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**F8a**

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Hearing Date:	11/6/20

STAFF REPORT: REGULAR CALENDAR

Application No.:	1-20-0360
Applicant:	Karvier Yates
Agent:	Charlie Hatfield
Location:	2989 North Street, Myrtle town area near Eureka, Humboldt County (APN 014-203-06)
Project Description:	Remodel and expand an existing 1,557-square-foot single-family residence and attached 235-square-foot garage, resulting in a 2,718-square-foot single-family residence with a 420-square-foot attached two-car garage.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to remodel and expand an existing single-story, three-bedroom single-family residence with an attached one-car garage, constructed in 1956. The proposed expansion would result in a 2,718- square-foot, two-story (max. 26-foot-tall), three-bedroom single-family residence with an attached 420-square-foot, two-car garage. The proposed new second story also would include a 270-square-foot deck and a 315-square-foot roof garden.

The 0.16-acre lot is located in a dense urban area on the immediate outskirts of Eureka with municipal services provided by the Humboldt Community Services District. The existing residence is located approximately 116 feet from Eureka Slough, and the proposed improvements would maintain a minimum setback of 96 feet from the slough bank.

The primary Coastal Act issue associated with this project is geologic hazards. The property is in an area at risk of seismic hazards, including potential liquefaction. To address these potential hazards, the applicant's engineer completed a soil study on the site to determine the types of materials present and recommendations for site development to minimize risks. To ensure that the development adheres to the engineering recommendations, Commission staff recommends **Special Condition 1** requiring that all final design and construction plans, including site preparation, foundation design, and drainage plans, be consistent with the engineering recommendations. In addition, **Special Condition 2** would require the landowner to assume the risks of extraordinary erosion and geologic hazards of the property and waive any claim of liability on the part of the Commission.

The Motion to adopt the staff recommendation of approval with conditions is found on [page 4](#).

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I. Motion and Resolution

A. Motion

I move that the Commission **approve** Coastal Development Permit Application No. 1-20-0360 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

B. Resolution

The Commission hereby **approves** Coastal Development Permit Application No. 1-20-0360 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

This permit is granted subject to the following 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.

III. Special Conditions

This permit is granted subject to the following special conditions:

1. **Conformance of Final Design and Construction Plans to the Geologic Reports**
 - A. All final design and construction plans, including site preparation, foundation design, and drainage plans, shall be consistent with the recommendations contained in the geologic report of the site prepared by S.E.E Engineering on August 6, 2020.
 - 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.
2. **Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** By acceptance of this permit, the applicant acknowledges and agrees (a) that the site may be subject to hazards from earthquakes, erosion, landslides, bluff failure, and other geologic hazards; (b) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) 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 (d) 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. **Lighting Limitations.** All exterior lighting, including any lights installed as part of the development approved under CDP 1-20-0360, or in the future, shall be low-wattage, shielded, and downcast such that no light will shine beyond the bounds of the property or into Eureka Slough.
4. **Protection of Archaeological Resources.** If an area of cultural deposits or human remains is discovered during the course of the project, all construction shall cease and shall not recommence until a qualified cultural resource specialist, in consultation with the Tribal Historic Preservation Officers of the

Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria, analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (A) the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, or (B) the Executive Director reviews the Supplementary Archaeological Plan, determines that the changes proposed therein are not de minimis, and the permittee has thereafter obtained an amendment to CDP 1-20-0360.

- 5. Construction Responsibilities.** The permittee shall adhere to appropriate construction-related best management practices (BMPs) to protect water quality, including, but not limited to, the following:
- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters;
 - B. Any and all debris resulting from construction activities shall be removed from the project site and disposed of properly;
 - C. During the course of the project work, all trash shall be properly contained, removed from the work site on a regular basis and properly disposed of to avoid contamination of habitat during demolition and construction activities;
 - D. All on-site stockpiles of construction debris and soil or other earthen materials shall be covered and contained whenever there is a potential for rain, to prevent polluted water runoff from the site; and
 - E. BMPs shall be used to prevent the entry of polluted stormwater runoff into coastal waters during construction and post-construction, including the use of appropriate BMPs for erosion and runoff control and post-construction BMPs for roof runoff controls, vegetated buffer strips, and bioretention as detailed in the current California Storm Water Quality Best Management Handbooks (<http://www.cabmphandbooks.com>).
- 6. Future Development Restriction.** This permit is only for the development described in coastal development permit (CDP) 1-20-0360. Pursuant to Title 14 California Code of Regulations (CCR) Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(a) shall not apply to the development governed by the CDP 1-20-0630. Accordingly, any future improvements to the development authorized by this permit shall require an amendment to CDP 1-20-0630 from the Commission or shall require an additional CDP from the Commission. In addition thereto, an amendment to CDP 1-20-0630 from the Commission or an additional CDP from the Commission shall be required for any repair or maintenance identified as requiring a permit in PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).

