

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



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Prepared October 29, 2020 (for the November 06, 2020 Hearing)

To: Commissioners and Interested Parties
From: Alison Dettmer, North Coast District Deputy Director

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 November 06, 2020. 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 November 6th.

As a result of the COVID-19 emergency and the Governor's Executive Orders [N-29-20](#) and [N-33-20](#), this Coastal Commission meeting will occur virtually through video and teleconference. Please see the **Coastal Commission's Virtual Hearing Procedures** posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

With respect to the November 6th 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 November 06, 2020 (see attached)

Immaterial Amendments

- 1-95-074-A1, Lockey - Bed-and-breakfast lodging unit addition (10940 Lansing St., Town of Mendocino, Mendocino County)
- A-1-EUR-02-166-A5, Target – Retail store power generation system (2525 4th St, Eureka (Humboldt County))

Immaterial Extensions

- 1-17-0926-E1, City of Eureka - Elk River Estuary Enhancement Project (west of Highway 101, between Pound Road and the southern end of Tooby Road, Eureka, Humboldt County)

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: October 23, 2020
To: All Interested Parties
From: Bob Merrill, North Coast District Manager
Melissa B. Kraemer, Supervising Analyst
Subject: **Amendment to Coastal Development Permit (CDP) 1-95-074**
Applicant: Melbourne Lockey

Project Site

10940 Lansing St., Town of Mendocino, Mendocino County (APN 119-070-19)

Original CDP Approval

CDP 1-95-074 was approved by the Commission on February 7, 1996 and authorized reconstruction of a three-unit bed-and-breakfast (B&B) visitor-serving lodging facility (VSF) destroyed by a fire. The original VSF on the site had been in operation since 1983, and though it was operating in compliance with all necessary local approvals and regulations, the applicant had not obtained a CDP from the Commission for the new use on the site at that time.¹

Proposed CDP Amendment

CDP 1-95-074 would be amended to authorize, after-the-fact, the conversion of an existing living room in the main B&B building into one additional VSF unit. All conversion work involved interior remodeling only and no exterior changes or improvements. The Commission's reference number for this proposed amendment is **1-95-074-A1**.

Executive Director's Immateriality Determination

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

Because of its unique characteristics, the Town of Mendocino is a popular visitor destination point for recreational uses and has been designated in the certified LCP as a "special community," as described in Coastal Act section 30253(e). To ensure maintenance of community character, including a balance of both residences and visitor serving accommodations, the LCP imposes a cap on visitor serving facility lodging units

¹ The Commission initially certified the Coastal Element of Mendocino County's General Plan in 1985 and in 1990 adopted geographic boundaries for the Town of Mendocino, thereby segmenting it from the other parts of the County in the coastal zone. The Mendocino Town Plan (MTP) LUP was effectively certified in 1992, and the Town Zoning Code (IP) was effectively certified on November 14, 1996. A comprehensive update of the Mendocino Town LCP was effectively certified on November 8, 2017.

(VSF units) and specifies procedures for the allocation of unallocated units as units become abandoned, fail to obtain required permits, or have permits revoked.

The LCP limits the total number of allowable VSF units within the Town (including hotels, inns, and bed and breakfast accommodations to 237 units. The LCP separately limits the number of single unit rentals and vacation home rentals to 30. The 237 VSF units may only be approved at specific lots in various zoning districts designated with a VSF combining zone as symbolized on the zoning map by an asterisk (for hotel or inn units) or an asterisk-B (*B, for bed-and-breakfast accommodations). As currently certified, no VSF units can be developed in a different location without an LCP amendment allowing for VSF units in that location.

Under the 2017 comprehensive update to the LCP, there were 215 VSF units identified as initially allocated to exiting hotels, inns, and B&B accommodations as shown in a table in Appendix 2 of the LUP. A total of 22 units were identified as being available for allocation in the future. Additions to the number of legally existing VSF units on a site may be permitted under the LCP provided that (1) any addition of VSF units does not exceed the total limit (cap) for VSF lodging units (i.e., 237 units); (2) such addition or expansion is in conformity with the certified LCP.

