing Date: March 6, 2002
 Commission Action:

STAFF REPORT: REVISED FINDINGS

APPLICATION NO.: **1-01-052**

APPLICANT: **THE ELEUTHERIAN
 PAN-COMMUNION OF ADIDAM**

PROJECT LOCATION: 1512 Stagecoach Road, north of Trinidad,
 Humboldt County, (APN 517-011-05)

PROJECT DESCRIPTION: After-the-fact authorization of a six-foot-high,
 wooden perimeter fence, gate, and landscaping.

GENERAL PLAN DESIGNATION: Rural Residential, 5-acre minimum

ZONING DESIGNATION: Rural Residential, Non-Certified Area

LOCAL APPROVALS REQUIRED: None Required

OTHER APPROVALS REQUIRED: None

COMMISSIONERS ON THE
 PREVAILING SIDE: Commissioners Desser, Dettloff, Hart, Susskind,
 Ruddock, Nava, Potter, Reilly, Woolley, and Wan

SUBSTANTIVE FILE DOCUMENTS: CDP File No. 1-83-96 (Knight)

STAFF NOTES:

1. Procedure

On December 14, 2001, the Commission approved the permit with conditions to mitigate impacts related to visual resources different from the conditions originally recommended by staff. The original staff recommendation dated November 21, 2001 recommended three special conditions. Special Condition No. 2 of the staff report would have required the applicant to submit revised fence plans that would provide for a more open-style gate across the driveway. At the hearing, staff deleted Special Condition No. 2 requiring an open-style gate from the staff recommendation. In addition, at the hearing, the Commission added a special condition (a new Special Condition No. 2) requiring the applicant to submit revised plans that would provide for lowering the portion of the fence extending along the eastern property boundary (along Stagecoach Road) and the driveway gate from approximately six-feet-high to a maximum of four-feet-high. No changes were made to recommended Special Conditions No. 1 and 3. Special Condition No. 1 requires the applicant to submit a landscaping plan that would provide for extensive native landscaping to screen the fence. Special Condition No. 3 requires the applicant to satisfy all prior to issuance conditions within 60 days of Commission action on the coastal development permit. As the Commission's actions on the project differed from the written staff recommendation dated November 21, 2001, staff has prepared the following set of revised findings for the Commission's consideration as the needed findings to support its action on the permit.

The changes from the original staff report dated November 21, 2001 include the new Special Condition No. 2 found on page 5 and the associated findings under Finding No. 3, "Visual Resources," beginning on page 7.

The Commission will hold a public hearing and vote on the revised findings at its March 6, 2002 meeting. The purpose of the hearing is to consider whether the revised findings accurately reflect the Commission's previous action rather than to reconsider whether the appeal raises a substantial issue or to reconsider the merits of the project or the appropriateness of the adopted conditions. Public testimony will be limited accordingly.

2. Concurrent Review of Reconsideration Request

After the Commission's action on the permit application at the December meeting, the applicant submitted a Reconsideration Request. The Commission will consider the Reconsideration Request on CDP 1-01-052 at the same March, 2002 meeting and may decide to have a joint hearing on both the Revised Findings and the Reconsideration Request, with two separate votes.

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ACTION ON COASTAL DEVELOPMENT PERMIT ON DECEMBER 14, 2001

Adopted Resolution to Approve 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. Revised Landscaping Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised landscaping plan prepared by a qualified professional with expertise in the fields of landscaping or botany, such as a landscape architect or botanist, for the review and approval of the Executive Director. The landscaping plan shall substantially conform with the plan received by the Commission on November 6, 2001 from James Caledine except that the plan shall also provide for the following:

- (a) Landscaping shall be planted along all three lengths of the fence to minimize the visual impacts to Stagecoach Road and shall include the planting of plants or shrubs on at least three-foot centers along the entire span of each of the three lengths of fence;
- (b) The landscaping shall include only native species or non-invasive, non-native species commonly found along Stagecoach Road and shall include a planting plan detailing the specific locations where individual plants and shrubs would be planted;
- (c) Specifications shall be included to indicate species, size at planting, height at maturity, and establishment techniques (e.g., irrigation, fertilization, etc.);
- (d) A site map showing the type, size, and location of all plant materials that will be planted at site, the irrigation system, and all other landscape features;

