

## CALIFORNIA COASTAL COMMISSION

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Hearing Date: July 14, 2005  
Commission Action:

**STAFF REPORT:**  
**PERMIT AMENDMENT**

APPLICATION NO: 1-03-011-A1

APPLICANT: DALE WRIGHT

AGENTS: Oscar Larson and Associates

PROJECT LOCATION: On the east side of Victor Boulevard, adjacent to Humboldt Bay, in the Manila area, Humboldt County (APN 400-113-03).

## DESCRIPTION OF PROJECT

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

## DESCRIPTION OF

AMENDMENT REQUEST: Modify previously-granted permit to relocate the residence and garage 18 and 13.5 feet, respectively, easterly towards Humboldt Bay.

## SUBSTANTIVE FILE

DOCUMENTS: 1) CDP File No. 1-03-011 (Linda Joyce); and  
2) County of Humboldt Local Coastal Program.

**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the construction of single-family residence on a parcel in the unincorporated Manila community area on the northern Samoa Peninsula of Humboldt Bay, approximately three miles north-northwest of the City of Eureka. The original 2003 permit (CDP No. 1-03-011, Linda Joyce, Applicant) authorized the construction of a two-story, 2,200-square-foot single-family residence within a 1,500-square-foot footprint, a 480-square-foot attached garage, 12-foot-wide gravel driveway, and septic interceptor tank, requiring the applicants to: (1) abide by all of the mitigation measures of the approved archeological report prepared for the development site; (2) be subject to permitting requirements for any otherwise permit-exempt future improvements and significant repair and maintenance activities to the residence; (3) record the permit conditions as deed restrictions; (4) submit a revised drainage plan for the review and approval of the Executive Director; (5) construct and maintain in perpetuity a fence demarcating the landward extent of the buffer established around estuarine and wetland environmentally sensitive areas on and adjoining the property; and (6) utilize non-invasive, preferably native plants for site landscaping.

Staff believes the amended project, with the attachment of three additional 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 adjacent to environmentally sensitive habitat areas be: (a) sited and designed to prevent impacts which would significantly degrade those areas; and (b) compatible with the continuance of the habitat areas, namely the environmentally sensitive estuarine and emergent wetland resources of Humboldt Bay.

Staff recommends that five of the six special conditions of the original permit approved by the Commission be reimposed verbatim and remain in full force and effect for the amended project. One of the six original special conditions is recommended to be reimposed with revisions to assure that the amended development remains consistent with the policies of the Coastal Act. In addition, as stated above, staff is also recommending that three new special condition be attached to the permit as amended requiring: (1) any exterior lighting on the rear sides of the dwelling and garage oriented toward the estuarine wetland ESHA be low-wattage with a downcast-directed shielding to prevent further cumulative impacts to the fish and wildlife habitat resources of the area associated with the relocation of the structures; (2) a revised drainage plan demonstrating that runoff from all impervious surfaces, including roofs, would be tie-line conveyed and directed away from the waters of Humboldt Bay and toward the parcels western frontage with Victor Boulevard; and (3) that an amended deed restriction be recorded reflecting the change in the permit conditions associated with the amended project.

As conditioned, staff has determined that the development with the proposed amendment would be consistent with the policies of the Coastal Act. The motion to adopt the staff recommendation of approval with conditions is found on page 4.

**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.

The Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the conditionally approved permit and subsequent permit amendment. On July 10, 2003, Coastal Permit No. 1-03-011 (Linda Joyce, Applicant) was approved by the Commission with six special conditions intended to assure consistency with the provisions of the Coastal Act for protecting archaeological resources, environmentally sensitive habitat areas, and coastal water quality. Although the now proposed relocated house and garage would be constructed somewhat closer to the environmentally sensitive areas on or near the property, the density of the development (i.e., the size and bulk of the structures associated with proposed single-family residential use) would not increase. Furthermore, the buffer area established under the original permit and determined adequate for reducing the effects of the development on the adjoining ESHA would not be reduced or otherwise altered. Moreover, although the findings for the original permit noted the added protection afforded by siting the residential structures as far as possible from the ESHA along the parcel's eastern side, the Commission found that the maximum separation of the structures from the ESHA enhanced the protection provided by the ESHA buffer, but was not a feature required to provide an adequate level of protection to the ESHA from the potentially significant adverse impacts of residential development at the site. Accordingly, the development as amended to relocate the house and garage closure to the outer extent of the ESHA buffer would conform to the policies and standards of the Coastal Act with respect to designing and siting development so as to be compatible with environmentally sensitive habitat areas and to protect such areas from the significant degrading impacts of new development.

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

**2. Commission Jurisdiction and Standard of Review.**

The proposed project is located in the Commission's retained jurisdiction. The County of Humboldt 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 (see Exhibit No. 3). Therefore, 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 this proposed permit amendment and addressed herein, remain as stated within the findings for the original development adopted by the Commission on June 20, 2003, and included as Exhibit No. 5 of this report.

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**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. 1-03-011-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 Nos. 1, 2, 3, 4, and 5 of the original permit are reimposed as conditions of this permit amendment without any changes and remain in full force and effect. Special Condition No. 6 of the original permit is modified and reimposed as conditions of Permit Amendment No. 1-03-011-A1. Special Condition Nos. 7, 8, and 9 below, are additional new conditions attached to this permit amendment. Deleted wording within the modified special conditions is shown in ~~striketrough~~ text, new condition language appears as **bold double-underlined** text. For comparison, the text of the original permit conditions are included in Exhibit No. 5.

6. Landscaping Restriction

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

b. Rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone or Diphacinone, shall not be used.

7. Design Restrictions

All exterior lights, including any lights attached to the rear and sides of the buildings oriented toward the estuarine and emergent wetland environmentally sensitive habitat areas adjoining the project parcel shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel or into the ESHA buffer area.

8. Revised Drainage Plan

- A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-03-011-A1, the applicant shall submit to the Executive Director, for review and written approval, a revised drainage plan demonstrating that site runoff, including roof gutters, shall be collected and directed toward Victor Boulevard and away from Humboldt Bay in a non-erosive manner into pervious areas of the site (i.e. undeveloped areas, landscaped areas) to achieve infiltration to the maximum extent practicable.
- B. The permittee shall undertake the amended 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.

