

CALIFORNIA COASTAL COMMISSION

North Coast District Office
1385 Eighth Street, Suite 130
Arcata, CA 95521
(707) 826-8950; FAX (707) 826-8960



W9

NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
January Meeting of the California Coastal Commission*

MEMORANDUM

Date: January 5, 2015

TO: Commissioners and Interested Parties
FROM: Alison Dettmer, 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 January 2015 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.

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>
<p>1-14-1681-W California Department of Transportation</p>	<p>Replace and enlarge 16 segments of metal beam guardrail on State Route 211 and 28 segments on State Route 255.</p>	<p>Various locations on Highway 211 and Highway 255 near Ferndale and along the Humboldt Bay Shoreline (Humboldt County)</p>
<p>1-14-1893-W Michael & Deborah Wood</p>	<p>Drill a domestic water well to replace the water source (stream) serving an existing residence.</p>	<p>1326 Stagecoach Rd, Trinidad (Humboldt County) APN 515-281-10</p>

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>
<p>A-1-DNC-06-037-A1 J.H.P., L.L.C.</p>	<p>Modify two special conditions of a permit granted for a residential subdivision to allow wetland restoration to be performed by the Border Coast Regional Airport Authority (BCRAA) on an approx. 6,000-sq-ft area involving removal of a portion of a road from an open space area.</p>	<p>2400 Lake Earl Drive, approximately 2 miles northeast of Crescent City (Del Norte County) APN 110-020-62</p>

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December 30, 2014

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER#: 1-14-1681

APPLICANT: California Department of Transportation

LOCATION: VARIOUS LOCATIONS ON HIGHWAY 211 AND HIGHWAY 255

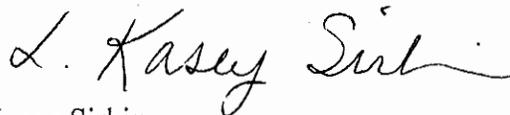
PROPOSED DEVELOPMENT: Replace and enlarge 16 segments of Metal Beam Guard Rails (MBGR) on State Route (SR) 211 and 28 segments on SR 255. Development will consist of upgrading MBGR, replacing deteriorated guardrail posts, replacing damaged rail elements, upgrading rail terminal systems, installing asphalt concrete curbs, adjusting the height of the guardrails, and installing weed control mats throughout the project limits.

RATIONALE: Caltrans is in the process of upgrading the existing MBGRs on select highways to state mandated standards in order to ensure the safety of the travelling public. The MBGR will be replaced in the same location as the existing MBGR. The new three beam MBGRs will be slightly taller than the existing MBGR, but the two inch increase in height to 29 inches will not have significant adverse effects on the coastal views of highway travelers. The proposed development activities will take place entirely in previously disturbed areas. All heavy equipment will operate from the travelled roadway and will be staged on the road shoulder or existing turnouts to avoid potential adverse impacts to coastal waters. To avoid spills of concrete, all concrete mix will be prepared at an off-site plant and brought to the site. Upon completion of construction, all excess materials will be removed and disposed of at the appropriate facilities. Up to 3 feet of ruderal vegetation may be cleared around each post from upland areas during the replacement process, but no wetlands will be disturbed. Best management practices will be employed to prevent sedimentation from stormwater runoff through the construction areas and protective temporary construction fencing will be placed around all sensitive habitats in the project vicinity. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The enclosed Notice Card shall remain posted at the site until the waiver has

been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

CHARLES LESTER,
Executive Director

A handwritten signature in cursive script that reads "L. Kasey Sirkin".

L. Kasey Sirkin
Coastal Program Analyst II

cc: Commissioners/File

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December 29, 2014

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, and California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER#: 1-14-1893-W**APPLICANT:** MICHAEL & DEBORAH WOOD**LOCATION:** 1326 STAGECOACH RD, TRINIDAD (HUMBOLDT COUNTY)

PROPOSED DEVELOPMENT: Drill a domestic water well to replace the water source (stream) serving an existing single family residence. The proposed development will consist of a 10" diameter boring to well depth and insertion of a 5" PVC well screen and riser. Pea gravel or sand will be used as a filter pack and a 20 ft. sanitary seal and PVC cap will be used to seal the top.

