

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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ARCATA, CALIFORNIA 95521-5967
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North Coast District Deputy Director's Report for May 2021

Prepared May 7, 2021 (for the May 14, 2021 Hearing)

To: Commissioners and Interested Parties
From: Kate Huckelbridge, 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 May 14, 2021. 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 May 14th.

With respect to the May 14th 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 May 14, 2021 (see attached)

Waivers

- 1-21-0252-W, City of Fortuna – Infiltration Testing (Fortuna, Humboldt County)
- 1-21-0304-W, Redwood Coast Land Conservancy – Public Access Improvements (Mill Bend Preserve Site, Gualala River, Mendocino County)
- 1-21-0298-W, Cahill – Single-Family Residence Repairs (King Salmon, Humboldt County)

Immaterial Amendments

- 1-88-029-A2, Meyers – Windows and Re-roof (North of Fort Bragg, Mendocino County)

Immaterial Extensions

- 1-17-0200-E1, Loleta Community Services District - Wastewater Treatment Facility Upgrades (Loleta, Humboldt County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: May 7, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Catherine Holloway, Coastal Planner

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0252-W**

Applicant: City of Fortuna

Location: Easterly end of East Ferry Road, adjacent to the Eel River, Fortuna area, Humboldt County (APNs: 106-041-016; 106-091-030; 106-091-040).

Proposed Development

Evaluate the site suitability for potential land-disposal of treated wastewater from the City's wastewater treatment facility located across the river by; (1) excavating up to 16 temporary 10-foot-long, 3-foot-wide, and 14-foot-deep test pits for soil collection and sampling; and (2) excavating up to 16 additional, 6-foot-long, 2-foot-wide, and 4-foot-deep test pits to measure soil infiltration and permeability rates.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project will provide data for evaluating the feasibility of using land-disposal as an alternative to the current discharge of treated wastewater directly into the Eel River, which has raised water quality concerns during low river flow conditions. The proposed infiltration testing will occur in the same project area as previous testing completed in 2018 and 2019 (authorized under CDP Waiver No. 1-18-1070-W), which is a disturbed upland river terrace that is devoid of riparian forest habitat and is not used for agricultural purposes. The proposed project will not occur within wetlands, riparian areas, or other types of ESHA and requires no grading or major vegetation removal. The temporary test pits will be backfilled with excavated materials and tamped firm with the excavation equipment bucket following soil sampling and testing. All disturbed areas will be restored to pre-project conditions. The proposed project will not adversely affect coastal resources or public access and is consistent with all applicable Chapter 3 policies of the Coastal Act.

Procedural Note

Because this project is bisected by the Commission's retained jurisdiction and the Humboldt County's LCP jurisdiction boundary, the Applicant, the County, and the Executive Director have agreed to process and act upon a consolidated CDP application pursuant to Coastal Act Section 30601.3(a)(2).

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. **This waiver is proposed to be reported to the Commission on Friday, May 14, 2021.** 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 or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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 Catherine Holloway in the North Coast District office at catherine.holloway@coastal.ca.gov.

cc: Andrea Hilton, GHD (Agent)
Humboldt County Planning & Building Dept

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NOTICE OF PROPOSED PERMIT WAIVER

Date: May 7, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Melissa Kraemer, Supervising Analyst

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0304-W**

Applicant: Redwood Coast Land Conservancy

Location: At the Mill Bend Preserve public access site along the Gualala River estuary, west of Highway One, Gualala, Mendocino County (APN: 145-290-05)

