

## 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)

**W19**

# NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the  
May Meeting of the California Coastal Commission*

## MEMORANDUM

Date: May 6, 2009

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 May 6, 2009 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.

***DE MINIMIS WAIVERS***

1. 1-09-018-W Robert Affinito (Fort Bragg, Mendocino County)

***EMERGENCY PERMITS***

1. 1-09-016-G City Of Eureka, Attn: Lisa D. Shikany ( Humboldt County)

***IMMATERIAL AMENDMENTS***

1. A-1-MEN-03-055-A1 Brian & Della Zita (Gualala, Mendocino County)

**TOTAL OF 3 ITEMS**

## **DETAIL OF ATTACHED MATERIALS**

### **REPORT OF DE MINIMIS WAIVERS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i><b>Applicant</b></i>	<i><b>Project Description</b></i>	<i><b>Project Location</b></i>
<b>1-09-018-W</b> Robert Affinito	Repair the piling, girders, and decking of decaying portions of an existing wharf in Noyo Harbor by (1) cutting decayed piles above the concrete encasements that extend into the mudflat and replacing the damaged sections of piles with doubled 4" x 12" posts secured to the remnants of the existing piles, (2) installing diagonal wood bracing between the piles, (3) replacing deteriorating double 4" x 12" wood girders that support portions of the deck, and (4) replacing decaying portions of the wooden deck.	32200 North Harbor Drive, Fort Bragg (Mendocino County)

### **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>1-09-016-G</b> City Of Eureka, Attn: Lisa D. Shikany	Remove approximately 100 linear feet of 4-inch-in-diameter cast iron pipe attached underneath the dock. The pipeline previously was used to transfer waste oil pumped from vessels to a waste oil storage tank on land. The tank has since been removed and the pipeline was flushed at that time. The pipeline removal would be performed during higher stages of the tide from a small shallow-draft "cat" vessel that can fit under the dock and between the piles that support the dock by barge. The pipeline would be cut and removed in approximately 3-foot-long segments using a hand-operated cutter. To prevent spillage into the bay of residual oil in the pipeline, the applicant would (1) cut and seal the remnant of the pipeline from where it emerges from the shoreline embankment underneath the dock with an insert placed inside the end of the pipe and with a hydraulic cement cap formed around the outside of the pipe, (2) place absorbent material on the floor of the vessel and equip the vessel with spill containment kits, (3) secure an absorbent boom to the dock piles around the work area, (4) drain the removed segments of pipe into a 55-gallon DOT-approved drum on the vessel and place them in sealed commercial plastic bags, (5) transport the 55 gallon drums to a licensed waste oil disposal facility and clean the pipes on land before disposal as scrap metal. The vessel would only operate during higher stages of the tide and would never rest on the bay bottom.	Along the shoreline of Humboldt Bay at the City-owned dock at the foot of Commercial Street, Eureka, Humboldt County

**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>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>A-1-MEN-03-055-A1</b> Brian & Della Zita	(1) Make minor architectural changes to reduce the visual mass of the house, accommodate solar panels on a portion of the roof, and move the house to the northeast a few feet to build on a more level portion of the site without changing the 2,390 sq. ft. size of the house, and (2) install an underground 1,500 gallon pre-cast concrete rain water tank designed to store water collected from half of the roof area for use as irrigation water.	37941 Old Coast Highway, Gualala (Mendocino County)

## 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

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: May 5, 2009  
TO: Robert Affinito  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: Waiver of Coastal Development Permit Requirement:  
**Waiver De Minimis Number 1-09-018-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: Robert Affinito

LOCATION: 32200 North Harbor Drive, Fort Bragg (Mendocino County) (APN(s) 018-130-39)

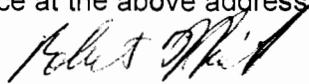
DESCRIPTION: Repair the piling, girders, and decking of decaying portions of an existing wharf in Noyo Harbor by (1) cutting decayed piles above the concrete encasements that extend into the mudflat and replacing the damaged sections of piles with doubled 4" x 12" posts secured to the remnants of the existing piles, (2) installing diagonal wood bracing between the piles, (3) replacing deteriorating double 4" x 12" wood girders that support portions of the deck, and (4) replacing decaying portions of the wooden deck.

