

CALIFORNIA COASTAL COMMISSION

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Hearing Date: December 16, 2010
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-10-034**

APPLICANT: **Ilan Kinori & Laurel Lobovits**

AGENT: Timothy Royer, Royer Design Build

PROJECT LOCATION: On the north side of Herring Avenue in the King Salmon area of Humboldt County, just south of Eureka (APNs 305-073-40 & -41).

PROJECT DESCRIPTION: 1) Merge two adjacent approximately 0.10-acre lots to create a single 0.21-acre (8,954-square-foot) parcel; (2) construct a new 1,552-square-foot, maximum 27-foot-high, two-story, two bedroom, single family residence with an attached 378-square-foot one-car garage and 722 square feet of upper- and lower-story adjoining decks; and (3) construct a new 30-foot-long-by-6-foot-wide private floating dock within a canal that connects to a channel connected to Humboldt Bay.

GENERAL PLAN DESIGNATION: Residential Low Density as designated in the Humboldt Bay Area Plan

ZONING DESIGNATION: Residential Single Family – 5,000-Square-Foot Minimum Parcel Size with Flood Hazard Area Combining Zone (RS-5/F)

LOCAL APPROVALS RECEIVED: Notice of Merger & Determination of Status Nos. NOM-09-19/DS-09-31, approved on August 30, 2010.

OTHER APPROVALS: U.S. Army Corps of Engineers Section 10 Rivers & Harbors Act Letter of Permission (Pending); North Coast Regional Water Quality Control Board (Pending); State Lands Commission Lease (unless state tidelands are administered by the Bay District); and Humboldt Bay Harbor, Recreation, & Conservation District Administrative Permit (Pending).

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions of the coastal development permit application for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the Chapter 3 policies of the Coastal Act.

The applicant proposes to 1) merge two adjacent approximately 0.10-acre lots to create a single 0.21-acre (8,954-square-foot) parcel; (2) construct a new 1,552-square-foot, maximum 27-foot-high, two-story, two bedroom, single family residence with an attached 378-square-foot one-car garage and 722 square feet of upper- and lower-story adjoining decks; and (3) construct a new 30-foot-long by 6-foot-wide private floating dock within a canal that connects to a channel (Fisherman's Channel) connected to Humboldt Bay. Project plans are attached as Exhibit Nos. 4-6.

The project site is located on vacant, undeveloped property on the north side of Herring Avenue in the King Salmon area of Humboldt County, just south of Eureka (APNs 305-073-40 & -41) (Exhibit Nos. 1-3). The King Salmon subdivision consists of former tidelands that were partially filled during the mid-1900's and later subdivided, mostly into 25-foot-wide lots that were originally used for resort cabins. The tidelands were filled in a manner that created interior tidal channels within the subdivision, all of which connect to Fisherman's Channel, which ultimately leads to the open waters of Humboldt Bay. Many of the lots within the subdivision include shoreline along the tidal channels. Most of the lots in the residentially zoned neighborhood have been developed with single-family residences of varying sizes that display a variety of architectural styles.

The subject property consists of two adjacent vacant and undeveloped approximately 25-foot-wide to 33-foot-wide parcels, each ranging in depth between approximately 156 feet

to 202 feet deep, covering a total area of approximately 0.20-acre. The rear of the subject property abuts one of the interior boating canals of the subdivision. The roughly 67-foot northeasterly portion of the subject property adjacent to the channel is composed of an area of open water and adjoining wetland that is inundated by the tides to varying degrees. The lower, deeper portions of the channel are frequently inundated while the upper portions are rarely covered. Although an intertidal waterway, given its distance from the open waters of the bay, its denuded bottom, and the sparse ruderal vegetation along the upper tidal reach, the boating channel at the rear of the subject property does not constitute an environmentally sensitive habitat area (ESHA). The land area of the subject property also contains no known environmentally sensitive habitat. However, Fisherman's Channel, located approximately several hundred feet to the south, contains intertidal salt marsh vegetation and estuarine wetland environmentally sensitive habitat areas.

The primary natural hazard affecting development of the subject property is flooding. All portions of the flat site are within the FEMA-mapped 100-year flood zone and will be subject to flooding from extreme high tides. In addition, the subject property, along with many others around Humboldt Bay, is shown on the maps of the Planning Scenario of a Great Earthquake on the Cascadia Subduction Zone (CSZ) as being within the zone of potential inundation by a tsunami. If the region were to suffer a major earthquake along the CSZ, a local tsunami could arrive within minutes. Staff recommends **Special Condition No. 1**, which would require the applicants to provide evidence of a Flood Elevation Certificate approved by the Humboldt County Building Department as being adequate to demonstrate that the finished foundation would be at least one foot above the Base Flood Elevation. Staff believes that the flood risk from tsunami wave run-up at the site cannot be fully mitigated since construction of a new residence at a design elevation high enough to minimize the hazard of tsunami wave run-up (i.e., above 30 feet) would not be permissible given the 35-foot height limitation applicable to the area and would be glaringly out of character with the surrounding area. Nevertheless, staff believes the proposed development minimizes the risk of flood hazard consistent with Section 30253 of the Coastal Act with the inclusion of Special Condition Nos. 2 and 3. **Special Condition No. 2** would require the landowner to assume the risks of flooding hazards to the property and waive any claim of liability on the part of the Commission. **Special Condition No. 3** would require the applicants to record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property.

In addition, staff believes that the proposed displacement of approximately 1.2 square-feet of intertidal mudflat wetlands for the proposed placement of two 3-inch-diameter support piles into the muddy intertidal bottom of the canal/boating for the proposed new floating dock and the covering of approximately 180 square feet of the water surface for the dock decking is permissible under Section 30233(a)(3) of the Coastal Act. Staff further believes that with the inclusion of **Special Condition Nos. 4, 5, and 6**, there is no feasible less environmentally damaging project alternative, feasible mitigation measures have been provided, the adverse environmental effects associated with the filling of

coastal waters have been avoided or minimized, and estuarine habitat values will be maintained or enhanced.

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

The Motion to adopt the Staff Recommendation of Approval with Conditions is shown below on page 4.

STAFF NOTES:

1. Standard of Review

The proposed project is located in the Commission's retained jurisdiction. Humboldt County has a certified local coastal program (LCP), but the site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

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. 1-10-034 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.

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 Appendix A.

III. SPECIAL CONDITIONS:

1. Flood Elevation Certificate

The finished foundation of the new residence shall be constructed at least one foot (1') above the Base Flood Elevation. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the applicant shall provide to the Executive Director a copy of a Flood Elevation Certificate, prepared by a qualified, registered land surveyor, engineer, or architect, and approved by the Humboldt County Building Department demonstrating that the finished foundation of the residence would be at least one foot above the Base Flood Elevation. The applicant shall inform the Executive Director of any changes to the project required by the Humboldt County Building Department. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

2. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. Deed Restriction Recordation of Permit Conditions

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-10-034, 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. Construction Responsibilities

The permittee shall comply with the following construction-related requirements:

- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or wetlands;
- B. Any and all debris resulting from construction activities shall be removed from the project site and disposed of at an authorized disposal location within 10 days of project completion;
- C. If rainfall is forecast during the time construction activities are being performed, any exposed soil areas shall be promptly mulched or covered with plastic sheeting and secured with sand bagging or other appropriate materials before the onset of precipitation;
- D. 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. Any accidental spills shall be rapidly contained and cleaned up;
- E. Silt screens, straw bales, and other appropriate devices shall be installed around the perimeter of the construction areas prior to the initiation of grading activities and shall be maintained throughout project construction; and
- F. The new piles used to support the floating dock shall be driven in using a vibratory hammer rather than a traditional pile driving device that could lead to acoustic impacts to marine resources inhabiting the canals.