9. Amended Deed Restriction

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-03-011-A1, 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 amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, as amended, 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 amended, 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 amendment. 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, as amended, 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. This deed restriction shall supercede and replace the deed restriction recorded pursuant to Special Condition No. 3 of Coastal Development Permit No. 1-03-011, approved on July 10, 2003, which deed restriction is recorded as Instrument No. 2003-29711-32 in the official records of Humboldt County.

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

As is the case for much of the Manila area, the site consists largely of disturbed coastal dunes that have been stabilized by scattered development and exotic vegetation and do not currently function as an active dune system. The parcel extends from Victor Boulevard east to Humboldt Bay where emergent salt marsh vegetation occurs as part of the intertidal estuarine wetland, corresponding roughly with the +8-foot NAVD<sub>88</sub> elevation contour. Species in this area include pickleweed (Salicornia virginica), spear-oracle (Atriplex patula), arrow-grass (Triglochin sp.), club rush (Scirpus cernuus), and gumweed (Grindelia stricata). The intertidal estuarine wetland system is separated from the upland, stabilized dunes by a low bluff and a steep gradient of transitional vegetation, approximately three feet wide and parallel to the bay, composed primarily of Hooker willow, (Salix hookeriana), silk-tassel (Garrya elliptica), and California wax-myrtle (Myrica californica).

To the west of these areas, the vegetation cover on the parcel becomes more sparse, consisting of grasses, forbs, and other herbaceous plants commonly found on open or disturbed coastal strand sites, namely coast buckwheat (Erigonum latifolium), beach evening-primrose (Camissonia cheiranthifolia), dune goldenrod (Solidago pathulata ssp. spathulata), sweet vernal grass (Anthoxanthum odoratum), rattlesnake grass (Briza maxima), sea thrift (Armeria maritima ssp. californica), and sheep sorrel (Rumex crispus). Scotch broom (Cytisus scoparius) and sandmat (Cardionema ramosissimum) also occur within the dune deflation plain depression on the western frontage of the parcel with Victor Boulevard. Scattered outcroppings of beach pine (Pinus contorta ssp. contorta) occur throughout the parcel. None of the improvements authorized by the original coastal development permit have been constructed at this time.

2. Description of Originally Approved Project

The original permit application was approved by the Commission on July 10, 2003. The permit application requested authorization for the construction of a two-story, 35-foot-high, 2,500-square-foot single-family residence within a 1,500-square-foot footprint, with an attached 480-square-foot garage, a 12-foot-wide, 265-square-foot gravel driveway, and a septic interceptor tank. The applicant proposed to locate the house a minimum of 60 feet from the edge of the salt marsh environmentally sensitive habitat areas (ESHA)

on and adjoining the parcel and to construct a fence along the landward edge of the ESHA buffer. The fence would be pressure-treated posts, approximately 3-6 inches in diameter, 2-3 feet in height, with 2-3 strands of cable or heavy gauge wire between the posts. The original project also involved the removal of one dying, 12-inch-diameter beach pine (Pinus contorta ssp. contorta), situated to the northeast of the building site for the garage, and three blue gum trees (Eucalyptus sp.) within the Victor Boulevard right-of-way in making the street improvements required by the County. Approximately 50 cubic yards of grading would also be performed to establish the building sites, driveway, and to install the community service and utility connections (see Exhibit No. 5).

The six special conditions attached to the original permit included requirements to assure protection of the coastal resources on and in proximity to the parcel by requiring that: (1) the recommendations of the cultural resources reconnaissance report for protecting the archaeological site along the southern side of the lot be followed; (2) a final grading plan be submitted for the review and approval of the Executive Director demonstrating that all runoff from impervious surfaces, including roofs, be tie-line directed to the Victor Street frontage of the lot to prevent stormwater pollution impacts to coastal waters; (3) the proposed fence along the outboard side of the ESHA buffer be constructed; and (4) only native and/or non-invasive plants be used in site landscaping to prevent impacts to the biological integrity of the emergent and estuarine wetland ESHA. In addition, two other special conditions were attached to the original permit requiring that any typically permit-exempt future improvements to an existing single-family residence and related repair and maintenance provisions be subject to the Commission's permitting requirements, and that a deed restriction be recorded noticing the special conditions applied to the permit approval.

### 3. Description of Permit Amendment

The applicant proposes to modify the project by relocating the proposed residence and garage 18 feet and 13.5 feet, respectively, easterly and away from the building site approved under the original permit (see Exhibit No. 4). This modification is being pursued to avoid development of these structures partially within a roughly six-foot-deep depression that is situated along the west side of the approved building site. By relocating the residence and garage as proposed in the permit amendment request, the applicant would significantly reduce the amount of grading, primarily in the form of imported fill, needed to establish a building pad for the structures.

Other than the proposed relocation and the associated lengthening of the access driveway from the street to the new location for the garage and the sewage disposal line from the approved septic tank location to the relocated house, the amended development does not involve any changes to the size or layout of the proposed residential structures or uses.



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

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.*

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

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

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

The Samoa Peninsula forms a barrier dune complex that separates the Pacific Ocean from Humboldt Bay. Most of the area is developed with single-family residential units resulting in a degraded and fragmented dune environment. The Commission's staff biologist visited the site and determined that unlike some other sand dune areas along the coast, the upland portion of the subject site does not constitute environmentally sensitive habitat. The substrate of the subject site and surrounding area is stabilized by scattered development and exotic vegetation and does not function as an active dune system. Therefore, neither the proposed development as originally permitted by the Commission or the revised location for the house and garage proposed by this permit amendment request would be located in an ESHA.

The subject property contains environmentally sensitive habitat areas consisting of salt marsh and mudflat habitat at the base of the slope near the eastern edge of the parcel. The wetlands provide important flood protection, water quality and pollution control

functions including storing surface water and improving water quality by absorbing organic and inorganic nutrients and filtering toxins. The salt marsh and adjacent mudflats provide breeding, rearing and feeding habitat for a variety of wildlife species, including mammals, birds, reptiles, amphibians, and invertebrates.