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- (e) A schedule for installation of the plants;
 - (f) All planting shall be completed within 60 days of receipt of the coastal development permit. The applicant shall notify the Executive Director in writing when the vegetation has been planted, and Commission staff shall verify the planting via a site visit or by examining photographs submitted by the applicant.
 - (g) All required plantings shall be maintained in good growing condition throughout the life of the project, and wherever necessary, shall be replaced with new plant materials to ensure continued compliance with the approved landscaping plan.
 - (h) The installed landscaping shall achieve 80% coverage of the fence within three years of planting. Monitoring to determine if the success standard has been achieved shall be conducted in the fall after the summer dry season. Monitoring shall continue each year for three years or until the success standard has been achieved. Monitoring reports shall be submitted to the Executive Director by October 1 of each year and shall contain accurate counts of the numbers of plants that survived or died, a plan showing the location of plants that did not survive, a narrative assessment of the general condition of the vegetation along the fence, an analysis of reasons for any failure of the planting, photographs of the landscaping, and an evaluation of whether the 80% coverage standard will be or has been achieved within three years of planting. If a report indicates that the plants will not be or have not been successful in part, or in whole, the applicant shall submit for the review and approval of the Executive Director a revised landscaping program containing recommendations for any additional planting and other corrective measures needed to achieve the 80% coverage performance standard. The revised landscaping program shall require an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
2. Revised Fence Plans
- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised plan for the design of the fence to the Executive Director for review and approval. The revised plan shall provide for lowering the portion of the fence extending along the eastern property boundary (along

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Stagecoach Road) and the driveway gate from approximately six-feet-high to a maximum of four-feet-high.

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Condition Compliance

- A. **WITHIN 60 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT APPLICATION**, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. Site Description & Project Description

The project site is a blufftop lot located on the west side of Stagecoach Road approximately ¼ mile south of the northern intersection with Patricks Point Drive and approximately 2.2 miles north of Trinidad (Exhibit Nos. 1 & 2). The site is located in an area of low-density, rural residential development along a densely vegetated, narrow road corridor. The blufftop lot is at an elevation of approximately 200 feet above sea level and is developed with a single-family residence built pursuant to a coastal development permit approved by the Commission in 1983 (CDP No. 1-83-96, Knight). The site and surrounding area is vegetated with a spruce forest community containing spruce, alder, wax myrtle, ferns, huckleberry, salal, and related undergrowth species.

The applicant seeks after-the-fact authorization of a six-foot-high, solid wood perimeter fence, gate, and landscaping. The fence is constructed of 1' x 6' vertical redwood slats, 2' x 8' horizontal redwood slats across the top, 6" x 6" vertical posts spaced every ten feet, and a similarly designed gate across the driveway (Exhibit No. 5). The fence extends along the north, east, and south property boundaries for approximately 124, 186, and 127 linear feet respectively (Exhibit No. 3). The applicants indicate that the purpose of the fence is to provide security and privacy, as the residence is used from time to time as a retreat for the applicants' spiritual leader. The project does not involve a change of use, as the property and existing residence is not used for church assembly.

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scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The applicant seeks after-the-fact authorization for a six-foot-high, solid wood fence along the north, east, and south property boundaries of the subject parcel with a gate and landscaping. The installation of the fence does not involve any grading and thus, the alteration of natural land forms is minimized as required by Section 30251. Therefore, the proposed project raises two issues with regard to consistency with the visual resource protection standards of Section 30251 including whether the fence (1) is visually compatible with the character of the surrounding area and (2) protects views to and along the ocean and coastal scenic areas.

Visual Compatibility with the Character of the Surrounding Area

The site is located on the west side of Stagecoach Road in an area of low-density, rural residential development on heavily forested lots. Stagecoach Road is a narrow, public road within a densely vegetated travel corridor that provides public access to several coastal recreation areas including Trinidad State Beach to the south and Patricks Point State Park to the north. The proposed project does not involve the removal of any trees or major vegetation and would not be visible from any park or public recreation area, only from the public road.