RATIONALE: The proposed new well will replace the existing stream diversion water supply which has become unproductive. The proposed well depth will be comparable to the depths of existing productive wells on surrounding properties. The new well will be located in a gravel road bed and the installation will not involve any vegetation removal. The extraction of water will not affect wetlands or other environmentally sensitive habitat areas (ESHA) and no ESHA is located at or near the proposed well site. All heavy equipment will operate from the existing gravel road. The proposed well will not result in any visual changes to the scenic nature of the area. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

CHARLES LESTER,
Executive Director

L. Kasey Sirkin
Coastal Program Analyst

A handwritten signature in black ink that reads "L. Kasey Sirkin".

cc: Commissioners/File

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**NOTICE OF PROPOSED PERMIT AMENDMENT (Immaterial)**

DATE: December 22, 2014

TO: All Interested Parties

FROM: Charles Lester, Executive Director

SUBJECT: **Proposed Amendment to Coastal Development Permit (CDP) A-1-DNC-06-037**
Applicant: Bay Meadows Project LLC (formerly JHP LLC.)

PROJECT SITE

2400 Lake Earl Drive, approximately 2 miles northeast of Crescent City, Del Norte County
(APN 110-020-62).

ORIGINAL CDP APPROVAL

CDP A-1-DNC-06-037 was approved by the Coastal Commission on August 8, 2008 authorizing the resubdivision of a 45.5-acre parcel into 94 lots, including 91 residential lots ranging in size from approximately 3,000 square feet to half an acre and 3 open space lots incorporating all wetland habitat areas and associated 100-foot buffers. The permit has not yet been issued pending satisfaction of various prior-to-issuance special conditions (the permit approval has not yet expired as five permit time extensions have been granted over the years).

PROPOSED CDP AMENDMENT

CDP A-1-DNC-06-037 would be amended to modify two special conditions to allow wetland restoration to be performed by the Border Coast Regional Airport Authority (BCRAA) on an approximately 6,000-square-foot portion of the property under separate authorization to partially satisfy wetland mitigation requirements of Coastal Development Permit 1-13-009, granted for the Del Norte County Regional Airport Runway Safety Area (RSA) Improvement Project in September of 2013. The Commission will be holding a public hearing on BCRAA's application (CDP Application 1-14-0820) for the 6,000-square-foot wetland restoration project involving the removal of a 250-foot –long section of roadway at the January 7, 2015 Commission meeting. The requirements of Special Condition 2-A of CDP A-1-DNC-06-037 that Lot 92 of the approved subdivision be restricted as open space would be amended to allow these wetland restoration activities within the open space area, if these wetland restoration activities are approved by the Commission under a separate coastal development permit application (CDP 1-14-0820). In addition, modifications would be made to Special Condition 4 which requires that the same open space area (Lot 92) also be offered for dedication or irrevocably granted for wetland habitat protection and enhancement. Special Condition 4 would be amended to exclude the 6,000-square-foot area of wetland restoration to be performed by BCRAA from the land to be offered for dedication or granted in fee if CDP Application 1-14-0820 is approved by the Commission and the area is separately offered for dedication or irrevocably granted to a public agency or non-profit entity acceptable to the Executive Director for wetland enhancement and protection pursuant to a coastal

NOTICE OF PROPOSED PERMIT AMENDMENT
CDP A-1-DNC-06-037 (Bay Meadows Project)
Proposed Amendment A-1-DNC-06-037-A1
Page 2 of 2

development permit granted by the Commission, such as CDP 1-13-009 granted for the RSA project.

The Commission's reference number for this proposed amendment is **A-1-DNC-06-037-A1**. See Attachment A for the proposed wording changes to the above conditions. See Attachment B for a formal legal description and graphic depiction of the portion of the property affected by this CDP amendment and for a general description of the development allowed pursuant to Special Condition 2-A-iii.