As reflected in the original permit approved by the Commission, the residence and garage would have been located as far from the ESHA as possible while maintaining the required 20-foot front yard setback. A large portion of the residence and garage would have been sited in the low portion of the site on the landward side of the slope leading down into a roughly six-foot-deep depression situated along the parcel's frontage with Victor Boulevard. To reduce the amount of grading needed to establish a building for the house and garage, and other site improvements, the applicant proposes to relocate the building site for the house 18 feet easterly from the site approved by the Commission under the original permit. The attached garage would similarly be relocated 13.5 feet easterly. This project modification would place the structures within approximately 70 to 80 feet from the estuarine and emergent shoreline wetlands along the east side of the project parcel.

The 60- to 90-foot-wide buffer from the landward edge of the salt marsh ESHA authorized under the original permit would still be provided under the amended project, as would construction of a fence delineating the outer extent of the buffer. Buffers provide separation from development and environmentally sensitive habitat areas (ESHA) to minimize disturbance to plants and animals inhabiting an ESHA and to protect the habitat values of the area. Buffers are typically intended to create a spatial separation between potentially disruptive activity typically associated with development such as noise, lighting, and human activity, which can disrupt feeding, nesting, and behavior patterns of wildlife. Buffer areas also provide transitional habitat between development and environmentally sensitive habitat areas. Additionally, buffers are often required to provide a vegetated area to capture and treat drainage and stormwater runoff from development to minimize the amount of pollutants potentially entering environmentally sensitive habitat areas and receiving waters.

As discussed in the findings for the conditional approval of the original project, the development of the subject house, garage, and site improvements would result in an increase in activity at the site common to residential use, thereby subjecting birds and other wildlife that inhabit the ESHA to increased noise and disturbance. By providing a spatial buffer that varies in width from 60-feet to approximately 90 feet, the Commission found that the proposed development would not result in adverse impacts to the ESHA.

As proposed under the current permit amendment request, the majority of the development would continue to be located on the landward slope of the topographic rise which creates a visual and noise buffer from the ESHA. The amended development would also continue to be located to the west of the dense pine trees located along the top and bayward side of the slope that would provide visual screening between the

development and the ESHA. Moreover, the fence required by Special Condition No. 5 of the original permit to be constructed along the landward edge of the slope to delineate the buffer area from the yard and residence to further minimize disturbance and human encroachment into the buffer area would be retained under the current applicant's revised project proposal. Thus, the buffer area within the mid-eastern portion of the site between the fence and the estuarine and emergent wetland ESHA would continue to provide transitional habitat for use by birds and other wildlife that utilize the ESHA. In addition, the required would continue to be 60 feet at the narrowest width, and thus remain consistent with buffers that have been approved by the Commission for other development located along the east side of Victor Boulevard (CDP No. 1-94-10, Barnum; CDP No. 1-97-15, Kaiser). Finally, with regard to the decrease in the distance between outer extent of the ESHA buffer and the proposed residential development, from 15 to 32 feet down to 5 to 12 feet, the Commission notes that while this additional area was recognized as providing enhanced protection to the ESHA by placing the residential structures as far as possible from these environmentally sensitive areas, this additional distance between the new development and the ESHA was not necessary to ensure that an adequate buffer had been established around the ESHA.

As proposed, no portion of the revised development would be sited in the environmentally sensitive habitat area and the project would continue to provide an adequate buffer from the ESHA. However, the Commission does note that while the physical presence of the residence and garage in closer proximity to the outer edge of the ESHA buffer would not impact or otherwise obviate the adequacy of the protection provided by the buffer, exterior lighting installed on the sides of the house and garage oriented toward the ESHA could contribute to cumulative impacts to the environmentally sensitive areas on and adjoining the project parcel. To reduce these potential cumulative adverse effects to less-than-significant levels, the Commission attaches new Special Condition No. 7. Special Condition No. 7 sets design restrictions on the installation of exterior lighting on the easterly-facing portions of the residence and garage, requiring that all such lighting be low-wattage in intensity, down-cast, and shielded so as to prevent the light from being directed into the ESHA buffer area.

The Commission further notes that future minor incidental development normally associated with single family residences such as additions to the residence, construction of outbuildings, decks and patios, or installation of landscaped areas could be sited and designed in a manner that could compromise the value of the buffer and have potentially adverse impacts on the environmentally sensitive habitat area. Many of these kinds of development are normally exempt from the need to obtain a coastal development permit under Section 30610(a) of the Coastal Act. Thus, the Commission would not normally be able to review such development to ensure that impacts to sensitive habitat are avoided.

To avoid such impacts to coastal resources from the development of otherwise exempt additions to existing homes, Section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental

effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of regulations. Section 13250(b)(6) specifically authorizes the Commission to require a permit for additions to existing single-family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a development permit. As noted above, certain additions or improvements to the approved residence could involve a risk of adverse impacts to the ESHA on the site. Therefore, in accordance with provisions of Section 13250 (b)(6) of Title 14 of the California Code of Regulations, the Commission reimposes in full force and effect Special Condition No. 2 of the original permit. Special Condition No. 2 requires a coastal development permit or a permit amendment for all additions and improvements to the residence on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in adverse impacts to the ESHA on the site.

Similarly, to provide constructive notice of the property of the conditions attached to the approval of the amended development, the Commission attaches new Special Condition No. 9. Special Condition No. 8 requires recordation of an amending deed restriction to ensure that all future owners of the property are made ware of the requirement, among others, to obtain a permit for development that would otherwise be exempt. This requirement will reduce the potential for future landowners to make improvements to the residence without first obtaining a permit as required by this condition. Furthermore, the Commission reimposes in full force and effect Special Condition No. 5 requiring that the fence delineating the boundary of the ESHA buffer be installed as proposed and that it be maintained over the life of the project to ensure that it will have the intended benefit of protecting the ESHA.

Regardless of the location of the residential structures, the ESHA on and in proximity to the project site could also be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native wetland vegetation, thereby disrupting the value and function of the adjacent ESHA. The applicant is not proposing any landscaping as part of the proposed amended project. However, to ensure that the ESHA is not adversely impacted by any future landscaping of the site, the Commission reimposes with modifications Special Condition No. 6 requiring only native and/or non-invasive plant species be planted at the site. Special Condition No. 6 has been modified to include further detail as to the which plants are considered to be exotic-invasive species and/or noxious and includes a prohibition on the landscaping use of rodenticides containing blood anti-coagulants that have been found to be harmful to certain sensitive wildlife species. As discussed above, new 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 which would also ensure that all future owners of the property are aware of these landscaping restrictions.