RATIONALE: The proposed repairs will reinforce and prevent the potential collapse of portions of the wharf without expanding the wharf. No pile-driving is proposed as only portions of the piles above the mudflat would be replaced. All repairs will be performed at lower stages of the tide by hand and will not require the use of a barge or other vessels. All debris would be hauled away to an authorized disposal site. The proposed project would not adversely affect coastal resources and is consistent with all applicable Chapter 3 policies of the Coastal Act.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, May 6, 2009, in San Francisco. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: ROBERT MERRILL  
District Manager

cc: Local Planning Dept.

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET • SUITE 200

EUREKA, CA 95501-6813

VOICE (707) 445-7833

FACSIMILE (707) 445-7877

www.coastal.ca.gov



## EMERGENCY PERMIT

Lisa D. Shikany  
City Of Eureka  
531 K Street  
Eureka, CA 95501

Date: April 14, 2009  
Emergency Permit No. 1-09-016-G

**LOCATION OF EMERGENCY WORK:**

Along the shoreline of Humboldt Bay at the City-owned dock at the foot of Commercial Street, Eureka, Humboldt County (APN(s) 003-011-01)

**WORK PROPOSED:**

Remove approximately 100 linear feet of 4-inch-in-diameter cast iron pipe attached underneath the dock. The pipeline previously was used to transfer waste oil pumped from vessels to a waste oil storage tank on land. The tank has since been removed and the pipeline was flushed at that time. The pipeline removal would be performed during higher stages of the tide from a small shallow-draft "cat" vessel that can fit under the dock and between the piles that support the dock by barge. The pipeline would be cut and removed in approximately 3-foot-long segments using a hand-operated cutter. To prevent spillage into the bay of residual oil in the pipeline, the applicant would (1) cut and seal the remnant of the pipeline from where it emerges from the shoreline embankment underneath the dock with an insert placed inside the end of the pipe and with a hydraulic cement cap formed around the outside of the pipe, (2) place absorbent material on the floor of the vessel and equip the vessel with spill containment kits, (3) secure an absorbent boom to the dock piles around the work area, (4) drain the removed segments of pipe into a 55-gallon DOT-approved drum on the vessel and place them in sealed commercial plastic bags, (5) transport the 55-gallon drums to a licensed waste oil disposal facility and clean the pipes on land before disposal as scrap metal. The vessel would only operate during higher stages of the tide and would never rest on the bay bottom.

**PERMIT RATIONALE:**

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of discovery in March that the waste oil pipeline has severely deteriorated. If the pipeline were to develop a leak, there is a high likelihood that residual oil or sludge in the pipeline would spill into the waters of Humboldt Bay. Therefore, the situation requires immediate action to prevent loss of marine life and/or damage to property and constitutes an emergency as defined by 14 Cal. Admin. Code 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;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;

Emergency Permit Number: 1-09-016-G

Date: 4/14/09

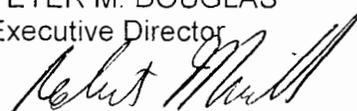
Page 2 of 4

- (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

A handwritten signature in black ink, appearing to read "Robert Merrill", written over the printed name of the District Manager.