The character of the area is largely defined by the dense, native spruce forest and coastal scrub vegetation along the east and west sides of the road corridor. As a result of the densely vegetated character of the area, very little development is actually visible from Stagecoach Road with the exception of occasional rooftops and scattered property fences. While there are some other fences along the road that are of a solid design and similar height as the proposed fence, they are scattered along the length of the road and are not present on most properties. The dense vegetation is the dominant characteristic of the area; fences themselves do not define the character of the area.

The vegetation planted and proposed along the fence will help to partially screen the fence from view and, in part, increase the compatibility of the fence with the densely vegetated character of the surrounding area. However, the Commission finds that planting vegetation alone is not sufficient to find consistency with the character compatibility requirement of Section 30251, as the mass of the fence itself is out of character with the surrounding area. There are no other significantly visible fences along the street frontage of the properties on either side of the subject property, which results in the proposed fence being even more visually prominent among the adjacent dense vegetation. Fences elsewhere along the road are at a lower, three to four foot height and of an open-style design, such as wooden posts and wire, that provides greater compatibility with the character of the area in that they are less visually prominent. Many of these open-style fences are also covered with vegetation common to the area that furthers their compatibility with the character of the area. Although a few solid tall fences exist along the west side of Stagecoach Road, none of these are in the immediate vicinity of the subject property, and such fences are not typical of fences found in the area. Therefore, these tall, solid fences are not an element of the character of the particular setting in which the applicant's fence is located.

Thus, as the proposed fence is both tall and solid in its design, and creates a structural mass at the front of the subject property that is not present along the street frontage of adjacent properties and is not typical of the properties along Stagecoach Road, the Commission finds it necessary to require the height of the fence to be lowered in addition to planting vegetative screening to find consistency with the character compatibility requirement of Section 30251. Thus, the Commission attaches Special Condition No. 2 which requires the applicant to submit a revised plan for the design of the fence to the Executive Director for review and approval prior to issuance of the coastal development permit. The revised plan is required to provide for lowering the portion of the fence extending along the eastern property boundary (along Stagecoach Road) and the driveway gate from approximately six-feet-high to a maximum of four-feet-high.

Even after the portion of the fence along the street frontage is lowered, as required by Special Condition No. 2, the solid nature of the fence would still create more visual impact than the more open style fences, or those that are overgrown with vegetation. When the fence was originally constructed, the applicants planted vegetation along the eastern fenceline which has been only partially successful in screening the fence, as some of the plantings did not survive due to what the applicants attribute to lack of light and irrigation. The applicants are proposing to provide additional native landscaping along the eastern fence line facing Stagecoach Road including Garrya shrubs (silk tassel) and Clematis vines.

To ensure that the fence is adequately screened in a manner consistent with the character of the area, the Commission attaches Special Condition No. 1 which requires the applicant to submit a revised landscaping plan for review and approval of the Executive Director. In addition to the length of fence on the eastern property boundary that parallels the road, the lengths of fence that are perpendicular to the road along the north and south property boundaries are also visible when traveling northbound and southbound along Stagecoach Road. As the applicants are proposing only to provide landscaping along the eastern fence line, Special Condition No. 1 requires that the revised landscaping plan provide for native landscaping along all three lengths of the fence to screen the fence from view in all directions along the public road. Furthermore, due to the limited success of previous landscaping attempts, the Commission finds that it is also necessary to require a mechanism to monitor and maintain the health of the vegetation to ensure its successful establishment. The landscaping plan requires specifications including species, size at planting, height at maturity, and establishment techniques including irrigation and fertilization. Special Condition No. 1 also requires that the installed landscaping achieve 80% coverage of the fence within three years of planting to ensure that it achieves consistency with the character of the area as discussed above. Monitoring reports are required to be submitted to the Executive Director by October 1 of each year and a narrative assessment of the general condition of the vegetation along the fence, an analysis of reasons for any failure of the planting, photographs of the landscaping and an evaluation of whether the 80% coverage standard will be or has been achieved within three years of planting. If a report indicates that the plants will not be or have not been successful in part, or in whole, the applicant is required to submit for the review and approval of the Executive Director a revised landscaping program containing recommendations for any additional planting and other corrective measures needed to achieve the 80% coverage

performance standard and obtain a permit amendment unless the Executive Director determines that no amendment is legally required.