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

It is unlikely that stormwater runoff from the amended building site would reach the salt marsh and bay at the eastern edge of the parcel because of the high infiltration capability of the sandy substrate, the proposed minimum 60-foot-wide buffer area, and the natural topography of the site which would direct runoff toward the west away from the bay. However, to ensure that drainage structures are not directed to the ESHA and bay and to ensure the protection of the quality and biological productivity of the ESHA and coastal waters by minimizing the volume of stormwater runoff that could potentially drain to the ESHA, the Commission imposes new Special Condition No. 8. Special Condition No. 8 requires the applicant to submit a revised drainage plan for review and approval of the Executive Director prior to the issuance of the permit amendment. The condition requires the drainage plan to demonstrate that the runoff from the revised building site, including roof gutters, is collected and directed toward Victor Boulevard and away from the ESHA in a non-erosive manner into pervious areas on the site to achieve infiltration to the maximum extent practicable.

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

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent environmentally sensitive habitat area, the amended 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 amended project as conditioned is consistent with Sections 30240(b) and 30231 of the Coastal Act.

**C. Archaeological Resources**

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

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

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

The field reconnaissance determined that a portion of the site contains dense midden deposits associated with a Wiyot habitation site. The midden deposit was examined by the Director of the Cultural Resources Department for the Table Bluff Reservation Wiyot Tribe and was deemed to be a potentially significant cultural resource with high research potential as well as the possibility of containing human remains. It was noted that the archaeological deposit did not seem to extend over areas where the proposed development is located. However, it was further noted that the potential exists for buried cultural deposits to occur within other portions of the project area that may have been

covered by drifting sand. It was concluded that the archaeological deposit should be protected from ground disturbing activities. In addition, the report recommends that development within other areas of the site should be monitored by a cultural resource specialist. The report further recommends that if buried archaeological resources are encountered during construction activities, that all work in the immediate area of the find should be halted temporarily and/or shifted to another area, so that the monitor can evaluate the materials to determine their significance.

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

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

Thus, in accordance with provisions of Section 13250 (b)(6) of Title 14 of the California Code of Regulations, the Commission reimposes in full force and effect Special Condition No. 2 which requires a coastal development permit or a permit amendment for all future development on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in adverse impacts to the cultural resources on the site. As discussed in Protection of Adjacent Environmentally Sensitive Habitat Area (ESHA) and Water Quality Findings Section IV.B above, Special Condition No. 8 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the requirement to obtain a permit for development that would otherwise be exempt. This requirement will reduce the potential for future landowners



to make improvements to the residence without first obtaining a permit as required by this condition.

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

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

#### **D. 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 situated in a developed rural residential area. Although the site provides spectacular views across Humboldt Bay, the site is located at the end of Victor Boulevard, a narrow, dead-end public road that does not provide shoreline access and does not provide appreciable public viewing of the bay or ocean because of intervening development, vegetation, and landforms. Thus, the amended development would not block any public views of the bay, or other coastal areas. The residence in its revised building site location would continue to be sited approximately 80 feet from the bayshore, and would be only minimally visible from Humboldt Bay. The development would be located largely on the landward side of the topographic rise and would be located to the west of the dense pine trees that provide additional visual screening from the bay. Furthermore, the amended project would result in a reduction in the alteration of natural landforms by avoiding the need for filling the depression along the western side of the parcel to create the building pad for the residence and garage authorized under the original permit. As amended, the development would require only minimal grading.



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

Therefore, the amended project would be consistent with Section 30251, as the project in its revised building site location 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.

#### **E. Public Access**

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

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

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

**F. 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 Coastal Act consistency 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:**

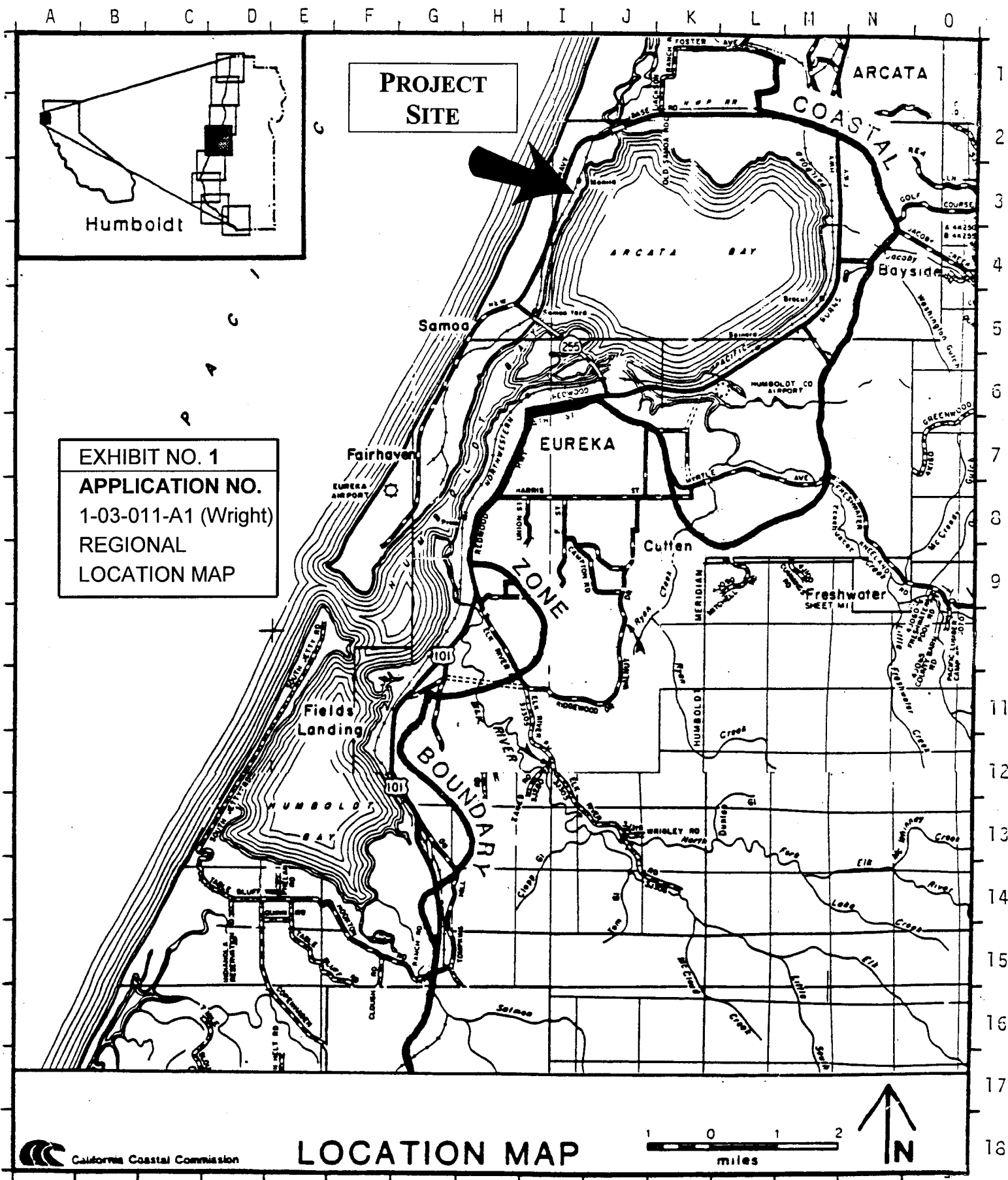
1. Regional Location
2. Vicinity Map
3. Portion, Post LCP Certification Permit and Appeal Jurisdiction Map No. 14 – *Eureka*
4. Proposed Amended Project Site Plan
5. Excerpts, Original Coastal Development Permit No. 1-03-011 Staff Report