EXECUTIVE DIRECTOR'S IMMATERIALITY DETERMINATION

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations (CCR), the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is **IMMATERIAL** for the following reasons:

Special Conditions 2-A and 4 require that a certain portion of the subject property, which contains environmentally sensitive wetland and riparian habitats, be restricted to open space and offered for dedication or irrevocably granted for wetland protection and enhancement. The subject immaterial amendment would allow for wetland restoration development to be performed by BCRAA on a 6,000-square-foot portion of the open space area described in Attachment B to occur under separate permit authorization, and protect the restored habitat through an offer to dedicate (OTD) or grant of an easement pursuant to the requirements of CDP 1-13-009 rather than under the OTD requirements of Special Condition 4 of CDP A-1-DNC-06-037. The remaining portions of Lot 92 would continue to be restricted under the open space deed restriction and OTD requirements of special conditions 2 and 4 respectively of CDP A-1-DNC-06-037. Thus, all of the area required by Special Conditions 2-A and 4 of the original permit for the subdivision to be restricted as open space and offered for dedication or irrevocably granted for wetland protection and enhancement would continue to be restricted and offered for dedication for these purposes, albeit under two separate CDPs. Any wetland restoration activities authorized on the subject property under 1-14-0820 would not result in the vesting of CDP A-1-DNC-06-037.

COASTAL COMMISSION REVIEW PROCEDURE

The permit will be amended as proposed if no written objections are received at the North Coast District Office within ten (10) working days of the date of this notice. If an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on January 7, 2015 in Santa Monica. If three Commissioners object to the Executive Director's determination of immateriality at that time, the application shall be processed as a material CDP amendment at a subsequent Commission hearing.

If you have any questions about the proposal or wish to register an objection, please contact Melissa Kraemer at the phone number provided above.

Attachment A: Amendments to Special Conditions
Attachment B: Amendment Area

Attachment A

AMENDMENTS TO SPECIAL CONDITIONS OF CDP A-1-DNC-06-037 (CDP Amendment A-1-DNC-06-037-A1)

Text to be deleted is shown in ~~strikethrough~~, and text to be added appears in **bold double-underline**. Only relevant portions of special conditions 2 and 4 are shown.

2. OPEN SPACE AND STORMWATER RUNOFF TREATMENT AREA RESTRICTIONS

A. Open Space Restriction – Wetlands and Buffer North of A Street (Lot 92)

No development, as defined in Section 30106 of the Coastal Act, shall occur within Lot 92 consisting of the riparian/wetland areas and surrounding 100-foot buffer areas north of "A" Street as generally depicted within the boundaries of the Harbor Center Tract on the "Concept Layout Plan" prepared by Robert H. Foster Consultants, dated July 16, 2008, and included as Exhibit 8 of this staff report and as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

- i. The following development approved by Coastal Development No. A-1-DNC-06-037: (a) installation and maintenance of desiltation basin outfalls within the 100-foot buffer.
- ii. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit: (a) planting of native vegetation and restoration of environmentally sensitive habitat, (b) removal of debris, sediment, and unauthorized structures, (c) installation and maintenance of future trail and road connections to the adjoining property to the northeast along the alignments of the two existing gravel and/or dirt roads in the locations generally shown on the "Concept Layout Plan," prepared by Robert H. Foster Consultants, dated July 15, 2008, and (d) fuel modification.
- iii. **The following development, if approved by the Coastal Commission under coastal development permit 1-14-0820: restore approximately 6,000 square feet of freshwater wetland habitat by removing an approximately 250-foot-long by 24-foot-wide segment of roadway, including road base, culverts, and associated fill material, as more specifically described in Attachment B to CDP Amendment A-1-DNC-06-037-A1.**

...

- E. PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by each subsection of this condition

...

