

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



W10

Prepared July 03, 2019 (for the July 10, 2019 Hearing)

To: Commissioners and Interested Parties
From: Alison Dettmer, North Coast District Deputy Director
Subject: **North Coast District Deputy Director's Report for July 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 July 10, 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 July 10th.

With respect to the July 10th 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 July 10, 2019 (see attached)

Waivers

- 1-19-0334-W, Caltrans – Rehabilitation Of Tide Gate System - Off Airport Road, (Near Highway 101, Eureka, Humboldt County).

Immaterial Amendments

- 1-14-0773-A1, Chevron USA, Inc. – Extend Development Authorization Period For Repairs To Barge Dock – (At Chevron Terminal Dock, 3400 Christie St., Eureka, Humboldt County)
- 1-87-195-A1, Clark – Replacement Of Window Panes Of Sunroom Of A House Authorized by Original Permit (2800 Hwy 1, Point Arena, Mendocino County)
- A-1-EUR-02-166-A3, Target Corporation– Exterior Signage And Façade Modifications At Retail Store Authorized By Original Permit (2525 4th St., Eureka, Humboldt County)

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June 28, 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: 1-19-0334-W

Applicant: California Department of Transportation (CalTrans), District 1 (Attn: Cassie Nichols)

Location: Off Airport Road where the 101 drainage outlets to Eureka Slough (behind the Farm Store on Jacobs Avenue - near Highway 101, post mile (PM) 80.8).

Proposed Development: Follow-up authorization involving the rehabilitation of a failing dual tide gate system with a fish-friendly tide gate system completed under an Emergency Permit issued on March 22, 2019 (G-1-19-0014). The work area was confined to within the structure itself, comprised of approximately 8 feet at the outlet and bay side baffle, a 26-foot-long culvert, an 18-foot area between the inlet and ditch side baffle, and the same size area for the second box culvert. The old top-hinge tide gates and associated hardware were removed, and then two fish-friendly gates were lowered into each by equipment staged on the access road above. Additionally, the sluice gates at the inlet of the culvert system, designed to facilitate maintenance and function of the tide gates, were replaced. Total construction duration, including staging, preparing for installation and correct tide levels, consisted of 5 days.

Rationale: Work took place during the low flow period of the outgoing tide within the existing concrete structure, and no equipment entered the wetted channel. Flow from the 101 Slough into the work area was blocked via a temporary diversion dam. The temporary diversion dam consisted of a steel baffle inserted into the existing channel slats that hold the existing debris racks (chain link barrier) at the upstream side of the inlet headwall. A ladder was used to allow access for one or two workers to enter the concrete structure and insert pumps to draw water out of the work area. Prior to pumping the water out of the work area, biologists from the National Marine Fisheries Service (NMFS), United States Fish & Wildlife Service (USFWS), California Department of Fish and Wildlife (CDF&W), and CalTrans provided fish exclusion and relocation. To remove enough water to work efficiently, both the inlet and outlet were baffled off. Any water leaking beyond the baffles was collected and pumped using fish screens to avoid uptake of aquatic life into the Eureka Slough. Erosion control Best Management Practices (BMPs), including, but not limited to, straw waddles, were maintained on either side of the County-owned access road that extends from Airport Road

Coastal Development Permit De Minimis Waiver

1-19-0334-W

along the levee to the tide gate. Disturbed soil on the access road was covered in straw to prevent erosion, and the existing stabilized construction entrance was continuously maintained. Through consultation with NMFS, the new tide gate system was designed and installed to maintain salinity appropriate to maintain eelgrass beds. In addition, the USFWS determined that the installation of the fish-friendly tide gates will have a permanent beneficial effect of increasing the spatial structure and quality of critical habitat for the federally listed tidewater goby.

The proposed development, both during emergency construction and as constructed, will 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 July 10, 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 Director



Clancy DeSmet
Coastal Program Analyst

cc: Commissioners/File
Humboldt County Planning & Development

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **1-14-0773-A1**

June 25, 2019

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **1-14-0773-A1** granted to **Chevron USA, Inc.** for: Structural repairs to an existing barge dock over a four-year period including the replacement of up to 100 timber piles.