**ATTACHMENT A:**

**STANDARD CONDITIONS**

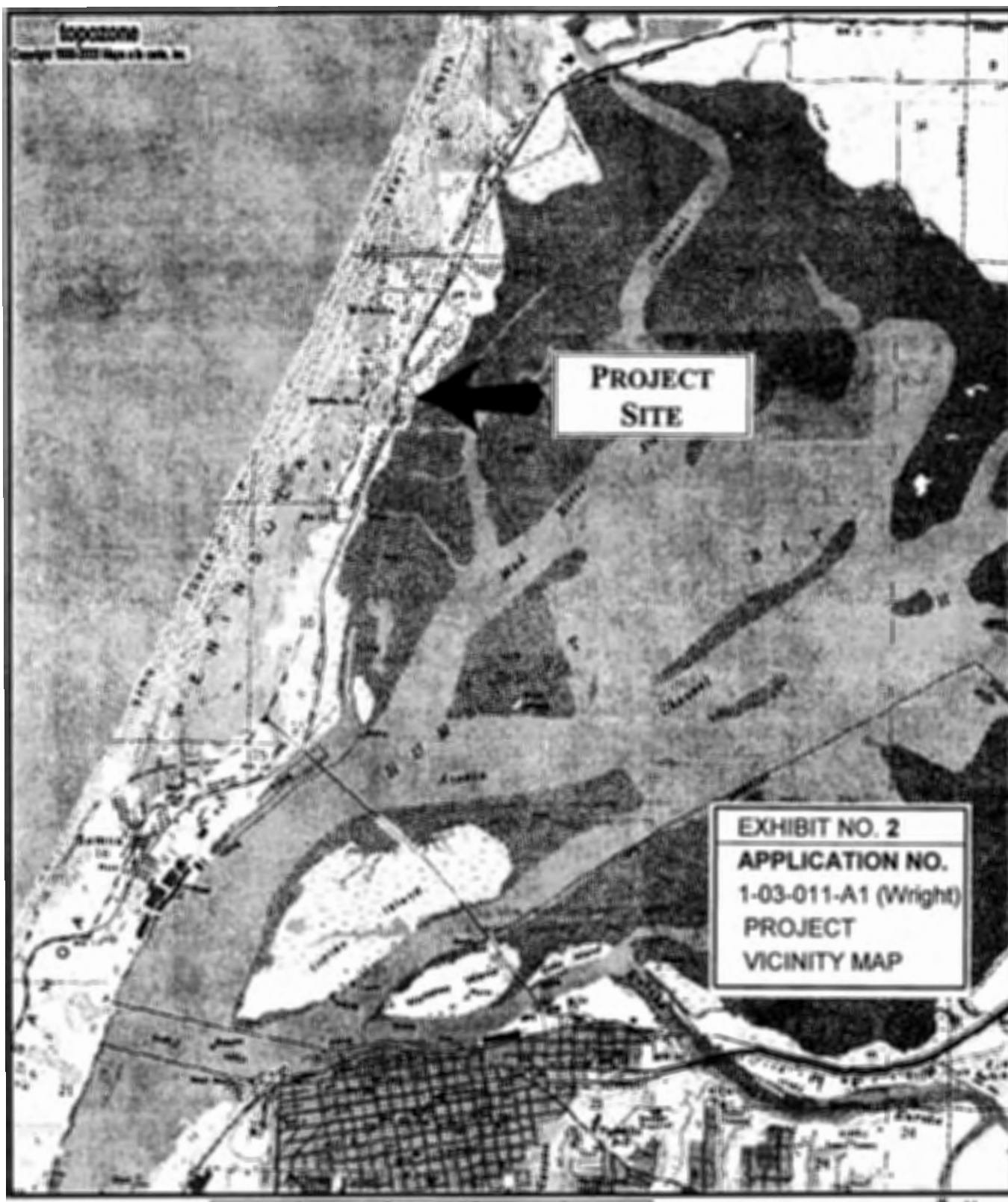
1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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 amount 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 of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.