IV. Findings and Declarations

A. Project Description and Environmental Setting

The 0.16-acre subject lot is located at 2989 North Street, within the Myrtle town area approximately a half-mile east of the City of Eureka in Humboldt County (APN 014-203-06) ([Exhibit 1](#)). Eureka Slough, a tidally influenced tributary to Humboldt Bay, is located approximately 116 feet from the existing residence on the property at its closest point.

The project site is on the edge of a developed urban area with municipal services provided by the Humboldt Community Services District. The lot is developed with an existing (circa 1956) 1,557 square-foot, single-story (max. 20-foot-tall), three-bedroom residence with an attached 235-square-foot garage and a shed¹. The proposed improvements include an 1,161-square-foot residential addition resulting in a 2,718-square-foot, two-story (max. 26-foot-tall), three-bedroom single-family residence with an attached 420-square-foot, two-car garage. The proposed new second-story improvements also include a 270-square-foot deck and a 315-square-foot roof garden. See [Exhibit 5](#).

As mentioned above, the subject lot borders Eureka Slough to the north, a public road (North Street) to the south, and residential lots to the east and west. The lot to the west is developed with a single-family residence, but the lot to the east is undeveloped and vegetated with a mix of native and nonnative upland trees and shrubs. Except for Eureka Slough, which provides habitat for a wide array of sensitive fish species and other aquatic resources, there are no mapped wetlands, sensitive vegetation communities, or other known environmentally sensitive habitat areas on either the subject property or on the adjacent lands.

B. Permit Authority & Review of Improvements to Existing Single-Family Residence

Coastal Act section 30610 provides for exemptions from coastal development permitting (CDP) requirements for various types of development. Section 30610(a) generally exempts from CDP requirements improvements to existing single-family residences (SFR). The Commission retains, however, the authority to review improvements to existing structures under certain circumstances enumerated in its regulations.

Section 30610 of the Coastal Act provides, in relevant part, (emphasis added):

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: . . .

¹ The existing storage shed is located on the northern edge of the property and within 5 feet of Eureka Slough. This shed was built prior to the passage of the Coastal Act, and no changes are proposed to the shed under this application.

- (a) *Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.*
- ...

Section 13250 of the Commission administrative regulations provides, in relevant part, as follows (emphasis added):

- (a) For purposes of Public Resources Code section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to the structure.
- (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and
- (3) Landscaping on the lot.

- (b) Pursuant to Public Resources Code section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:
- ...

- (4) On property...that is located between the sea and the first public road paralleling the sea or within 300 feet of the...mean high tide of the sea where there is no beach...an improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure ... increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages fences;

The proposed development constitutes improvements to an existing single-family residence under section 30610(a) of the Coastal Act and section 13250 of the Commission's regulations because the improvements are either directly attached to the existing house, include structures normally associated with a single-family residence, or involve landscaping on the lot.

Although certain types of improvements to existing single-family residences are exempt from coastal development permit requirements, Commission's regulations require a CDP for certain classes of such development enumerated in the regulations because they involve a risk of adverse environmental effects. The proposed development involves improvements to an existing single-family structure located within 300 feet of the mean high tide that would result in an increase of 10 percent or more of internal floor area of an existing structure and, therefore, are improvements to an existing single-family residence that require a CDP under the Commission's regulations.

C. Standard of Review

The project site is located entirely in the Commission's retained permit jurisdiction. The County of Humboldt has a certified Local Coastal Program (LCP), but the site is within the Commission's retained jurisdiction. Therefore, as required by Public Resources Code section 30519(b) and 14 CCR section 13166(c), the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

D. Other Agency Approvals

The proposed project requires no discretionary approvals from other agencies.

