

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
(707) 826-8950 FAX (707) 826-8960
www.coastal.ca.gov



F8

Prepared December 06, 2019 (for the December 13, 2019 Hearing)

To: Commissioners and Interested Parties
From: Alison Dettmer, North Coast District Deputy Director
Subject: **North Coast District Deputy Director's Report for December 2019**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the North Coast District Office are being reported to the Commission on December 13, 2019. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Coast District Office in Arcata. Staff is asking for the Commission's concurrence on the items in the North Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on December 13th.

With respect to the December 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on December 13, 2019 (see attached)

Waivers

- 1-19-0947-W, City of Eureka - Install cathodic protection system stations along sewer main (Near Vigo St. and Coastal Trail, Eureka, Humboldt Co.)

Immaterial Amendments

- A-1-EUR-02-166-A4, Target – Building and parking lot improvements (2525 4th St., Eureka, Humboldt Co.)

Emergency Permits

- G-1-19-0048, Ralph - Emergency dike construction (7000 Lanphere Road, west of Arcata)

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December 6, 2019

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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: 1-19-0947-W

Applicant: City of Eureka

Location: At two locations directly inland of the California Coastal Trail (known locally as the Eureka Waterfront Trail), northwest of the Bayshore Mall overflow parking lot, and southwest of Vigo Street in southern Eureka, Humboldt County (APNs: 007-051-02 & 007-130-15)

Proposed Development: Install two cathodic protection system bonding stations along the City's primary sewer main as part of a larger project to maintain the sewer main's cathodic protection system. Cathodic protection inhibits metal corrosion, prolonging the life of the buried pressure sewer main. At each of the two project locations, the work involves (1) excavating two five-foot-wide, five-foot-long holes at depths of approximately five feet to access the sewer main and a parallel redundant pipe; and (2) digging two approximately three-foot-deep, five-foot-long trenches to connect the pipes via a subsurface bonding conductor to a new test station (for a project total of four holes and four trenches). Each of the two test stations will be contained within a small box approximately four feet above the ground on a three-inch-diameter galvanized pipe riser with a 23-inch-diameter concrete collar around the riser. Excavated and trenched areas will be backfilled with clean aggregate base.

Rationale: The new bonding test stations will be located in disturbed, upland areas and will be accessed from an adjacent paved trail and gravel road to avoid nearby wetlands. No vegetation will be removed for staging and access except for the possibility of six-to-twelve inches of brush removal on each side of the proposed excavation work. To avoid impacts to nesting birds from any vegetation removal, the City proposes to complete all work prior to the beginning of the nesting season. The subject project includes trenching to a depth of five feet within the historic right of way of a railroad, but the excavation sites are located over 50 feet from the railroad tracks, and are not within the immediate vicinity of any current or former contaminated soils cleanup sites associated with the railroad or any other source. The North Coast Regional Water Quality Control Board's Site Cleanups Program staff has been consulted on the project and has not expressed concerns about potential contamination issues at this site. If evidence of contaminated soils is discovered at the site

Coastal Development Permit De Minimis Waiver

1-19-0947-W

during construction, either from visual observations or odors indicative of regulated substances, the City proposes to isolate and contain the soils within a temporary, lined pit; use a vacuum track to remove the spoils from the site; test the spoils for contaminants; submit the findings of any testing that identifies the presence of contaminants to applicable regulatory agencies including the Regional Board and comply with the requirements of the applicable agencies in regards to handling, transport, and disposal of hazardous materials; and dispose of the materials at a permitted facility. The City's project description includes a number of proposed construction best management practices (BMPs) to ensure the protection of adjacent wetlands and nearby waters of Humboldt Bay. Proposed measures include (1) limiting ground-disturbing activities to dry weather only; (2) containing construction material stockpiles at all times and covering during storm events; (3) staging and storing all construction equipment and materials on paved or gravel surfaces at least 50 feet from coastal wetlands, drainage courses, and storm drain inlets; (4) installing sediment control BMPs downgradient of disturbed areas and between the work areas and adjacent wetlands; (5) physically demarcating the boundaries of the work area adjacent to wetlands; (6) undertaking any fueling, equipment maintenance, concrete washout, and washing of construction equipment at least 100 feet from coastal waters; (7) maintaining hazardous materials management equipment immediately available on-hand at the work area; (8) disposing of waste material at an appropriate location outside of the coastal zone; and (9) seeding all vegetated areas disturbed by the project with a non-invasive native seed mix and mulching to encourage revegetation. The City has referred the project to the Tribal Historic Preservation Officers (THPOs) for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe, and consistent with the THPOs' recommendations, the City is proposing standard protocols for any unanticipated archeological discovery, requiring immediate cessation of construction upon discovery of potential resources so that a qualified archaeologist, in consultation with the THPOs, can evaluate the significance of the discovery and develop and implement an avoidance or mitigation plan, as appropriate. Construction is expected to take one to two days and the adjacent segment of the California Coastal Trail will remain open during construction, with pedestrian traffic temporarily controlled by the contractor when construction machinery crosses the trail. The proposed development will thus not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its December 2019 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

Sincerely,

John Ainsworth
Executive DirectorCristin Kenyon
Coastal Program Analyst

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **A-1-EUR-02-166-A4**

November 27, 2019

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit Amendment No. **A-1-EUR-02-166-A4** amending the original permit granted to **Target Corporation** for: Demolition of the existing vacant Montgomery Wards building and construction of a new, 126,563-square-foot retail store with a 8,081-square-foot garden center on 11.5 acres. The project also included repaving the existing parking area, adding landscaping, and constructing public access along Eureka Slough and to the existing boat ramp. One previous amendment request was withdrawn; a second immaterial amendment added refrigeration units, enhanced security systems, crosswalk curb-cut ramp inserts, and concrete bollards at the store entry; and a third amendment modified the building façade and exterior signage.

