

## CALIFORNIA COASTAL COMMISSION

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

[www.coastal.ca.gov](http://www.coastal.ca.gov)

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# NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the*

## *September Meeting of the California Coastal Commission*

MEMORANDUM

Date: September 12, 2008

TO: Commissioners and Interested Parties  
FROM: Peter Douglas, North Coast District Deputy Director  
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Coast District Office for the September 12, 2008 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Coast District.

***EMERGENCY PERMITS***

1. 1-08-035-G County Of Humboldt Public Works Department, Attn: Hank Seemann (McKinleyville, Humboldt County)

***IMMATERIAL AMENDMENTS***

1. 1-83-223-A5 Mr. & Mrs. Don Logan (Little River, Mendocino County)

***EXTENSION - IMMATERIAL***

1. A-1-EUR-01-029-A1-E3 Eureka Waterfront Partners, Attn: Dolores Vellutini ( Humboldt County)

***TOTAL OF 3 ITEMS***

## **DETAIL OF ATTACHED MATERIALS**

### **REPORT OF EMERGENCY PERMITS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i><b>Applicant</b></i>	<i><b>Project Description</b></i>	<i><b>Project Location</b></i>
<b>1-08-035-G</b> County Of Humboldt Public Works Department, Attn: Hank Seemann	Repair measures to stabilize the bank, including a stabilization structure composed of rock slope protection and bioengineered components along the longer portion of the bank and re-grading and revegetation along the upper portion of the bank. The stabilization structure will have a continuous toe trench (~8 feet high, extending from -8 to 0 ft elevation, NAVD 88) filled with 4- to 6-ton rocks extending along the base of the bluff for the length of the project site (~1,300 feet). The layer overlaying the toe trench will consist of an alternating series of groins and willow mattress/rock sections (composite layers of rock and soil integrated with willow mattresses, which are ~4- to 6-inch-thick bundles of willow branches or cuttings tied with twine or string, placed in lifts, and secured with 4-inch-diameter willow stakes). The groins will be layered mounds of revetment with a slight protrusion (less than ~20 feet) riverward from the armored bank, spaced at approximately 60-foot intervals. The groins will be constructed with rock boulders in conjunction with large woody debris secured with threaded rebar and cable anchors. The rock will consist of 4- to 6-ton rock near the bottom, transitioning to half- to 1-ton rock at the top. The top of the groins will reach an elevation of ~14 feet (NAVD 88). The estimated total volume of fill material is 10,500 cubic yards, of which approximately 8,500 cubic yards will be placed below the mean tide level. The estimated area of impact is ~0.60 acres.	An approximately 1,300-foot stretch of a 5-foot-high to 50-foot-high (above mean tide level) bluff along the right bank of the Mad River (including the river channel, bank and adjacent upland terrace), approximately 1.5 miles upstream,

### **REPORT OF IMMATERIAL AMENDMENTS**

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i><b>Applicant</b></i>	<i><b>Project Description</b></i>	<i><b>Project Location</b></i>
<b>1-83-223-A5</b> Mr. & Mrs. Don Logan	Perform repairs to the guest studio including replacing the existing roof in-kind with black Torchtown Roofing and replacing the deteriorated stucco façade of the structure in-kind.	4550 Highway One, Little River (Mendocino County)

***REPORT OF EXTENSION - IMMATERIAL***

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
A-1-EUR-01-029-A1- Eureka Waterfront Partners, Attn: Dolores Vellutini	Develop two mixed-use, three-story buildings containing visitor-serving, retail commercial, and residential uses totaling 56,855 square feet and two on-site parking lots providing 72 off-street parking spaces.	Along Humboldt Bay between D & F Streets, Eureka, Humboldt County

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## EMERGENCY PERMIT

Humboldt County Public Works Dept.  
Attn: Hank Seemann  
1106 Second Street  
Eureka, CA 95501

Date: August 22, 2008  
Emergency Permit No. 1-08-035-G

### LOCATION OF EMERGENCY WORK:

An approximately 1,300-foot stretch of a 5-foot-high to 50-foot-high (above mean tide level) bluff along the right bank of the Mad River (including the river channel, bank and adjacent upland terrace), approximately 1.5 miles upstream from the 2008 location of the mouth of the Mad River, near the intersection of School Road and Verwer Court, in McKinleyville, Humboldt County (on or adjacent to APNs 508-021-007, 508-151-016, -017, -030, -004, -003, and the County of Humboldt's School Road right-of-way).