Protection of Views To and Along the Ocean and Coastal Scenic Areas

As noted above, views of the ocean from Stagecoach Road are limited by the intervening dense spruce forest vegetation and the distance from the road to the ocean (approximately 125 feet at the subject property). As seen from Stagecoach Road, the subject property affords only a minimal blue water view corridor across the property down the area of the driveway entrance. The majority of the former ocean view across the property was obstructed with the construction of the single-family residence approved under CDP No. 1-83-96. The Commission notes that CDP No. 1-83-96 did not require the establishment of a view corridor across the site, or otherwise require the view to be maintained. The permit did include a condition that limited additional tree removal beyond the project proposal and required the maintenance of native vegetation on the site to maintain compatibility with the densely vegetated character of the area. However, maintenance of the densely forested site also minimizes any ocean view across the property. Thus, the Commission finds that the proposed fence would not result in a significant adverse impact on views to or along the coast.

Conclusion

The fence for which the applicant is seeking after-the-fact authorization is not visible from any public beach or public park lands and does not involve grading or any other form of natural landform alteration. However, the fence has been constructed along a public roadway that provides access to coastal recreation areas and visitor serving facilities and the fence is not compatible with the character of the area as tall solid fences along the street frontage are not typical for the area. As conditioned, the height of the fence would be lowered from six-foot-high to a maximum of four-foot-high to minimize the overall mass of the fence to ensure its compatibility with the character of the area. Furthermore, as conditioned, additional landscaping would be planted and maintained along the fence to ensure that the fence would be screened from view with vegetation in a manner that is visually compatible with the character of the surrounding area, namely the densely vegetated road corridor and similarly vegetated property fences. Therefore, the Commission finds that the proposed development as conditioned is consistent with Section 30251.

4. 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

EXHIBIT NO. 6
APPLICATION NO.
 1-01-052-A1
 AVATARIC RUCHIRASALA
 OF ADIDAM
 ORIGINAL PROJECT SITE
 MAP, LANDSCAPING PLAN,
 & FENCING TYPICAL (1 of 4)