5. Final Revised Plans

- A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-10-034**, the applicant shall submit, for the review and written approval of the Executive Director, final revised plans that substantially conform with the plans dated September 28, 2010 prepared by Royer Design Build submitted as part of the application, except that the plans shall be revised to be made consistent with the following requirements:
 - 1) Construction of the new floating dock shall be subject to the following limitations:
 - (a) To avoid releases of potentially toxic wood preservative chemicals into coastal waters, chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), or ammoniacal copper

arsenate (ACA) shall not be used as wood preservatives for any portion of the proposed dock or supporting structures;

- (b) To avoid the introduction of zinc compounds and hydrocarbon-based lubricants into marine waters, the stabilizer piles for the floating dock shall be composed of non-galvanized steel tubing, either bare or with a saltwater corrosive-resistant coating other than paint, and shall be limited to using silicon-based lubricants on all metal-to-metal interacting surfaces; and
- (c) Only non-corrosive nails, screws, and joist ties or hangers shall be used.

2) The new gangway shall be unpainted and shall utilize only silicon-based lubricants on all hinge and bearing/race surfaces.

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

6. Erosion and Runoff Control Plan

A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-10-034**, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

- 1) The plan shall demonstrate that:
 - (a) Run-off from the project site shall not increase sedimentation in coastal waters;
 - (b) Run-off from the project site shall not result in pollutants entering coastal waters;
 - (c) Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters during the construction of the authorized structures, including but not limited to the following:
 - (i.) Stormwater runoff diversion immediately up-gradient of the excavation for building foundations; and
 - (ii.) Use of relevant best management practices (BMPs) as detailed in the California Stormwater Best Management Practice Handbooks (see the New Development & Redevelopment handbook at www.cabmphandbooks.com), including, but not necessarily limited to, SD-10 (Site Design & Landscape Planning), SD-11 (Roof Runoff Controls), SD-21 (Alternative Building Materials), TC-31 (Vegetated Buffer Strip), and TC-32 (Bioretention).

- (d) An on-site spill prevention and control response program, consisting of best management practices (BMPs) for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill, shall be implemented at the project to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials from entering coastal waters.
- 2) The plan shall include, at a minimum, the following components:
 - (a) A schedule for installation and maintenance of appropriate construction source control best management practices (BMPs) to prevent entry of stormwater run-off into the construction site and the entrainment of excavated materials into run-off leaving the construction site; and
 - (b) A schedule for installation, use and maintenance of appropriate construction materials handling and storage best management practices (BMPs) to prevent the entry of polluted stormwater run-off from the completed development into coastal waters.
 - 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 Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

7. Landscaping Restrictions

The permittee shall comply with the following landscaping-related requirements:

- A. Only native and/or non-invasive plant species shall be planted. 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 bounds of the property; and
- B. The use of rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used.

8. Lighting Limitations

All exterior lighting attached to the authorized structures shall be low-wattage and downcast shielded such that no glare will be directed beyond the bounds of the property or into adjoining coastal waters.

9. State Lands Commission Review

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-10-034, the applicant shall submit to the Executive Director a written determination from the State Lands Commission that:

- A. No State or public trust lands are involved in the development; or
- B. State or public trust lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- C. State or public trust lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the approved project as conditioned by the Commission to proceed without prejudice to that determination.

10. Humboldt Bay Harbor, Recreation & Conservation District Approval

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-10-034, the applicant shall provide to the Executive Director a copy of a permit issued by the Humboldt Bay Harbor, Recreation & Conservation District for the proposed new floating dock, or evidence that no permit is required. The applicant shall inform the Executive Director of any changes to the project required by the District. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

11. North Coast Regional Water Quality Control Board Approval

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-10-034, the applicant shall provide to the Executive Director a copy of a permit issued by the North Coast Regional Water Quality Control Board for the proposed new floating dock, or evidence that no permit is required. The applicant shall inform the Executive Director of any changes to the project required by the Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

12. U.S. Army Corps of Engineers Approval

PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE FLOATING DOCK AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-10-034, the permittee shall provide to the Executive Director a copy of a permit for the proposed new floating dock issued by the Army Corps of Engineers, or a Letter of Permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Corps. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares as follows:

A. Project & Site Description

The applicant proposes to 1) merge two adjacent approximately 0.10-acre lots to create a single 0.21-acre (8,954-square-foot) parcel; (2) construct a new 1,552-square-foot, maximum 27-foot-high, two-story, two bedroom, single family residence with an attached 378-square-foot one-car garage and 722 square feet of upper- and lower-story adjoining decks; and (3) construct a new 30-foot-long by 6-foot-wide private floating dock within a canal that connects to a channel (Fisherman's Channel) connected to Humboldt Bay. Project plans are attached as Exhibit Nos. 4-6. Although the two individual lots comprising the subject property are each developable in their present configuration, the applicants are proposing to voluntarily merge the two lots to create a single legal parcel of sufficient size to support the desired two-bedroom, two-story residence with attached garage and decking as proposed.

The project site is located on vacant, undeveloped property on the north side of Herring Avenue in the King Salmon area of Humboldt County, just south of Eureka (APNs 305-073-40 & -41) (Exhibit Nos. 1-3). The King Salmon subdivision consists of former tidelands that were partially filled during the mid-1900's and later subdivided, mostly into 25-foot-wide lots that were originally used for resort cabins. The tidelands were filled in a manner that created interior tidal channels within the subdivision, all of which connect to Fisherman's Channel, which ultimately leads to the open waters of Humboldt Bay. Many of the lots within the subdivision include shoreline along the tidal channels. Most of the lots in the residentially zoned neighborhood have been developed with single-family residences of varying sizes that display a variety of architectural styles. The main road serving the subdivision is King Salmon Avenue, which turns into Buhne Drive. Buhne Drive flanks the northwest and western sides of the subdivision, separating the subdivision from a mudflat and dune area that borders the open waters of Humboldt Bay. This dune and Humboldt Bay shoreline area is accessible to the public. Very little public access is available to the tidal channels within the interior of the subdivision.

The subject property is located at the end of Herring Avenue, one of several narrow, dead-end streets that branch off of Buhne Drive. This street pattern alternates with a series of narrow canals branching off of the Fisherman's Channel to the southeast that provide most lots in the community with rear yard small watercraft dockage and a navigable connection to Humboldt Bay.

The subject property consists of two adjacent vacant and undeveloped approximately 25-foot-wide to 33-foot-wide parcels, each ranging in depth between approximately 156 feet to 202 feet deep, covering a total area of approximately 0.20-acre. The rear of the subject property abuts one of the interior boating canals of the subdivision. Although the banks along the sides of the main Fisherman's Channel are relatively steep, the shoreline along the various boat canals of the subdivision rises more gradually. As a result, the roughly

67-foot northeasterly portion of the subject property adjacent to the channel is composed of an area of open water and adjoining wetland that is inundated by the tides to varying degrees. The lower, deeper portions of the channel are frequently inundated while the upper portions are rarely covered. Although an intertidal waterway, given its distance from the open waters of the bay, its denuded bottom, and the sparse ruderal vegetation along the upper tidal reach, the boating channel at the rear of the subject property does not constitute an environmentally sensitive habitat area (ESHA). The land area of the subject property also contains no known environmentally sensitive habitat. However, Fisherman's Channel, located approximately several hundred feet to the south, contains intertidal salt marsh vegetation and estuarine wetland environmentally sensitive habitat areas.

No public views of the bay or shoreline are afforded through the vacant and undeveloped property. Expansive public views of Humboldt Bay are available for motorists approximately 100 feet down the road from Buhne Drive where the view of the bay is unobstructed by any intervening development. In addition, one can park along the Buhne Drive and walk out onto the adjoining dunes to view the bay. The dunes are open and available for public access use.

