

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
PHONE: (707) 826-8950
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**F9****North Coast District Deputy Director's Report for March 2022****Prepared March 4, 2022 (for the March 11, 2022 Hearing)****To:** Commissioners and Interested Parties**From:** Shana Gray, North Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and local government acceptance of modifications for LCP certification for the North Coast District Office are being reported to the Commission on March 11, 2022. 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 waivers, immaterial amendments, and time extensions. The other items are presented for the Commission's information. Staff will report any objections received and any other relevant information on these items to the Commission when it considers the North Coast District Deputy Director's report on March 11th.

With respect to the March 11th 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 March 11, 2022 (see attached)

Waivers, Time Extensions, Emergency Permits, and LCP Certifications – None**Immaterial Amendments**

- A-1-HUM-00-001-A1, Bell/Aniline – Bluff revegetation and property fencing (McKinleyville, Humboldt Co.)
- 1-17-0631-A2, Del Norte County –Extension of authorization period for Pacific Shores watchman's station (Pacific Shores, Del Norte Co.)

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: February 25, 2022

To: All Interested Parties

From: Bente Jansen, Coastal Program Analyst
Melissa B. Kraemer, District Manager

Subject: **Amendment to Coastal Development Permit (CDP) A-1-HUM-00-001**
Applicant: Kate Bell and Orm Aniline

Project Site

3524 Letz Rd., McKinleyville (Humboldt County) (APN: 511-061-08)

Original CDP Approval

CDP A-1-HUM-00-001 was approved by the Commission on August 11, 2000 and authorized construction of an approximately 4,000-square-foot, two-story, 35-foot-high, single family residence on a vacant 5+/- acre parcel to be served by community sewer and water with a 768-square-foot attached garage, a 36-square-foot detached greenhouse, a 180-square-foot lap swimming pool, and a 12-foot-wide gravel driveway.

Proposed CDP Amendment

(1) Revegetate the bluff face on the subject property by placing jute netting, hydroseeding, and planting willow stakes near the toe of the bluff and (2) construct an approximately 400-foot-long fence along the southern property line. The Commission's reference number for this proposed amendment is **A-1-HUM-00-001-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:

The Commission approved the original permit in August of 2000 to develop a single-family residence and associated amenities on a blufftop lot above the Mad River subject to six special conditions, including, but not limited to: (1) special condition No. 1 requiring that the residence and associated development be set back at least 200 feet from the bluff edge, (2) special condition No. 3 requiring "that any future improvements to the single family house... shall require an amendment...", (3) special condition No. 4 requiring "that no future bluff or shoreline protective device(s) shall ever be constructed to protect the development...", and (4) special condition No. 4 requiring that the applicants acknowledge and assume the inherent geologic risks associated with developing the subject site.

One component of this amendment request involves revegetation of the currently eroding bluff face to restore coastal scrub and riparian habitat in an area of recent sloughing and to minimize wind-blown sand from the bluff face depositing on the bluff top area west of the permitted house. Only native, regionally appropriate species will be used in the proposed hydroseed mix, and the proposed biodegradable jute mesh, which is intended to provide a matrix for the broadcast native seeding, will conform to the natural contour of the bluff terrain. The approximately 300 willow stakes (~2 feet long, 3/4-inch in diameter) that will be planted near the toe of the slope also will consist of native, locally sourced willows. While the proposed revegetation is intended to reduce bluff erosion over time as the vegetation matures, the proposed restoration work will not alter the natural bluff landform, fully halt erosion, or have an adverse impact on local shoreline sand supply. All plant installation work will be done by hand using hand tools, and no construction vehicles or mechanized equipment will be used. The proposed fence along the southern property line will match the existing ranch- or corral-style fences present on neighboring properties and would not encroach closer than 100 feet from the bluff edge. This proposed setback distance will ensure the proposed fence will be stable and will not create or contribute to erosion or shallow instability along the bluff edge.

Therefore, as the permit amendment 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 March 11, 2022. 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 following California Assembly Bill 361 and the Governor's Executive Orders N-1-22, N-15-21, 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 email NorthCoast@coastal.ca.gov or call 415-904-5202.

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

cc: Humboldt County Planning and Building Dept.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: February 25, 2022

To: All Interested Parties

From: Melissa B. Kraemer, North Coast District Manager
Tamara L. Gedik, Supervising Analyst

Subject: Amendment to Coastal Development Permit (CDP) 1-17-0631
Applicant: County of Del Norte
Attn.: Heidi Kunstal

Location: 100 Prigmore Street, between Kellogg Road, Tell Blvd. and Prigmore St.
within the unincorporated Pacific Shores Subdivision, Del Norte County
(APNs 107-021-008, 106-010-013)

Original CDP Approval

The original permit was approved in November 2018 to develop a temporary watchman's station for a period of three years on a lot owned by California Department of Fish and Wildlife near the entrance to the Pacific Shores Subdivision to deter illegal dumping and camping in the subdivision by: (1) placing approximately 60 cubic yards of gravel to create a 960-square-foot development pad and a 30-foot-long by 12-foot-wide driveway; (2) stationing an RV and associated 500-square-foot carport on the pad; and (3) installing a 120-square-foot pre-fabricated utility building, informational signage, and a wooden privacy fence. One previous immaterial amendment authorized: (1) modifying the design and orientation of the authorized utility building to accommodate roof-mounted solar panels to power the temporary watchman's station rather than connecting the station to nearby electrical utility lines; and (2) extending the privacy fencing an additional 26 feet along the perimeter of the approved development footprint of 960 square feet to shield the reoriented building from public view.