4. OFFER TO DEDICATE EASEMENT OR GRANT FEE INTEREST OVER WETLAND AND BUFFER AREA NORTH OF A STREET (LOT 92).

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, for review and approval, a proposed document either: (1) irrevocably offering to dedicate to a public agency or non-profit entity acceptable to the Executive Director, an easement over the areas identified below for wetland habitat protection and enhancement; or (2) irrevocably granting to a public agency or non-profit entity acceptable to the Executive Director, a fee interest over the areas identified below for wetland habitat protection and enhancement. Once the documents either irrevocably offering to dedicate an easement or irrevocably granting a fee interest over the areas identified below are approved, and also PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence that it has executed and recorded those documents, completing that offer to dedicate an easement or that grant of a fee interest. The land shall be offered for dedication or granted in fee subject to the restrictions on the use of that land set forth in the special conditions of this permit, and the offer to dedicate an easement or the grant of the fee interest shall reflect that fact. The offer or grant shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed but subject to the deed restrictions required by Special Condition No. 2. The offer to dedicate an easement or the grant of the fee interest shall run with the land in favor of the People of the State of California, binding all successors and assignees. The offer to dedicate shall be irrevocable for a period of 21 years, such period running from the date of recording. The entirety of the following land shall be offered for dedication or granted in fee: Lot 92 consisting of the riparian/wetland areas and surrounding 100-foot buffer areas north of "A" Street as generally depicted within the boundaries of the Harbor Center Tract on the "Concept Layout Plan," prepared by Robert H. Foster Consultants, dated July 16, 2008, and included as Exhibit 8 of this staff report and as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit. The area described in Attachment B to Coastal Development Permit Amendment A-1-DNC-06-037-A1 shall be excluded from the land offered for dedication or granted in fee if, and only if, at the time of the offer to dedicate or grant in fee the area in Attachment B is authorized by the Commission for wetland restoration or enhancement under Coastal Development Permit 1-14-0820 and separately offered for dedication or irrevocably granted to a public agency or non-profit entity acceptable to the Executive Director for wetland enhancement and protection pursuant to a coastal development permit granted by the Commission.

EXHIBIT 'A'

LEGAL DESCRIPTION

All that real property situated in the County of Del Norte, State of California, lying within Section 8, Township 16 North, Range 1 West, Humboldt Meridian, described as follows:

Being a Conservation Easement over a portion of the "Adjusted Boundary Harbor Center Tract" as shown on the Record of Survey for JHP, Inc., as filed April 13, 2010 in Book 15 of Maps at Page 68, Del Norte County records, being more particularly described as follows:

Commencing at the most northerly corner of said "Adjusted Boundary Harbor Center Tract";

Thence southeasterly along the northeasterly line of said "Adjusted Boundary Harbor Center Tract" South 40°47'20" East 1066.30 feet to the Point of Beginning;

Thence continuing southeasterly along said line South 40°47'20" East 75.02 feet;

Thence leaving said line South 51°40'45" West 18.35 feet;

Thence South 73°55'55" West, 213.50 feet;

Thence North 03°15'53" West 48.07 feet;

Thence North 65°24'57" East 190.55 feet to the Point of Beginning;

Containing 0.30 acres of land, more or less.