B. 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 within a developed residential neighborhood zoned residential single-family with 5,000-square-foot minimum parcel sizes, where 3-7 residential units per acre is a principally permitted use.

The subject parcel is located in a developed subdivision with community water and sewer systems that would serve the proposed residence and thus, the area has adequate services to accommodate the proposed development.

The subject parcel is located in a designated flood-combining zone indicating potential flood hazard. As discussed in Flood Hazard Findings Section IV.C below, the proposed development has been conditioned to minimize flood hazards. Additionally, as discussed in Coastal Water Quality Findings Section IV.D below, the project has been conditioned to minimize adverse impacts to coastal water quality. Furthermore, as discussed in Protection of Environmentally Sensitive Habitat Area (ESHA) Findings Section IV.E below, the project has been conditioned to minimize adverse impacts to ESHA.

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, has

adequate water and sewer capability to accommodate it, and will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

C. Flood Hazards

Section 30253 states, in applicable part:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard...

Coastal Act Section 30253 requires, in applicable part, that new development minimize risks to life and property in areas of high flood hazard and neither create nor contribute significantly to erosion or geologic instability.

The primary natural hazard affecting development of the subject property is flooding. All portions of the flat site are within the FEMA-mapped 100-year flood zone and will be subject to flooding from extreme high tides. In addition, the subject property, along with many others around Humboldt Bay, is shown on the maps of the Planning Scenario of a Great Earthquake on the Cascadia Subduction Zone (CSZ, CDMG, 1995, Map S-1) as being within the zone of potential inundation by a tsunami. If the region were to suffer a major earthquake along the CSZ, a local tsunami could arrive within minutes.

The primary way to minimize flooding risks from extreme high tides is to raise the structure above flood elevations. According to the County Building Department, the 100-year Base Flood Elevation (BFE) in the King Salmon area as established by the Federal Emergency Management Agency's National Flood Insurance Program is estimated to be +6 feet NGVD. In implementing the federal flood protection program, Humboldt County building permit regulations require new residences to have a finished floor elevation at least one-foot above Base Flood Elevation. The County requires the applicant to provide a Flood Elevation Certificate prepared by a registered land surveyor, engineer, or architect in accordance with Federal Emergency Management Agency (FEMA) guidelines demonstrating that the finished foundation would be constructed at least one foot above the Base Flood Elevation prior to issuance of the County building permit. To ensure that the proposed residence is designed to minimize flooding risks from extreme high tides as required by Coastal Act Section 30253, the Commission attaches **Special Condition No. 1**. This condition requires the applicants to provide evidence of a Flood Elevation Certificate approved by the Humboldt County Building Department as being adequate to demonstrate that the finished foundation would be at least one foot above the Base Flood Elevation.

The primary way to ensure that the proposed development would be safe from tsunami wave run-up would be to require that the habitable living spaces be positioned only above tsunami inundation levels. However, it would not be feasible to design a residence in this location that would position the habitable living spaces above tsunami inundation levels. Studies conducted for the Samoa area across the bay to the northwest project 30 feet

above mean sea level as the safe level for constructing homes above tsunami inundation levels.

The subject property is located within a dense residential subdivision approved prior to the enactment of coastal development permit requirements. The subdivision is composed mostly of small 25-foot-wide lots at an elevation of just a few feet above MSL. The Residential Single-Family zoning district that covers the subject property and most of the King Salmon community is subject to a 35-foot maximum height limitation, and the densely developed area has been built-out with one and two-story homes that on average are much lower than the 35-foot maximum height limit. Construction of a new residence at a design elevation high enough to minimize the hazard of tsunami wave run-up (i.e., above 30 feet) would not be permissible given the 35-foot height limitation applicable to the area and would be glaringly out of character with the surrounding area. Therefore, the Commission finds that the flood risk from tsunami wave run-up at the site cannot be fully mitigated.

Nevertheless, the Commission finds that if the applicants and future landowners receive notification of the flood risks associated with the property, then the applicants and future landowners of the property can decide whether to implement development on the site despite the risks. Therefore, the Commission attaches Special Condition Nos. 2 and 3. **Special Condition No. 2** requires the landowner to assume the risks of flooding hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite flooding risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards. To ensure that all future owners of the property are aware of the flood hazard present at the site, the Commission's immunity from liability, and the indemnity afforded the Commission, **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.

Therefore, the Commission finds that the proposed project, as conditioned, will minimize risk to life and property from flood hazards consistent with Section 30253 of the Coastal Act.

D. Protection of Wetlands, Marine Biological Resources and Water Quality

Section 30230 of the Coastal Act states, in applicable part:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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

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.

Section 30233 of the Coastal Act provides as follows, in applicable part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible¹ less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:...

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities...

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...

The development includes a small amount of wetland fill for construction of the proposed boat dock. The above policies set forth a number of different limitations on what development projects may be allowed in coastal wetlands. For analysis purposes, the limitations can be grouped into four general categories or tests, as follows:

- The purpose of the filling, diking, or dredging is for one of the uses enumerated in Section 30233(a);
- The project has no feasible less environmentally damaging alternative;
- Feasible mitigation measures have been provided to minimize adverse environmental effects; and
- The biological productivity and functional capacity of the habitat shall be maintained and enhanced where feasible.

Each is discussed separately below.

¹ “Feasible” is defined by Section 30108 of the Coastal Act as, “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”

1. Permissible Use for Fill

The first test for a proposed project involving fill is whether the fill is for one of the seven allowable uses under Section 30233(a). Among the allowable uses, the use which most closely matches the project objectives is enumerated in Section 30233(a)(3) involving dredging, diking, and/or filling for “...*new or expanded boating facilities.*”

The proposed fill associated with the new floating dock at the rear of the subject property will be limited to the installation of two 3-inch-diameter galvanized pipes driven into the muddy intertidal bottom of the boating channel, comprising an aggregate area of less than 25 square-inches of new fill. Additionally, the proposed new floating dock will cover approximately 180 square feet of the water surface. The proposed float is designed as a recreational boat berthing facility rather than as a residential deck for lawn chairs or other residential uses. The proposed 6-foot-wide float that will rise and fall with the tides and is a standard width for a boat dock, sufficiently wide to provide for boat berthing and egress and ingress from the vessel, but generally too narrow for use as a residential deck. This new fill represents a form of “*new or expanded boating facilities.*” Therefore, the Commission finds that the filling for installation of the new floating dock is for one of the allowable uses for dredging, diking, and filling of coastal waters pursuant to Section 30233(a)(3) of the Coastal Act.

2. Least Environmentally Damaging Feasible Alternative

The second test of Section 30233(a) is whether there are feasible less environmentally damaging alternatives to the proposed project. In this case, considering other project options, such as using more than two support piles, using larger-sized piles for the new floating dock, or constructing a larger dock than proposed, the proposed use of just two new piles limited to only 3-inches in diameter each is the least environmentally damaging feasible alternative for supporting the new, modest-sized 6-foot-wide by 30-foot-long floating dock. Therefore, the Commission finds that there are no feasible less environmentally damaging alternatives to the proposed project, as conditioned.

3. Feasible Mitigation Measures

The third test set forth by Sections 30230 and 30233 of the Coastal Act is whether feasible mitigation measures have been provided to minimize significant adverse environmental impacts, including, but not limited to, the quality of coastal waters.