**PROJECT  
SITE**

**EXHIBIT NO. 1**  
**APPLICATION NO.**  
1-03-011-A1 (Wright)  
**REGIONAL**  
**LOCATION MAP**



0 0.6 1.2 1.8 2.4 3 km  
0 0.4 0.8 1.2 1.6 2 mi

Map center is UTM 10 402473E 4520829N (WGS84/NAD83)

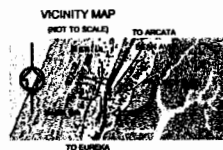
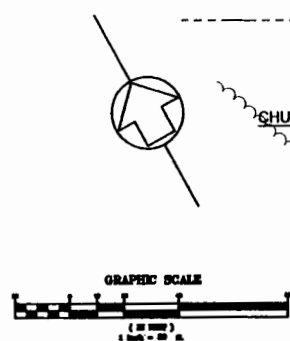
**EUREKA** quadrangle

Projection is UTM Zone 10 NAD83 Datum



M=16.248  
G=-0.756





APPLICANT	
NAME	DALE WRIGHT
ADDRESS	2880 EUREKA BL
PHONE NUMBER	LOS ANGELES, CA 90001 (213) 385-5545
AGENT	
NAME	OSCAR LARSON & ASSOCIATES
ADDRESS	307 8TH ST
PHONE NUMBER	EUREKA, CA 95501 (707) 445-2043

#### LEGEND

TREES: EU EUCALYPTUS  
P PINE  
SP SPRUCE  
B BAY LAUREL  
CY CYPRESS  
(TBR) TO BE REMOVED

WM WATER METER  
SSCO SANITARY SEWER PRESSURE CLEANOUT  
JOINT POLE (POWER & TELEPHONE)

DITCH FLOWLINE  
FENCE LINE  
PROPERTY LINE  
OVERHEAD ELECTRIC AND TELEPHONE LINE  
UNDERGROUND SEWER LINE  
UNDERGROUND WATER LINE  
VEGETATION LIMIT LINE

PROPOSED 12' WIDE GRAVEL ROAD

PROPOSED 8x18' PARKING SPACE OFF-STREET

CULTURAL RESOURCES CONSTRAINT AREA

**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**1-03-011-A1 (Wright)**  
**Proposed Amended**  
**Project Site Plan**

**CHURCH OF GOD OF ARCATA**  
1990-21850  
APN: 400-113-009

**WRIGHT**  
2003-41839  
APN: 400-113-008

**WALSH**  
1885 OR 797  
APN: 400-113-012

**WRIGHT**  
2003-41839  
APN: 400-113-003  
EXISTING AREA (GROSS)=1.42 AC (61855± SF)  
APPROVED AREA (NET)=3200± SF  
(BETWEEN FRONT AND SIDE SETBACKS AND  
WETLAND / BAY SETBACKS (FENCE))  
AVAILABLE AREA (NET)=3155± SF  
(BETWEEN FRONT AND SIDE SETBACKS AND  
8' SETBACK FROM 8' CONTOUR)

**GENERAL PLAN AND ZONING INFORMATION**  
GENERAL PLAN DESIGNATION: RESIDENTIAL LOW DENSITY  
ZONING DESIGNATION: RESIDENTIAL SINGLE FAMILY  
3000 SF MINIMUM LOT SIZE  
MOBILE HOMES ALLOWED  
COMBINING ZONE: ARCHAEOLOGICAL RESOURCES

#### NOTES

1. PROPOSED CHANGES TO THE PROJECT ARE AS FOLLOWS:  
- SHIFT THE PROPOSED HOUSE 18' TOWARDS THE BAY  
AND AWAY FROM VICTOR BLVD.  
- SHIFT THE PROPOSED GARAGE 13' TOWARDS THE  
BAY AND AWAY FROM VICTOR BLVD.
2. STRUCTURES AND IMPROVEMENTS ARE EXISTING UNLESS  
NOTED AS "PROPOSED" OR "NEW".
3. FOUR PARKING SPACES ARE PROVIDED FOR THE PROPOSED  
DWELLING UNIT AS SHOWN HEREON, WITH TWO SPACES IN  
THE GARAGE AND 2 ADDITIONAL OFF-STREET PARKING  
SPACES. SEE THE LEGEND AT LOWER LEFT.
4. PROPERTY LINES SHOWN HEREON ARE BASED ON TIES TO  
RECORD MONUMENTS FROM BOOK 12 OF MAPS, PAGES 44-46,  
BAYSHORE ACRES SUBDIVISION, AND SUBSEQUENT SURVEYS  
OF RECORD IN THE AREA. ALL EASEMENTS OF RECORD, AS  
DISCLOSED IN THE FOLLOWING TITLE DOCUMENTS, ARE  
SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE  
RECORDED SUBDIVISION MAP: A PRELIMINARY TITLE REPORT  
DATED JUNE 27, 2002 BY HUMBOLDT LAND TITLE COMPANY,  
#0010118-001-R, AND A TITLE INSURANCE POLICY DATED  
FEBRUARY 22, 2001 BY CHICAGO TITLE INSURANCE COMPANY,  
#0050720871017000103004-SL.
5. VERTICAL DATUM IS NAVD83 BASED ON GPS TIES TO THE  
"CITY OF EUREKA/HUMBOLDT COMMUNITY SERVICES DISTRICT  
2000 GPS CONTROL SURVEYS FOR GIS" (A PROJECT BY OSCAR  
LARSON & ASSOCIATES AND MOORE SURVEYING  
CONSULTING). CONTROL POINT AND BENCHMARK #110 WAS  
HELD AT ELEVATION 23.29' BASED ON SAID SURVEY.
6. THIS PARCEL IS LOT 23 OF BAYSHORE ACRES SUBDIVISION.  
THIS LOT ADJACES HUMBOLDT BAY AND LIKELY INCLUDES  
LANDS BELOW THE MEAN HIGH WATER MARK  
(APPROXIMATELY ELEVATION 6' IF HAVING) THAT WOULD BE  
CLAIMED BY THE STATE OF CALIFORNIA UNDER THE  
SUBMERGED LANDS ACT AND PUBLIC TRUST DOCTRINE AS IT  
PERTAINS TO TIDELANDS. THIS SURVEY MAKES NO  
DETERMINATION OF THE BOUNDARIES OF SAID LANDS.
7. VEGETATION LIMITS SHOWN HEREON ARE APPROXIMATE  
AND ARE BASED ON A COMBINATION OF FIELD SURVEY AND  
AERIAL PHOTOGRAPHY DATA. SITE VEGETATION INCLUDES  
PINES, SPRUCES, EUCALYPTUS, HUCKLEBERRY, WILLOW, AND  
BERRY BRUARS. DIMENSIONS TO TREES SHOWN HEREON ARE  
DIAMETER OF THE TRUNK AT BREAST HEIGHT.
8. WATER AND SEWER FACILITIES SHOWN HEREON ARE PER  
THE MANILA COMMUNITY SERVICES DISTRICT S.T.E.P.  
SEWERAGE SYSTEM IMPROVEMENT PLANS DATED JUNE 1978,  
AND PER VISIBLE IMPROVEMENTS.
9. FLOOD ZONE DETERMINED BY SCALING FROM FROM MAP  
WITH COMBINATION PANEL NO. 00000 0778 C AND SHOULD BE  
CONSIDERED APPROXIMATE. FLOOD ELEVATIONS IN ZONE A  
HAVE NOT BEEN DETERMINED. ZONE C IS A ZONE OF MINIMAL  
FLOODING.