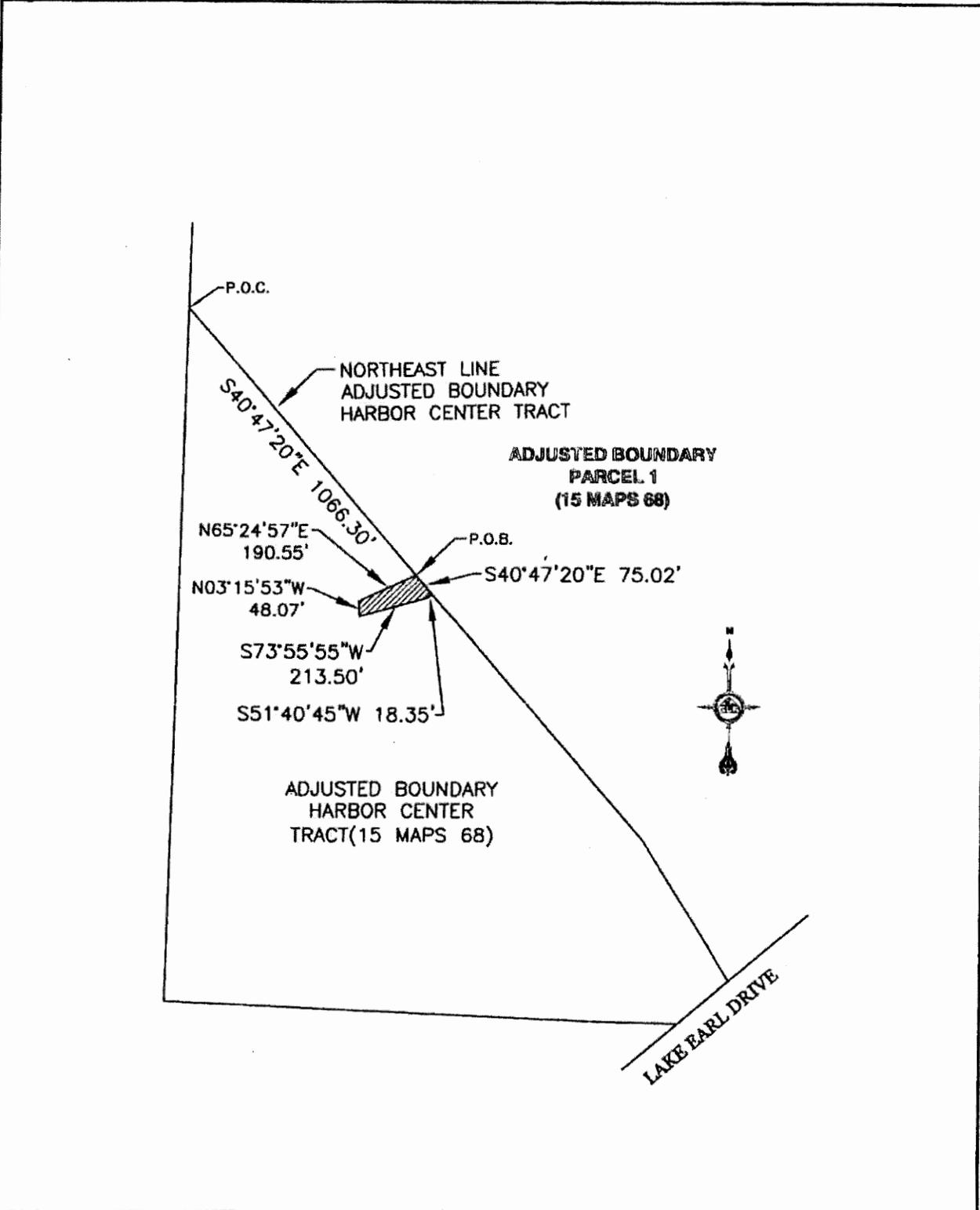
END OF DESCRIPTION

This legal description prepared on October 9, 2014 by:

Philip A. Gutierrez Jr

PLS 7245

**ATTACHMENT B
(1 OF 3)**



LACO
EUREKA • UKIAH • SANTA ROSA
1-800-315-0004 • WWW.THECOMMONSOLUTION.COM

EXHIBIT 'A'
EASEMENT LEGAL DESCRIPTION PLAT

A.P.N.: 110-020-80

DATE: OCTOBER 9, 2014
JOB NO: 141311
SCALE: 1"=400'

EXHIBIT B
GENERAL DESCRIPTION OF MITIGATION ENHANCEMENTS

BCRAA will submit an Amendment to Coastal Development Permit (A-1-DNC-06-037) in order for BCRAA to complete the following actions described below as mitigation for BCRAA's RSA project. This action is only part of the full mitigation package needed to satisfy the mitigation needs for the project. BCRAA will utilize its agent, GHD, to complete the application and submit on behalf of the Authority. BCRAA will pay necessary permit amendment fees.

A segment of unpaved road and associated culverts located on the Property within the "Mitigation Site" would be removed. The road removal area is approximately 300 feet in length (of which about 250 feet is located on the Property within the Mitigation Site and about 50 feet is located on the adjoining parcel owned by BCRAA, commonly known as the "Bay Meadows Site"), averages about 24 feet in width, and consists of fill material with an estimated maximum depth of three to four feet in the central section, grading to a shallower depth at either end. The fill material includes gravel and cobble and is easily distinguished from adjacent silt-based native soils. Four culverts associated with the central part of the roadway and associated larger cobble would also be removed. Fill material would be hauled off-site or, depending on suitability, may be re-used to temporarily resurface staging areas on upland portions of the Bay Meadows Site. Riparian areas above and below the fill removal area would be protected by installation of silt fence prior to construction. Sub-adult northern red-legged frogs have been observed near the fill removal area, and if any are present they will be relocated by a qualified biologist to nearby suitable habitat at the cost of BCRAA.

Once fill material has been removed the area would be graded to match adjacent elevations and replanted with native herbaceous wetland vegetation. Upon completion a barrier to flow would be eliminated and a more natural riparian wetland re-established.

Monitoring of the mitigation enhancements will be required for the time period as specified in the amended Coastal Development Permit (A-1-DNC-06-037)