

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

W21

NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

September Meeting of the California Coastal Commission

MEMORANDUM

Date: September 9, 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 September 9, 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. 1-09-037-W Fukiko Marshall (Eureka, Humboldt County)

IMMATERIAL AMENDMENTS

1. 1-90-104-A3 City Of Eureka - Community Development, Attn: Lisa Shikany (Eureka, Humboldt County)

TOTAL OF 2 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>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
1-09-037-W Fukiko Marshall	Improvements to an existing food service business including (1) installation of an additional approximately 96-square-foot storage building, (2) construction of an approximately 176-square-foot awning over the existing trash area, and (3) expansion of the existing outdoor seating and service area by approximately 500 square feet.	2120 4th 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>
1-90-104-A3 City Of Eureka - Community Development, Attn: Lisa Shikany	Increase the volume of authorized dredging to remove greater than anticipated amounts of deposited sediment and make other project changes including (1) increasing the volume of dredging in the tidal channel from 260 to 1550 cubic yards, (2) increasing the volume of dredging within the Palco Marsh from 7 to 16 cubic yards, (3) performing a portion of the Palco Marsh dredging by an excavator staged outside of the wetland, and (4) extending the construction season for project grading from October 1 to October 15 with the ability to extend the season further to November 1 contingent upon dry weather conditions and the Executive Director's concurrence.	at the Palco Marsh, west of Broadway Between Mill & Del Norte Street, Eureka (Humboldt County)

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NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: September 8, 2009
 TO: Fukiko Marshall
 FROM: Peter M. Douglas, Executive Director
 SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 1-09-037-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: Fukiko Marshall

LOCATION: 2120 4th Street, Eureka (Humboldt County) (APN(s) 002-134-04)

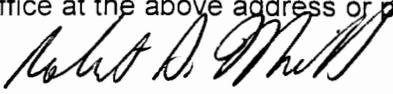
DESCRIPTION: Improvements to an existing food service business including (1) installation of an additional approximately 96-square-foot storage building, (2) construction of an approximately 176-square-foot awning over the existing trash area, and (3) expansion of the existing outdoor seating and service area by approximately 500 square feet.

RATIONALE: The proposed improvements to the existing food-service business would be sited on an existing paved area behind the building and would not adversely impact views to or along the coast. The development would not adversely affect the adjoining and nearby riparian habitat and tidal mudflats as the improvements would not encroach any closer to the habitat than the existing paved area, the development site is separated from the riparian vegetation by non-native vegetation not-suitable for nesting by native and migratory passerines, the expanded outdoor seating area would be located approximately 100 feet from the tidal mudflat and separated by paved area and non-native and riparian vegetation, and noise generated by the mudflat's adjacency to Highway 101 creates ambient noise disturbance far above what would be generated by users of the proposed expanded outdoor seating area. Therefore, the project involves no significant adverse impacts on coastal resources and is consistent with all applicable Chapter 3 policies fo 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, September 9, 2009, in Eureka . 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.
 Gabriel Lampro

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director
DATE: September 8, 2009
SUBJECT: **Permit No: 1-90-104-A3**
Granted to: City Of Eureka - Community Development, Attn: Lisa Shikany

Original Description:

for **Enhance 86 acres of fresh and saltwater marsh, and provide public access improvements.**

at **at the Palco Marsh, west of Broadway Between Mill & Del Norte Street, Eureka (Humboldt 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:

Increase the volume of authorized dredging to remove greater than anticipated amounts of deposited sediment and make other project changes including (1) increasing the volume of dredging in the tidal channel from 260 to 1550 cubic yards, (2) increasing the volume of dredging within the Palco Marsh from 7 to 16 cubic yards, (3) performing a portion of the Palco Marsh dredging by an excavator staged outside of the wetland, and (4) extending the construction season for project grading from October 1 to October 15 with the ability to extend the season further to November 1 contingent upon dry weather conditions and the Executive Director's concurrence.

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 additional dredging and other project changes will not adversely affect water quality and sensitive habitat as (1) all of the dredged material will continue to be handled as if the material was contaminated using best management practices for contaminated materials with disposal at an appropriate class of landfill, (2) the dredging will continue to be performed only during low tide or in otherwise dewatered conditions to minimize turbidity impacts, (3) the excavator will only operate from outside the wetlands, and (4) grading will continue to be performed only during the dry season. Therefore, the proposed modifications to the project would not adversely affect coastal resources and are consistent with the Coastal Act.

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NOTICE OF PROPOSED PERMIT AMENDMENT

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.