STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

CALIFORNIA COASTAL COMMISSION

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Staff:	Jim Baskin
Staff Report:	September 23, 2005
Hearing Date:	October 14, 2005
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	**1-05-006**
APPLICANT:	**James A. Zito**
AGENT:	Jerome Blommer AIA
PROJECT LOCATION:	14 Crab Street, King Salmon area south of Eureka, Humboldt County (APN 305-221-34)
PROJECT DESCRIPTION:	1) Construct a three-story, 1,732-square-foot (within a 731 square-foot building envelope), 32-foot-high, three-story single family residence and 380-square-foot attached garage; and 2) repair existing decking, boat ramp, and floating dock
GENERAL PLAN DESIGNATION:	Residential/ Low Density – 3-7 dwelling units per acre (RL)
ZONING DESIGNATION:	Residential Single Family – Five Thousand Square-foot Minimum Parcel Size with Flood Hazard Area Combining Zone (RS-5/F)

LOCAL APPROVALS RECEIVED:	None Required
OTHER APPROVALS:	U.S. Army Corps of Engineers CWA Section 404 Individual or Nationwide Permit (Pending)
SUBSTANTIVE FILE DOCUMENTS:	County of Humboldt Local Coastal Program

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions of the coastal development permit application for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the Coastal Act.

The proposed development is the construction of a three-story, 1,732-square-foot, two-story single-family residence with a 380-square-foot attached garage. In addition, the applicant proposes to conduct repairs on the existing decking, boat ramp, and floating dock. The project site is located in a densely developed, unincorporated residential area south of the City of Eureka adjacent to Humboldt Bay known as King Salmon. The property is situated at 14 Crab Street, one of a series of dead-end streets running northeast off of Buhne Drive, the main connector road serving the unincorporated community of King Salmon. The site was previously developed with a single-family residence that was destroyed in a fire and subsequently razed. Only the concrete slab foundation, plank decking and railing, and a small floating boat dock and ramp remain from the previous development.

The primary issue raised by the proposed project is whether the development would provide all feasible mitigation measures necessary to protect the water quality of the marine wetlands and coastal waters adjoining the property. An arm of Fisherman's Channel, a tidal channel that flows to Humboldt Bay, extends along the northeastern side of the property. Staff is recommending approval of the proposed residence and deck and dock repairs provided that requirements for certain performance standards, water quality best management practices, design limitations, restrictions on future permit-exempt development, flood hazard certification, and acknowledgements of the inherent risks of development at the proposed building site are incorporated into the project. Accordingly, staff is recommending the attachment of ten special conditions to the permit approval. Special Condition No. 1 would require the proposed decking, boat ramp, and launch to be repaired subject to certain construction and debris disposal performance standards. Special Condition Nos. 2 and 3 would require the submittal of final revised site and erosion & runoff control plans, respectively, prior to issuance of the permit. Together, these conditions would provide assurances that the development would not result in

sedimentation of coastal waters, preclude the release of hazardous materials into environmental sensitive areas, and would minimize flooding hazards.

To protect visual resources and offsite environmentally sensitive habitat areas from impacts of the development, staff is recommending three additional special conditions: Special Condition No. 4 would require the project be developed consistent with certain design considerations on exterior lighting to minimize glare. Special Condition No. 5 would prohibit the planting of invasive and exotic plant species, allow only native and/or non-invasive plant species to be planted at the site, and prohibit the application of anticoagulant-based rodenticides to prevent invasive exotic plant species from invading offsite environmentally sensitive areas and avoid bioaccumulation of toxics in environmentally sensitive species, such as raptors.

Another key issue raised by the proposed development is to protect the proposed development from the potential for flooding. The project site is designated in the County's LCP as being within a flood hazard combining zone. To ensure that the proposed residence is designed to minimize risks to life and property from flood hazards and ensure consistency with Section 30253 of the Coastal Act, staff recommends Special Condition No. 6 that requires the applicant to provide evidence of a Flood Elevation Certificate approved by the Humboldt County Building Department as being adequate to demonstrate that the finished foundation would be at least one foot above the Base Flood Elevation. Special Condition No. 7 requires the applicant to acknowledge and assume the risks of flooding to the applicant and the property that is the subject of this permit. Special Condition No. 8 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the flood hazard present at the site and the property owner's acknowledgement and assumption of the risk condition discussed above.

Finally, to ensure that the applicant has the necessary authority to undertake all aspects of the project, the Commission attaches Special Condition Nos. 9 and 10, which require that the project be reviewed and if necessary, approved by the State Lands Commission and the U.S. Army Corps of Engineers, respectively, prior to the issuance of a permit.

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

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 4.

STAFF NOTES:

1. Standard of Review

The proposed project is located in the Commission's retained jurisdiction. Humboldt County has a certified LCP, but the site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

2. Commission Action Necessary

The Commission must act on the application at the October 14, 2005 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 Coastal Development Permit No. 1-05-006 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

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

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Construction Responsibilities and Debris Removal

The permittee shall comply with the following construction-related requirements:

(a) All excavations for the replacement cast-in-place concrete tube pier decking foundation shall be excavated using hand tools during low-tide periods. Use of mechanized heavy equipment, such as excavators, backhoes, loaders, or auger rigs, in close proximity to coastal waters in prohibited. All materials extracted from the foundation bores shall be promptly removed from all areas subject to tidal inundation.

(b) No construction materials, debris, or waste shall be placed or stored where it may be subject to entering the wetland area surrounding the end of the tidal channel on the property.

(c) No machinery shall be allowed at any time in the tidal and wetland areas of the property;

(d) The ramp and dock shall be removed from their over-water locations and the repairs thereupon shall be undertaken at an upland location well removed from the water areas on the parcel; and

(e) Any and all excess material resulting from construction activities that is not utilized for the development approved pursuant to this authorization shall be removed and disposed of at an authorized disposal site outside the coastal zone or placed within the coastal zone pursuant to a valid coastal development permit.

2. Final Revised Site Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOMENT PERMIT NO. 1-05-007**, the applicant shall submit, for review and written approval of the Executive Director, final revised site and landscaping plans that substantially conform with the site plans dated February 15, 2005 and September 15, 2005, submitted as part of the application and entitled "*A New Residence for James Zito, 14 Crab Street, Eureka CA, Site Plan/Floor Plan, Exterior Elevations*" and "*Zito Residence – Dock/Deck Section*," respectively, prepared by Jerome Blommer Architect, except that the plans shall be revised to be made consistent with the following requirements:

i. All runoff from impervious surfaces (i.e., roofs and pavement) shall be tie-line conveyed to the stormwater collection system swales along the parcel's Crab Street frontage.

ii. To prevent impacts that would significantly degrade the marine wetland areas adjoining the property, the proposed repaired decking, boat ramp and floating dock shall be restricted as follows:

a. Repair of the decking and floating dock shall be subject to the following limitations: (a) chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), or ammoniacal copper arsenate (ACA) shall not be used as a wood preservative for any portion of the proposed decking, dock, or supporting structures; (b) only non-corrosive nails, screws, and joist ties or hangers shall be used; and (c) the existing 12″ x 12″ concrete block piers shall be replaced with cast-in-place 12″ diameter cylindrical concrete tube piers utilizing a quick-setting marine cement mixture, and poured into release-coated cardboard forms that extend a minimum of one foot above the mean high tide water level, placed on six-foot-center spacing; and

b. Repair of the gangway shall be limited to in-kind replacement with an unpainted pre-fabricated aluminum rail and deck; and shall utilize silicon-based lubricants on all hinge and bearing/race surfaces.

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

3. <u>Erosion and Runoff Control Plan</u>

A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-05-006,** the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

1) The run-off, spill prevention and response plan shall demonstrate that:

(a) Run-off from the project site shall not increase sedimentation in coastal waters;
(b) Run-off from the project site shall not result in pollutants entering coastal waters;
(c) Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters during the

construction of the authorized structures, including but not limited to the following:

(i.) Stormwater runoff diversion immediately up-gradient of the excavation for building foundations; and

(ii.) Use of relevant best management practices (BMPs) as detailed in the "California Storm Water Best Management (New Development and Construction) Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force (i.e., BMP Nos. EC-1 – *Scheduling*, EC-2 – *Preservation of Existing Vegetation*, EC-12 – *Streambank Stabilization*, SE-1 – *Silt Fence* and/or SE-9 – *Straw Bale Barrier*, NS-9 – *Vehicle and Equipment Fueling*, NS-10 – *Vehicle and Equipment Maintenance and Repair*; NS-15 *Demolition Adjacent to Water*, WM-1 – *Material Delivery and Storage*, WM-4 – *Spill Prevention and Control*, MW-8 – *Concrete Waste Management*, and WE-1 – *Wind Erosion Control*; see http://www.cabmphandbooks.com).

(d) An on-site spill prevention and control response program, consisting of best management practices (BMPs) for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill, shall be implemented at the project to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials from entering coastal waters.

2) The plan shall include, at a minimum, the following components:

(a) A schedule for installation and maintenance of appropriate construction source control best management practices (BMPs) to prevent entry of stormwater run-off into the construction site and the entrainment of excavated materials into run-off leaving the construction site; and

(b) A schedule for installation, use and maintenance of appropriate construction materials handling and storage best management practices (BMPs) to prevent the entry of polluted stormwater run-off from the completed development into coastal waters.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a

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

4. Lighting Limitations

All exterior lighting shall be low-wattage, and downcast shielded such that no glare would be directed beyond the bounds of the property or into adjoining coastal waters.

5. Landscaping Restrictions

The permittee shall comply with the following landscaping-related requirements:

(a) Only native and/or non-invasive plant species shall be planted. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized within the bounds of the property; and

(b) The use of rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used.

6. Flood Elevation Certificate

The finished foundation shall be constructed at least one foot (1') above the Base Flood Elevation. **PRIOR TO COMMENCEMENT OF CONSTRUCTION,** the applicant shall provide to the Executive Director a copy of a Flood Elevation Certificate, prepared by a qualified, registered land surveyor, engineer, or architect, and approved by the Humboldt County Building Department demonstrating that the finished foundation of the residence would be at least one foot above the Base Flood Elevation. The applicant shall inform the Executive Director of any changes to the project required by the Humboldt County Building Department. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

7. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission,

its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

8. Deed Restriction Recordation of Permit Conditions

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-05-006, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

9. State Lands Commission Review

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT NO. 1-05-006, the applicant shall submit to the Executive Director a written determination from the State Lands Commission that:

a. No State or public trust lands are involved in the development; or

b. State or public trust lands are involved in the development and all permits required by the State Lands Commission have been obtained; or

c. State or public trust lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the approved project as conditioned by the Commission to proceed without prejudice to that determination.

10. U.S. Army Corps of Engineers Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT NO. 1-05-006, the permittee shall provide to the Executive Director a copy of a permit issued by the Army Corps of Engineers, or letter of permission, or evidence that no permit or

permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Army Corps of Engineers. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Site & Project Description.

