

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT  
1385 8TH STREET, SUITE 130  
ARCATA, CA 95521  
PHONE: (707) 826-8950  
WWW.COASTAL.CA.GOV



# W13

**Prepared August 2, 2022 (for the August 10, 2022 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Shana Gray, North Coast District Deputy Director  
**Subject:** **North Coast District Deputy Director's Report for August 2022**

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 August 10, 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 August 10.

With respect to the August 10th 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 August 10, 2022 (see attached)**

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## Waivers

- 1-22-0536-W, Scroggs – Replace Septic System (Trinidad area, Humboldt Co.)
- 1-22-0628-W, Wilhelm - Demolish Single-Family Residence and Remove One Tree (Manila, Humboldt Co.)

## Immaterial Amendments

- 1-01-005-A1, Zizza – Remove Concrete and Gravel Placed Without the Benefit of a CDP (Eureka area, Humboldt Co.)

**Time Extensions, Emergency Permits and LCP Certifications – None**

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# NOTICE OF PROPOSED PERMIT WAIVER

**Date:** August 2, 2022

**To:** All Interested Parties

**From:** Melissa Kraemer, North Coast District Manager  
Catherine Holloway, Coastal Program Analyst

**Subject:** **Coastal Development Permit (CDP) Waiver 1-22-536-W**  
Applicant: Carolyn Scroggs

**Location:** 240 Driftwood Lane, approximately six miles north of the City of Trinidad, Humboldt County (APN: 517-071-27)

## Proposed Development

Replace a failing onsite residential wastewater disposal system with a new system involving (1) installing (a) a 1,500-gallon replacement septic tank and distribution box; and (b) an approximately 2,000-square-foot trench disposal field and (2) decommissioning the existing septic tank by pumping it out and filling it with gravel slurry.

## 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 septic system serves a house on the property that was constructed in 1972. The aging septic system was not built to modern standards, according to the County Department of Environmental Health (DEH) and is actively failing, resulting in the need to regularly pump out the tank monthly. The septic system replacement will prevent a full septic failure, which could result in sewage back-up and degradation of neighboring wells and water quality. County DEH reviewed and approved the system repairs as adequate and determined that the reserve location of the new sewage treatment disposal field, as identified on the original site plan, remains the most suitable site on the subject property.

The new tanks and distribution box will be installed underground in a disturbed grassy yard area immediately adjacent to (within five feet of) the existing residence that necessitates no major vegetation removal or grading. The new septic system will be

located in line with the existing residence and deck, within an area designated as a “low to moderate bluff retreat hazard area” consistent with CDP findings for the residential addition.<sup>1</sup> Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities and is consistent with past Commission actions in the area and Chapter 3 policies of the Coastal Act.

### **Coastal Commission Review Procedure**

This waiver is not valid until it has been reported to the Coastal Commission and the site of the proposed development has been appropriately noticed, pursuant to sec. 13054(b) of the California Code of Regulations. 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. **This waiver is proposed to be reported to the Commission on Wednesday, August 10, 2022.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**PLEASE NOTE THAT THIS WILL BE A HYBRID MEETING, WITH BOTH VIRTUAL AND IN PERSON PARTICIPATION ALLOWED.** Please see the Coastal Commission’s Hybrid Hearing Procedures posted on the Coastal Commission’s webpage at [www.coastal.ca.gov](http://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 Hybrid Hearing Procedures, please email [northcoast@coastal.ca.gov](mailto:northcoast@coastal.ca.gov) or call 415-904-5202.

The in-person hearing will be held at **King Gillette Ranch, 26800 Mulholland Hwy, Calabasas, CA, 91302.** The Commission strongly encourages continued participation virtually through video and teleconferencing due to changing Covid-19 conditions.

**If you have any questions about the proposal, please contact Catherine Holloway in the North Coast District office at [catherine.holloway@coastal.ca.gov](mailto:catherine.holloway@coastal.ca.gov).**

cc: Humboldt County Planning & Building Dept.

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<sup>1</sup> CDP 1-91-58 approved a remodel and addition to the residence including a new deck, patio, and concrete entry area and required new development to be located within the mapped “low to moderate bluff retreat hazard area” in order to comply with a geologic report submitted with the application.

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# NOTICE OF PROPOSED PERMIT WAIVER

**Date:** August 2, 2022

**To:** All Interested Parties

**From:** Melissa B. Kraemer, North Coast District Manager

**Subject:** **Coastal Development Permit (CDP) Waiver 1-22-0628-W**  
Applicant: Robert Wilhelm

**Location:** 170 Holly Drive, Manila (Humboldt County) (APN: 400-082-007)

## Proposed Development

Demolish the remains of a single-family residence destroyed by a fire and remove one tree.

## 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:

While the subject lot borders the western shoreline of Humboldt Bay, demolition work, which will include the use of an excavator and dump truck, will be sufficiently separated from bay waters and associated marshlands. The closest portion of the structure to be demolished is approximately 70 feet from the bay at an elevation of approximately 28 feet (NAVD88), which is approximately 20 feet higher than existing salt marsh habitat along the bay margin at the eastern end of the property. Work will occur during the dry season as soon as the local demolition permit is obtained. All demolition debris, which includes charred wood, metal, plastics, and other destroyed materials associated with the single-family residence on the site that was constructed in 1949 and which was destroyed by a fire earlier this year, will be hauled offsite to an authorized disposal facility capable of receiving the materials. One approximately 25-foot-tall ornamental palm tree adjacent to the residence on its inland side will be removed to facilitate access to the demolition area by the excavator. The excavator will access the site via the existing gravel driveway and will work from the inland side of the structure, inland of the existing concrete patio that was not destroyed by fire and which lines the eastern (bayward) side of the residence (and therefore will function as a buffer between the heavy equipment/debris removal area and the bay). The applicant plans to replace the residence in the same location on the property with a structure not larger than the

destroyed structure in floor area or height by more than 10 percent.