Proposed CDP Amendment

The County of Del Norte proposes to amend the permit to (1) extend the duration of operating the temporary watchman's station for five additional years with continued monitoring and annual reporting protocols established in Special Condition 4 of the approved monitoring report, (2) install split-rail fencing within the County road right-of-way at the entrance to Tell Blvd. on both sides of the road and around new informational signage in the median, and (3) relocate an existing welcome sign in the Tell Blvd. median and install new informational signage in the median area. Proposed changes to CDP conditions are set forth below.

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 operation of the watchman's station as previously approved by the Commission has successfully deterred dumping and other illegal activities in the area and has thus fulfilled its public facility purpose. The proposed amendment would allow the County to continue implementing the same activities subject to the same conditions, including conditions related to the proposed continuance of monitoring and reporting of illegal dumping/activities, for an additional five-year period. During the three-year term of the original permit, no compliance issues or adverse impacts to coastal resources occurred as a result of the presence of the temporary watchman's station on the site. The proposal to continue operating the watchman's station would not raise any coastal resource issues that were not previously considered and addressed by the Commission through CDP No. 1-17-0631.

New fencing and signage would be installed within upland County rights-of-way, and none of the proposed fencing or signage would result in any wetland or ESHA impacts. Low-height concrete split-rail fencing would be patterned to simulate weathered wood, would not interfere with public views to or along the coast, and would be visually compatible with the character of the surrounding area. The new fencing would frame the entrance to Tell Boulevard and, with the informational single panel kiosk sign, would create a welcoming entry to recreational users accessing publicly owned lands (including the Lake Earl Wildlife Area and the ocean) from within the antiquated and primarily unbuilt Pacific Shores Subdivision. The addition of the proposed informational single-panel kiosk sign within the roadway median near the subdivision entrance would clarify allowable uses on publicly-owned lands within an already-used area and would complement nearby informational signage. Since the sign placement near the entrance to Pacific Shores in the road median will be the first sign seen by visitors to the area, the County has proposed the kiosk design with prominent lettering welcoming visitors to the area to ensure the sign does not discourage the public access and recreational use of the area, consistent with the public access policies of the Coastal Act.

Permit conditions will be revised as shown below and in Appendix A to reference the updated project plans submitted with this permit amendment application. All other conditions of the permit will remain in full force and effect. Text to be deleted is shown in ~~strikethrough~~, and text to be added appears in **bold double-underline**.

1. **Development Restrictions.** The authorized watchman's station shall be developed and maintained consistent with all the following:
 - A. The watchman's station shall be used only as a temporary public facility to deter illegal dumping and other illegal activities within the Pacific Shores Subdivision.

- B. The Permittee shall implement and construct the project consistent with the special conditions of Coastal Development Permit (CDP) 1-17-0631, with the revised site plan submitted on January 9, 2018 (Attachment B to CDP Amendment 1-17-0631-A1), with the signage and fencing plot plan submitted May 18, 2021, and with the grading and signage plans submitted with the CDP application as amended.
- C. At no time shall the host (watchman) interfere with the public's right of access to the ocean or surrounding park and recreation areas.
- D. The watchman's station and any associated accessory structures and development (e.g., outdoor seating areas, outdoor potted plants, etc.) shall be confined to the approved project footprint as depicted on the revised site plan submitted on January 9, 2018 (Attachment B to CDP Amendment 1-17-0631-A1) and the signage and fencing plot plan submitted May 18, 2021.

...

- I. The proposed signage and single-panel kiosk sign at the entrance to Pacific Shores (~~proposed Sign #1, Exhibit 3~~) (proposed signage and fencing plot plan and renderings submitted May 18, 2021) and at the base of the approved driveway (proposed Sign #2, Exhibit 3) shall be maintained in place at all times and shall be clearly visible from public vantage points along Tell Blvd.

...

- 3. **Length of Development Authorization.** Development authorized by this permit is authorized only so long as the Permittee is legally authorized by the property owner to use the site, but in no event more than ~~three years from the date of Commission approval of the coastal development permit (i.e. until November 8, 2020)~~ five years from the effective date of CDP Amendment 1-17-0631-A2 (i.e. until March 11, 2027). Prior to the expiration of the authorization period of the permitted facility, the Permittee or its successors shall submit to the Commission an application for a coastal development permit amendment to either (a) extend the length of time the facility is authorized, (b) remove the watchman's station in its entirety, including, but not limited to, the RV, utility shed, fencing, shelter, development pad, driveway, and signage and restore the site to pre-project conditions, or (c) extend the length of time the facility is authorized and change or reduce its size or configuration. If a complete application is filed before the ~~3-five~~-year permit expiration, the expiration date shall be automatically extended until the time the Commission acts on the application. Any amendment application shall conform to the Commission's permit filing regulations at the time and shall at a minimum include the following...

- 4. **Monitoring Plan for Illegal Dumping**

Coastal Development Permit (CDP) Amendment 1-17-0631-A2

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- A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-17-0631, the Applicant shall submit, for the review and approval of the Executive Director, a plan for assessing, monitoring, photo-documenting, and reporting on illegal dumping in the Pacific Shores Subdivision (PSS) in a manner that will enable the effectiveness of the watchman's station at deterring illegal dumping to be evaluated at the end of the authorization period...

...

- B. **Pursuant to CDP No. 1-17-0631-A2, all of the monitoring requirements of the approved final plan shall continue throughout the extended five-year authorization period approved by the permit amendment.**

- ~~B.C.~~ The Permittee shall undertake development in conformance with the approved final plans, **as modified by CDP No. 1-17-0631-A2,** unless the Commission amends this permit or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

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 March 11, 2022. 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 following California Assembly Bill 361 and the Governor's Executive Orders N-1-22, N-15-21, 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 email NorthCoast@coastal.ca.gov or call 415-904-5202.

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.

Appendix A: Conditions of CDP No. 1-17-0631 As Amended Through Amendment 2
cc: Commissioners/File