The applicant proposes to construct a three-story, 2,112-square-foot single-family residence and attached garage. In addition, the existing decking, boat ramp, and floating launch dock would be repaired. The subject property is located at 14 Crab Street, in the unincorporated community of King Salmon, along the Humboldt Bay shoreline approximately two miles south of Eureka in Humboldt County (See Exhibit Nos. 1-3).

1. Site Description

The King Salmon subdivision consists of former tidelands that were partially filled during the mid-1900's and later subdivided, mostly into 25-foot-wide lots that were originally used for resort cabins. The tidelands were filled in a manner that created interior tidal channels within the subdivision, all of which connect to Fisherman's Channel which ultimately leads to the open waters of Humboldt Bay. Many of the lots within the subdivision include shoreline along the tidal channels. Most of the lots in the residentially zoned neighborhood have been developed with single-family residences of varying sizes that display a variety of architectural styles. The main road serving the subdivision is King Salmon Avenue, which turns into Buhne Drive. Buhne Drive flanks the northwest and western sides of the subdivision, separating the subdivision from a mudflat and dune area that borders the open waters of Humboldt Bay. This dune and Humboldt Bay shoreline area is accessible to the public. Very little public access is available to the tidal channels within the interior of the subdivision.

The subject property is located near the end of Crab Street, one of several narrow, dead-end streets that branch off of Buhne Drive. This street pattern alternates with a series of narrow canals branching off of the Fisherman's Channel to the southeast that provide each lot in the community with rear yard small watercraft dockage and a navigable connection to Humboldt Bay (see Exhibit No. 2).

The project parcel is approximately 25 feet in width and approximately 105 feet deep, covering a total of approximately 2,625 square-feet of area. The rear of the property abuts one of the interior boating canals of the subdivision. Although the banks along the

sides of the main Fisherman's Channel are relatively steep, the shoreline along the various boat canals of the subdivision rises more gradually. As a result, the roughly 35-foot northeasterly portion of the parcel adjacent to the channel is composed of an area of open water and adjoining wetland that is inundated by the tides to varying degrees. The lower, deeper portions of the channel are frequently inundated while the upper portions are rarely covered. The extent of the channel and wetland area is shown in Exhibit Nos. 4 and 5. Although an intertidal waterway, given its distance from the open waters of the bay, its denuded bottom, and the sparse ruderal vegetation along the upper tidal reach, the boating channel at the rear of the lot does not constitute an environmentally sensitive habitat area (ESHA).

The subject property is vacant except for an approximately 700-square-foot rectangular concrete pad on the street half of the parcel, roughly in the location of the proposed house. The concrete pad may be a remnant foundation of the previous dwelling that burned down and has since been removed. In addition, a roughly 320 square-foot wood-planked deck and rail, a 3-foot-wide by 15-foot-long pivoting boat ramp, and a 6-foot-wide by 17-foot-long floating dock exist at the rear of the lot.

2. Specific Project Description

The proposed project entails the construction of a three story, one bedroom gable-roofed single-family residence with an attached two-car garage. The proposed house would provide 1,732 square feet of interior living space on three floors. The attached 380-square-foot garage would front onto Crab Street and occupy slightly less than half of the ground floor of the structure. The proposed house would have a height of approximately 32 feet, 10 inches as measured from finished grade to the roof ridgeline. The existing approximately 320-square-foot deck would be repaired with no expansion to its overall size. The wooden boat ramp gangway leading down from the deck would be replaced with an aluminum equivalent, and the roughly 102-square-foot floating dock at the base of the ramp would be replaced by a slightly smaller 80-square-foot mooring platform. The proposed house, attached garage, deck, gangway ramp, and dock would cover a total of approximately 1,260 square-feet of ground area, or 48% of the total area of the subject property.

The exterior of the structure would be covered with alternating Hardiplank® cementitious lap siding with 2″ x 6″ and 2″ x 12″ cedar trim and 2″ x 6″ barge fascia boards. The roof of the building would consist of architectural-grade composition shingles. Building material colors have not been specified.

An approximately 27-foot-long, 446-square-foot concrete driveway would be constructed between Crab Street and the proposed garage. In addition, a sidewalk covering approximately 78 square-feet of lot area would be extended from the driveway for a length of approximately 26 feet along the south side of the house. Finally, the metal gating currently erected across the lot frontage would be removed and new wooden gates,

matching the appearance of the existing fencing along the parcel's side lines would be constructed at the garage's northern corner and at the end of the sidewalk along the southern side of the new house.

With regard to the specific replacement repairs to the rear decking and floating dock, the applicant is proposing a one-to-one areal replacement of the wooden deck planking with 5/4" to 2" x 6" wood-polymer composite boards over 2" x 6" pressure-treated joists. The existing footings would be replaced with a series of cast-in-place 12" x 12" concrete piers set on a six-foot-center spacing. The existing wooden gangway between the deck and the floating dock would be replaced with a pre-fabricated aluminum railed gangway. The existing 6' x 17' free-floating (no anchoring piles) wooden dock would be replaced by a 4' x 20' floating dock constructed of wood pressure-treated 2" x 6" framing enclosing a series of closed cell expanded polystyrene (EPS) foam-filled pontoon floats. The applicant proposes to anchor the deck with two four-inch (4") diameter galvanized steel pipe stabilizer piles and slip ring assemblies that would allow the dock to rise and fall with the tide without being laterally displaced by winds, currents, or passing boat wakes.

B. Locating and Planning New Development

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

The subject property is within a developed residential neighborhood zoned residential single-family with 5,000-square-foot minimum parcel sizes, where 3-7 residential units per acre is a principally permitted use.

The subject parcel is located in a developed subdivision with community water and sewer systems that would serve the proposed residence and thus, the area has adequate services to accommodate the proposed development.

The subject parcel is located in a designated flood-combining zone indicating potential flood hazard. As discussed in Flood Hazard Findings Section IV.C below, the proposed development has been conditioned to minimize flood hazards. Additionally, as discussed in Coastal Water Quality Findings Section IV.D below, the project has been conditioned to minimize adverse impacts to coastal water quality. Furthermore, as discussed in Protection of Environmentally Sensitive Habitat Area (ESHA) Findings Section IV.E below, the project has been conditioned to minimize adverse impacts to ESHA.

Therefore, the Commission finds that as conditioned, the proposed development is consistent with Coastal Act Section 30250(a) in that it is located in a developed area, it

has adequate water and sewer capability to accommodate it, and it will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

C. Protection of Wetlands, Marine Biological Resources and Water Quality.

Section 30230 of the Coastal Act states, in applicable part:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

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

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

Section 30233 of the Coastal Act provides as follows, in applicable part:

> *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible[1] less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:...*
>
> *(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, <u>new or expanded boating facilities</u> and the placement*

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[1] "Feasible" is defined by Section 30108 of the Coastal Act as, "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."

of structural pilings for public recreational piers that provide public access and recreational opportunities...

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary... [Emphases added.]

The above policies set forth a number of different limitations on what development projects may be allowed in coastal wetlands. For analysis purposes, the limitations can be grouped into four general categories or tests. These tests are:

- The purpose of the filling, diking, or dredging is for one of the uses enumerated in Section 30233(a);
- The project has no feasible less environmentally damaging alternative;
- Feasible mitigation measures have been provided to minimize adverse environmental effects; and
- The biological productivity and functional capacity of the habitat shall be maintained and enhanced where feasible.

1. <u>Permissible Use for Fill</u>

The first test for a proposed project involving fill is whether the fill is for one of the eight allowable uses under Section 30233(a). Among the allowable uses, the use which most closely match the project objectives are enumerated in Section 30233(a)(4) involving dredging, diking, and/or fill for "*...new or expanded boating facilities.*"

The proposed fill associated with the repairs to the boat docking facilities at the rear of the subject property will be limited to the installation of two four-inch-diameter steel pipes driven into the muddy intertidal bottom of the boating channel, comprising an aggregate area of approximately 25 square-inches of new fill. This new fill represents a form of "*new or expanded boating facilities.*" Although the proposed pier stabilizers would represent new additions to the dock, no physical expansion, increase in mooring capacity or greater coverage of navigable water area would result from the proposed ramp and dock replacement repairs. In fact, when the reduction in the size of the proposed floating dock is considered with the coverage of the four slightly reduced-sized concrete tube piers to be installed as a replacement foundation in the intertidal area under the decking, a net reduction in approximately 21 square-feet of intertidal mudflat and water surface areas over that that exists at the project site would result. Therefore, the Commission finds that the filling for installation of the stabilizer the shoreline revetment structure is for one of the allowable uses for dredging, diking, and filling of coastal waters pursuant to Section 30233(a)(4) of the Coastal Act.

2. Least Environmentally Damaging Feasible Alternative

The second test of Section 30233(a) is whether there are feasible less environmentally damaging alternatives to the proposed project. In this case, the Commission has considered project options, and determines that there are no feasible less environmentally damaging alternatives to the project as conditioned. Alternatives that have been identified include: (1) strict in-kind, one-to-one replacement and/or repair of the decking pier blocks and floating dock; and (2) the "no project" alternative.

a. One-to-one, In-kind Replacement

The replacement of the four of the decking foundation piers and the floating dock are proposed to be located within the intertidal wetlands of the King Salmon boating canals off of Humboldt Bay. Strict one-to-one, in-kind replacement of these structures, without utilizing the proposed reduced-sized and more stable cast-in-place tube piers would perpetuate the existing situation at the site in terms of a deck structure that is constructed on an at-grade foundation and exposed to damage from direct tidal, wind, and erosional forces. Similarly, replacing the existing wooden dock with one made expressly of the same materials and shunning installation of the proposed metal stabilizer piles would likely require that repairs to this facility be conducted more often, entailing repeated, more frequent entry into the aquatic wetland area in which the dock is sited. In addition, without the proposed lateral stabilization, the floating dock could become more easily dislodged from its gangway moorings, resulting in the introduction of debris into coastal waters Thus, this alternative is not a feasible less environmentally damaging alternative.

b. No Project Alternative

The "no project" alternative would leave the deck foundation and floating dock in their current dilapidated condition with no further corrective action being taken with respect affecting repairs to these structures. Such non-action would be in violation of local building codes, state harbor, navigation, and boating facilities laws, and related environmental protection regulations. The no project alternative would not address the issue of the unsafe and potentially harmful state of the decking and dock in terms of injuries to persons for future structural failure of these facilities and damage to the marine environment. Therefore the no project alternative is not a feasible less environmentally damaging alternative.

Based on the alternatives analysis above, the Commission concludes that there are no feasible less environmentally damaging feasible alternatives to the proposed project as conditioned.

3. Feasible Mitigation Measures

The third test set forth by Section 30230 and 30233 is whether feasible mitigation measures have been provided to minimize significant adverse environmental impacts, including but not limited to the quality of coastal waters.