1512 Stagecoach Road

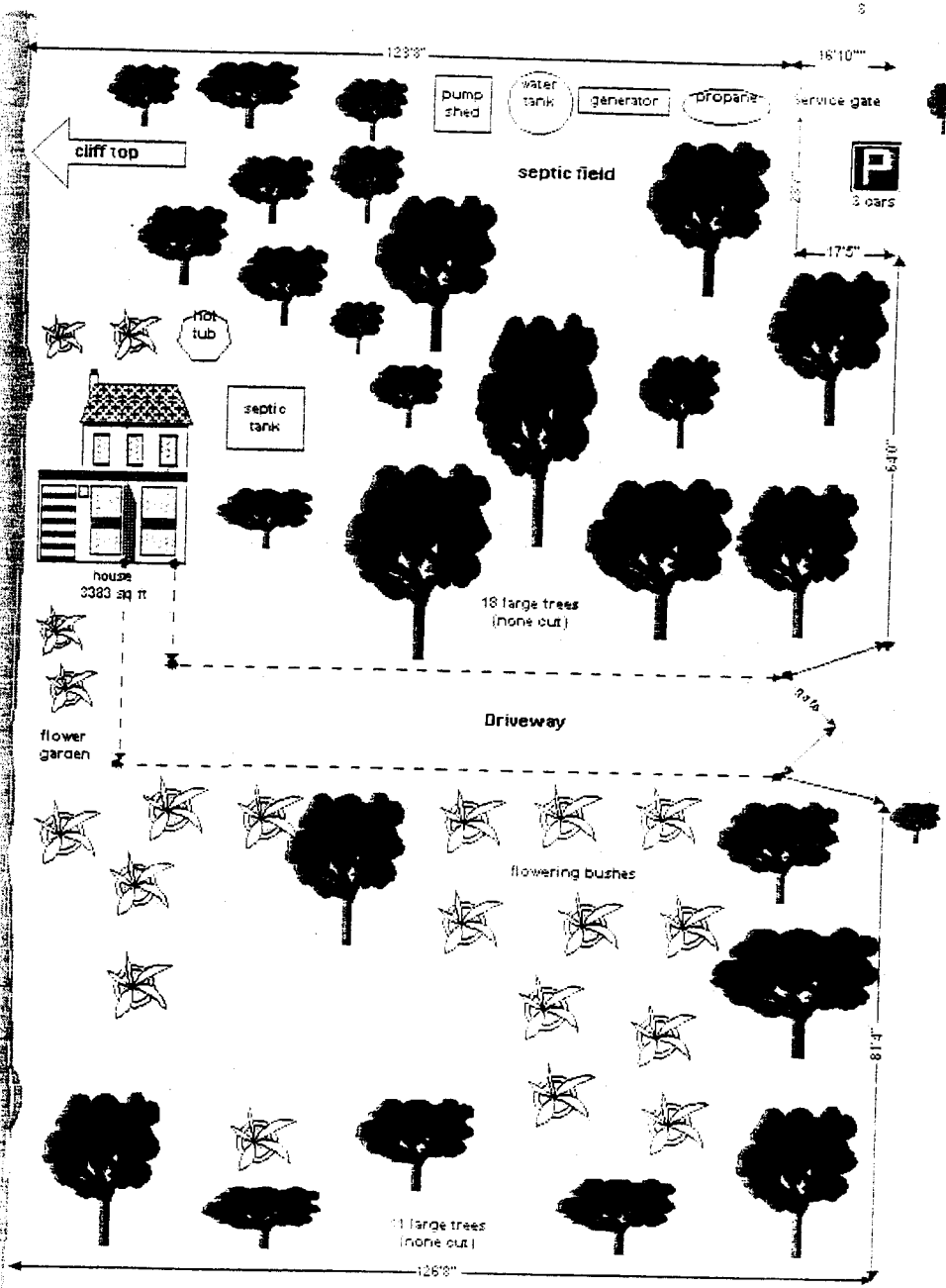


EXHIBIT NO. 3
APPLICATION NO.
 1-01-052
 SITE MAP

The Eleutherian Pan Communion of Adidam

EXHIBIT NO.	4
APPLICATION NO.	1-01-052
LANDSCAPING PLAN (2 pages)	

Reply to:
North Coast Office,
636 Patrick's Point Drive,
Trinidad, California,

Tiffany S. Tauber,
Coastal Planner,
California Coastal Commission,
710 E Street, Suite 200,
Eureka, CA 95501-1865

RECEIVED
NOV 06 2001
CALIFORNIA
COASTAL COMMISSION

Dear Ms. Tauber,

In conjunction with our development permit application relative to 1512 Stagecoach Road, here is the additional information you requested:

- 1) **LANDSCAPING:** Landscaping is proposed as part of the development. Information is contained in the section immediately below.
- 2) **LANDSCAPING PLAN:** At the time of initial construction, approximately \$600 was spent for nursery stock, for plantings across the front of the fence. These plantings have not done well due to:
 - a) lack of sunlight, particularly on the north section of the fence
 - b) lack of irrigation

There are three sections of the fence which run parallel to Stagecoach Road; from north to south, first there is a section of 28'7"; the second is 64'0"; the third is 81'4"

Each of these sections will receive plantings having as their intention to increase overall vegetation, and enhance the beauty of the area.

The first area will receive 6 Garrya bushes, placed about 4' apart; The second will receive 16 Garrya buses, about 4' apart; the third will also received 16 Garrya bushes averaging 5' apart. for the reason that there is significantly more vegetation in this area at present.

The bushes when planted will be approximately 40" tall on planting, and will be very thick and dense. They can be expected to equal or significantly exceed the height of the fence in about 2 years. They should also do well in the light conditions that exist.