E. Coastal Hazards

Section 30253 of the Coastal Act states, in applicable part, as follows (emphasis added):

New development shall do all of the following:

- a. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

The proposed project is located in an area subject to high geologic and flood hazards that include the potential for strong ground shaking, liquefaction, and flooding associated with high wave events and storm events. The frequency and severity of flood events at the site is expected to worsen with projected sea-level rise rates for the region.

Earthquakes and Seismic Hazards

Northwestern California is one of the most seismically active regions in the continental United States. The Humboldt County region occupies a complex geologic environment characterized by very high rates of active tectonic deformation and seismicity. According to the applicant's soil study, the subject site is approximately 1.5 kilometers south of a trace of the Freshwater Fault and approximately 3 kilometers north of the Little Salmon Fault, both of which are considered active thrust faults. Thrust faults are low angle faults that build up considerable horizontal stress before they fail and can generate large seismic events. Although relatively infrequent, high-intensity ground shaking, liquefaction, and tsunamis are some of the seismic hazards with the potential to occur at the site.

To address seismic hazards, the applicant's consultant completed a soil study on the site to determine the types of materials present and recommendations for site development criteria for the proposed project. The resulting report (S.E.E. Engineering, [Exhibit 6](#)) concludes that the project site is in a relatively stable area with respect to land

sliding but is at risk of liquefaction in the event of a major earthquake. The report provided recommendations for new development related to foundation design and redirection of surface drainage.

To ensure that the development adheres to the engineering recommendations included in this report, **Special Condition 1** requires that all final design and construction plans, including site preparation, foundation design, and drainage plans, be consistent with the recommendations in the applicant's engineering report.

In addition, **Special Condition 2** requires the applicant to assume the risks of extraordinary erosion and geologic hazards of 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 the risks identified in the engineering report, 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.

Further additions to the remodeled development that might be proposed in the future would also be at risk of liquefaction in the event of a major earthquake. Improvements to existing single-family residences are often exempt from the need to obtain a coastal development permit under section 30610(a) of the Coastal Act, and in such situations, the Commission would not be able to review such development to ensure that risks to life and property from geologic hazards including liquefaction are minimized. To avoid impacts to coastal resources from the development of otherwise exempt additions to existing structures, section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to section 30610(a), the Commission adopted section 13250 of Title 14 of the California Code of Regulations (CCR), which specifically authorizes the Commission to require a permit for additions to existing structures that could involve a risk of adverse environmental effects. As noted above, certain additions or improvements to the approved remodeled residence could involve a risk of adverse impacts on the site. Therefore, in accordance with provisions of section 13250(b)(6) of the Commission's regulations, the Commission imposes **Special Condition 6**, which requires a CDP or a permit amendment for all additions and improvements to the structure on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will be sited and designed to minimize risks from liquefaction and other hazards.

Tsunami Hazards

While the northern portion of the property lies within the California Geological Survey (CGS) mapped Tsunami Evacuation Area, the site of the existing residence and proposed improvements is located on a higher portion of the property outside of the Tsunami Evacuation Area. Furthermore, the proposed development is outside of the

area shown on the CGS Tsunami Inundation Map² as vulnerable to tsunami runup from several extreme, infrequent, and realistic tsunami sources.

Flood Hazards and Sea-Level Rise

All proposed new development will be located above the FEMA-mapped 100-year floodplain.³ However, given the proximity of the site to the tidally influenced Eureka Slough, the site is vulnerable both to sea-level rise (SLR) and increased storm intensity associated with climate change and, as a result, is likely to experience more frequent and intense flooding episodes and an expansion of the 100-year floodplain over time.

The State of California has undertaken significant research to understand how much SLR to expect over this century and to anticipate the likely impacts of such SLR. In 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released *Rising Seas in California: An Update on Sea-Level Rise Science*. This report synthesized recent evolving research on SLR science, including a discussion of probabilistic SLR projections as well as the potential for rapid ice loss leading to extreme SLR. This science synthesis was integrated into the OPC's *State of California Sea-Level Rise Guidance 2018 Update* (State SLR Guidance). This guidance document provides statewide recommendations for state agencies and other stakeholders to follow when analyzing SLR in association with projects. Notably, the guidance provides a set of regional projections recommended for use when assessing potential SLR vulnerabilities for a project. Taken together, the Rising Seas report and State SLR Guidance account for the current best available science on SLR for the State of California.