The proposed project could have three potential adverse effects on the environment of Humboldt Bay. The project could have potential adverse impacts to: (a) muddy intertidal and aquatic marine wetlands from installation of the replacement deck footings and floating dock; (b) the estuarine water quality from the release of excavated materials, polluted runoff from impervious surfaces, and toxic wood preservative chemicals into the tidal waters of Humboldt Bay; and (c) marine water quality from the accidental release of hazardous materials associated with the hydraulic-powered construction equipment in close proximity to water areas. The potential adverse impacts and their mitigation are discussed in the following sections:

a. Impacts to Intertidal Mudflat Marine Wetlands

As detailed in Project Description Findings Section IV.A, the project would result in the excavation and fill of approximately 3.6 square-feet of intertidal mudflat wetlands consisting of the site of the four deck concrete tube pier footings. The locations of the footings are periodically inundated during high tides. Accordingly, regardless of the sparsity of vegetation and/or the nominal habitat this site affords, the subject area would meet the Commission's definition of "wetlands." [2] In addition, the proposed project would entail the replacement of the existing 102-square-foot floating dock with an 80-square-foot substitute. The area covered by the floating dock would be considered a form of estuarine intertidal marine wetlands.

The community of organisms that inhabit the bayfront project area, though low in density, would be lost as a result of the construction of the replacement deck foundation. However, as the extent of the replacement deck foundation piers and new floating dock would comprises a total of only 3.6 square feet of dredging and fill within the thousands of acres of mudflat within Humboldt Bay, the Commission finds that the impact to muddy intertidal marine wetlands is not significant. In fact, when coverage of the four slightly reduced-sized concrete tube piers is considered with the reduction in the size of the proposed floating dock, a net reduction in approximately 21 square-feet of intertidal mudflat and water surface areas over that that exists at the project site would result.

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[2] Refer to U.S. Fish and Wildlife Service - Office of Biological Services' Publication No. FWS/OBS-79/31 "Classification of Wetlands and Deepwater Habitats of the United States" (Lewis M. Cowardin, et al, USGPO December 1979) for a further discussion of the definition of the extent of marine wetland habitats.

Accordingly, no mitigation is necessary for the loss of intertidal mudflat marine wetland habitat associated with the proposed project.

b. Estuarine and Marine Water Quality

As noted previously, a portion of the subject property encompasses the end of an arm of Fisherman's Channel, a tidal channel that connects to Humboldt Bay. The subject site is flat, mostly paved or otherwise covered by semi-impervious surfaces (existing decking), and is generally denuded of vegetation. The majority of the stormwater that collects at the site currently leaves the site as surface runoff, with roughly half draining toward the tidal channel and half flowing toward the roadside drainage along Crab Street. Although the proposed residence and paved driveway would not result in an appreciable increase in impervious surface area at the site, the introduction of the new residential structure and the exposure of its exterior building materials would serve as potential sources of pollutants that could become entrained in stormwater runoff and be conveyed into the receiving waters of the Fisherman's Channel and, in turn, Humboldt Bay.

The applicant proposes to continue the site present drainage pattern by setting the finished gradient so as to allow roughly half of the runoff from the site to drain towards the tidal channel at the rear of the lot. To protect and enhance the water quality of the coastal waters surrounding the property, the Commission includes within Special Condition No. 2 a requirement that the runoff off from all roofs and the pavement be tie-line conveyed to the parcel's street frontage where shallow drainage ditching along the sides of Crab Street could provide some bio-filtration of the runoff prior to its eventual infiltration and entry into coastal surface water and groundwater resources.

Besides the impacts to water quality that could potentially result from the discharge of runoff from the completed development, construction activities could cause erosion and sedimentation impacts to water quality if mitigation measures are not employed to control the impact. Although there is not a substantial amount of grading proposed, the grading and construction activities to be performed under the permit will expose the soil to storm water runoff. Storm water runoff flowing across the site could entrain loose soil materials that could in turn drain out onto the adjoining wetland and tidal channel, adversely affecting water quality. In addition, if not properly stored and removed, construction materials and debris could be transported by runoff, wind, or carelessness into the wetland and tidal channel. The proposed project has not included the identification of any erosion and sediment control measures to avoid water quality impacts from construction activities.

Another potential environmental impact associated with the proposed development is the degradation of estuarine and marine water quality from the

release of possibly contaminated muddy materials excavated during the installation and removal of the deck footing bores within the intertidal reach. If the work is not properly scheduled and expeditiously performed these muddy materials can become entrained in bay waters that would inundate this portion of the project site during the high tide cycle. In addition, depending upon the particular grade of pressure-treated lumber utilized in the construction of the replacement deck posts and joists, and for framing the replacement floating dock, releases of potentially toxic wood preservative chemicals into coastal waters could result.

To assure the protection of marine and estuarine water quality, the Commission attaches Special Condition Nos. 1, 2, and 3. Special Condition Nos. 1 and 2 require the applicant to perform the construction of the replacement decking posts foundation piers, and floating dock consistent with certain construction performance standards and design restrictions. Most notably, all excavations for the deck footings are to be performed using hand tools during low tide periods, with the resulting extracted materials promptly removed from the intertidal areas. Pouring of the concrete cast-in-place piers are similarly required to be undertaken during low tides, be composed of a marine cement mixture, and contained in a release-coated cardboard form that extends a minimum of one foot above the inundation height of the tide. In addition, and proposed wooden materials for the decking posts, joists and the framing for the floating dock shall not be treated with chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), or ammoniacal copper arsenate (ACA) as wood preservatives, the use of non-corrosive nails, screws, joist ties or hangers, and fasteners. Furthermore, to avoid the introduction of zinc compounds and hydrocarbon-based lubricants into marine waters, the stabilizer piles for the floating dock shall be composed of non-galvanized steel tubing, either bare or with a saltwater corrosive-resistant coating, other than paint, and be limited to using silicon-based lubricants on all metal-to-metal interacting surfaces.

Special Condition No. 3 requires the applicant to submit, for the review and approval of the Executive Director, a stormwater runoff and erosion control plan identifying appropriate construction phase and permanent long-term best management practices to be utilized for the protection of the bay waters. Therefore, the Commission finds that as conditioned, the project will not result in significant adverse impacts to marine or estuarine water quality.

c. Accidental Hazardous Materials Spills

Heavy mechanized equipment, such as backhoes, excavators, or loaders, may be utilized in the construction of the proposed residence, its driveway, or in the installation of utilizes and community services to the dwelling. If a fitting should fail or the hose burst on such equipment, pressurized hydraulic fluid could be

released into the intertidal area. Such spills could adversely affect the water quality of the adjoining marine environment. Accordingly, to reduce the potential for impacts to marine environmental resources from an accidental release of hydraulic fluids, the Commission includes within Special Condition No. 3 requires the applicant to include measures for responding to hazardous material spills, specifically provisions for having an adequate supply of clean-up equipment and supplies on site, and requirements for the prompt containment and clean-up of any spills which may inadvertently occur. As conditioned, potential adverse impacts to marine resources from accidental spills of hydraulic fluids or other hazardous materials will be reduced to less-than-significant levels.

As proposed and conditioned, the Commission finds that feasible mitigation is included within the project design to minimize all significant adverse impacts associated with the proposed development in proximity of coastal waters, including the filling and dredging of intertidal wetlands.

4. Maintenance and Enhancement of Marine Habitat Values

The fourth general limitation set by Sections 30230, 30231, and 30233 is that any proposed filling in tidal waters or submerged land must maintain and enhance the biological productivity and functional capacity of the habitat, where feasible.

As discussed above, the project as conditioned will not have significant adverse impacts on the marine resources of Humboldt Bay. The mitigation measures incorporated into the project and required by the Special Conditions discussed above will ensure that the construction of the new residence and the replacement repairs to the decking and floating dock would not significantly adversely affect the biological productivity and functional capacity of the tidal waters or marine resources. Furthermore, by reducing the size of the footprints of the floating dock surface area and the size of the deck footings, and making the piers in place rather than continuing to use at-grade pier blocks, the project will result in a reduction in the amount of wetland fill compared to that currently at the site and help protect marine aquatic habitats from being further degraded. Therefore, the Commission finds that the project, as proposed, will maintain and enhance the biological productivity and functional capacity of the habitat consistent with the requirements of Section 30233 and 30231 of the Coastal Act.

5. Conclusion

The Commission thus finds that the dredging and filling of wetlands is for an allowable purpose, that there is no feasible less environmentally damaging alternative, that feasible mitigation measures have been provided and the adverse environmental effects associated with the dredging and filling of coastal waters have been avoided or minimized, and that estuarine habitat values will be maintained or enhanced. Therefore, the Commission

finds that the proposed development, as conditioned, is consistent with Sections 30230, 30231 and 30233 of the Coastal Act.

D. Protection of Environmentally Sensitive Habitat Areas (ESHA)

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

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

The subject property does not contain any known environmentally sensitive habitat. However, the site is located approximately within several hundred feet of portions of the Fisherman's Channel and, in turn, the open waters of Humboldt Bay, where intertidal saltmarsh vegetation and estuarine wetland environmentally sensitive habitat exists.

The Commission finds that the ESHA located near the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could 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 nearby ESHA by wind dispersal or by birds and other wildlife. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that the ESHA near the site is not significantly degraded by any future landscaping that would contain invasive exotic species, the Commission attaches Special Condition No. 5 that requires only native and/or non-invasive plant species be planted at the site.

In addition, the Commission notes that certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to poses significant primary and secondary risks to non-target wildlife present in urban and urban/wildland interface areas. As these target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, the pest control compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. To avoid this potential cumulative impact to environmentally sensitive wildlife species, Special Condition No. 5 contains a prohibition on the use of such anticoagulant-based rodenticides.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent environmentally sensitive habitat area, the project as conditioned will not significantly degrade adjacent ESHA and will be compatible with

the continuance of the habitat area. Therefore, the Commission finds that the project as conditioned is consistent with Section 30240(b) of the Coastal Act.

E. Flood Hazard

Section 30253 states, in applicable part:

> *New development shall:*
>
> *Minimize risks to life and property in areas of high geologic, flood, and fire hazard...*

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

The primary natural hazard affecting development of the subject property is flooding. All portions of the flat site will be subject to flooding from extreme high tides. Consequently, the primary way to minimize flooding risks is to raise the structure above flood elevations. According to the County Building Department, the 100-year Base Flood Elevation (BFE) in the King Salmon area as established by the Federal Emergency Management Agency's National Flood Insurance Program is estimated to be +6 feet NGVD. In implementing the federal flood protection program, Humboldt County building permit regulations require new residences to have a finished floor elevation at least one-foot above Base Flood Elevation. The County requires the applicant to provide a Flood Elevation Certificate prepared by a registered land surveyor, engineer, or architect in accordance with Federal Emergency Management Agency (FEMA) guidelines demonstrating that the finished foundation would be constructed at least one foot above the Base Flood Elevation prior to issuance of the County building permit.

To ensure that the proposed residence is designed to minimize risks to life and property from flood hazards as required by Coastal Act Section 30253, the Commission attaches Special Condition No. 6 that requires the applicant to provide evidence of a Flood Elevation Certificate approved by the Humboldt County Building Department as being adequate to demonstrate that the finished foundation would be at least one foot above the Base Flood Elevation.

Additionally, the Commission attaches Special Condition No. 7, which requires the landowner to assume the risks of flooding hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite flooding risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the

Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards.