### WORK PROPOSED:

Repair measures to stabilize the bank, including a stabilization structure composed of rock slope protection and bioengineered components along the lower portion of the bank and re-grading and revegetation along the upper portion of the bank. The stabilization structure will have a continuous toe trench (~8 feet high, extending from -8 to 0 ft elevation, NAVD 88) filled with 4- to 6-ton rocks extending along the base of the bluff for the length of the project site (~1,300 feet). The layer overlaying the toe trench will consist of an alternating series of groins and willow mattress/rock sections (composite layers of rock and soil integrated with willow mattresses, which are ~4- to 6-inch-thick bundles of willow branches or cuttings tied with twine or string, placed in lifts, and secured with 4-inch-diameter willow stakes). The groins will be layered mounds of revetment with a slight protrusion (less than ~20 feet) riverward from the armored bank, spaced at approximately 60-foot intervals. The groins will be constructed with rock boulders in conjunction with large woody debris secured with threaded rebar and cable anchors. The rock will consist of 4- to 6-ton rock near the bottom, transitioning to half- to 1-ton rock at the top. The top of the groins will reach an elevation of ~14 feet (NAVD 88). The estimated total volume of fill material is 10,500 cubic yards, of which approximately 8,500 cubic yards will be placed below the mean tide level. The estimated area of impact is ~0.60 acres.

### PERMIT RATIONALE:

This letter constitutes approval of the emergency work you have requested to be done at the location listed above. I understand from your information that due to bluff erosion along the right bank of the Mad River in the project area the top of the bluff has retreated to within 15 feet of an occupied residence and is in close proximity to several other residences as well as public infrastructure. According to geotechnical information you have provided, there is a greater than 50 percent probability that a peak discharge event will occur during the next winter season with a reasonable likelihood of causing at least 10 feet of bluff erosion, a 10 to 33 percent probability that a peak discharge event will occur that could cause up to 50 feet of bluff erosion, and a 5 percent probability that a peak discharge event will occur that could cause up to 90 feet of bluff erosion. Such storms will occur suddenly, unpredictably, and with relatively little warning.



Emergency Permit Number: 1-08-035-G

Date: August 22, 2008

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Consequently, if timely repairs to the identified stretch of river bank are not conducted within an expedited timeframe, the likelihood of a catastrophic bluff retreat during the on-coming winter season would be substantially increased. Such a event could result in a threat to residential structures, public roads, essential services including sewer and water infrastructure, life, and health at the Mad River bluff near the end of School Road. Therefore, the situation requires immediate action to prevent damage to private property and public infrastructure.

Pursuant to Title 14 of the California code of Regulations, Section 13009, the Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit; and
- (b) Public comment on the proposed emergency action has been reviewed as time allows; and
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS  
Executive Director



MELISSA B. KRAEMER  
Coastal Planner



CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT and returned within 15 days.
2. Only work specifically described in this permit and for the specific property listed above is authorized. The project shall be undertaken in accordance with the plans and other information submitted to the Coastal Commission. Any additional work requires separate authorization from the Executive Director.
3. All construction activities shall be completed by November 15. Any construction activity conducted between October 16 and November 15 shall be subject to the following conditions: (1) All work shall cease upon the onset of precipitation at the project site and shall not recommence until the predicted chance of rain is less than 50 percent for the Arcata/McKinleyville area portion of the National Weather Service's forecast for Northwestern California; (2) The work site(s) shall be winterized between work cessation periods by installing stormwater runoff and erosion control barriers around the perimeter of each construction site to prevent the entrainment of sediment into coastal waters; and (3) Adequate stocks of stormwater runoff and erosion control barrier materials shall be kept onsite and made available for immediate use.
4. The existing unpermitted rock fill that is located in the project area shall either be incorporated into the proposed emergency stabilization structure (if possible) or removed from the site entirely prior to project completion.
5. Any materials used in project construction that slump or become ineffective and a hazard to coastal recreation shall be immediately removed.
6. All equipment and materials staging and stockpiling shall occur within the upland portions on the project area only.
7. Construction activities shall be conducted during periods of low tide only.
8. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas.
9. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters or wetlands. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call.
10. The permittee shall use relevant best management practices (BMPs) as detailed in the "California Storm Water Best Management (Construction and Industrial/Commercial) Handbooks, developed by Camp, Dresser & McKee, et al. for the Storm Water Quality Task Force (see <http://www.cabmphandbooks.com>).



