

## **CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET, SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FAX (707) 826-8960



# **F9a**

**1-21-0677**

**(Rotter)**

**May 13, 2022**

### **EXHIBITS**

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Proposed Parcel Configurations
- Exhibit 3 – Map of Bluff Edge
- Exhibit 4 – Rural Land Division Analysis
- Exhibit 5 - CDP 1-06-012



EXHIBIT NO. 1

Application 1-21-0677  
ROTTER  
**VICINITY MAP (1 of 2)**



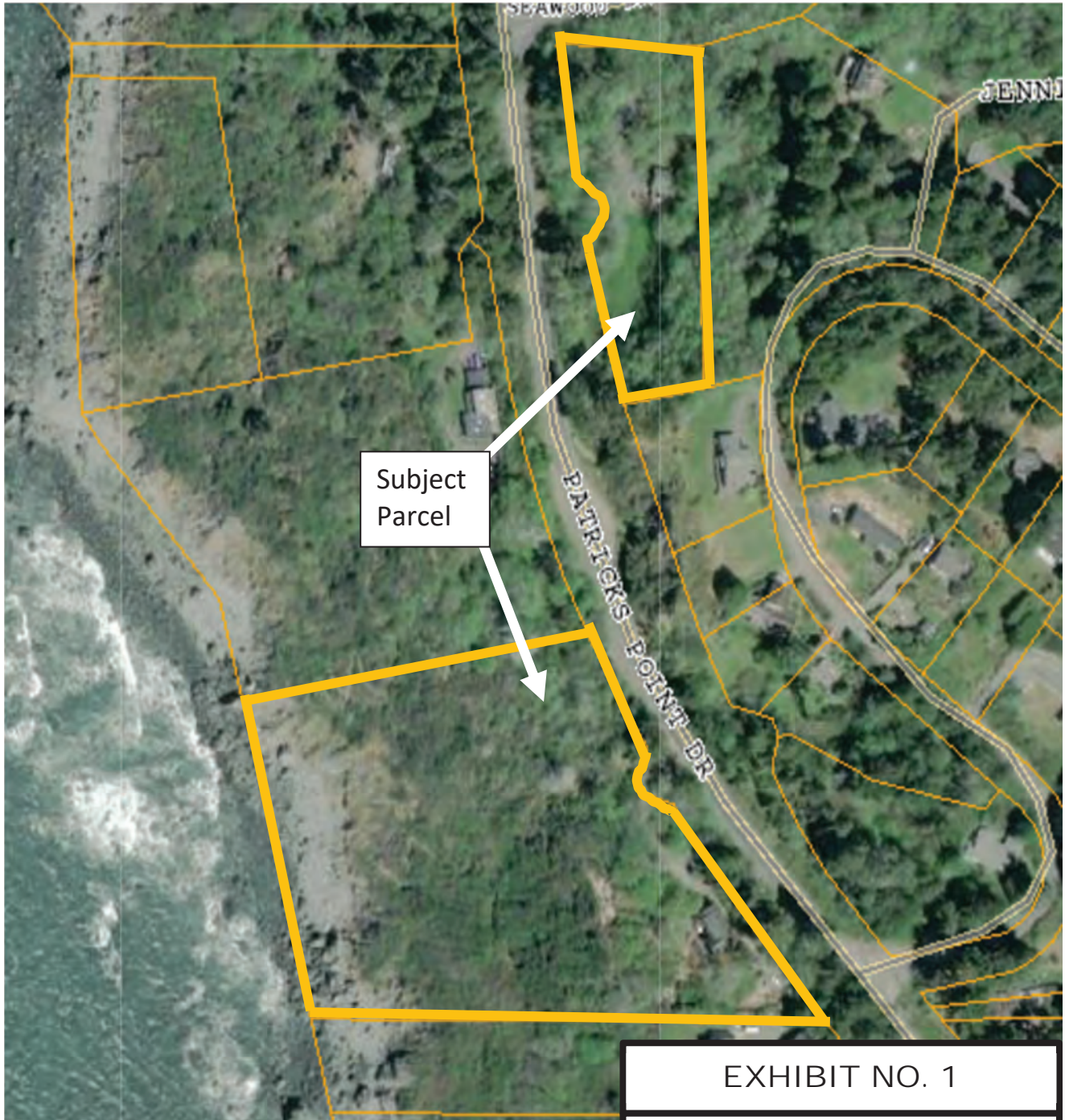


EXHIBIT NO. 1

Application 1-21-0677  
ROTTER  
**VICINITY MAP (2 of 2)**

# NOTES

1. THIS TENTATIVE MAP PROPOSES THE SUBDIVISION OF AN EXISTING 7.2 ACRE PARCEL INTO TWO PARCELS.
2. WATER AND SEWER SERVICES.
3. PARCEL 1 - EXISTING PRIVATE WATER SYSTEM AND SPRING AND EXISTING SEPTIC TANKS AND LEACH FIELD.
4. PARCEL 2 - PARVIN CREEK MUTUAL WATER SYSTEM AND EXISTING LEACH FIELDS.
5. CONTOUR INTERVAL SCALED CONTOURS PER MED HUMBOLDT COUNTY TOPOGRAPHIC MAPPING, BY CLAIR A. HILL & ASSOCIATES, DATED 1989.
6. PROPERTY LINE INFORMATION - CALCULATED PROPERTY LINES ARE SHOWN IN A BOUNDARY SURVEY HAS NOT BEEN PERFORMED FOR THIS MAP.
7. THIS PROPERTY MAY BE ENCUMBERED BY ONE OR MORE FOLLOWING RECORDED INSTRUMENTS:
  - BOOK 166 OF PAGE 211 - HIGHWAY ACCESS RIGHTS AND WAIVER OF DAMAGES.
  - BOOK 797 OF PAGE 53 - LACK OF ABUTTERS RIGHTS FOR THE HIGHWAY.
  - BOOK 184 OF PAGE 552 - WAIVER OF CLAIMS FOR DAMAGES FOR HIGHWAY CONSTRUCTION AND MAINTENANCE.
  - INSTRUMENT NO. 2007-0114-4 - DEED RESTRICTIONS FOR COASTAL DEVELOPMENT.
  - INSTRUMENT NO. 2007-0114-4 - DEED RESTRICTIONS FOR COASTAL DEVELOPMENT.
8. ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.
9. ADDRESS: 1948 PATRICK'S POINT DRIVE.