Furthermore, to ensure that all future owners of the property are aware of the flood hazard present at the site, the Commission's immunity from liability, and the indemnity afforded the Commission, Special Condition No. 8 requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property.

Therefore, as conditioned, the project would minimize risks to life and property from flood hazards and is consistent with Section 30253 of the Coastal Act.

F. Visual Resources

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

The proposed single-family residence is located in a densely developed residential area. The only public view of the Bay or shoreline afforded through the property is a narrow three-foot-wide view of the tidal channel from Crab Street. However this view is very limited, as the property is only 25 feet wide and the view is bracketed by residential development on either side of the lot. Much more expansive views of Humboldt Bay are available for motorists a few hundred yards down the road from King Salmon Avenue and as it turns into Buhne Drive and loops around the subdivision. In that location, the view of the Bay from Buhne Drive is unobstructed by any intervening development. In addition, one can park along the street and walk out onto the adjoining dunes to view the Bay. The dunes are open and available for public access use. Therefore, the proposed development would not have a significant adverse impact on views to or along the shoreline as seen from publicly-accessible vantage points along the Crab Street.

As the site is relatively flat and does not require significant grading that would change the basic topography of the site, the project would minimize the alteration of natural landforms.

The proposed residence would be visible from Crab Street, from the tidal channel within the interior of the subdivision, and to some degree from the Fisherman's Channel off of Humboldt Bay. Thus, the Commission must consider whether the proposed development would be compatible with the character of the surrounding area. The character of the King Salmon area is largely defined by its bayshore setting and predominantly single-family residential composition. Although the development pattern is very compact, consisting primarily of rows of 25-foor-wide by 125-foot-deep lots clustered along a

series of narrow, non-through streets, the overall nighttime character of the area in terms of outside illumination is largely suburban in nature, with very little exterior lighting evident. As a result, with the exception of nominally shielded street lighting along the main collector street Buhne Drive and security lighting within the parking areas of several of the commercial properties within the community, King Salmon does not presently have a pronounced problems with glare from external nighttime lighting that many communities of similar size and density currently experience.

Accordingly, to prevent the cumulative impacts of glare to the visual resources of the area, the Commission attaches Special Condition No. 4. Special Condition No. 4 requires that all exterior lighting be low-wattage, and downcast shielded such that no glare would be directed beyond the bounds of the property or into adjoining coastal waters, where such illumination could be back-reflected onto cloud cover.

With respect to compatibility with the character of buildings within the area surrounding the project site, the community consists of a diversity of architectural styles and sizes of residences ranging from small cabins and manufactured homes to larger two and even a few three-story homes. The proposed two-story residence with its cement fiber shakes and lap siding would be of similar size, scale, and architectural style to some of the other development in this neighborhood of diverse structures. Thus, the project would also be visually compatible with the residential character of the surrounding area.

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

G. Public Access

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

The proposed project would not adversely affect public access. The project site does not front directly on Humboldt Bay, as it is separated from the Bay shoreline by Buhne Drive / King Salmon Avenue. As noted previously, the entire bay front of the subdivision, along the west side of Buhne Drive, is open and available for public access use. Although an interior tidal channel of the subdivision that connects to Humboldt Bay extends on to the property, no evidence has been presented to suggest that an implied dedication of a public access easement to or along the channel shoreline of the property has occurred. Therefore, the proposed project would not adversely affect any existing rights of access that may have been acquired through use, as no existing public access would be blocked by the proposed development.

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

H. State Waters.

The project site is located in an area subject to the public trust. Therefore, to ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches Special Condition No. 9, which requires that the project be reviewed and where necessary approved by the State Lands Commission prior to the issuance of a permit.

I. Other Agency Approvals.

Portions of the project require review and approval by the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the Federal Clean Water Act (PL 95-217), specifically, the dredging of the replacement deck foundation footings within the sides of the boating channel at the rear of the subject property. Pursuant to the Federal Coastal Zone Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the U.S. Army Corps of Engineers, the Corps will not issue a permit until the Coastal Commission approves a federal consistency certification for the project or approves a permit.

As part of the USACE's permit process, the applicant may be required to undergo formal Federal Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Alternately, the proposed deck foundation repairs may quality for issuance of one of the USACE's established "nationwide permits" for minor classes of development determined to have minimal impacts to water quality and navigable waters. To ensure that the project ultimately approved by the Corps in consultation with the USFWS and the NMFS as may be applicable, is the same as the project authorized herein, the Commission attaches

Special Condition No. 10. Special Condition No. 10 requires the applicant to submit to the Executive Director evidence of the USACE's approval of the project prior to the issuance of the permit and prior to the commencement of construction, respectively. The condition require that any project changes resulting from these agency's approval not be incorporated into the project until the applicant obtains any necessary amendments to this coastal development permit.

J. California Environmental Quality Act.

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 requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on conformity with the Chapter 3 policies of the Coastal Act 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 specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

V. EXHIBITS

1. Regional Location
2. Vicinity Map
3. Portion, County of Humboldt LCP Post-Certification Jurisdictional Map No. 16
4. Assessor's Parcel Map
5. Site Plan
6. Floor Plans
7. Exterior Elevations

ATTACHMENT NO. 1

STANDARD CONDITIONS:

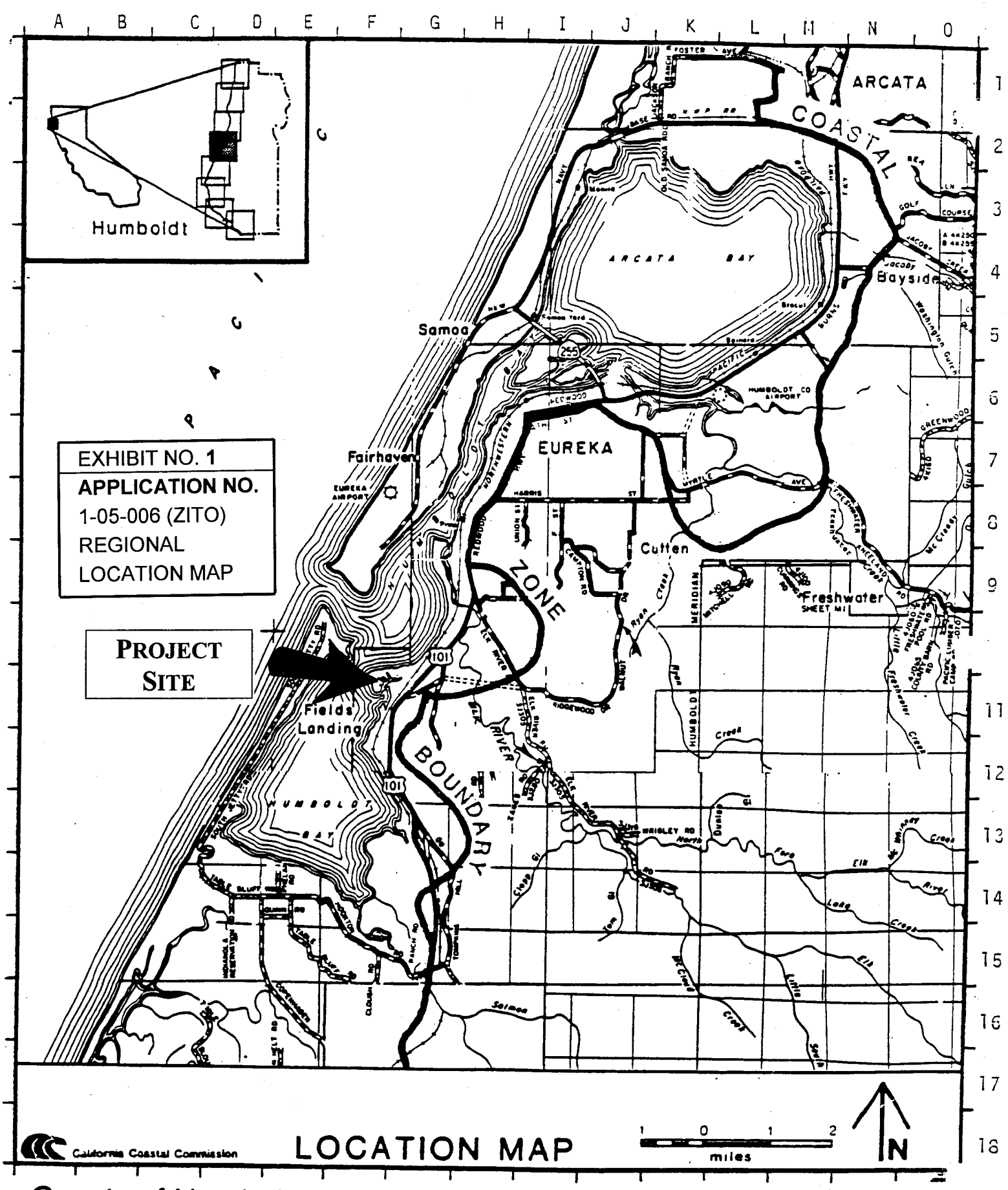
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

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

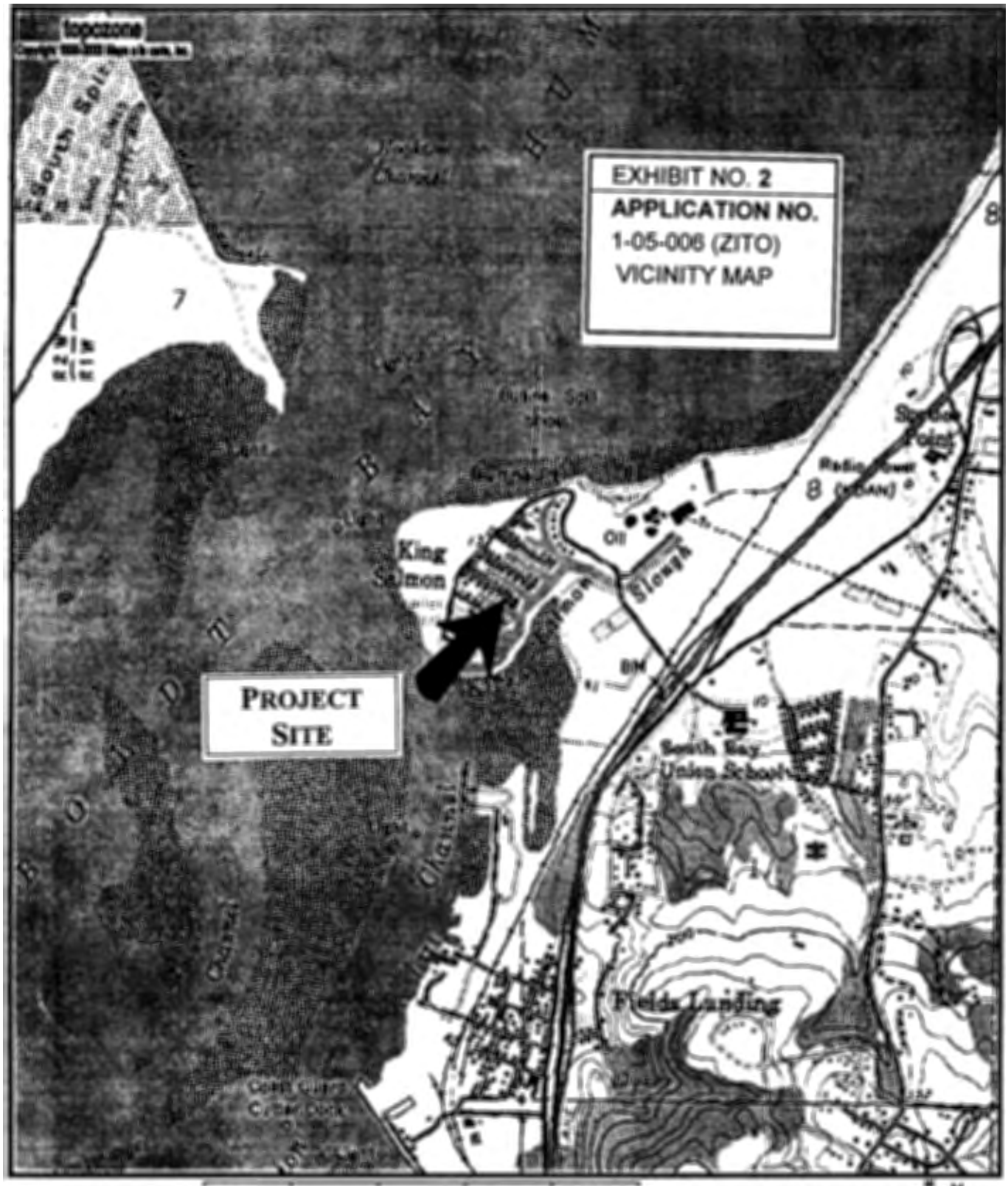
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