The proposed project could adversely affect the environment of Humboldt Bay in various ways. First, installation of the new floating dock could have potential adverse impacts to muddy intertidal and aquatic marine wetlands. Second, the release of polluted runoff from impervious surfaces and toxic wood or metal preservative chemicals into the tidal waters of Humboldt Bay could impact estuarine water quality. Third, the accidental release of hazardous materials associated with the hydraulic-powered construction equipment in close proximity to water areas could adversely impact marine water quality. Finally, acoustic impacts to fish could result from the installation of the new dock support

piles. Each potential adverse impact and its mitigation are discussed in the following sections:

a. Impacts to Intertidal Mudflat Marine Wetlands

As discussed above, the project will result in the displacement of approximately 1.2 square-feet of intertidal mudflat wetlands with the proposed placement of two 3-inch-diameter galvanized pipes into the muddy intertidal bottom of the canal/boating channel. The placement of approximately 180 square feet of new floating dock atop the water surface of the canal also would shade a small amount of intertidal area. The community of benthic organisms that inhabit the canal bottom in the proposed dock area, though low in density, could be impacted as a result of the construction of the new dock materials. However, as the extent of the proposed support piles and surface decking material will comprise a minute amount of dredging and fill within the thousands of acres of mudflat within Humboldt Bay, the Commission finds that the impact to muddy intertidal marine wetlands is not significant. Accordingly, no mitigation is necessary for the loss of intertidal mudflat marine wetland habitat associated with the proposed project.

b. Estuarine and Marine Water Quality

As noted previously, a portion of the subject property encompasses the end of an arm of Fisherman's Channel, a tidal channel that connects to Humboldt Bay. The upland portion of the subject site is flat and generally covered with ruderal grasses and herbs. Currently, the majority of the stormwater that collects at the site infiltrates the site. The proposed new residence and paved driveway would result in an increase in impervious surface area at the site, and the exposure of the exterior building materials of the new residential structure would serve as potential sources of pollutants that could become entrained in stormwater runoff and be conveyed into the receiving waters of the Fisherman's Channel and ultimately Humboldt Bay. However, the applicants propose to landscape the site with native plants and to direct roof runoff into landscaped areas for bioinfiltration.

Besides the impacts to water quality that could potentially result from the discharge of runoff from the completed development, construction activities could cause erosion and sedimentation impacts to water quality if mitigation measures are not employed to control the impact. Although there is not a substantial amount of grading proposed, the grading and construction activities to be performed under the permit will expose the soil to storm water runoff. Storm water runoff flowing across the site could entrain loose soil materials that could in turn drain out onto the adjoining wetland and tidal channel, adversely affecting water quality. In addition, if not properly stored and removed, construction materials and debris could be transported by runoff, wind, or carelessness into the wetland and tidal channel. The proposed project has not included the identification of any erosion and sediment control measures to avoid water quality impacts from construction activities. Furthermore, if pressure-treated lumber is

utilized in the new dock materials, releases of potentially toxic wood preservative chemicals into coastal waters could result.

To assure the protection of marine and estuarine water quality, the Commission attaches Special Condition Nos. 4, 5, and 6. **Special Condition No. 4** requires the applicant to undertake the new development in accordance with various construction-related responsibilities, including (a) no construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or wetlands; (b) any and all debris resulting from construction activities shall be removed from the project site and disposed of at an authorized disposal location within 10 days of project completion; (c) if rainfall is forecast during the time construction activities are being performed, any exposed soil areas shall be promptly mulched or covered with plastic sheeting and secured with sand bagging or other appropriate materials before the onset of precipitation; (d) fuels, lubricants, and solvents shall not be allowed to enter the 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. Any accidental spills shall be rapidly contained and cleaned up; and (e) silt screens, straw bales, and other appropriate devices shall be installed around the perimeter of the construction areas prior to the initiation of grading activities and shall be maintained throughout project construction.

Special Condition No. 5 requires the applicant to submit, for review and written approval of the Executive Director, final revised plans that substantially conform with the plans dated September 28, 2010 prepared by Royer Design Build submitted with the application, except that the plans shall be revised to be made consistent with the following requirements: (1) to avoid releases of potentially toxic wood preservative chemicals into coastal waters, chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), or ammoniacal copper arsenate (ACA) shall not be used as wood preservatives for any portion of the proposed dock or supporting structures; (2) to avoid the introduction of zinc compounds and hydrocarbon-based lubricants into marine waters, the stabilizer piles for the floating dock shall be composed of non-galvanized steel tubing, either bare or with a saltwater corrosive-resistant coating other than paint, and shall be limited to using silicon-based lubricants on all metal-to-metal interacting surfaces; (3) only non-corrosive nails, screws, and joist ties or hangers shall be used; and (4) the new gangway shall be unpainted and shall utilize silicon-based lubricants only on all hinge and bearing/race surfaces.

Special Condition No. 6 requires the applicant to submit, for the review and approval of the Executive Director, a stormwater runoff and erosion control plan identifying appropriate construction phase and permanent long-term best management practices to be utilized for the protection of the bay waters.

Therefore, the Commission finds that as conditioned, the project will not result in significant adverse impacts to marine or estuarine water quality.

c. Accidental Hazardous Materials Spills

Heavy mechanized equipment, such as backhoes, excavators, or loaders, may be utilized in the construction of the proposed residence, its driveway, or in the installation of utilities and community services to the dwelling. If a fitting should fail or the hose burst on such equipment, pressurized hydraulic fluid could be released into the intertidal area. Such spills could adversely affect the water quality of the adjoining marine environment. Accordingly, to reduce the potential for impacts to marine environmental resources from an accidental release of hydraulic fluids, the Commission includes within **Special Condition No. 6** requires the applicant to include measures for responding to hazardous material spills, specifically provisions for having an adequate supply of clean-up equipment and supplies on site, and requirements for the prompt containment and clean-up of any spills which may inadvertently occur. As conditioned, potential adverse impacts to marine resources from accidental spills of hydraulic fluids or other hazardous materials will be reduced to less-than-significant levels.

d. Acoustic Impacts from Pile Driving on Fish

Fisherman's Channel and other portions of Humboldt Bay support threatened and endangered anadromous salmon species and longfin smelt, as well as a large variety of other fish species. The development will require the installation of two piles to secure the new floating dock. Pile-driving generates hydroacoustic pressure impulses and particle velocities that can cause effects on fish ranging from altered behavior, hearing loss, and tissue injuries to immediate mortality. In recent years, fish kills from pile driving have been noted on both coasts and have resulted in unforeseen impacts to sensitive fishery resources. Therefore, **Special Condition No. 4-f** requires that the new piles used to support the floating dock be driven in using a vibratory hammer rather than a traditional pile driving device that could lead to acoustic impacts to marine resources inhabiting the canals.

As proposed and conditioned, the Commission finds that feasible mitigation is included within the project design to minimize all significant adverse impacts associated with the proposed development in proximity of coastal waters, including the filling and dredging of intertidal wetlands.

4. Maintenance and Enhancement of Marine Habitat Values

The fourth general limitation set by Sections 30230, 30231, and 30233 of the Coastal Act is that any proposed filling in tidal waters or submerged land must maintain and enhance the biological productivity and functional capacity of the habitat, where feasible.

As discussed above, the project as conditioned will not have significant adverse impacts on the marine resources of Humboldt Bay. The mitigation measures incorporated into the

project and required by the Special Conditions discussed above will ensure that the construction of the new residence and floating dock will not significantly adversely affect the biological productivity and functional capacity of the tidal waters or marine resources. Therefore, the Commission finds that the project, as proposed, will maintain and enhance the biological productivity and functional capacity of the habitat consistent with the requirements of Sections 30230, 30231, and 30233 of the Coastal Act.