#### PROPOSED SITE PLAN

FOR  
**DALE WRIGHT**  
**APN 400-113-003**

AMENDING  
COASTAL DEVELOPMENT PERMIT  
PREVIOUSLY ISSUED TO LINDA JOYCE  
CDP #1-03-011, JULY 10, 2003

**NW 1/4 OF SE 1/4 OF SEC. 3 T6N RTW HM**  
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
COMMUNITY OF MANILA, STATE OF CALIFORNIA  
MARCH 2005

**OSCAR LARSON & ASSOCIATES**  
317 3RD ST P.O. BOX 3606 EUREKA, CALIFORNIA 95501  
(707)-445-2043

SHEET 1 OF 1



**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.**

1-03-011-A1 (Wright)  
Excerpts, Original C.D.P.  
No. 1-03-011 Staff Report  
(Page 1 of 14)

# Th 16b

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

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.:	<b>1-03-011</b>
APPLICANT:	<b>LINDA JOYCE</b>
AGENT:	Oscar Larson & Associates
PROJECT LOCATION:	On the east side of Victor Boulevard, adjacent to Humboldt Bay, in the Manila area, Humboldt County (APN 400-113-003)
PROJECT DESCRIPTION:	Construction of a two-story, 2,200-square-foot single-family residence (1,500-square-foot footprint), a 480-square-foot attached garage, 12-foot-wide gravel driveway, and septic interceptor tank.
GENERAL PLAN DESIGNATION:	Residential Single Family with Manufactured Home and Archaeological combining zones (RS-5-M/A)
ZONING DESIGNATION:	Residential/ Low Density (RL), 3-7 units per acre
LOCAL APPROVALS RECEIVED:	None Required
OTHER APPROVALS:	None Required

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program

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SUMMARY OF STAFF RECOMMENDATION:

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

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

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

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

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

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

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

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

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

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

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**STAFF NOTE:**

1. **Standard of Review**

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

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

The staff recommends that the Commission adopt the following resolution:

**Motion:**

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

**Staff Recommendation of Approval:**

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

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**Resolution to Approve the Permit:**

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

**II. STANDARD CONDITIONS: See Attachment A.**

**III. SPECIAL CONDITIONS:**

**1. Archaeological Resources**

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

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**2. Future Development Restriction**

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

**3. Deed Restriction**

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

**4. Drainage Plan**

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

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

**5. Buffer Fence**

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

**6. Landscaping Restriction**

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

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**1. Site Description & Project Description**

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

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

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

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

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

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

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

## **2. Locating and Planning New Development**

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 4. Archaeological Resources

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

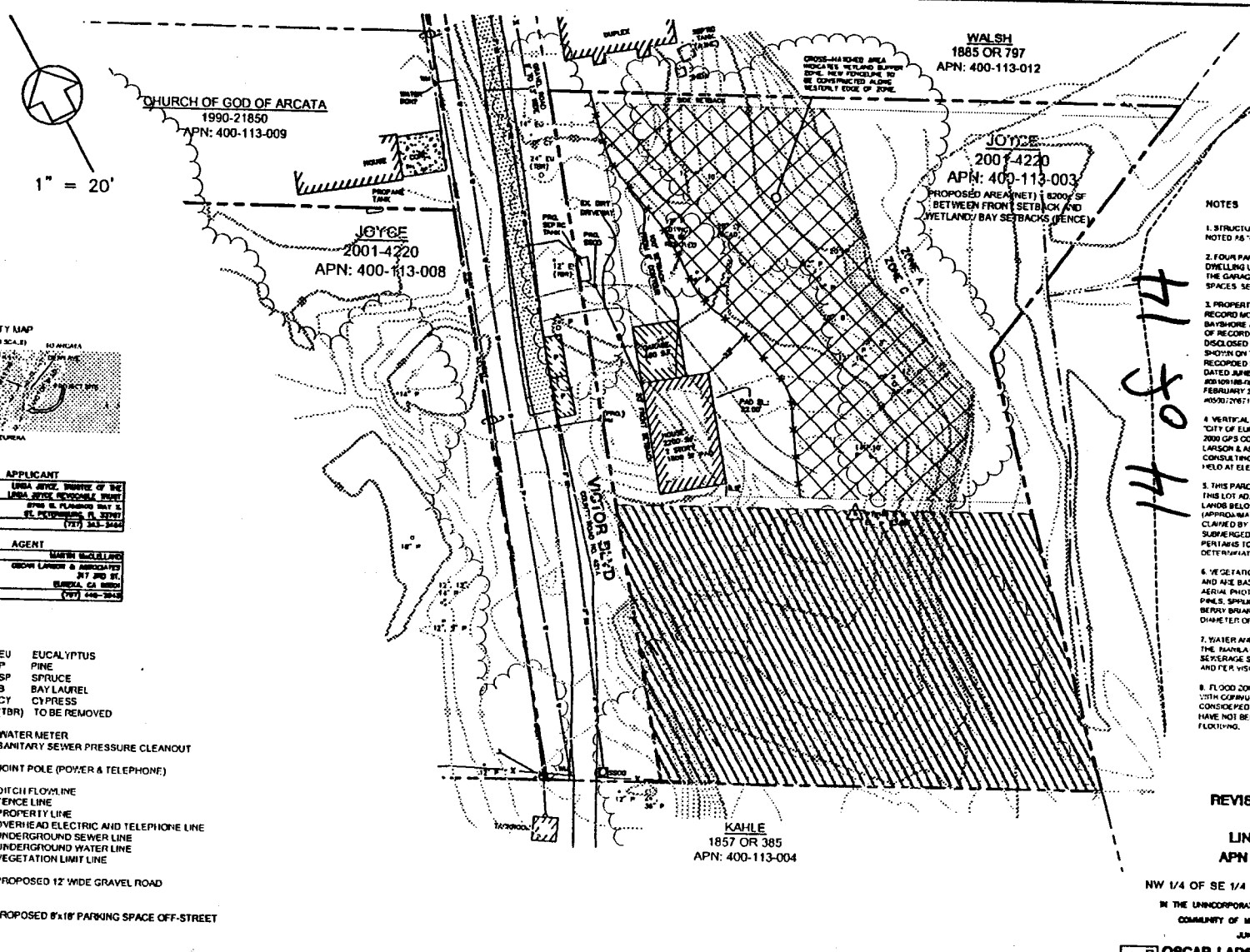
The subject site is zoned with an Archaeological combining zone under the County's LCP. A Cultural Resources Investigation was prepared for the site by a qualified archaeologist (November 2002). According to the report, the Wiyot Indians prehistorically occupied the project area. Wiyot settlements lay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