County of Humboldt

Sheet 4 of 8

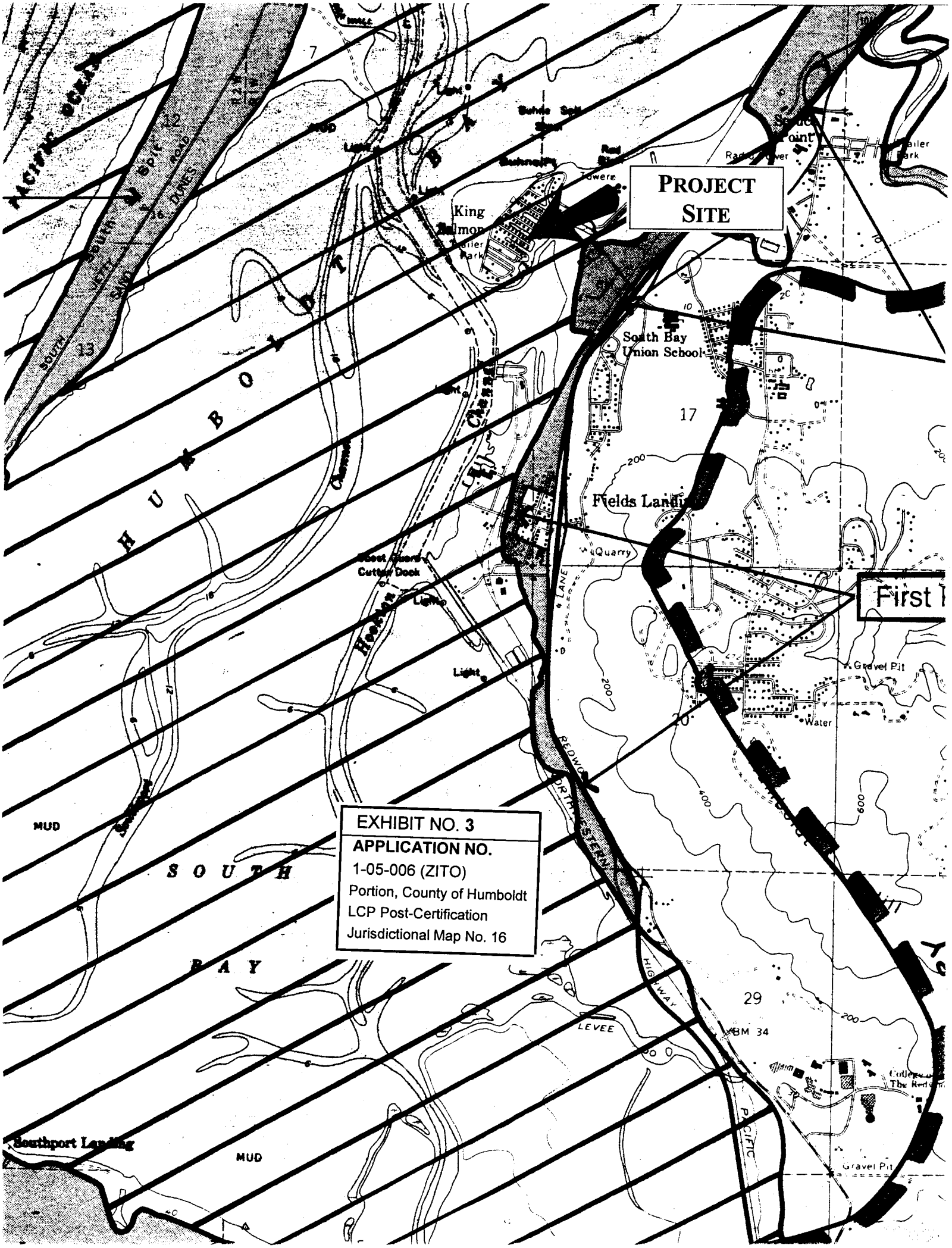


0 0.3 0.6 0.9 1.2 1.5 km

0 0.2 0.4 0.6 0.8 1 mi

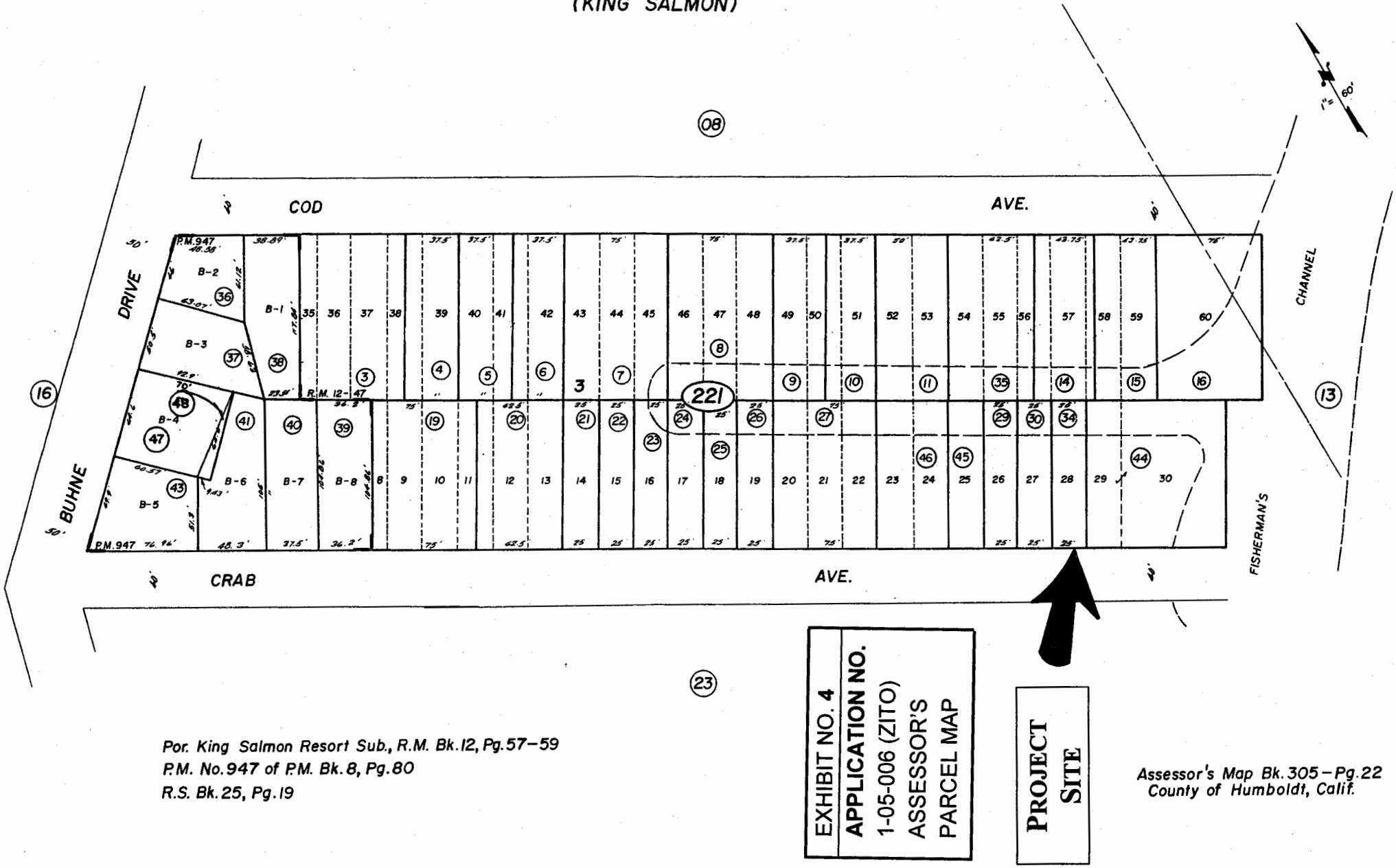
Map center is UTM 10 397206E 4510448N (WGS84/NAD83)
FIELDS LANDING quadrangle
Projection is UTM Zone 10 NAD83 Datum

M=16.227
G=-0.795


PROJECT SITE
EXHIBIT NO. 3
APPLICATION NO.
1-05-006 (ZITO)
Portion, County of Humboldt
LCP Post-Certification
Jurisdictional Map No. 16
PACIFIC OCEAN
SPIT
DUNES
ROAD
HUMBOLDT
BAY
SOUTH
MUD
King Salmon
South Bay Union School
Fields Landing
Quarry
Coast Guard
Cutting Dock
Light
Gravel Pit
Water
LANE
REDWOOD
HIGHWAY
LEVEE
PACIFIC
BM 34
Southport Landing
7
12
13
17
29

POR. SEC. 7 & 8, T. 4 N., R. 1 W., H.B. & M.
(KING SALMON)