5. Conclusion

The Commission thus finds that the dredging and filling of wetlands and waters is for an allowable purpose, that there is no feasible less environmentally damaging alternative, that feasible mitigation measures have been provided, and the adverse environmental effects associated with the dredging and filling of coastal waters have been avoided or minimized, and that estuarine habitat values will be maintained or enhanced. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

E. Protection of Environmentally Sensitive Habitat Areas (ESHA)

Section 30240(b) of the Coastal Act requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values potentially resulting from adjacent development. Section 30240(b) of the Coastal Act states in applicable part:

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.

The subject property does not contain any known environmentally sensitive habitat. However, the site is located approximately within several hundred feet of portions of the Fisherman's Channel and, in turn, the open waters of Humboldt Bay, where intertidal saltmarsh vegetation and estuarine wetland environmentally sensitive habitat exists.

The Commission finds that the ESHA located near the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could physically spread into the ESHA and displace native riparian and wetland vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. The applicant is proposing to landscape with native plants as part of the proposed project; however, no landscaping plan has been submitted to demonstrate that only native plants will be used. Therefore, to ensure that the ESHA near the site is not significantly degraded by any future landscaping that would contain invasive exotic species, the Commission attaches **Special Condition No. 7** that requires only native and/or non-invasive plant species be planted at the site.

In addition, the Commission notes that certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone,

have been found to poses significant primary and secondary risks to non-target wildlife present in urban and urban/wildland interface areas. As these target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, the pest control compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. To avoid this potential cumulative impact to environmentally sensitive wildlife species, Special Condition No. 7 contains a prohibition on the use of such anticoagulant-based rodenticides.

As discussed above in Finding IV-D, Fisherman's Channel and other portions of Humboldt Bay support threatened and endangered anadromous salmon species and longfin smelt, as well as a large variety of other fish species. The development will require the installation of two piles to secure the new floating dock. Pile-driving generates hydroacoustic pressure impulses and particle velocities that can cause effects on fish ranging from altered behavior, hearing loss, and tissue injuries to immediate mortality. In recent years, fish kills from pile driving have been noted on both coasts and have resulted in unforeseen impacts to sensitive fishery resources. Therefore, **Special Condition No. 4-f** requires that the new piles used to support the floating dock be driven in using a vibratory hammer rather than a traditional pile driving device that could lead to acoustic impacts to marine resources inhabiting the canals.

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 Section 30240(b) of the Coastal Act.

F. 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 located in a densely developed residential area. No public views of the Bay or shoreline are afforded through the property. Expansive public views of Humboldt Bay are available for motorists approximately 100 feet down the road from Buhne Drive where the view of the Bay is unobstructed by any intervening development. In addition, one can park along the Buhne Drive and walk out onto the adjoining dunes to view the Bay. The dunes are open and available for public access use. Therefore, the proposed development would not have a significant adverse impact on views to or along the shoreline as seen from publicly-accessible vantage points along the Herring Avenue.

As the site is relatively flat and does not require significant grading that would change the basic topography of the site, the project would minimize the alteration of natural landforms.

The proposed residence would be visible from Herring Avenue, from the tidal channel within the interior of the subdivision, and to some degree from the Fisherman's Channel off of Humboldt Bay. Thus, the Commission must consider whether the proposed development would be compatible with the character of the surrounding area. The character of the King Salmon area is largely defined by its bayshore setting and predominantly single-family residential composition. Although the development pattern is very compact, consisting primarily of rows of 25-foot-wide by 125-foot-deep lots clustered along a series of narrow, non-through streets, the overall nighttime character of the area in terms of outside illumination is largely suburban in nature, with very little exterior lighting evident. As a result, with the exception of nominally shielded street lighting along the main collector street Buhne Drive and security lighting within the parking areas of several of the commercial properties within the community, King Salmon does not presently have pronounced problems with glare from external nighttime lighting that many communities of similar size and density currently experience.

Accordingly, to prevent the cumulative impacts of glare to the visual resources of the area, the Commission attaches **Special Condition No. 8**. Special Condition No. 8 requires that all exterior lighting be low-wattage, and downcast shielded such that no glare would be directed beyond the bounds of the property or into adjoining coastal waters, where such illumination could be back-reflected onto cloud cover.

With respect to compatibility with the character of buildings within the area surrounding the project site, the community consists of a diversity of architectural styles and sizes of residences ranging from small cabins and manufactured homes to larger two and even a few three-story homes. The proposed two-story residence with its metal roof and cedar shingle siding will be of similar size, scale, and architectural style to some of the other development in this neighborhood of diverse structures. Thus, the project will also be visually compatible with the residential character of the surrounding area.

Therefore, the project, as conditioned, will be consistent with Section 30251, as the project will not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

G. 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.

The proposed project will not adversely affect public access. The project site does not front directly on Humboldt Bay, as it is separated from the Bay shoreline by Buhne Drive. As noted previously, the entire bay front of the subdivision, along the west side of Buhne Drive, is open and available for public access use. Although an interior tidal channel of the subdivision that connects to Humboldt Bay extends on to the property, no evidence has been presented to suggest that an implied dedication of a public access easement to or along the channel shoreline of the property has occurred. Therefore, the proposed project will not adversely affect any existing rights of access that may have been acquired through use, as no existing public access will be blocked by the proposed development.

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

H. State Waters

The project site is located in an area subject to the public trust. Therefore, to ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches **Special Condition No. 9**, which requires that the project be reviewed and where necessary approved by the State Lands Commission prior to the issuance of a permit.

I. Other Agency Approvals

The project, specifically, the new floating dock within the boating channel at the rear of the subject property, may require a Water Quality Certification (WQC) or other approval from the North Coast Regional Water Quality Control Board pursuant to the Clean Water Act and/or the Porter-Cologne Water Quality Act. In addition, portions of the project require review and approval by the Humboldt Bay Harbor, Recreation, & Conservation District (as discussed above) and/or the U.S. Army Corps of Engineers (Corps) (pursuant to Section 404 of the Federal Clean Water Act).

Pursuant to the Federal Coastal Zone Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the Corps, the Corps will not issue a permit until the Coastal Commission approves a federal consistency certification for the project or approves a permit. To ensure that the

project ultimately approved by the Board, the District, and the Corps is the same as the project authorized herein, the Commission attaches **Special Condition Nos. 10-12** requiring the applicants to submit to the Executive Director evidence of these other agency approvals of the project prior to permit issuance or prior to commencement of construction of the new floating dock. The conditions require that any project changes resulting from these other agency approvals not be incorporated into the project until the applicant obtains any necessary amendments to this coastal development permit.

J. California Environmental Quality Act

Humboldt County served as the lead agency for the project, in its processing Notice of Merger & Determination of Status Nos. NOM-09-19/DS-09-31. The County found the project to be categorically exempt from environmental review pursuant to Section 15305 of the CEQA Guidelines.

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 requirement 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 the proposed development may have on the environment.

The Commission incorporates its findings on conformity with the Chapter 3 policies of the Coastal Act 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 specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

V. EXHIBITS

1. Regional Location Map
2. Vicinity Map
3. Assessor's Parcel Map
4. Proposed Plot Plan
5. Proposed Elevations & Floor Plans
6. Proposed New Floating Dock Plans

APPENDIX A

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. 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 period 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 or 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.