Proposed Development

Develop public access amenities to improve access and protect sensitive habitat areas, including: (1) installing two metal pipe vehicular gates along the gravel access road to the river, including an upper primary gate near the highway to be closed to vehicular access nightly from sunset to sunrise and an after-the-fact lower secondary gate near the river to be closed to vehicles at all times except for passcode-controlled access for emergency vehicles and vehicles occasionally launching non-motorized boats; (2) installing informational and guidance signage, including an after-the-fact 3-foot by 4-foot sign in an existing parking area identifying project partners and grant funders, a new kiosk with informational and interpretive signage, and up to twelve new 12-inch by 18-inch metal plate signs along the access road and parking areas; (3) re-grading and filling pot holes along the gravel access road and improving parking for up to 16 vehicles at existing unimproved parking areas by placing barriers (post and cable fencing, timber log wheel stops, and/or boulders) along the perimeter of parking areas to identify parking sites and prevent vehicular encroachment into adjacent riparian vegetation; (4) removing a total of ~1,000 square feet of nonnative vegetation at five locations along the access road to improve vehicle passage and parking access; and (5) installing a seasonal (May-October), ADA-accessible, self-contained, portable chemical toilet on an 8-foot by 8-foot concrete pad.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The applicant recently acquired the subject property on the Gualala River estuary through public grant funding (California Natural Resources Agency, State Coastal Conservancy, and U.S. Fish and Wildlife Service), and is proposing the project to fulfill grant obligations to prevent water quality impacts and habitat degradation associated with unrestricted vehicular access to the riverine gravel bar, which has been occurring on the property for many years. The proposed project will not adversely affect public access, as: (1) no nighttime limitations or other restrictions on pedestrian access to the river are proposed; (2) the vehicular gates are designed to allow continued unrestricted access for pedestrians; and (3) the signage will not include any text or time restrictions that would reduce or deter pedestrian access to the river estuary. The primary gate near the highway will be closed nightly and opened daily by Sonoma County Regional Parks (SCRP) to allow the public to continue to park close to the river during the daytime. SCRCP manages the neighboring property across the river (Gualala Point Regional Park) and has a cooperative management agreement with the applicant. The applicant also has established a notice and liability waiver process to enable vehicular access through the secondary vehicular gate near the river to better facilitate the launching of non-motorized boats (e.g., seasonal kayak rentals and drift boats during the recreational steelhead fishing season) in a manner equivalent to the allowance provided by the previous private landowner (Gualala Redwoods, Inc.). Moreover, the proposed access road and parking improvements will enhance daytime public access use.

As proposed, the project includes numerous “environmental commitments” and Best Management Practices to avoid significant adverse impacts and protect coastal resources including, but not limited to: (1) avoiding construction during the rainy season; (2) limiting equipment staging and stockpiling to existing disturbed areas; (3) placing oil pans under stationary construction equipment; (4) delineating the limits of the work area to avoid encroachment into surrounding sensitive habitat areas; and (5) having a qualified botanist onsite during vegetation removal activities to ensure that only nonnative vegetation is removed and adjacent sensitive vegetation is protected from disturbance.

Therefore, the proposed project will not adversely affect coastal resources or public access and is consistent with all applicable Chapter 3 policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. **This waiver is proposed to be reported to the Commission on Friday, May 14, 2021.** 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 or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

cc: Mendocino County Planning & Building Dept

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NOTICE OF PROPOSED PERMIT WAIVER

Date: May 7, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Catherine Holloway, Coastal Planner

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0298-W**

Applicant: Lea Cahill

Location: 98 Sole Street in the unincorporated community of King Salmon immediately south of the City of Eureka, Humboldt County (APN: 305-073-032)

Proposed Development

Repair and improve an existing one-story, 1,256-square-foot single-family residence by: (1) converting the existing kitchen to a sunroom, the existing living room to a kitchen, and an existing bedroom to a living room; (2) adding new insulation to the walls and ceiling; (3) removing interior paneling and replacing with drywall; (4) repairing portions of the roof and siding; (5) replacing windows; and (6) adding a new 78-square-foot deck to the front of the residence.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The existing residence to be repaired and improved is located on a 5,000-square-foot lot within an existing developed residential neighborhood that is served by the Humboldt Community Services District with municipal sewer and water services. While the residence is located within 20 feet of a tidal canal connected to Humboldt Bay and is vulnerable to flooding from extreme high tides and tsunamis, the proposed residential repairs and improvements will be constructed at least one foot above base flood elevation levels consistent with the Humboldt County building code and FEMA requirements for development within the mapped flood zone. The proposed development is limited to repairing damaged exterior components (roof, siding, windows) and interior remodeling and will not result in an increase of the floor area of the residence or replacement of 50% or more of the major structural components of the