305-22

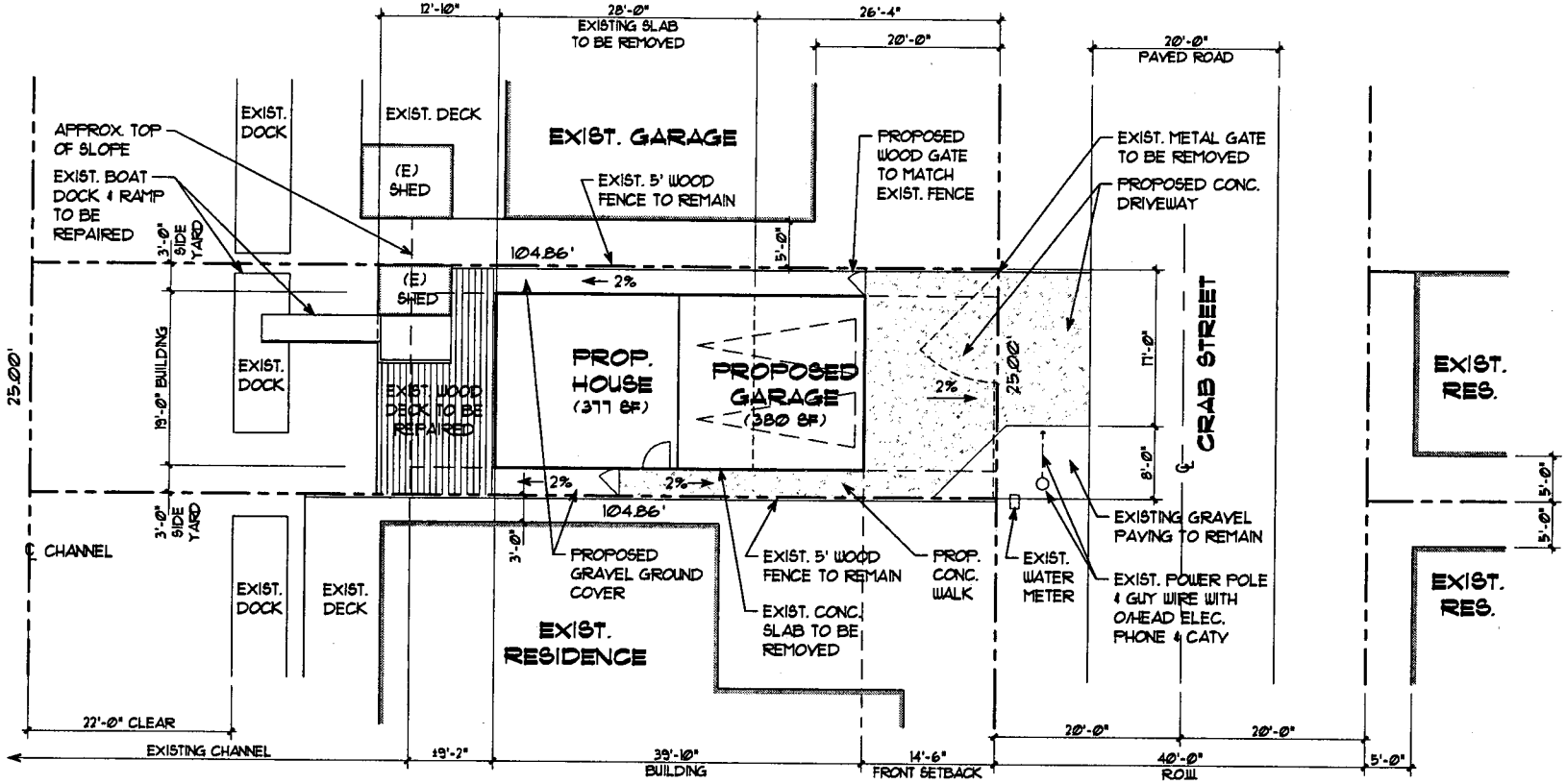


Por. King Salmon Resort Sub., R.M. Bk. 12, Pg. 57–59
P.M. No. 947 of P.M. Bk. 8, Pg. 80
R.S. Bk. 25, Pg. 19

EXHIBIT NO. 4
APPLICATION NO.
1-05-006 (ZITO)
ASSESSOR'S
PARCEL MAP

PROJECT SITE

Assessor's Map Bk. 305 – Pg. 22
County of Humboldt, Calif.



PROPOSED SITE PLAN

SCALE: 0 5' 10' 15' 20' 40'

EXHIBIT NO. 5
APPLICATION NO. 1-05-006 (ZITO)
SITE PLAN

JEROME BLOMMER, ARCHITECT
ARCHITECTURE - PLANNING - CONSULTING
PO Box 5988 EUREKA, CA. 95502-5988 TELE: 707-443-2772 FAX: 707-443-2785

ZITO RESIDENCE

14 CRAB STREET
KING SALMON, CALIFORNIA

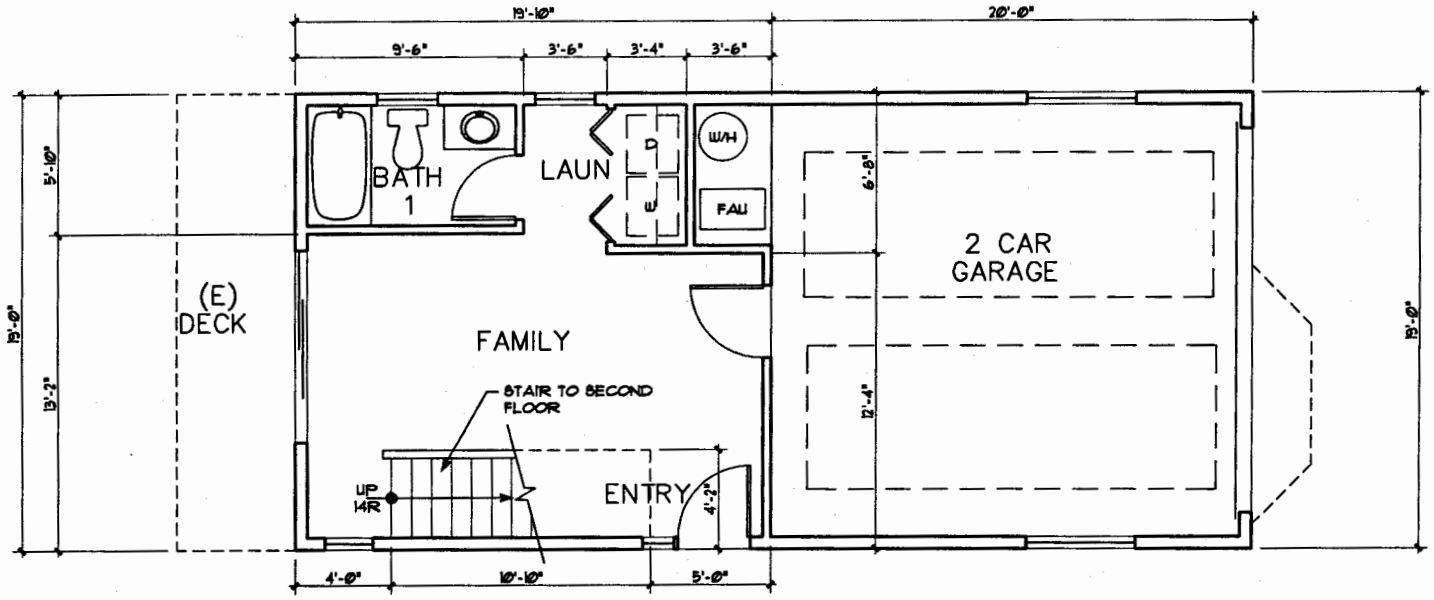


EXHIBIT NO. 6
APPLICATION NO.
1-05-006 (ZITO)
FLOOR PLANS
(Page 1 of 3)

PROPOSED FIRST FLOOR PLAN

SCALE: 0 2' 4' 6' 8' 16'

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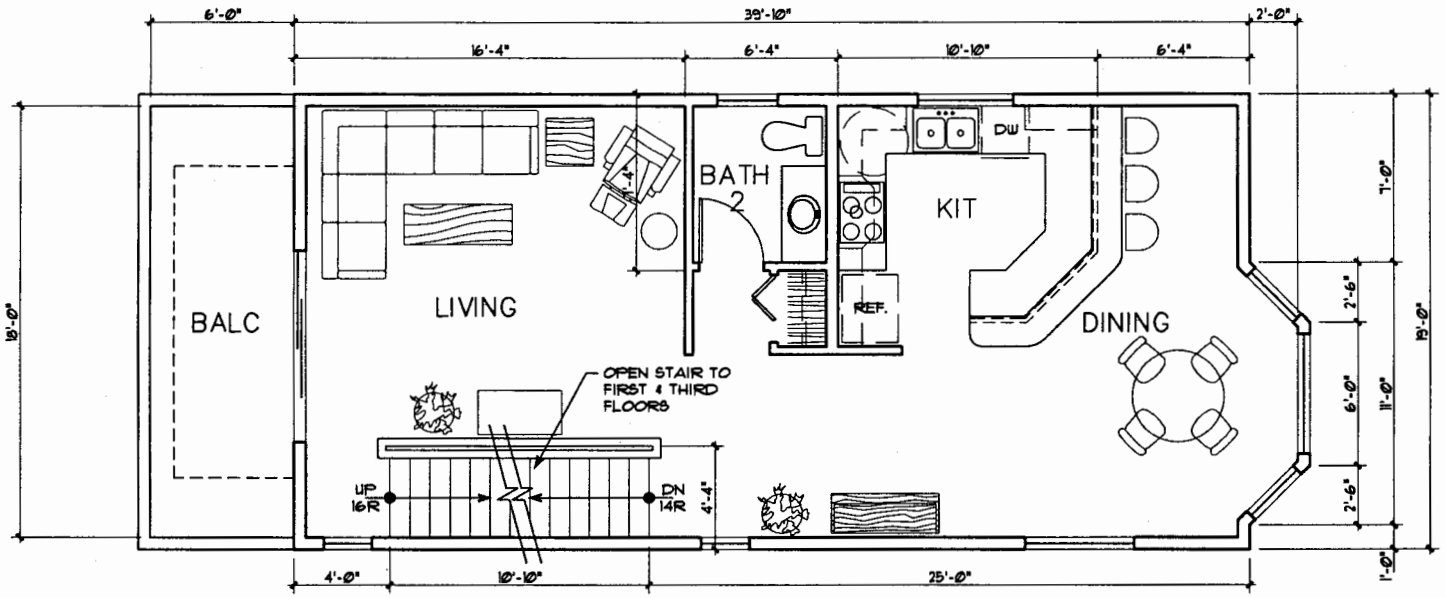
ZITO RESIDENCE

14 CRAB STREET
KING SALMON, CALIFORNIA



2 of 3

PROPOSED SECOND FLOOR PLAN

SCALE:

0 2' 4' 6' 8' 16'