Project Site: Chevron Terminal dock, off the eastern shore of Humboldt Bay, on a tideland parcel adjacent to 3400 Christie Street, Eureka (APN 007-071-13)

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):

Chevron proposes to extend the development authorization period of the permit through December 31, 2020. All work will proceed as originally approved and conditioned, without increasing the maximum number of piles authorized for replacement and with no deviations from previously approved work methods, mitigation measures, or condition requirements, except that the authorization period would be extended two years.

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 in San Luis Obispo in July 2019. This amendment has been considered "immaterial" for the following reason(s):

CDP 1-14-0773 authorizes Chevron to perform structural repairs to the Chevron Eureka Terminal from 2015-2018, including repair or replacement of piles, pile caps, stringers, support beams, wales, dolphins, lagging, decking, railings, and all connections between those elements. The approval allows for replacement of a maximum of 100 piles over the four-year

Notice of Proposed Immaterial Permit Amendment

1-14-0773-A1

authorization period, with up to 25 piles replaced during any single year and up to 4 piles replaced per day. To date, 17 piles have been replaced under CDP 1-14-0773, all of which were replaced in 2015. The applicant wishes to perform additional structural repairs consistent with the terms and conditions of CDP 1-14-0773 during 2019 and potentially 2020 without increasing the maximum number of piles that could be replaced under the permit. The subject amendment would require modifications to Special Conditions 1 and 10 of CDP 1-14-0773 to change the final date of the authorization period from December 31, 2018 to December 31, 2020. See Attachment A for the proposed changes to the relevant special conditions to extend the development authorization period of the permit.

As amended, the special conditions of the permit would continue to ensure that the dock repair work will not adversely affect the biological productivity and quality of coastal waters, including through the imposition of (1) a seasonal work window for in-water construction activities to minimize conflicts with commercial and recreational fisheries; (2) sound impact avoidance and minimization measures and requirements for underwater acoustic monitoring during impact pile driving; (3) minimization, monitoring, and mitigation measures for potential disturbance to eelgrass habitat; (4) best management practices (BMPs) to minimize potential adverse impacts from the use of pressure-treated wood in the marine environment; and (5) other construction responsibilities.

Special Condition 1 of CDP 1-14-0773 requires the applicant to submit annually, for the review and approval of the Executive Director, a dock repair plan for each year of work to ensure that each year's planned development is consistent with all special conditions of the permit. Along with this amendment, the applicant has submitted an annual dock repair plan to the Executive Director for 2019 for the replacement of four piles and other miscellaneous dock structural repairs. The submitted work plan is consistent with the terms and conditions of CDP 1-14-0773 as amended, and demonstrates that the applicant has received authorization from other applicable permitting agencies including the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the Humboldt Bay Harbor, Recreation, and Conservation District. Pursuant to Special Condition 1 as amended, any work proposed in 2020 will require the applicant to submit another annual dock repair plan by February 2020.

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.

Attachment A: Amendments to Special Conditions

cc: City of Eureka, Development Services Department
Alec Ziegler, Pacific Affiliates

Attachment A

AMENDMENTS TO SPECIAL CONDITIONS OF CDP 1-14-0773 (CDP Amendment 1-14-0773-A1)

The standard conditions and Special Conditions Nos. 1-14 of CDP No. 1-11-037 remain in full force and effect. Special Conditions 1 and 10 are modified as shown below and reimposed as conditions of CDP Amendment 1-14-0773-A1. Text to be deleted is shown in ~~bold strikethrough~~, and text to be added appears in **bold double-underline**. Only those conditions proposed to be amended are shown. See CDP 1-14-0773¹ for the full text of all the original permit conditions.

1. Annual Dock Repair Plan.

- A. BY FEBRUARY 15th OF ~~EACH YEAR OF REPAIR WORK FROM 2016—2018~~**2020**, the permittee shall submit, for the review and written approval of the Executive Director, a final dock repair plan for that year of dock construction **if any work is proposed** consistent with the terms and conditions of this permit. The final dock repair plan shall include:
1. A project description and corresponding site plan that identify the proposed components of the dock to be repaired or replaced during that construction year including details about their location, size, material composition, and condition.
 2. A detailed work plan that describes the tentative order, duration, and timing of construction activities, and any changes from the previous year to the construction plans including the equipment, staging area, and disposal location utilized.
 3. A description of any work proposed for that construction year that may impact eelgrass habitat, including the number and location of piles proposed to be replaced within areas that may support eelgrass.
 4. Evidence that the proposed repairs will be consistent with all Standard and Special Conditions of this permit, including the limitations on the timing of in-water construction and number of piles to be replaced specified in Special Condition Nos. 2 and 10 below.
- B. The permittee shall undertake development in accordance with the approved final dock repair plans. Any proposed changes to the approved final dock repair plans shall be reported to the Executive Director. No changes to the approved final dock repair plans shall occur without a Commission amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