11. Effective erosion control measures shall be in place at all times during construction. Construction must not commence until all temporary erosion control devices (e.g., silt fences) are in place. A supply of erosion control materials shall be maintained on site to facilitate a quick response to unanticipated storm events or emergencies. If continued erosion is likely to occur after construction is completed, then appropriate erosion prevention measures shall be implemented and maintained until erosion has subsided. Erosion control devices are temporary structures and shall be removed after completion of construction.
12. Erosion controls shall be used to protect and stabilize stockpiles and exposed soils to prevent movement of materials.
13. Work sites shall be winterized at the end of each day when significant rains are forecast that may cause unfinished excavation to erode.
14. After project completion, all exposed soils present in and around the project site which may deliver sediment to the river or a coastal wetland shall be stabilized with mulch, seeding, and/or placement of erosion control blankets. Erosion control seeding shall include only native, regionally appropriate species or noninvasive agricultural species. 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.
15. All measures specified by NOAA-Fisheries in its technical assistance comments dated July 30, 2008 shall be implemented. Installation and removal of the temporary barrier system and fish herding, seining, and relocation shall be conducted according to NOAA-Fisheries guidance. A copy of monitoring data on salmonid presence/abundance and habitat feature use related to project disturbance collected during the course of construction shall be provided to Commission staff at the North Coast District Office.
16. All new revetment material to be used shall consist only of clean rock that is free of debris and fine sediment.
17. During construction, all trash shall be properly contained, removed from the work site, and disposed of on a regular basis to avoid contamination of habitat during restoration activities. Following construction, all trash and construction debris shall be removed from work areas and disposed of properly.
18. All construction debris shall be removed and disposed of in an upland location at an approved disposal facility within 10 days of project completion.
19. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless of any liabilities for damage to public or private properties or personal injury that may result from the project.



Emergency Permit Number: 1-08-035-G

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20. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including the U.S. Army Corps of Engineers, the California Department of Fish and Game, the County of Humboldt, the North Coast Regional Water Quality Control Board, or other applicable agencies.

The emergency work is considered to be temporary work done in an emergency situation. **If the permittee wishes to have the emergency work become a permanent development, a regular Coastal Development Permit or permit amendment must be obtained.** A regular permit or permit amendment would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission's North Coast District Office at the address and telephone number list on the first page.

Encl.: Emergency Permit Acceptance Form, Regular Application Form

cc w/out encl.: Steve Werner, Humboldt County Planning Division, Eureka  
Carol Heidsiek, U.S. Army Corps of Engineers, Eureka  
Scott Bauer, Department of Fish and Game, Eureka  
Dean Prat, Regional Water Quality Control Board, Santa Rosa  
Leslie Wolff, NOAA-Fisheries, Arcata  
Ray Bosch, U.S. Fish & Wildlife Service, Arcata



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties  
FROM: Peter Douglas, Executive Director  
DATE: September 11, 2008  
SUBJECT: **Permit No: 1-83-223-A5**  
Granted to: Mr. & Mrs. Don Logan

## Original Description:

for **Construction of a 7,938 square foot single family residence with an attached garage, a 2,261 square foot studio with attached garage, a 441 square foot gatehouse, tennis court, swimming pool, well and septic system.**  
at **4550 Highway One, Little River (Mendocino County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

**Perform repairs to the guest studio including replacing the existing roof in-kind with black Torchtown Roofing and replacing the deteriorated stucco façade of the structure in-kind.**

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

**As the proposed repairs to the previously permitted structure will be performed in-kind without enlargement, the development will not result in any greater impact on adjacent environmentally sensitive habitat and visual resources and will not increase risks of geologic hazard. Therefore, the proposed development will not adversely affect coastal resources and is consistent with policies of the certified Mendocino County Local Coastal Program.**

If you have any questions about the proposal or wish to register an objection, please contact Robert Merrill at the North Coast District office.

cc: Local Planning Dept.

Swithenbank Construction, Attn: Travis Swithenbank

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September 11, 2008

## NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: Eureka Waterfront Partners, LLC  
has applied for a one year extension of: Coastal Development Permit No. A-1-EUR-01-029-A1  
granted by the California Coastal Commission on: October 14, 2004  
for: Develop two mixed-use, three-story buildings containing visitor-serving, retail commercial, and residential uses totaling 56,855 sq. ft. and two on-site parking lots providing 72 off-street parking spaces.  
at: Along Humboldt Bay between D and F Streets, Eureka (Humboldt County) (APNs 001-054-24 & -25).

Pursuant to Section 13169 of the Commission's Administrative Regulations (14 CCR §13000 *et seq.*), the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission's Regulations state that "the time for commencement of development shall be extended for one year from the expiration date of the permit if both of the following occur: (1) no written objection to the executive director's determination is received within 10 working days after mailing notice, and three commissioners do not object to the executive director's determination." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: JAMES R. BASKIN AICP  
Coastal Planner