The State SLR Guidance provides SLR projections for 12 tide gauges in the state and recommends using the projections for the gauge closest to the project site. In this case, the North Spit tide gauge at Humboldt Bay is the applicable gauge. The amount of SLR projected at the North Spit tide gauge for the year 2100 (i.e., through the projected "remaining lifespan" of the existing residence) ranges from 4.1 feet (under the "low-risk aversion" scenario) to 7.6 feet (under the "medium high risk aversion" scenario) to 10.9 feet (under the "extreme risk aversion" scenario).⁴

² <https://www.conservation.ca.gov/cgs/Documents/SHP/Tsunami/Inundation/Maps/Eureka-Inundation-SECURED.pdf>

³ Flood Insurance Rate Map Number 06023C0845G, effective on 6/21/2017

⁴ The OPC projections are based on different scenarios related to future emissions and concentrations of greenhouse gases, aerosols, and other climate drivers. As recommended by the OPC guidance, for the year 2100, the "low risk aversion" scenario is derived from taking the upper range of the 66% probability range for "RCP-8.5," which is the "Representative Concentration Pathway" that assumes there will be no significant efforts to reduce emissions globally. The "medium-high risk aversion" projection is derived from the upper range of the 0.5% probability range for RCP-8.5. The "extreme risk aversion" projection is based on presumed ice sheet loss in Greenland and the Antarctic.

The current mean monthly maximum water (MMMW) elevation at the North Spit tide gauge is approximately 7.8 feet NAVD88.⁵ Future MMMW in the year 2100 under the medium-high risk scenario cited above is projected to be approximately 15.4 feet NAVD88 (i.e., 7.8 ft. + 7.6 ft. of SLR). Consideration of the medium-high risk scenario (+7.6 ft.) is appropriate in this case, because the residential improvements as designed have a relatively low capacity to adapt to risks associated with tidal flooding (e.g., erosion and flood hazards), and the consequences of the development being subjected to tidal flooding impacts in the future would be significant (e.g., structural damage to residence). Consideration of the medium-high risk scenario also is consistent with the State SLR Guidance, which recommends a precautionary approach to SLR adaptation planning. Thus, under this scenario, portions of the property at and below 15.4 feet may be vulnerable to future tidal flooding (year 2100) on a regular basis (multiple times annually).

The expanded residence will be sited at elevations ranging from 21 feet to 23 feet. The elevation of the subject property ranges from 9 ft directly adjacent to the slough to 23 feet where it meets North Street. Assuming that by the year 2100 sea levels will rise within the range of projected rates discussed above, thereby subjecting low lying areas of the property to regular tidal flooding, the residential improvements as proposed are sited and designed to avoid the risk of tidal flooding factoring in projected SLR at even the most extreme scenario (+10.9 ft.) for the presumed remaining 75-year lifespan of the existing residential improvements.

Conclusion

The Commission finds that the proposed development, as conditioned, is consistent with section 30253 of the Coastal Act, because the permitted development will minimize risks to life and property, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

F. Protection of Coastal Waters

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

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 substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

⁵ Northern Hydrology and Engineering 2015

There are no creeks or watercourses on the property, although the property adjoins Eureka Slough. The proposed improvements will expand the house footprint 8 feet northward (towards the slough) and 3 feet eastward (towards the adjacent undeveloped lot). The proposed improvements also include a new covered porch that will extend an additional 12 feet northward. The expanded house footprint will be approximately 96 feet away from the water's edge at its closest point. The home improvements and expansion will create approximately 500 square feet of new impervious surfaces as part of the project (residential expansion, expanded driveway, and new garage). Given the development's distance from slough waters and the significant permeable areas between the residential structures and the water, there is sufficient area to allow for onsite infiltration of stormwater runoff. Moreover, because the project involves no grading or vegetation removal over the essentially level and flat property, there is very little chance that sediment-laden runoff originating from the development site will flow from the property into Eureka Slough.