¹ The conditions and findings of approval of CDP 1-14-0773 are available on the Commission's website: <https://documents.coastal.ca.gov/reports/2015/2/f9a-2-2015.pdf>.

10. Limited Development Authorization.

- A. This permit only authorizes repair and maintenance activities through December 31, ~~2018~~2020. All repair and maintenance development after that date shall require a new coastal development permit.
- B. The permittee shall replace a maximum of 100 piles over the 4-year period from 2015 through ~~2018~~2020, with a maximum of 25 piles placed during any single year and a maximum of 4 piles placed during any single day.
- C. All work shall involve repair or replacement of existing structural elements of the dock including piles, pile caps, stringers, support beams, wales, dolphins, lagging, decking, railings, and all connections between those elements. Not included shall be repairs to electrical, mechanical, or piping systems, or any expansion of the existing structure.

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **1-87-195-A1**

June 21, 2019

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit Amendment No. **1-87-195-A1** requested by **C.R Clark**, amending the original permit for a single-family home, garage, and septic system.

Project Site: 28000 Highway 1, Point Arena, Mendocino County (APN(s): 027-433-01;-02)

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):

Replacement of all windows (approximately 88 in total) of an existing 300-square-foot sunroom attached to the existing single-family home. The work will consist of in-kind replacement of windows, and no expansion is proposed.

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 replacement windows are low-glare (11% visible outside reflectivity), partially shielded from public vantage points along Highway 1 by existing vegetation, and not visible from any public beaches. As such, the proposed work will not impact public views and will be compatible with the character of the surrounding area. Once the work is complete, the contractor will haul away the old glass for disposal outside the coastal zone in Petaluma. Moreover, as there is no public access on the bluff-top lot, construction work for the project will not interfere with public access to the coast.

Notice of Proposed Permit Amendment

1-87-195-A2

As the amended development does not have a potential for adverse impacts, either individually or cumulatively 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 Destiny Preston at the phone number provided above.

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **A-1-EUR-02-166-A3**

June 25, 2019

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **A-1-EUR-02-166** 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, and a second immaterial amendment added refrigeration units, enhanced security systems, crosswalk curb-cut ramp inserts, and concrete bollards at the store entry.

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):

Modifications to the building façade and exterior signage, including changes to sign messaging on the two existing monument signs, replacement of shade fabric at the southwest corner of the building, application of new paint on all four sides of the building, and changes to building-mounted signage.

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 in San Luis Obispo in July 2019. This amendment has been considered "immaterial" for the following reason(s):

The proposed exterior cosmetic changes to the store building and monument signs are consistent with the special conditions of CDP A-1-EUR-02-166, including the design

Notice of Proposed Immaterial Permit Amendment

A-1-EUR-02-166-A3

restrictions outlined in Special Condition 7, and will not significantly affect the visual attractiveness of the development and its compatibility with the character of the surrounding area. The architectural style of the store will remain the same, and the proposed new exterior paint will be dark earth tones similar to the existing color scheme. The content displayed on the two existing free-standing monument signs will change (from a beige background with red lettering to a red background with white lettering), but the signs will otherwise remain the same, including their architectural style and size. The Commission originally approved five wall signs with illuminated red neon on the Target building. Under the proposed amendment, there will be four building-mounted signs in total, including three illuminated white neon Target logo signs and the existing illuminated red neon pharmacy sign. There will also be one “order pickup” graphic vinyl sign on a window of the front entrance. Under the amendment, signage will be concentrated on two sides of the building rather than three, and the total signage square footage will be approximately the same. The amended project will continue to be subject to the conditions of the originally approved permit requiring 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 a 100-foot-wide buffer between the development and Eureka Slough. 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.

cc: Kimley-Horn, Attn: Jennifer Kirby
City of Eureka Development Services Department