A B C D E F G H I J K L M N O

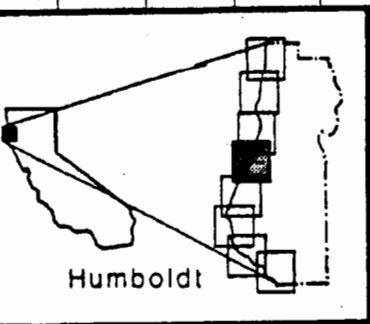
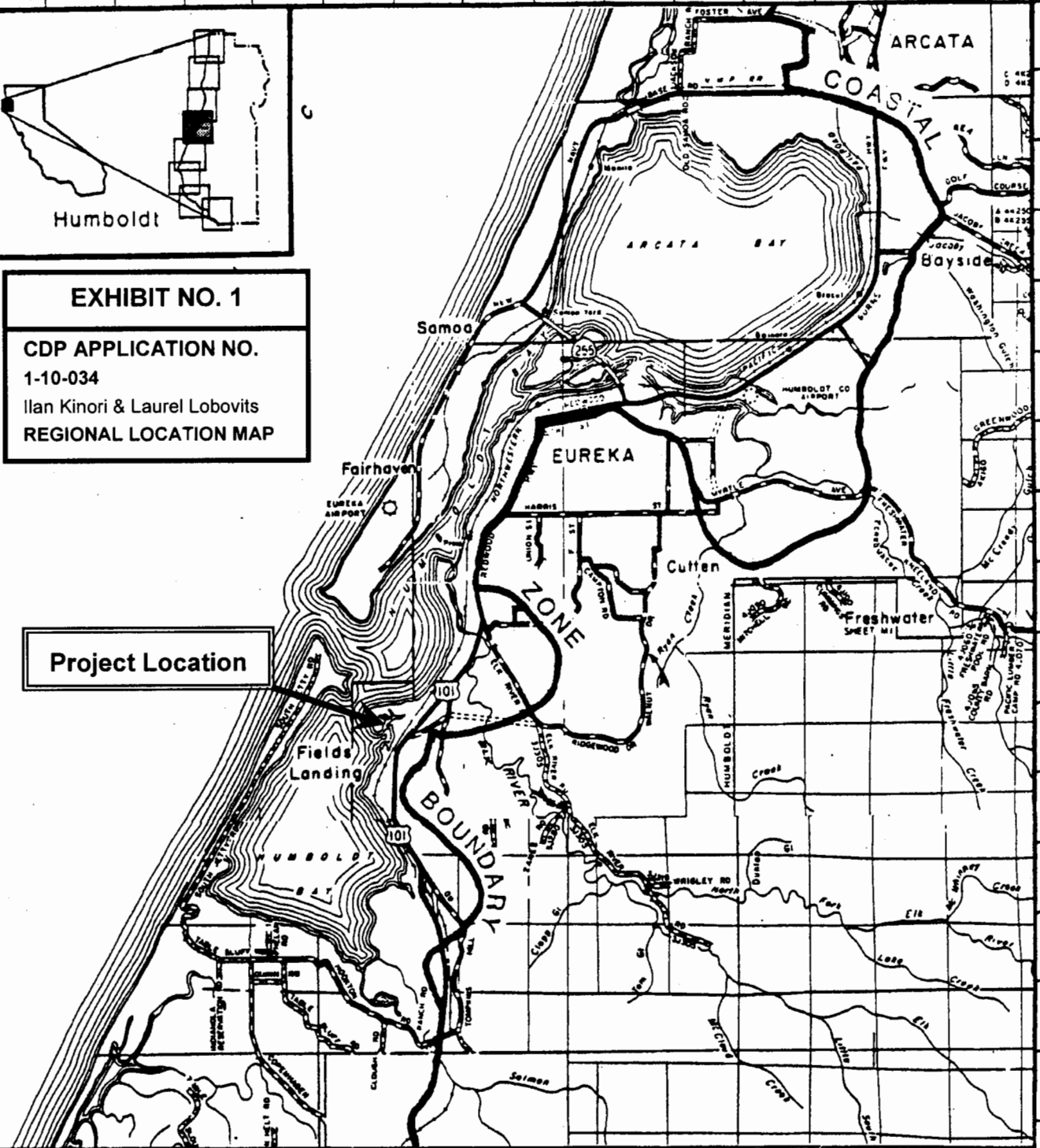


EXHIBIT NO. 1

CDP APPLICATION NO.
1-10-034

Ilan Kinori & Laurel Lobovits
REGIONAL LOCATION MAP

Project Location

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LOCATION MAP



County of Humboldt



Notes

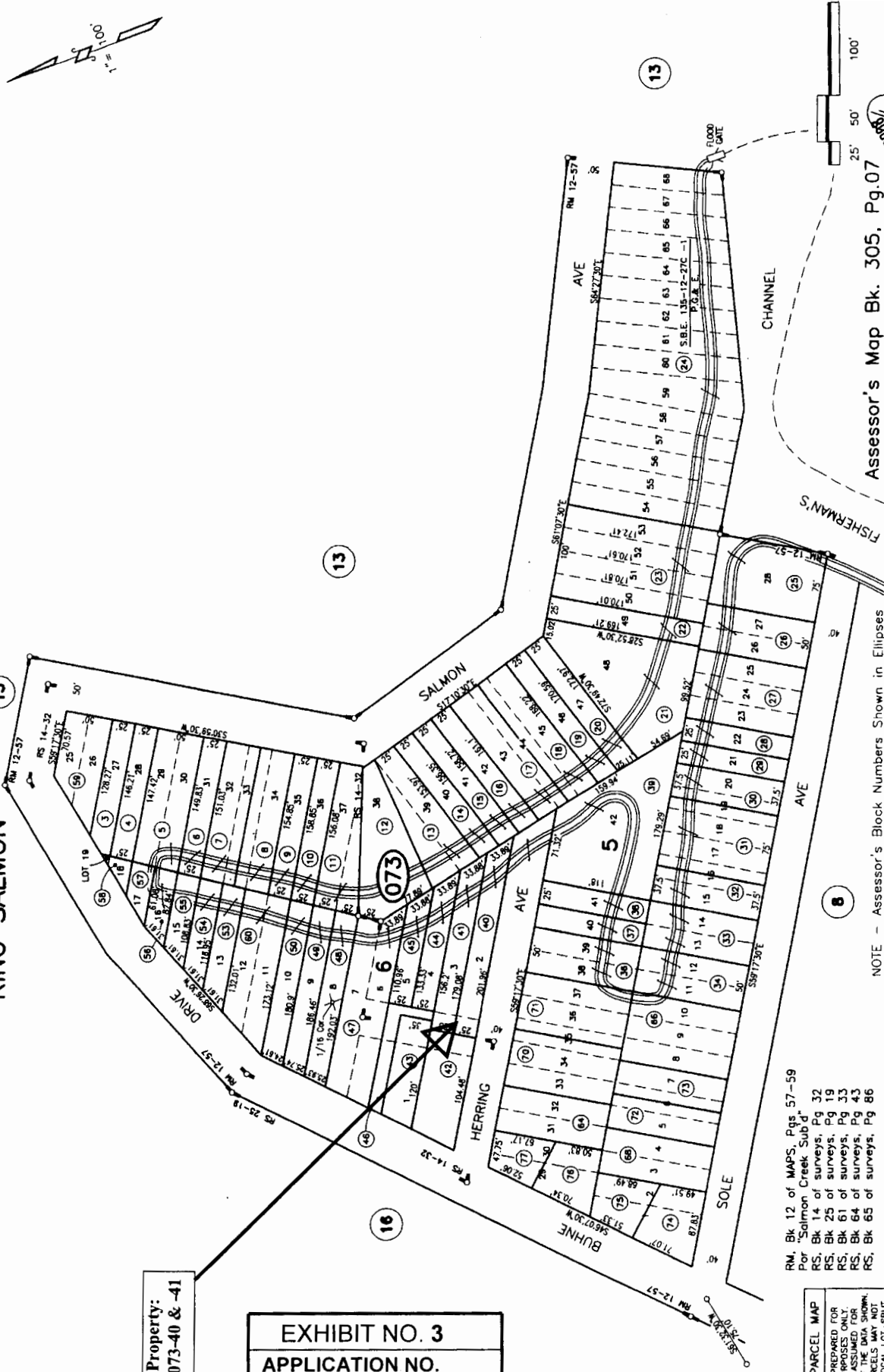
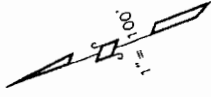


EXHIBIT NO. 2
APPLICATION NO. 1-10-034
KINORI & LOBOVITS
VICINITY MAP

305-07

H.B. & M.