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

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

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



- NOTES**
1. STRUCTURES AND IMPROVEMENTS ARE EXISTING UNLESS NOTED AS "PROPOSED" OR "PRO."
  2. FOUR PARKING SPACES ARE PROVIDED FOR THE PROPOSED DWELLING UNIT AS SHOWN HEREON, WITH TWO SPACES IN THE GARAGE AND TWO ADDITIONAL OFF-STREET PARKING SPACES. SEE THE LEGEND AT LOWER LEFT.
  3. PROPERTY LINES SHOWN HEREON ARE BASED ON THE TO RECORD INSTRUMENTS FROM BOOK 12 OF MAPS, PAGES 44-46, BAYSHORE ACRES SUBDIVISION, AND SUBSEQUENT SURVEYS OF RECORD IN THE AREA. ALL EASEMENTS OF RECORD, AS DISCLOSED IN THE FOLLOWING TITLE DOCUMENTS, ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP. A PRELIMINARY TITLE REPORT DATED JUNE 27, 2002 BY HUMBOLDT LAND & TITLE COMPANY, 600 HUMBOLDT BL., AND A TITLE INSURANCE POLICY DATED FEBRUARY 22, 2001 BY CHICAGO TITLE INSURANCE COMPANY, #05001206710100010330458.
  4. VERTICAL DATUM IS HANDED BASED ON GPS TIES TO THE CITY OF EUREKA HUMBOLDT COUNTY SERVICES DISTRICT 2000 GPS CONTROL SURVEYS FOR GIS (A PROJECT BY OSCAR LARSON & ASSOCIATES AND MOORE SURVEYING CONSULTING). CONTROL POINT AND BENCHMARK #110 HAS BEEN HELD AT ELEVATION 23.29 BASED ON SNAID SURVEY.
  5. THIS PARCEL IS LOT 23 OF BAYSHORE ACRES SUBDIVISION. THIS LOT ADJACES HUMBOLDT BAY AND LIKELY INCLUDES LANDS BELOW THE MEAN HIGH WATER MARK. APPROXIMATELY ELEVATION IS 1450 FEET THAT WOULD BE CLAIMED BY THE STATE OF CALIFORNIA UNDER THE SUBMERGED LANDS ACT AND PUBLIC TRUST DOCTRINE AS IT PERTAINS TO TIDAL LANDS. THIS SURVEY MAKES NO DETERMINATION OF THE BOUNDARIES OF SAID LANDS.
  6. VEGETATION LINES SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON A COMBINATION OF FIELD SURVEY AND AERIAL PHOTOGRAPHY DATA. SITE IS GENTLY SLOPING. PINES, SPRUKES, EUCALYPTUS, MAHONIE, BERRY, YEW, AND BERRY BRANES. DIMENSIONS TO TREES SHOWN HEREON ARE DIAMETER OF THE TRUNK AT BREAST HEIGHT.
  7. WATER AND SEWER FACILITIES SHOWN HEREON ARE PER THE SANJIA COMMUNITY SERVICES DISTRICT S.T.P. SEWERAGE SYSTEM IMPROVEMENT PLAN DATED JULY 1979 AND PER VISIBLE IMPROVEMENTS.
  8. FLOOD ZONE DETERMINED BY SC-44 AND FROM FIRM MAP WITH COMMUNITY PANEL NO. 060000775 C AND SHOULD BE CONSIDERED APPROXIMATE. FLOOD ELEVATIONS IN ZONE A HAVE NOT BEEN DETERMINED. ZONE C IS A ZONE OF UNUSUAL FLOODING.

**REVISED SITE PLAN**  
 FOR  
**LINDA JOYCE**  
**APN 400-113-003**  
 NW 1/4 OF SE 1/4 OF SEC. 3 T5N R1W HM  
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
 COMMUNITY OF SANJIA, STATE OF CALIFORNIA  
 JUNE 2003  
**OSCAR LARSON & ASSOCIATES**  
 317 3RD ST. P.O. BOX 3806 EUREKA, CALIFORNIA 95501  
 (707)-443-2043  
 SHEET 1 OF 1

**APPLICANT**

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PHONE NUMBER	(707) 343-3444

**AGENT**

NAME	OSCAR LARSON & ASSOCIATES
ADDRESS	317 3RD ST. EUREKA, CA 95501
PHONE NUMBER	(707) 443-2043

- LEGEND**
- TREES: EU EUCALYPTUS  
 P PINE  
 SP SPRUCE  
 B BAY LAUREL  
 CY CYPRESS  
 (TBR) TO BE REMOVED
- WM WATER METER  
 SSCO SANITARY SEWER PRESSURE CLEANOUT  
 JOINT POLE (POWER & TELEPHONE)
- DITCH FLOWLINE  
 FENCE LINE  
 PROPERTY LINE  
 OVERHEAD ELECTRIC AND TELEPHONE LINE  
 UNDERGROUND SEWER LINE  
 UNDERGROUND WATER LINE  
 VEGETATION LIMIT LINE
- PROPOSED 12' WIDE GRAVEL ROAD  
 PROPOSED 8'x18' PARKING SPACE OFF-STREET