

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

October Meeting of the California Coastal Commission

MEMORANDUM

Date: October 14, 2010

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 October 14, 2010 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. 1-10-036-W John Ayres (Eureka, Humboldt County)

EMERGENCY PERMITS

1. 1-10-035-G Humboldt County Public Works Department, Attn: Hank Seemann (, 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>
1-10-036-W John Ayres	Conversion of an existing 2,129-square-foot former commercial saw service building into a commercial crematory facility. The majority of the development entails structural alteration of the existing building, with new improvements limited to the installation of a roll-up door to provide a new delivery vehicle entrance, paved, ADA-accessible off-street parking spaces and access paths, and associated access drive paving, and an incinerator stack.	2620 Jacobs Avenue, Eureka (Humboldt 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>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
1-10-035-G Humboldt County Public Works Department, Attn: Hank Seemann	(1) Removal of existing sediment from Francis Creek channel, (2) removal of sediment plug from Francis Creek culvert beneath Port Kenyon Road, (3) reconstruction/grading of cross-pasture and eastside drainage ditches across existing pasture lands to the Vevoda property, (4) lowering the berm between the Francis Creek channel and the cross-pasture ditch to the designated elevation, (5) formation of berms along Francis Creek and the newly graded/reconstructed cross-pasture ditches from the dredge and graded spoils, and (6) temporary stockpiling of removed sediment and vegetation on the Vevoda property.	Port Kenyon Road & Francis Creek, near the City of Ferndale, Humboldt County

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: October 13, 2010
TO: John Ayers c/o Manhard Consulting, Ltd. Attn: David Kuszmar PE, LEED AP
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 1-10-036-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: John Ayers c/o Manhard Consulting, Ltd. Attn: David Kuszmar PE, LEED AP

LOCATION: 2620 Jacobs Avenue, Eureka, County of Humboldt, APN 014-071-014

DESCRIPTION: Conversion of an existing 2,129-square-foot former commercial saw service building into a commercial crematory facility. The majority of the development entails structural alteration of the existing building, with new improvements limited to the installation of a roll-up door to provide a new delivery vehicle entrance, paved, ADA-accessible off-street parking spaces and access paths, and associated access drive paving, and an incinerator stack.

RATIONALE: The proposed crematory facility would (a) be constructed within an existing commercial building situated along a frontage road to Highway 101 in an established commercial-industrial zone with similar structures and uses in place in the immediate surroundings, (b) require no addition physical expansion of the building footprint, and (c) would not interfere with views to and along the coast from public vantage points. The new use would be constructed and operated consistent with State Cemetery and Funeral Board, County Environmental Health Department, and North Coast Unified Air Quality Management District standards for such facilities. Renovation of site for the new use would not interfere with coastal access or water-oriented recreational opportunities. None of the proposed improvements would encroach into or near sensitive habitat areas or otherwise adversely impact coastal resources. Therefore, the project as proposed would not result in any significant adverse impacts to 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 Thursday, October 14, 2010, in Oceanside. 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: James R. Baskin
JAMES R. BASKIN AICP
Coastal Planner

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EMERGENCY PERMIT

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

Date: October 7, 2010
Emergency Permit No. 1-10-035-G

LOCATION OF EMERGENCY WORK:

Along Francis Creek and agricultural lands in the vicinity of Port Kenyon Road between California Street and Market Street in an unincorporated area north of Ferndale, Humboldt County.

WORK PROPOSED:

As described in detail in the project description dated October 1, 2010 received at the North Coast District Office on October 4, 2010 and in "Figure 7 – Material Management Areas" received via e-mail on October 6, 2010: (1) Removal of existing sediment from Francis Creek channel, (2) removal of sediment plug from Francis Creek culvert beneath Port Kenyon Road, (3) reconstruction/grading of cross-pasture and eastside drainage ditches across existing pasture lands to the Vevoda property, (4) lowering the berm between the Francis Creek channel and the cross-pasture ditch to the designated elevation, (5) formation of berms along Francis Creek and the newly graded/reconstructed cross-pasture ditches from the dredge and graded spoils, and (6) temporary stockpiling of removed sediment and vegetation on the Vevoda property.

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 the high potential for severe flooding during the on-coming rainy season, there is an imminent threat to residential structures, public roads, essential services, life, and health in the vicinity of Port Kenyon Road north of Ferndale. 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 below and on the attached pages.

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 and in accordance with the conditions of this emergency permit. Any additional work requires separate authorization from the Executive Director.
3. The emergency work authorized by this permit must be completed within 60 days from the date of permit issuance (i.e., by December 7, 2010). A Coastal Development Permit (CDP) or permit amendment must be obtained prior to implementation of any maintenance work or other development associated with the emergency implementation measures authorized by this emergency permit.
4. Any construction activities conducted after October 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 Ferndale 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.
5. Any fueling and maintenance of construction equipment shall occur within upland areas only and outside of environmentally sensitive habitat areas.
6. 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.

7. 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>).
8. Effective erosion control measures shall be in place at all times during construction. Construction must not commence until all temporary erosion control devices 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.
9. Appropriate erosion controls shall be used to protect and stabilize stockpiles and exposed soils to prevent movement of materials.
10. After project completion, all exposed soils present in and around the project site which may deliver sediment to the creek 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.
11. 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.
12. All construction debris shall be removed and disposed of in an upland location at an approved disposal facility within five days of project completion.
13. Within 30 days of completion of the emergency work, or by January 6, 2010 (whichever is earlier), the permittee shall submit to the Executive Director documentation describing the type and extent of riparian habitat impacted by the authorized emergency activities. The permittee may be required to mitigate for the impacted riparian habitat in a follow-up CDP.
14. Within 30 days of completion of the emergency work, or by January 6, 2010, whichever is earlier, the permittee shall submit to the Executive Director documentation quantifying the amount of coastal wetlands filled by emergency project activities, including



agricultural wetlands filled by berm placement, stockpiling, spreading, etc. The permittee may be required to mitigate for the impacted wetland habitat in a follow-up CDP.

15. 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 authorized emergency work.
16. 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, and other applicable agencies.
17. The emergency work is considered to be temporary work done in an emergency situation. If the permittee wishes to have the emergency work (including the newly graded ditches, berms, stockpiled materials, etc.) become a permanent development, a regular Coastal Development Permit or permit amendment must be obtained. If not, then the development authorized by this emergency permit (including the newly graded ditches, berms, stockpiled materials, etc.) must be removed. A CDP or permit amendment must be obtained prior to removal or modification of any development implemented by this emergency permit. A regular CDP 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 mitigation for wetlands filled or impacted, a requirement that a deed restriction be placed on the property assuming liability for damages incurred from flood hazards, and/or other special conditions.
18. A follow-up CDP application to make the development performed under the emergency permit permanent must be received within 90 days of issuance of this emergency permit (no later than January 6, 2011). A regular permit or permit amendment would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.

If you have any questions about the provisions of this emergency permit, please call Melissa Kraemer at the Commission's North Coast District Office at (707) 445-7833.

Encl.: Emergency Permit Acceptance Form, Regular Application Form

cc w/out encl.: Steve Werner, Humboldt County Planning Division, Eureka
David Ammerman, U.S. Army Corps of Engineers, Eureka
Scott Bauer, Department of Fish and Game, Eureka
Dean Prat, Regional Water Quality Control Board, Santa Rosa
Clarence Hostler, NOAA-Fisheries, Arcata
Ninette Lee, State Lands Commission, Sacramento
Michael Bowen, State Coastal Conservancy, Oakland