The Town Growth Management Policies and section 6.7 of the LUP and section 20.684.030(H) of the IP specify procedures for the VSF unit allocation program. The 22 VSF units available in 2017 for allocation in the Town were to be reserved first for permitting to one specific visitor serving facility (Nicholson House, which is to be allocated seven units) and to those existing facilities operating without a valid CDP, provided the owners of those facilities submitted a complete CDP application by December 31, 2018. Under this first phase of the VSF unit allocation program in 2018, three CDPs were issued by the County authorizing a total of nine (out of the 22 available) VSF units (seven allocated to Nicholson House, one to Headlands Inn, and one to Alegria Inn).

In early 2020, the County solicited applications for the second phase of the VSF unit allocation program pursuant to LUP sec. 6.7 and IP sec. 20.684.030(H) and received applications from four facilities: (1) MacCallum House (requesting six units); (2) MacCallum House Suites (requesting nine units),² (3) Sea Gull Inn (requesting one unit); and (4) Lockey Seaside Cottage (the subject amendment request for one additional unit). Pursuant to IP sec. 20.684.030(H)(f), the County's solicitation involved issuing a public notice stating that permit applications for unallocated units would be

² Because the proposed additional units involve changes to a development originally approved by the Commission prior to certification of the LCP (Commission CDP No. 1-87-167), the proposed amended development is in the Commission's jurisdiction. CDP Amendment Application No. 1-87-167-A6 requesting nine additional VSF units currently is incomplete pending submittal of additional information requested from the applicant on January 8, 2020.

accepted during a 60-day permit application period within which time applications must be found “complete.” Only two of the four applications received in response to the solicitation (Sea Gull Inn and Lockett Seaside Cottage) were deemed complete within the specified application period. Thus, at this time, the number of available VSF units in the Town (13) exceeds the number of units requested under pending complete CDP applications (one unit requested by Sea Gull Inn and one unit requested under the subject amendment request). Because at least 11 VSF units remain available for allocation in the Town (assuming approval both of this application and Sea Gull Inn), the County plans to initiate another phase of the VSF unit allocation program early next year.

The subject site is located within the VSF combining zone district, on a property designated Rural Residential with an asterisk-B (Bed and Breakfast Accommodation) and listed in Appendix 2. The subject VSF is listed as having three units allowed under the 1992 LCP. IP sec. 20.628.010 defines Bed and Breakfast (B&B) Accommodations as having up to four guest rooms or suites. Thus, as a B&B accommodation that currently has just three VSF units, the subject B&B accommodation can have one additional VSF unit. Because the quantity of VSF units being sought in the Town under CDP applications that have been filed as complete currently is less than the total quantity of units that is available, the proposed additional unit may be allocated consistent with LUP sec. 6.7 and IP sec. 20.684.030(H)(6).

Thus, the proposed amended development is consistent with the VSF policies of the Mendocino Town LCP, because (1) the subject property is designated and zoned as a location where VSF units may be approved, (2) the addition of one unit at the subject property will not exceed the four-unit limit for Bed and Breakfast Accommodations, (3) a VSF unit is available to the applicant under the VSF unit allocation procedures of the LCP, and (4) as proposed under this amendment request, the total number of authorized VSF units in the Town will not exceed 237 inn, hotel, and B&B VSF units (guest rooms and suites) as required by Growth Management Policy GM-3(a).

Moreover, the proposed amended development is consistent with the LCP provisions that require new development to be served by adequate services and parking. The Mendocino City CSD confirmed in a letter dated September 21, 2020 that, based on an updated hydrologic study conducted according the various IP requirements for hydrologic testing, the proposed development meets all the MCCSD requirements for groundwater extraction and sewer service. In terms of adequacy of off-street parking, the property includes nine existing parking spaces, which is more than the number needed for a four-unit B&B and an on-site caretaker (which in total requires six parking spaces).