By: ROBERT MERRILL  
District Manager

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT and returned to our office within 15 days.
2. Only that 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. The vessel to be utilized in the pipeline removal work shall only be used at the site during higher stages of the tide when the vessel will not rest on the Bay bottom where it could adversely affect habitat.
4. The Perimeter of the Bay surface underneath the dock where the pipeline removal work will occur shall be cordoned off by an absorbent boom secured to the dock piles at all times when the pipeline removal work is occurring.
5. Absorbent material shall be maintained in place on the floor of the work vessel at all times when the pipeline removal work is being performed.
6. The work vessel shall be equipped with oil and fuel spill containment kits and crewed by personnel fully trained in how to properly use the containment kits. Any discharge to the bay of oil or oil sludge from the sections of pipe to be removed and any discharge to the bay of fuel or oil from the work vessel shall be cleaned up immediately.
7. The pipeline removal work shall be performed by a contractor licensed in California as a hazardous waste contractor.
8. The remnant of the pipeline where it emerges from the shoreline embankment beneath the dock shall be sealed immediately after the pipeline has been cut with an insert placed in the end of the pipe and with a hydraulic cement cap around the outside of the pipe as proposed in the emergency permit application.
9. All oil from removed sections of pipeline shall be discharged into a 55-gallon DOT-approved drum as proposed, and both ends of each segment of removed pipe shall be plugged and the pipe placed in a heavy-duty commercial plastic bag which shall then be sealed shut.
10. The applicant shall retrieve and remove from the bay any demolition debris or project materials that enter the water.
11. All waste oil or sludge recovered from the pipeline to be removed and all debris and other waste from the project shall be disposed of at appropriately licensed facilities for accepting such waste or recyclable material.

**Emergency Permit Number: 1-09-016-G**

**Date: 4/14/09**

**Page 4 of 4**

12. 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, the Humboldt Bay Harbor, Recreation and Conservation District, 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.: Kelly Reid, U.S. Army Corps of Engineers, Eureka  
Vicki Frey, Department of Fish and Game, Eureka  
Dean Prat, Regional Water Quality Control Board, Santa Rosa  
Dave Hull, Humboldt Bay Harbor, Recreation & Conservation District

## 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)



## NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties  
FROM: Peter Douglas, Executive Director  
DATE: April 22, 2009  
SUBJECT: **Permit No: A-1-MEN-03-055-A1**  
Granted to: Brian & Della Zita

### Original Description:

for **Construct a 2,390-square-foot, two-story, single-family residence with a maximum average height of 27 feet 3 inches above finished grade. Construct a two-story detached structure consisting of a 730-square-foot garage/storage space on the first floor and a 630-square-foot guest cottage above for a total of 1,360 square feet and a maximum average height of 24 feet 5 inches above finished grade. Provide decks on the south side of the house and garage/guest cottage, replace dilapidated wooden fence along the north boundary of the property, and place a propane tank and pad. Services would be provided by the Gualala Community Services District for sewage disposal, and the North Gualala Water Company for domestic water.**

at **37941 Old Coast Highway, Gualala (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:

**(1) Make minor architectural changes to reduce the visual mass of the house, accommodate solar panels on a portion of the roof, and move the house to the northeast a few feet to build on a more level portion of the site without changing the 2,390 sq. ft. size of the house, and (2) install an underground 1,500 gallon pre-cast concrete rain water tank designed to store water collected from half of the roof area for use as irrigation water.**

### 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):

**The proposed changes to the architectural design reduce the maximum height of the structure by one foot and lower the west wing by four feet, reducing the perceived mass of the structure as viewed from the County road, the principal public vantage point. Moving the house a few feet does not increase the visibility of the development or affect views from other public vantage points, and use of the previously approved exterior wall materials and colors**

**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)

**NOTICE OF PROPOSED PERMIT AMENDMENT**

and the fact that the surface of the roof containing the solar panels will not be visible from public vantage points will ensure that the development continues to be compatible with the character of the area. The slight change in location does not encroach on the previously required sensitive plant habitat buffer and the installation and use of the rain water tank for irrigation will reduce stormwater runoff and potential erosion. Therefore, the proposed modifications to the project would not adversely affect coastal resources and are consistent with the certified LCP.

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.