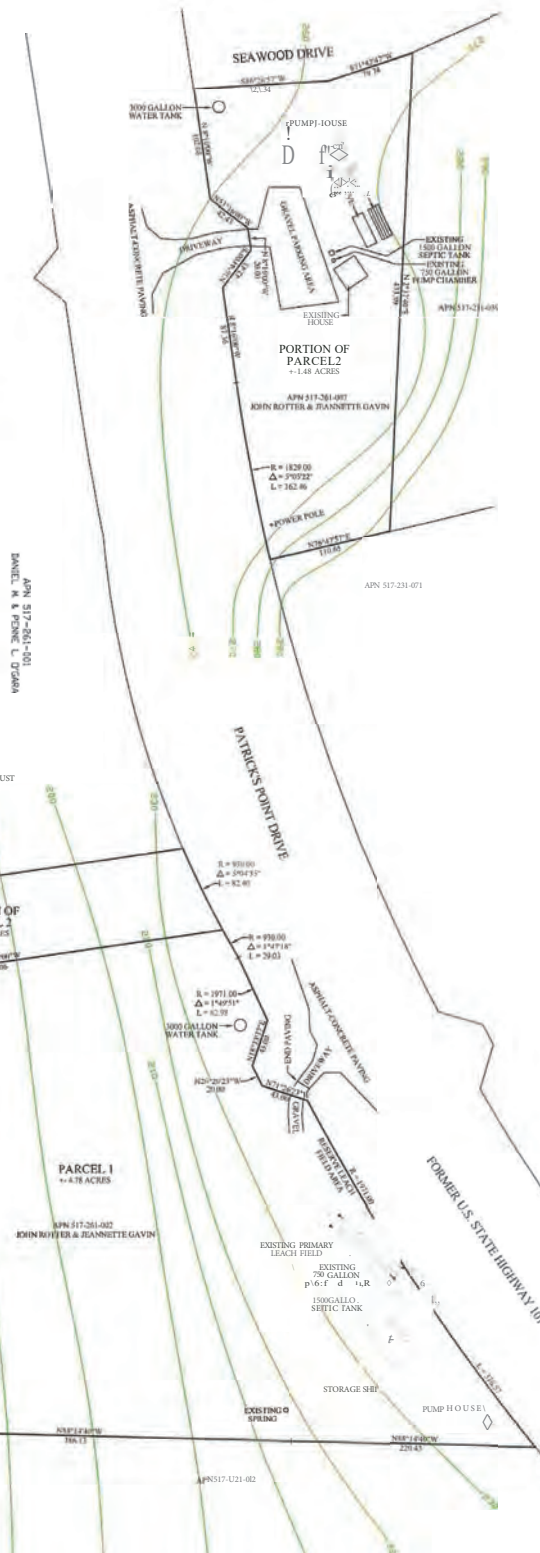


AGENT/SURVEYOR  
MICHAEL J. O'HERN  
KELLY O'HERN ASSOCIATES  
3240 MOORE AVENUE  
EUREKA, CA 95504  
(707) 443-7239

OWNER  
JOHN ROTTER & JEANNETTE P. GAVIN  
1948 PATRICK'S POINT DRIVE  
MANTIDIA, CA 95570  
(707) 367-3224

APN 517-261-002  
TENTATIVE PARCEL MAP  