PTN SECS 7 & 8, T4N, R1W
KING SALMON



Subject Property:
APNs 305-073-40 & -41

EXHIBIT NO. 3
APPLICATION NO.
1-10-034
KINORI & LOBOVITS
ASSESSOR'S PARCEL MAP

RM, Bk 12 of MAPS, Pgs 57-59
for "Salmon Creek Sub d"
RS, Bk 14 of surveys, Pg 32
RS, Bk 25 of surveys, Pg 19
RS, Bk 61 of surveys, Pg 33
RS, Bk 64 of surveys, Pg 43
RS, Bk 65 of surveys, Pg 86

ASSESSOR'S PARCEL MAP
1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR INACCURACIES.
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 305, Pg. 07
County of Humboldt, CA. July 24, 2008

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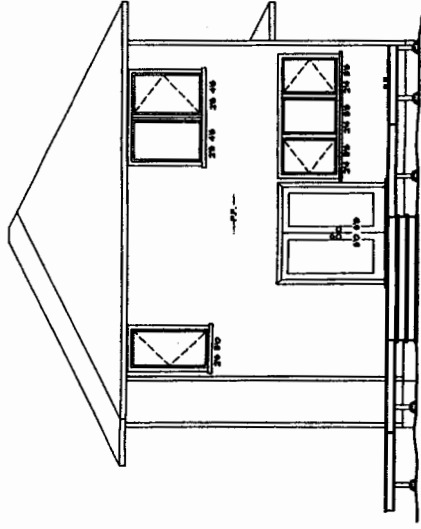
ROYER
DESIGN BUILD
 263 WEST END RD., ARCAT, CA 9521
 GENERAL CONTRACTING, CA LIC# 716487
 PHONE: (707) 826-1965

NEW RESIDENCE for:
 PROJECT LOCATION:
 ILAN KINORI
 106 SOLE
 KING SALMON, CA 95503
 PHONE: 209-500-8522
 AP# 305-073-40 & 41

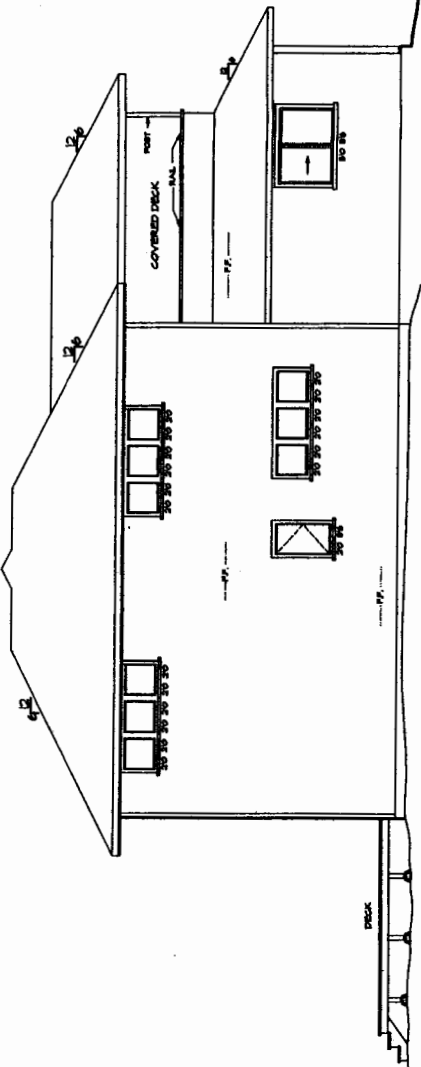
DRAWN BY:
 TIMOTHY ROYER

DATE:
 9/28/10

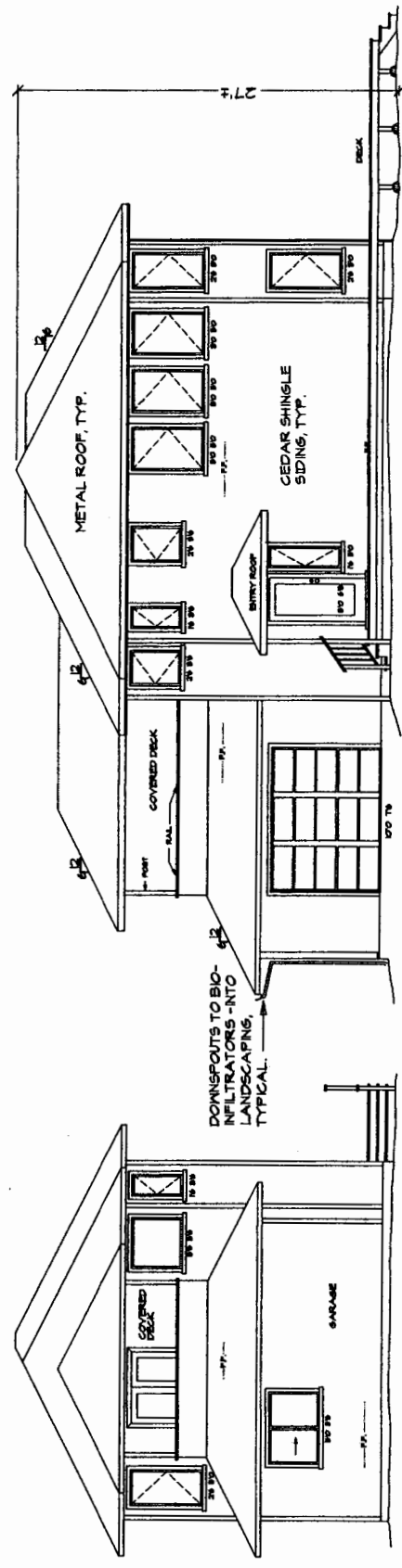
SHEET
 2 of 5



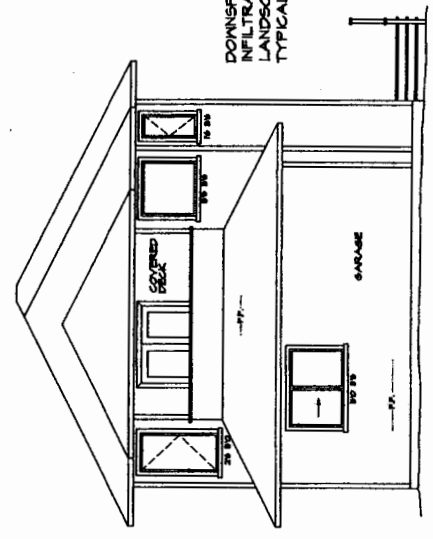
EAST ELEVATION
 SCALE: 1/8" = 1'-0"



NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



WEST ELEVATION
 SCALE: 1/8" = 1'-0"

EXHIBIT NO. 5
APPLICATION NO.
 1-10-034
KINORI & LOBOVITS
PROPOSED ELEVATIONS & FLOOR PLANS (1 of 3)