residence (taking into account prior remodeling work and previous improvements to the structure). Best Management Practices (BMPs) will be utilized during construction to prevent sedimentation and the discharge of other materials into the tidal channel and protect coastal resources and water quality. The proposed project will not adversely affect coastal resources or public access and is consistent with all applicable Chapter 3 policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. **This waiver is proposed to be reported to the Commission on Friday, May 14, 2021.** 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 or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

cc: Brian Ontiveros, Ontiveros & Associates (Agent)
Humboldt County Planning & Building Dept

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: April 30, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Sylvia Targ, Coastal Planner

Subject: **Amendment to Coastal Development Permit (CDP) 1-88-029**
Applicant: Clifford A. Meyers

Location: 25900 Ward Avenue, Fort Bragg, Mendocino County (APN: 069-191-51)

Original CDP Approval

On March 23, 1988 the Commission approved construction of a 3,000-square-foot, two-story single-family residence, with an attached garage, driveway, well and septic system. A previously issued amendment to this permit, 1-88-029-A1, approved the redesign and reorientation of the single-family residence as well as the installation of a water pump and water tank.

Proposed CDP Amendment

Replace windows and replace the glass roof of a 423-square-foot sunroom attached to the existing single-family home with a slate roof, creating an exterior change in the south and west elevations. No expansion is proposed.

The Commission's reference number for this amendment request is **1-88-029-A2**.

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:

All proposed changes will take place within the existing footprint of the existing single-family residence and are subject to the design restrictions of the original permit, including Special Condition 3, which requires that the exterior components be of natural colors and non-reflective materials to minimize glare. The change of the existing glass roof of the sunroom to a slate roof will match the rest of the residence roofing, and the replacement windows will have low-reflectivity glazing and wood trim color-matched to the existing residence. The project area is located within the Cleone Acres subdivision, which is not within a designated highly scenic area under the Mendocino County LCP. In addition, the proposed improvements will not impact public views and will be compatible with the character of the surrounding area. As there is no existing public

access on the parcel, construction work for the project will not interfere with public access to the coast. The sunroom roof and windows that will be removed and replaced consist primarily of aluminum, steel, and glass and will be properly disposed of at a local recycling facility. All conditions of the original permit will remain in full force and effect, including conditions requiring all future improvements to obtain a coastal development permit (Special Condition 1) and the requirement to erect temporary wetland protection fencing during construction (Special Condition 4).

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, May 14, 2021. 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 Sylvia Targ in the North Coast District office (Sylvia.Targ@coastal.ca.gov).

cc: Mendocino County Planning & Building Dept., Fort Bragg

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April 30, 2021

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

Notice is hereby given that Loleta Community Services District has applied for a one-year extension of Coastal Development Permit (CDP) 1-17-0200 granted by the California Coastal Commission on April 10, 2019.

The permit granted approval of improvements to Loleta's wastewater treatment system to meet discharge requirements by: (1) upgrading the existing wastewater treatment facility with a new influent pump station, pre-screening rotary drum screen, extended aeration secondary treatment, and ultraviolet disinfection system; (2) repairing an existing subsurface pipeline that discharges treated wastewater to a wetland tributary of the Eel River; and (3) installing a new land application system for irrigation of agricultural land with treated wastewater.

The project is located on the Loleta Wastewater Treatment Facility at 2656 Eel River Drive and surrounding agricultural lands extending southwest of the intersection of Eel River Drive and Cannibal Island Road to the Eel River, southeast of Duncan Road, Loleta, 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