FOR  
JOHN R. ROTTER AND  
JEANNETTE P. GAVIN  
IN  
SECTIONS 10 & 11, T8N, R1W, HUMBOLDT MERIDIAN  
N 1/4, E 1/4, UNINCORPORATED AREA OF HUMBOLDT COUNTY  
JANUARY 2021 SCALE 1" = 50'

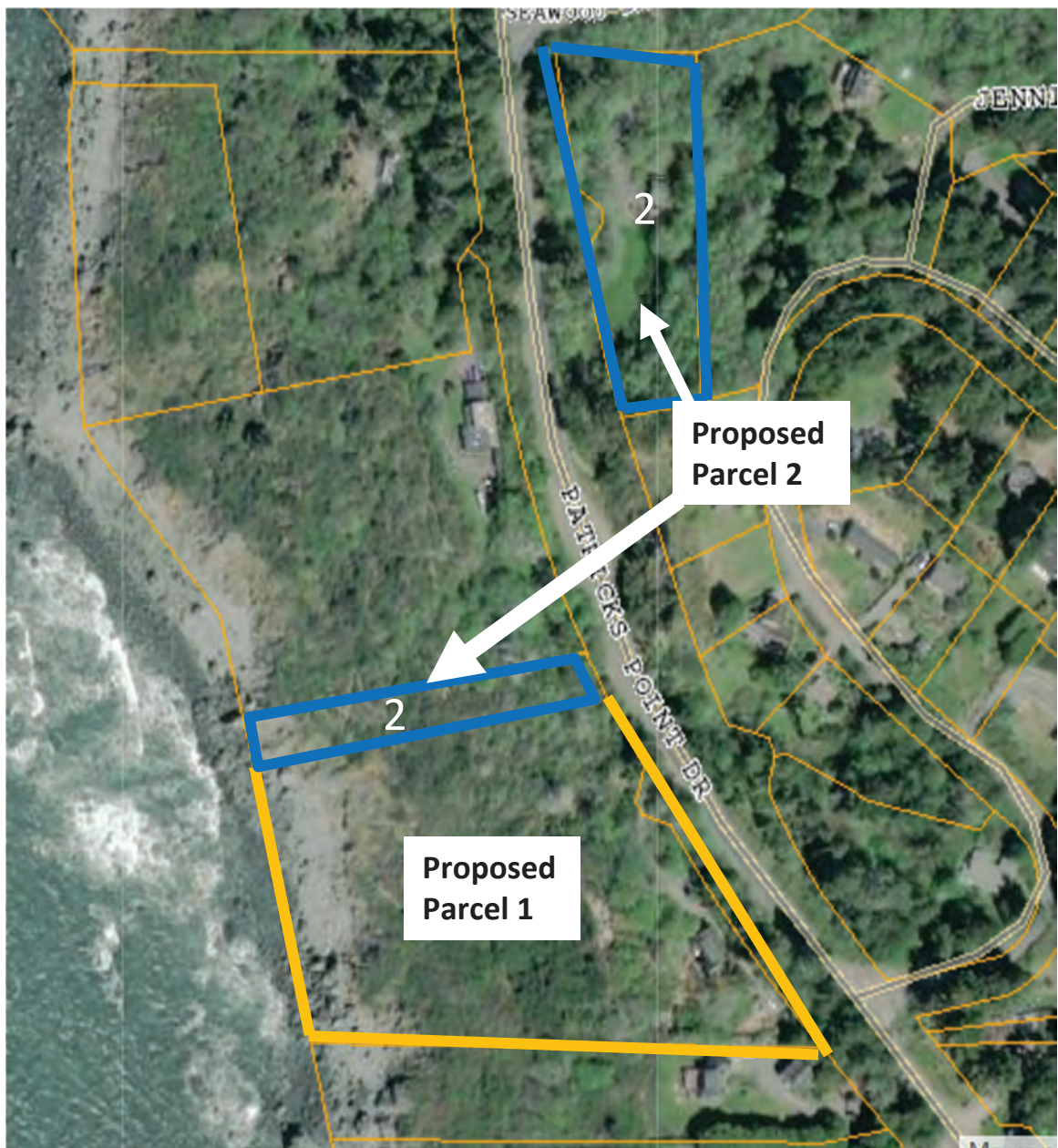
HUMBOLDT COUNTY  
STATE OF CALIFORNIA  
KELLY O'HERN ASSOCIATES  
EUREKA, CALIFORNIA