ROYER
DESIGN BUILD
 8269 WEST END RD., ARCATA, CA 95521
 GENERAL CONTRACTING, CALIC# 716487
 PHONE: (707) 826-1965

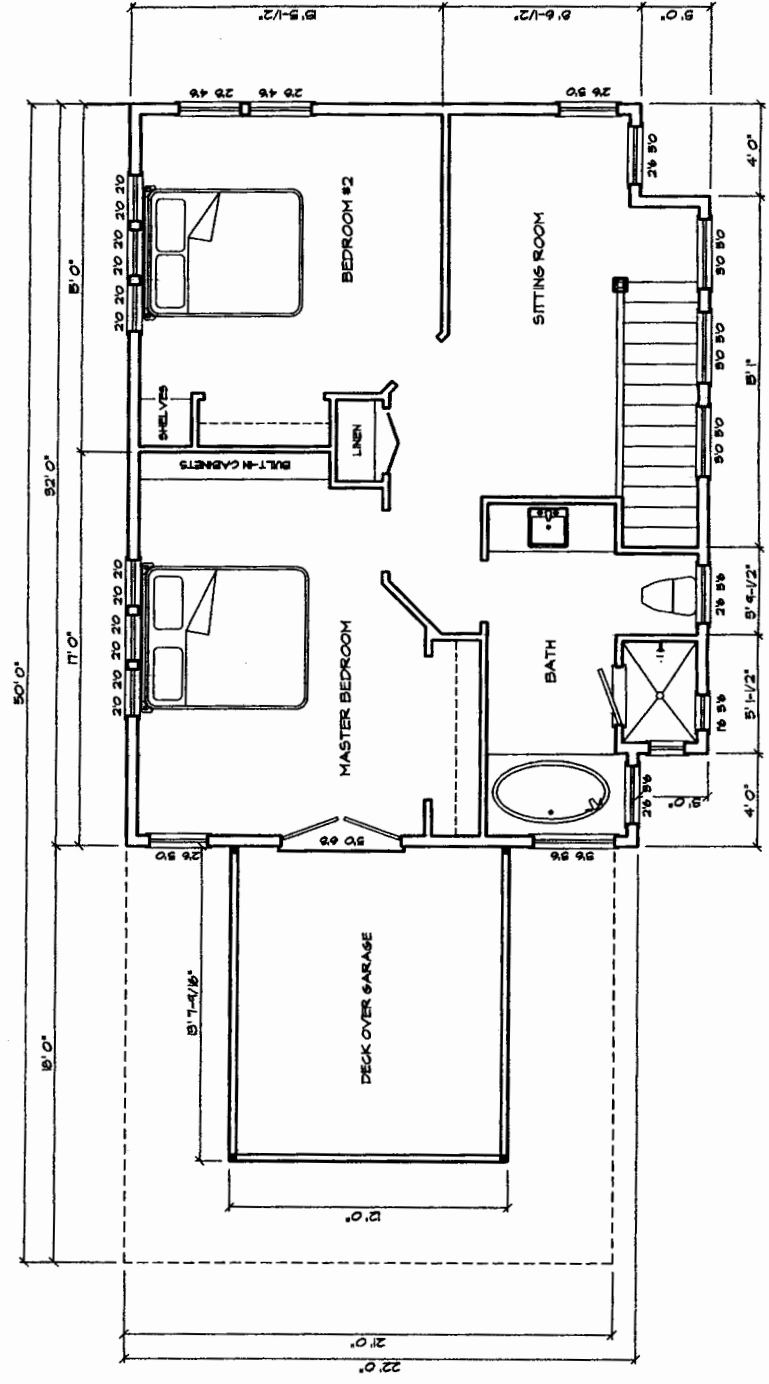
NEW RESIDENCE for:
 PROJECT LOCATION:
 HERRING AVE.
 KING SALMON, CA 95503
 AP# 305-073-40 & 41

LAN KINORI
 CG SOLT
 KING SALMON, CA 95503
 PHONE: 209-500-8522

DRAWN BY:
 TIMOTHY ROYER

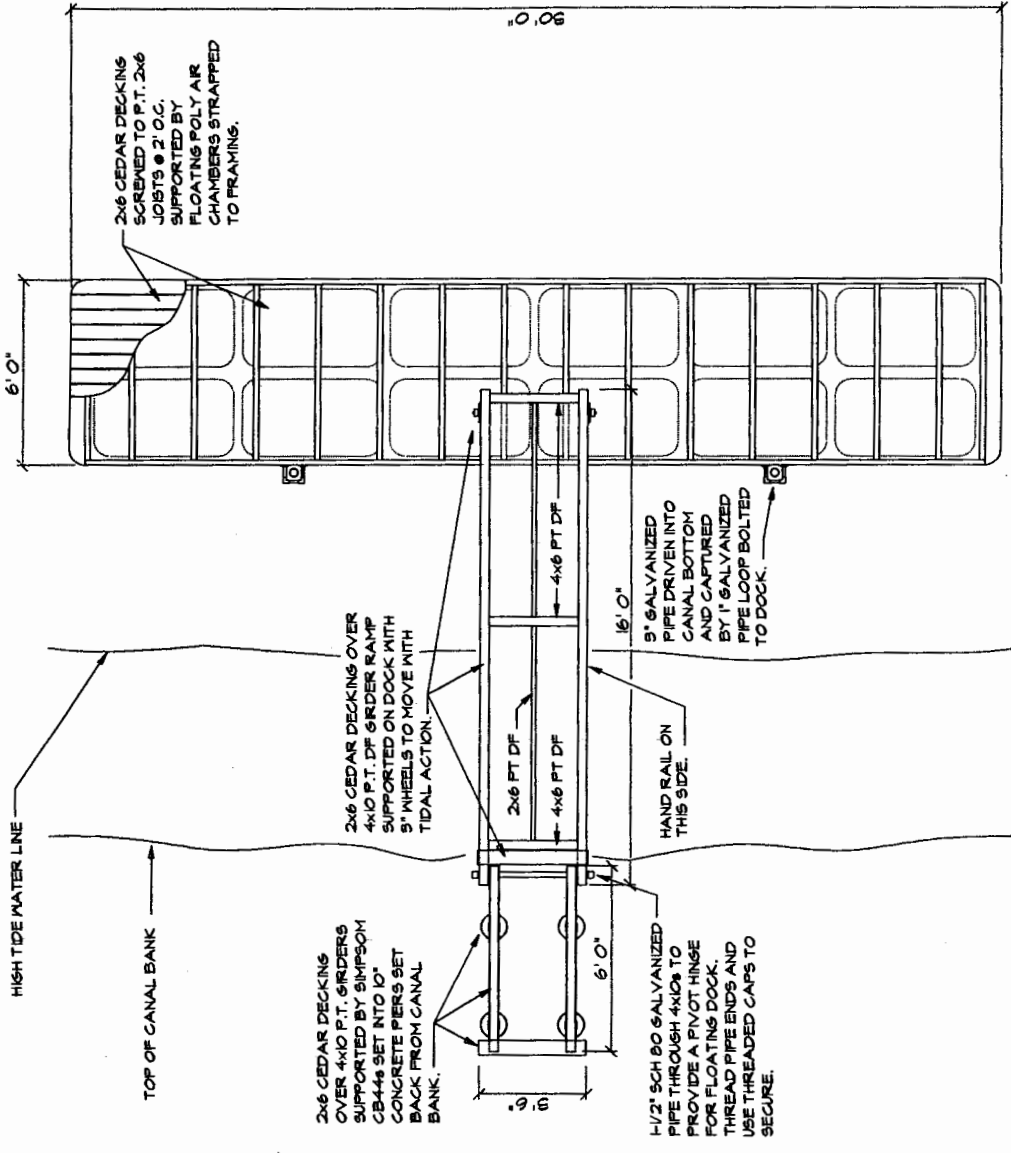
DATE:
 9 / 28 / 10

SHEET
 4 of 5



SECOND FLOOR PLAN
 776 SqFt SCALE: 1/8" = 1'-0"

3 of 3



FLOATING DOCK

SCALE: 1/4" = 1'-0"

EXHIBIT NO. 6
APPLICATION NO.
1-10-034
KINORI & LOBOVITS
PROPOSED NEW FLOATING DOCK PLANS