Project Site: 2525 4th St, Eureka (Humboldt County) (APN: 002-201-08)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Renovate the store interior; install a new refrigeration condensing unit on the building's rooftop; restripe and reconfigure store parking; and install new ADA signage in the parking lot.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

The proposed internal store renovations do not affect the footprint of the structure or alter the character of the retail-commercial uses authorized by the original coastal development permit. The new rooftop refrigeration unit will be obscured from view behind the structure's façade

Notice of Proposed Immaterial Permit Amendment

A-1-EUR-02-166-A4

and parapet architectural elements and thus will not significantly obstruct views to and along the coast or be incompatible with the character of the surrounding area. The parking lot will be restriped in part to accommodate larger, code-compliant ADA parking stalls that will result in the loss of one stall at the front of the store; however, a new stall will be added to the side of the building so that the overall parking count remains the same. The new ADA signage in the parking lot will be installed on new concrete piers to a depth of four feet. The project has been referred to the Tribal Historic Preservation Officers (THPOs) for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe, and the Blue Lake Rancheria THPO has responded requesting protocols for inadvertent discovery of archaeological resources. The amended project would continue to be subject to the conditions of the originally approved permit including Special Condition 11 requiring all construction to cease in the event of the discovery of cultural deposits and not recommence until a qualified cultural resource specialist has analyzed the significance of the find, a supplementary archeological plan has been submitted for the review and approval of the Executive Director, and any necessary additional permit authorization has been obtained. The conditions of the originally approved permit also require numerous best management practices for the protection of water quality and other performance standards for the protection of environmentally sensitive habitat areas, including but not limited to the provision of a 100-foot-wide buffer between the development and the resources in and along Eureka Slough. Project staging is proposed to occur in the southwestern corner of the property adjacent to the highway well over 100 feet from identified wetlands and coastal waters. As the amended development does not have a potential for adverse impacts, either individually or cumulative on coastal resources or public access, the Executive Director has determined that the proposed amendment is immaterial.

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

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**EMERGENCY PERMIT**

Issue Date: November 18, 2019
Emergency Permit No. G-1-19-0048

APPLICANT:

C.J. and Carol Ralph

LOCATION OF EMERGENCY:

7000 Lanphere Road, approximately two miles west of Arcata, Humboldt County
(APN 506-281-007)

EMERGENCY WORK:

Construction of an earthen dike approximately 900 feet long by 8 feet wide by 10 feet tall along an existing ranch road that runs between Lanphere Road and Mad River Slough.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence, in the form of failure of a tide gate and culvert on the adjacent Caltrans-owned property posing a flood threat from Mad River Slough to structures and agricultural land at 7000 Lanphere Road, requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code § 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read "Melissa B. Kraemer".

By: Melissa B. Kraemer, Supervising Analyst

cc: Humboldt County Planning & Building Department
Caltrans District 1 (Robert Syverson)

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By: Melissa B. Kraemer, Supervising Analyst

cc: Humboldt County Planning & Building Department
Caltrans District 1 (Robert Syverson)

November 18, 2019

Emergency Permit No.: G-1-19-0048

Enclosures: 1) Acceptance Form;
2) Regular Permit Application Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including surrounding wetlands, agricultural lands, and intertidal species, and to minimize impacts to existing public access to the sea and to Mad River Slough.
4. Best management practices for erosion, sediment, and runoff control shall be employed, including using temporary fiber rolls, silt fencing, and/or seeding and mulching disturbed soils with a pasture seed mix prior to the onset of rain events.
5. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
6. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include, as appropriate, provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.
7. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
8. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies as applicable, including, but not necessarily limited to, the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, North Coast Regional Water Quality Control Board, and/or the California State Lands Commission.
9. Within 180 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit a complete

follow-up Coastal Development Permit (CDP) that satisfies the requirements of §13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 180 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within one year, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

10. Failure to (a) submit a complete follow-up CDP Application that complies with Condition 9 above, or (b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or (c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or (d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ The Coastal Act is codified in §§ 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus to the Coastal Act unless otherwise indicated.

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**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION
North Coast District Office
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Arcata, California 95521-5967

RE: Emergency Permit No. G-1-19-0048

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the North Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them. I also understand that the emergency work is TEMPORARY and that a regular Coastal Development Permit (CDP) is necessary for any permanent installation. I agree to complete the regular CDP application within 180 days of the date of the emergency permit, or I will remove the emergency work in its entirety after consultation with CCC staff and consistent with the Coastal Act. Finally, I understand that my failure either to:

- a) submit a complete follow-up CDP Application that satisfies the requirements of section 13056 of Title 14 of the California Code of Regulations by the date specified in this Emergency Permit, which date may be extended by the Executive Director for good cause, or
- b) Remove the emergency development and restore all affected areas to their prior condition after consultation with Coastal Commission staff as you identified consistent with the Coastal Act, will constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Commission or the Executive Director.

In some instances, a permit may be required for removal (if required by this Emergency Permit) by the date specified in this Emergency Permit. This formal action could include a recordation of a Notice of Violation on my property; the issuance of a Cease and Desist Order and/or Restoration Order; imposition of administrative penalties for violations involving public access, and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

Signature of Property Owner or
Authorized Representative

Address: _____

Print Name

Date of Signing

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Signature of Property Owner or
Authorized Representative

Address: _____

Print Name

Date of Signing