## EXHIBIT NO. 2

Application 1-21-0677  
ROTTER  
Proposed Subdivision (1 of 2)





**EXHIBIT NO. 2**

Application 1-21-0677  
ROTTER  
Proposed Subdivision (2 of 2)



# 1/4 RADIUS / MEDIAN LOT SIZE @ 2.20 ACRE

15	517-022-015	810	Westgate	0.56	RA-2/D	1	
16	517-022-016	800	Westgate	0.76	RA-2/D	2	
2	517-022-002	1895	Patricks	1.03	RA-2/D	3	
49	517-231-049	VSFR	Westgate	1.31	RA-2/D	4	VSFR
39	517-231-039	1765	Patricks	1.46	RA-2/D	5	
20	517-022-020	494	Westgate	1.66	RA-2/D	6	
12	517-021-012	1894	Patricks	2.08	RA-2/A,D,O	7	
14	517-021-014	1872	Patricks	2.15	RA-2/A,D,O	8	
6	517-261-006	VSFR	Patricks	2.18	RA-2/A,D,O	9	VSFR
60	517-231-060	2070	Jennings	2.20	RA-2/D	10	2.20
18	517-021-018	1844	Patricks	2.38	RA-2/A,D,O	11	
59	517-231-059	251	Westgate	2.65	RA-2/D	12	
5	517-261-005	2074	Patricks	3.23	RA-2/A,D,O	13	
23	517-021-023	1778	Patricks	3.46	RA-2/A,D,O	14	
24	517-021-024	1828	Patricks	3.55	RA-2/A,D,O	15	
13	517-021-013	1880	Patricks	4.06	RA-2/A,D,O	16	
61	517-231-061	2075	Jennings	4.29	RA-2/D	17	
1	517-261-001	2060	Patricks	4.84	RA-2/A,D,O	18	
19	517-021-019	1860	Patricks	6.66	RA-2/A,D,O	19	
19	517-022-019	1805	Patricks	6.67	RA-2/D	20	

57.18

Median 2.20

Parcel 2 1.48

Remove to 07 and added to 02

0.72

2.20

517-231-049

517-261-006

VSFR

0.72 ac. = 31,363.2 sq.ft.



## EXHIBIT NO. 4

Application 1-21-0677  
ROTTER  
Rural Land Analysis



**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95501  
(707) 445-7833 FAX (707) 445-7877



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COASTAL COMMISSION

Page: 1

Date: March 15, 2007

Permit Application No.: 1-06-012

**COASTAL DEVELOPMENT PERMIT**

On **December 15, 2006**, the California Coastal Commission granted to

**Jeannette P. Gavin & John R. Rotter**

this permit subject to the attached Standard and Special conditions, for development consisting of