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ARCHITECTURE - PLANNING - CONSULTING
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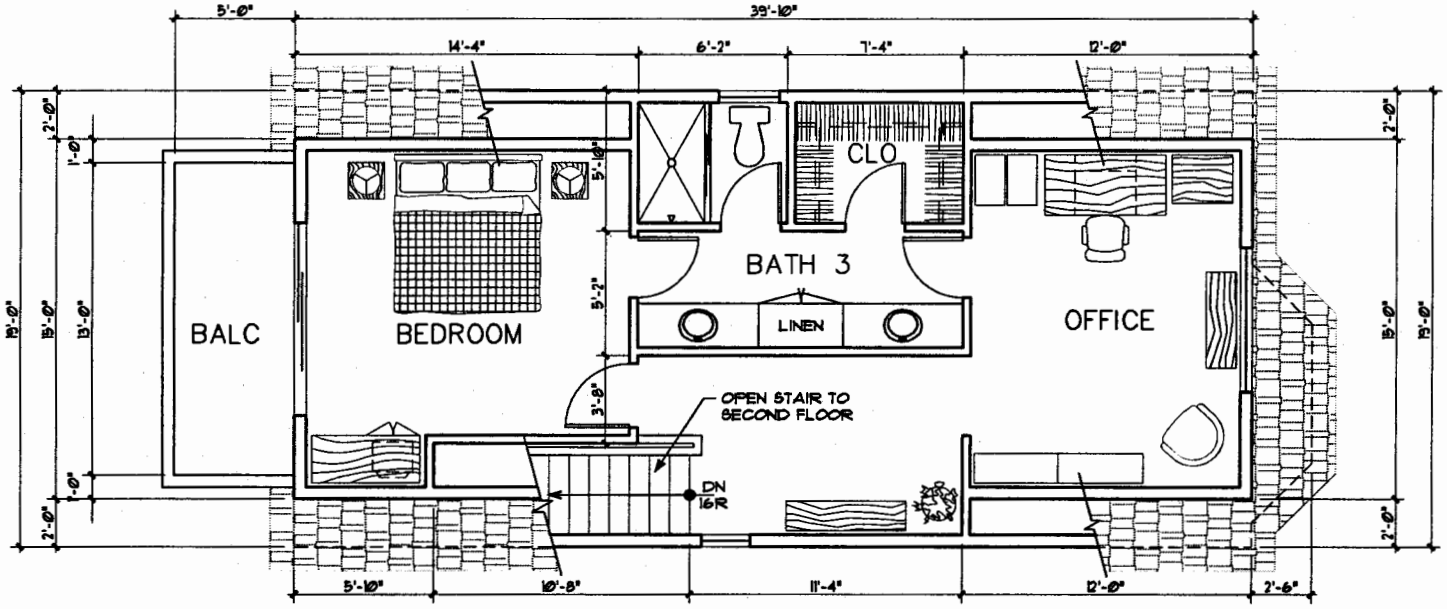
ZITO RESIDENCE

14 CRAB STREET
KING SALMON, CALIFORNIA



3 of 3

PROPOSED THIRD FLOOR PLAN

SCALE:

0 2' 4' 6' 8' 16'

JEROME BLOMMER, ARCHITECT
ARCHITECTURE - PLANNING - CONSULTING
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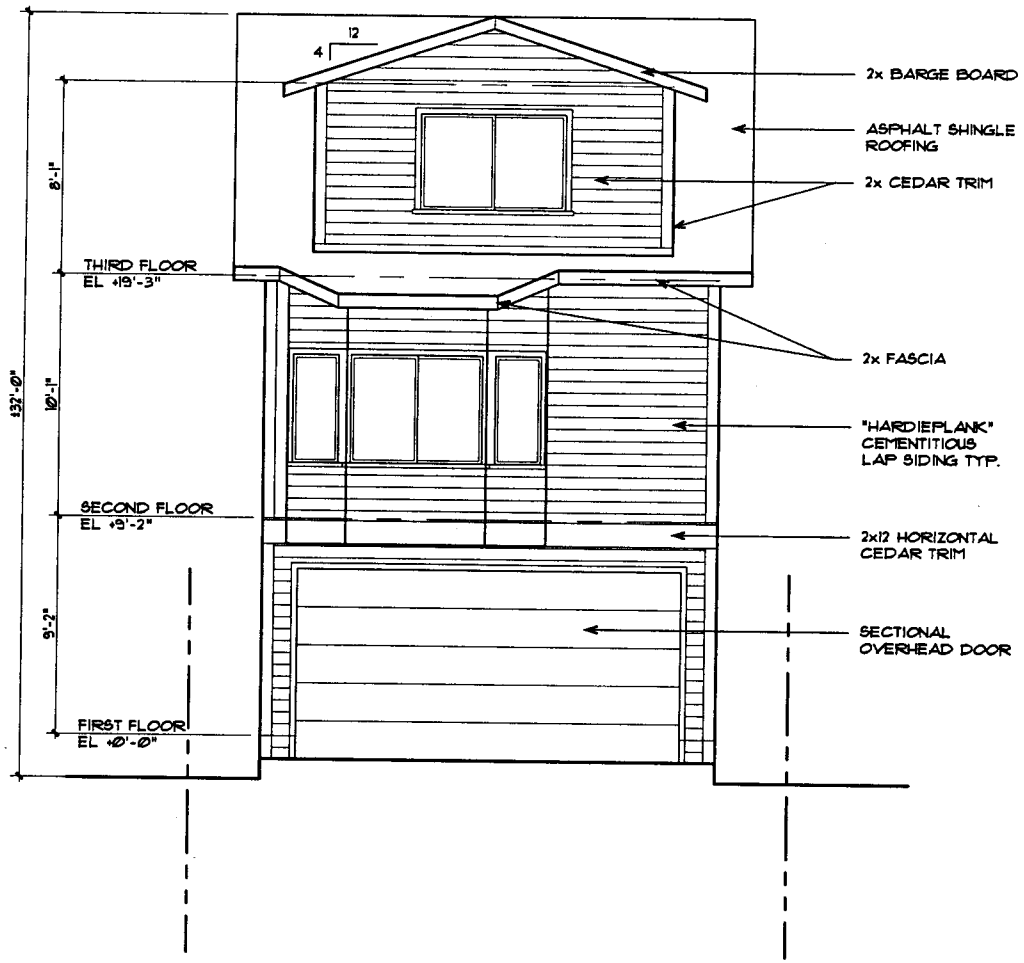
ZITO RESIDENCE

14 CRAB STREET
KING SALMON, CALIFORNIA

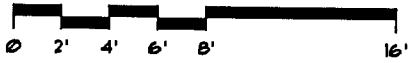
EXHIBIT NO. 7

APPLICATION NO.
1-05-006 (ZITO)
EXTERIOR ELEVATIONS
(Page 1 of 4)



PROPOSED SOUTH ELEVATION

SCALE:



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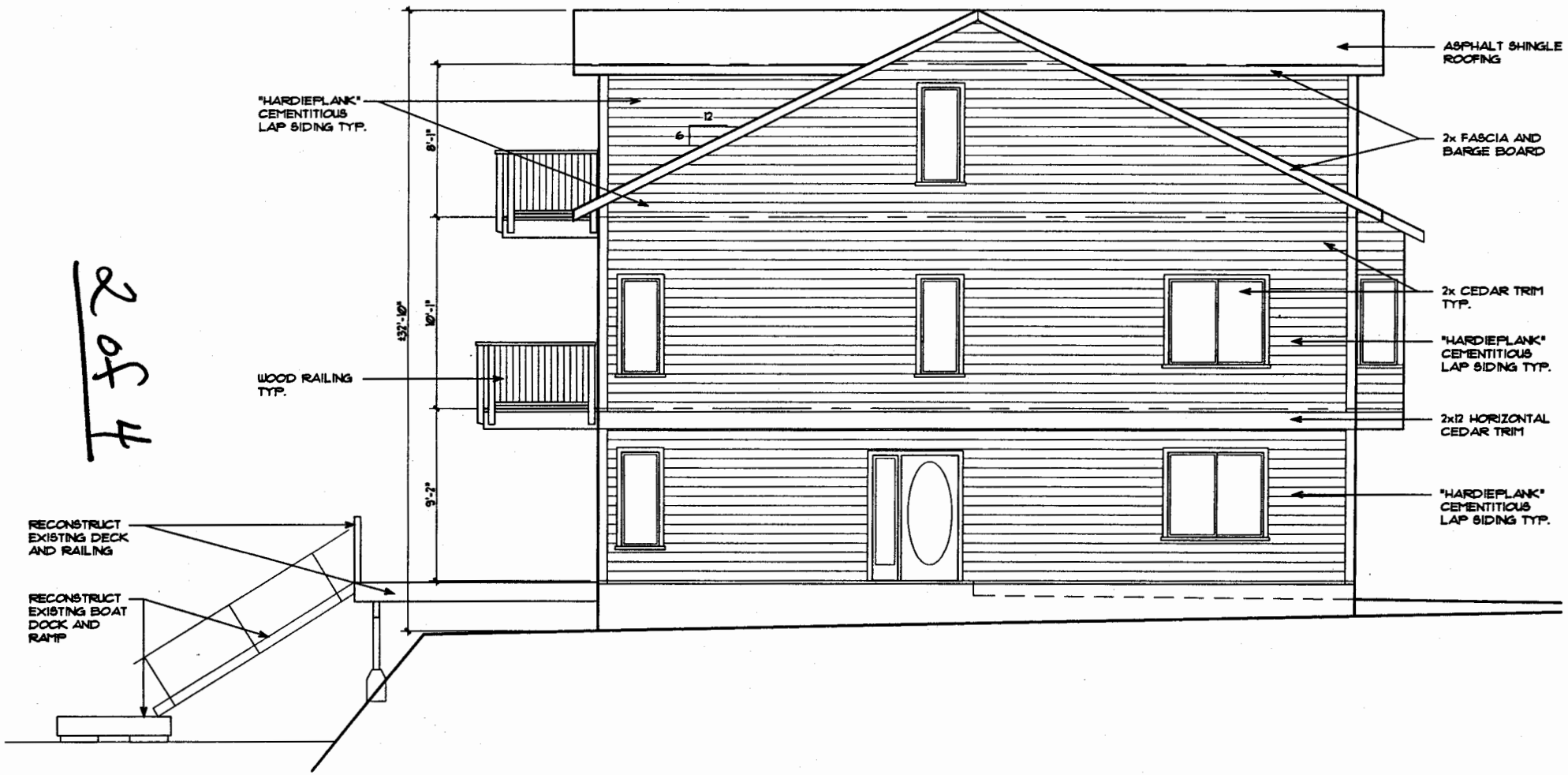
ZITO RESIDENCE