In addition, along the entire front area of the fence we will plant approximately 22 Clematis vines, which will densely cover the face of the fence, while also offering attractive white flowers at certain times.

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The Eleutherian Pan Communion of Adidam

We will also add irrigation to cover all of these plantings. We estimate the total cost of these improvements to be \$1750

- 3) **FENCE PLAN:** We enclose drawings of the fence construction. The post caps, however, have not been used.

I hope this gives you the information you need.

THE ELEUTHERIAN PAN COMMUNION OF ADIDAM



James Calladine
Regional Manager

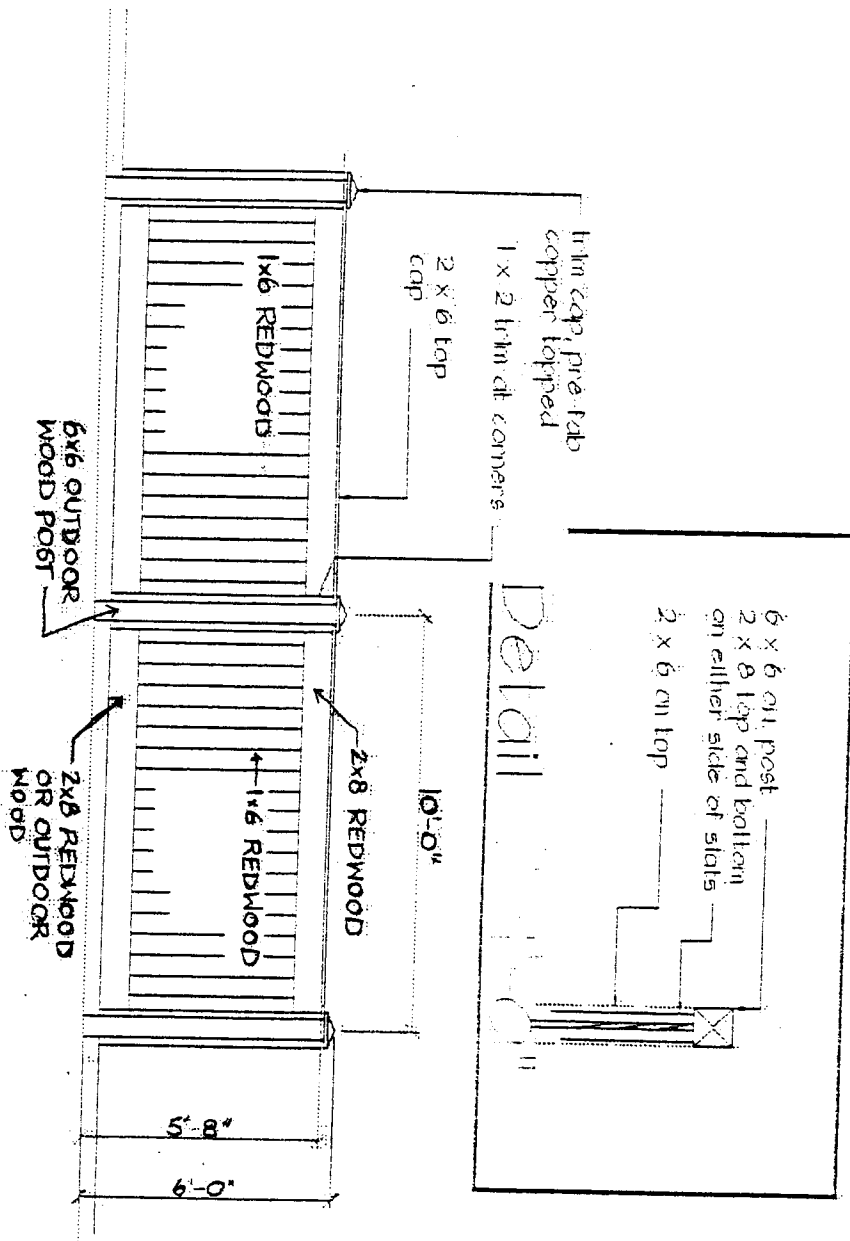


EXHIBIT NO. 5
APPLICATION NO. 1-01-052
FENCE TYPICAL

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