**Construct an approximately 2,600-square-foot single-family residence with a detached 800-square-foot garage, a 1,250-square-foot gravel driveway and parking area, an on-site spring and septic system, and a 3,000-gallon water storage tank**

more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at

**1948 Patricks Point Drive, Trinidad (Humboldt County) (APN 517-261-02)**

Issued on behalf of the California Coastal Commission by

PETER M. DOUGLAS  
Executive Director

By: **Tiffany S. Tauber**  
Coastal Planner

**ACKNOWLEDGMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part that: "A Public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

3/16/07  
Date

Signature of Permittee

**EXHIBIT NO. 5**

Application 1-21-0677  
ROTTER  
CDP 1-06-012 (1 of 6)



## **COASTAL DEVELOPMENT PERMIT**

### **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 or 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.

### **SPECIAL CONDITIONS:**

NOTE: IF THE **SPECIAL CONDITIONS** REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISTRICT OFFICE.

1. **Conformance of the Design and Construction Plans to the Geotechnical Investigation Report**
  - A. All final design and construction plans, including bluff setback, foundations, grading, and drainage plans, shall be consistent with the recommendations contained in the Geotechnical Investigation report dated May 2006 prepared by SHN Consulting Engineers & Geologists, Inc. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-06-012**, the applicant shall submit, for the Executive Director's review and approval, evidence that a licensed professional (Certified Engineering Geologist or Geotechnical Engineer) has reviewed and approved all final design, construction, and drainage plans and has certified that each of those plans is consistent with all of the recommendations specified in the above-referenced geotechnical report approved by the California Coastal Commission for the project site.

## **COASTAL DEVELOPMENT PERMIT**

- 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. No Future Bluff or Shoreline Protective Device**

- A. By acceptance of this Permit, the applicant/landowners agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 1-06-012 including, but not limited to, the residence, detached garage, septic system, water tank, and driveway, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicant/landowners further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including, but not limited to, the residence, detached garage, septic system, water tank, and driveway, if any government agency has ordered that the improvements are not to be used due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
- C. In the event the edge of the bluff recedes to within 10 feet of the principal residence but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed geologist or civil engineer with coastal experience retained by the applicant, that addresses whether any portions of the residence are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without shore or bluff protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

## **COASTAL DEVELOPMENT PERMIT**

### **3. Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant/landowners acknowledge and agree: (i) that the site may be subject to hazards from coastal erosion hazards, such as waves, storm waves, and flooding; or landslide; bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) 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 (iv) 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.

### **4. Design Restrictions**

- A. All exterior siding and roofing of the proposed structure shall be composed of the colors proposed in the application or darker earth tone colors only. The current owner or any future owner shall not repaint or stain the house or other approved structures with products that will lighten the color of the house or other approved structures without an amendment to this permit. In addition, all exterior materials, including roofs and windows, shall be non-reflective to minimize glare; and
- B. All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

### **5. Best Management Practices and Construction Responsibilities**

The permittee shall comply with the following construction-related requirements:

- (a) Any and all excess excavated material resulting from construction activities shall be removed and disposed of at a disposal site outside the coastal zone or placed within the coastal zone pursuant to a valid coastal development permit;
- (b) Straw bales, coir rolls, or silt fencing structures shall be installed prior to and maintained throughout the construction period to contain runoff from construction areas, trap entrained sediment and other pollutants, and prevent discharge of sediment and pollutants into the drainage swale running along the southern edge of the property;
- (c) On-site vegetation shall be maintained to the maximum extent possible during construction activities;



## **COASTAL DEVELOPMENT PERMIT**

- (d) Any disturbed areas shall be replanted or seeded with native vegetation obtained from local genetic stocks immediately following project completion. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the governments of the State of California or the United States shall be utilized within the property; and
- (e) All on-site stockpiles of construction debris shall be covered and contained at all times to prevent polluted water runoff.

### **6. Area of Archaeological Significance**

- A. If an area of cultural deposits is discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (c) hereof; and a qualified cultural resource specialist shall analyze the significance of the find.
- B. A permittee seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director. In order to protect archaeological resources, any further development may only be undertaken consistent with the provisions of the supplementary archaeological plan.
  - (i) If 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, construction may recommence after this determination is made by the Executive Director.
  - (ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

### **7. Deed Restriction**

**PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-06-012**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the

## **COASTAL DEVELOPMENT PERMIT**

use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.