14 CRAB STREET
KING SALMON, CALIFORNIA



2 of 4

PROPOSED WEST ELEVATION

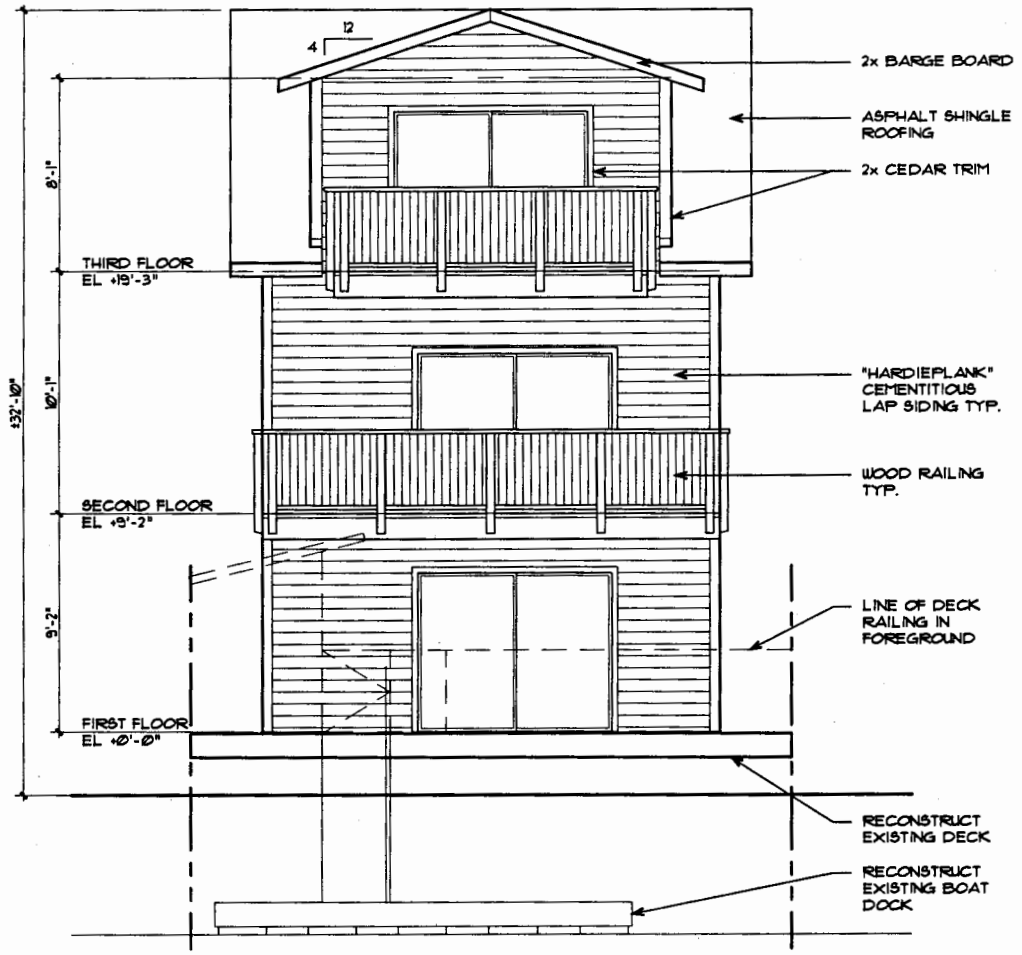
SCALE: 0 2' 4' 6' 8' 16'

JEROME BLOMMER, ARCHITECT
ARCHITECTURE - PLANNING - CONSULTING
PO Box 5988 EUREKA, CA. 95502-5988 TELE: 707-443-2772 FAX: 707-443-2785

ZITO RESIDENCE

14 CRAB STREET
KING SALMON, CALIFORNIA

3 of 4



PROPOSED NORTH ELEVATION

SCALE: 0 2' 4' 6' 8' 16'

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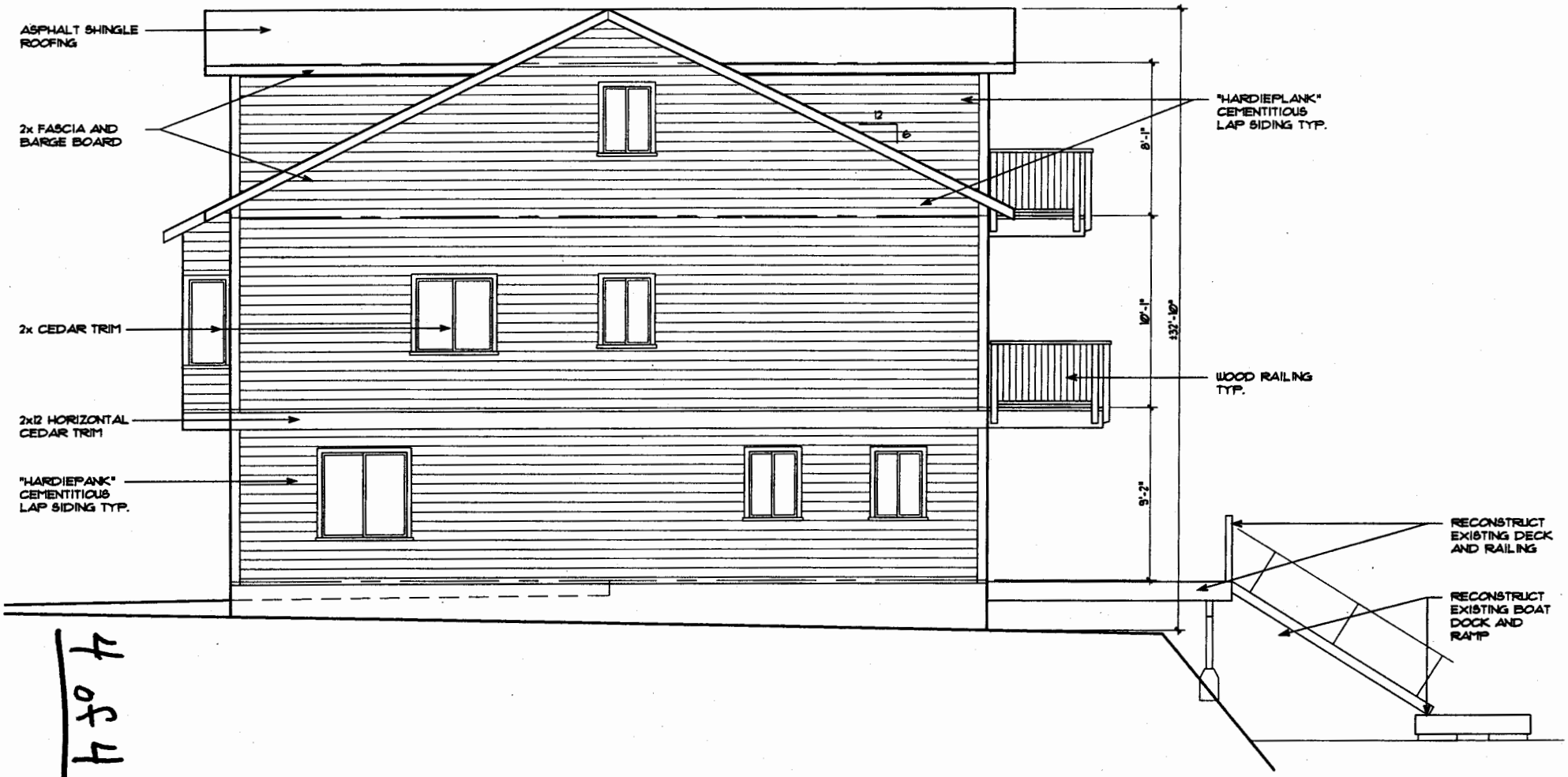
ZITO RESIDENCE

14 CRAB STREET
KING SALMON, CALIFORNIA



PROPOSED EAST ELEVATION

SCALE: 0 2' 4' 6' 8' 16'

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ZITO RESIDENCE

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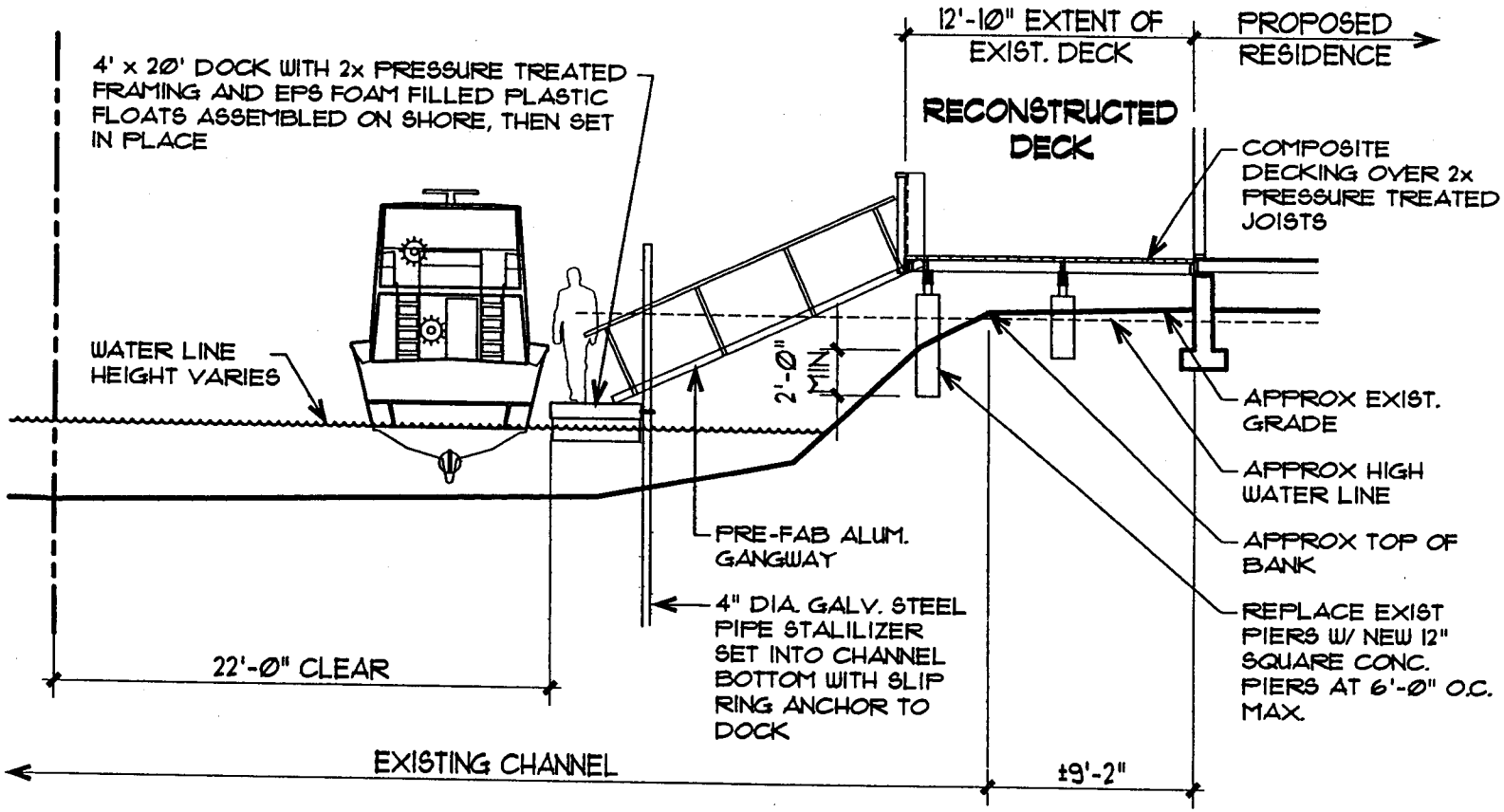

EXHIBIT NO. 8
APPLICATION NO.
1-05-006 (ZITO)
DOCK/DECK SECTION

DOCK / DECK SECTION

SCALE: 1/8" = 1'-0"

DECK SECTION

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