Furthermore, the subject parcel is located west of Highway 1 in a developed portion of the town on a site that is mostly flat and contains no environmentally sensitive habitat areas.

Therefore, 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.

Coastal Commission Review Procedure

The CDP may be amended as proposed if no written objections are received in the North Coast District office within ten working days of the date of this notice. In addition to the regular means required by the regulations or statute, please make sure that you also send a copy of all correspondence or other documents electronically to NorthCoast@coastal.ca.gov. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday, November 6, 2020. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

IMPORTANT! PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING.

As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

If you have any questions about the proposal or wish to register an objection, please contact Melissa Kraemer in the North Coast District office.

cc: Debra Lennox, Agent
Mendocino County Planning & Building Services Dept., Attn: Julianna Cherry

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: October 23, 2020
To: All Interested Parties
From: Robert Merrill, North Coast District Manager
Tamara Gedik, Coastal Planner
Subject: **Amendment to Coastal Development Permit (CDP) A-1-EUR-02-166**
Applicant: Target Corporation

Original CDP Approval

CDP A-1-EUR-02-166 was approved by the Coastal Commission on April 9, 2003, and authorized 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 at 2525 4th St, Eureka (Humboldt County) (APN: 002-201-08). 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; a third amendment modified the building façade and exterior signage; and a fourth immaterial amendment modified the interior store and exterior parking configurations, added a new refrigeration condensing unit on the building's rooftop, and installed new ADA signage in the parking lot.

Proposed CDP Amendment

Permit amendment A-1-EUR-02-166-A5 would authorize the installation of a "Quickpower Automatic Switchgear" power generation system and associated wiring on a new concrete slab adjacent to the existing Target building, and relocation of a utility cabinet to a new concrete slab adjacent to existing utilities.

Executive Director's Immateriality Determination

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

The proposed power generation system and relocated utility cabinet do not affect the footprint of the development or alter the character of the retail-commercial uses authorized by the original coastal development permit. The power generation system will be installed adjacent to the southern side of the retail building in a location currently occupied by an electrical metering cabinet. The electrical cabinet will be relocated next to other electrical equipment approximately ten feet south of the retail building. New utility infrastructure will be obscured from public views by existing fencing and landscaping that follows the southern property line and adjacent highway.

New utility infrastructure will be supported by the construction of concrete pads within existing paved areas. The amended project would continue to be subject to the conditions of the originally approved permit, including conditions that require numerous best management practices and other performance standards for the protection of water quality and environmentally sensitive habitat areas during project construction. Project activities are proposed to occur in the southern portion of the property 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 cumulatively on coastal resources or public access, the Executive Director has determined that the proposed amendment is immaterial.

Coastal Commission Review Procedure

The CDP may be amended as proposed if no written objections are received in the North Coast District office within ten working days of the date of this notice. In addition to the regular means required by the regulations or statute, please make sure that you also send a copy of all correspondence or other documents electronically to NorthCoast@coastal.ca.gov. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission at its meeting on Friday, November 6, 2020. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

IMPORTANT! PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING.

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If you have any questions about the proposal or wish to register an objection, please contact Tamara Gedik in the North Coast District office at Tamara.Gedik@coastal.ca.gov.

Cc: Kristen Goetz, City of Eureka Planning & Building Department

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October 23, 2020

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that City of Eureka has applied for a one-year extension of Coastal Development Permit (CDP) 1-17-0926 granted by the California Coastal Commission on December 13, 2018.

The permit granted approval of the Elk River Estuary Intertidal Wetlands Enhancement Project involving tide gate modifications, habitat restoration, installation of a non-motorized boating access point, construction of a one-mile-long extension of the California Coastal Trail, and installation of interpretive signage and nature-study viewing platforms across approximately 114 acres of existing agricultural and marsh lands.

The project is located near the mouth of the Elk River at Humboldt Bay, west of Highway 101, between Pound Road and the southern end of Tooby Road, in Eureka, Humboldt County.

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in cursive script that reads "Cristin Kenyon".

Cristin Kenyon
Coastal Program Analyst