Nevertheless, to ensure that the applicant adheres to appropriate construction-related best management practices (BMPs) for dust control and other water quality protection measures employed to prevent sedimentation of slough waters, the Commission imposes **Special Condition 5**. This condition requires, in part, the proper disposal of construction-related debris, the covering of stockpiles whenever there is a potential for rain to prevent polluted water runoff from the site, and the use of appropriate BMPs for erosion and runoff control as detailed in the current California Storm Water Quality Best Management Handbooks.

Therefore, the Commission finds that the proposed project, as conditioned, will protect the quality of coastal waters and estuaries and is consistent with section 30231.

G. 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. This section 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 landforms, and to be visually compatible with the character of surrounding areas.

The project setting is an urban residential neighborhood with existing shrubbery and trees lining the streets surrounding the developed lots. There are no views of Eureka Slough through the property from the public roadway (North Street). The proposed new maximum 26-foot-tall addition, which will be visible from North Street, will be of similar design to the existing residence (wood and metal siding and metal roofing) and compatible with similar two-story residences in the surrounding neighborhood.

As discussed above, the building site is located on level ground, and no grading or major vegetation removal is proposed that would result in significant natural landform alteration.

Although the development is compatible with the surrounding development, it is located adjacent to a natural, undeveloped area (Eureka Slough channel). While no exterior lighting is proposed as part of this project, if exterior lighting is erected in the future on the permitted improvements (e.g., on the second-story addition and deck) in a manner that would illuminate the nearby, naturally dark natural area, there is potential for the improvements to degrade the dark nighttime character of the area. Accordingly, to prevent the cumulative impacts of light pollution on the visual and biological resources of the area, the Commission imposes **Special Condition 3**, which requires that all exterior lighting associated with the proposed development be low-wattage, shielded, and downcast such that no light is directed beyond the bounds of the property or into the adjoining Eureka Slough habitat.

In summary, the proposed development as conditioned is consistent with section 30251, as the development 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.

H. Protection of Archaeological Resources

Coastal Act section 30244 states as follows:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project area lies within the traditional territory of the Wiki division of the Wiyot tribe. At the time that Euro-Americans first made contact in this region, the Wiyot lived almost exclusively in villages along the protected shores of Humboldt Bay and near the mouths of the Eel and Mad Rivers. Today, representatives of the Wiyot Tribe include the Table Bluff Reservation Wiyot Tribe, the Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria.

Commission staff referred the project to the Tribal Historic Preservation Officers (THPO) for the Wiyot area Tribes listed above. No comments were received from the THPOs.

No known archaeological resources are located on the site. Nevertheless, to ensure protection of any archaeological resources that may be inadvertently discovered at the site during ground-disturbing activities associated with the proposed development, the Commission imposes **Special Condition 4**. This condition requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease. To recommence construction following discovery of cultural deposits, the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director, who determines whether the changes are de minimis in nature and scope, or whether an amendment to this permit is required.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act section 30244, as the development includes reasonable mitigation measures to ensure that construction activities will not result in significant adverse impacts to archaeological resources.

I. Public Access

Section 30210 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 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 where adequate access exists nearby. Section 30211 requires that development not interfere with the public's right of access to the sea where acquired through use or legislative authorization. Section 30214 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.

The subject lot is located between Eureka Slough, considered to be an arm of the sea, and the first through public road. The closest public access point from the property to Eureka Slough is the City of Eureka's Waterfront Trail, approximately .75 miles to the west. There is no evidence of public use of the subject property for public access, no evidence of trails on the property, and no indication that the site has been used for public access purposes in the past. The proposed development will not increase the demand for public access to the shoreline, as it involves improvements to an existing developed single-family residential lot. For all of these reasons, the Commission finds that the proposed project, which does not include provision of public access, is nevertheless consistent with the public access policies of the Coastal Act.

J. California Environmental Quality Act (CEQA)

The County of Humboldt, as the lead agency, determined the project to be categorically exempt from environmental review pursuant to sections 15301 of CEQA guidelines (Existing Facilities) and 15061(b)(3) (Common Sense Exemption).

Section 13096 of the Commission's regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirement of the CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are any 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 Coastal Act consistency as if set forth in full. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. As discussed above, the project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, 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 development, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

1-20-0360 (Yates)

APPENDIX A

Application File for CDP Application No. 1-20-0360

County of Humboldt Local Coastal Program