Therefore, the proposed development will not result in any significant adverse impacts to sensitive habitat, water quality, or public access, and the proposed development is consistent with all applicable Chapter Three policies of the Coastal Act.

### **Coastal Commission Review Procedure**

This waiver is not valid until it has been reported to the Coastal Commission and the site of the proposed development has been appropriately noticed, pursuant to sec. 13054(b) of the California Code of Regulations. 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. **This waiver is proposed to be reported to the Commission on Wednesday, August 10, 2022.** 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, please contact Melissa Kraemer in the North Coast District office at [Melissa.Kraemer@coastal.ca.gov](mailto:Melissa.Kraemer@coastal.ca.gov).**

cc: Humboldt County Planning & Building Dept.

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# NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** July 27, 2022

**To:** All Interested Parties

**From:** Melissa Kraemer, North Coast District Manager  
Catherine Holloway, Coastal Planner

**Subject: Amendment to Coastal Development Permit (CDP) 1-01-005**  
Applicants: Jordan and Carli Zizza

**Project Site**

3700 Edgewood Road, approximately one mile east of Eureka in the unincorporated Myrtle town area, Humboldt County (APN: 015-171-30)

**Original CDP Approval**

CDP 1-01-005 was approved by the Coastal Commission on March 14, 2001, and authorized (1) after-the-fact construction of a 1,200-square-foot, two-story, single-family residence, and (2) construction of a new 792-square-foot attached garage and paved driveway.

**Proposed CDP Amendment**

(1) Remove approximately 4,500 square feet of unpermitted concrete and gravel; (2) restore portions of the property to previous conditions by importing 85 cubic yards of new topsoil and planting a new lawn; (3) decommission an on-site stormwater drainage system; and (4) overlay remaining asphalt driveway and parking pad with a new layer of asphalt.

The Commission's reference number for this proposed amendment is **1-01-005-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 subject property is adjacent to coastal wetlands associated with Freshwater and Ryan Sloughs, which are connected to Humboldt Bay. The existing single-family residence and garage are located approximately 50 feet from the riparian slough-associated wetlands. At the time that the original CDP was approved, additional unpermitted development was noted as present on the property, including (1) several unpermitted storage structures that encroached within seven feet of the wetlands; (2) approximately 2000 square feet (sf) of unpermitted asphalt concrete and gravel along

the eastern edge of the property in between a wetland and the house/driveway within the wetland buffer area; and (3) approximately 2500 sf of unpermitted asphalt concrete south of the residence within the wetland buffer area creating a second driveway to Middlefield Lane. After approval of the original permit, the storage buildings were removed by a previous owner, and the current property owner proposes to remedy the remaining violations by removing all 4500 sf of unpermitted gravel and asphalt (which amounts to approximately 60% of the impervious surface on site) and restoring the areas east and south of the residence back to grassy lawn.

To ensure that site restoration activities do not result in impacts to water quality, the applicant proposes to implement construction BMPs, outlined in added Special Condition 4. These measures include limiting construction to the dry season (between July 1 and October 31), covering all disturbed areas and stockpiles if rain is forecasted prior to project completion, installing straw wattles along the perimeter of the property, reseeding the imported topsoil with a local grass seed mix, and covering the newly seeded areas with organic rice straw. All gravel and asphalt removed from the project area will be taken to the Kern Construction Yard, which is authorized to accept and recycle such materials. To demonstrate successful restoration and revegetation, the applicant proposes to monitor the newly reseeded areas and submit photos and a report within 60 days of project completion (added Special Condition 5). Special Condition 2 of the original permit remains, which requires a deed restriction to ensure that all future owners of the property are aware of the requirement to obtain a permit for future development that would otherwise be exempt.

Special Condition 1 of the original permit required the preparation and implementation of a stormwater runoff control plan that in part required the installation of a cistern to help dissipate stormwater, increase infiltration, and reduce the concentration of runoff. The proposed permit amendment would convert approximately 60% of the existing impervious asphalt surfaces on the site to permeable grass and would result in a vegetated strip approximately 20 ft wide. Following site restoration, rainwater would flow into grassy areas around the house away from the wetland and wetland buffer areas. Therefore, the cistern is no longer necessary for water quality purposes and this permit amendment deletes Special Condition 1 in its entirety.

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.

**AMENDMENTS TO SPECIAL CONDITIONS OF CDP 1-01-005 (CDP Amendment 1-01-005-A1)**

Text to be deleted is shown in ~~strike through~~, and text to be added appears in **bold double-underline**.

1. ~~Runoff Control Plan~~

- ~~A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, plans for stormwater runoff control.~~
- ~~1. The runoff control plan shall demonstrate that:
    - ~~a. Runoff from the approved house and garage shall be collected through the installation of a cistern to be located at least 50 feet away from the wetland area adjoining the site. The cistern shall be designed to treat or filter stormwater runoff from each storm, up to and including the 85<sup>th</sup> percentile, 24-hour storm event.~~
    - ~~b. The discharge from the cistern shall be directed to a vegetated area at least 6 feet in diameter around the discharge outlet of the cistern.~~~~
  - ~~2. The plan shall include, at a minimum, the following components:
    - ~~a. A schedule for installation and maintenance of the cistern.~~
    - ~~b. A site plan showing the proposed location of the cistern and how all roof runoff from the house and garage would be directed to the cistern.~~
    - ~~c. Specifications for the proposed cistern demonstrating that the cistern will conform to the above requirements.~~~~
- ~~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 required.~~
- 4. Construction Requirements to Protect Water Quality: The applicant shall undertake development authorized under CDP Amendment 1-01-005-A1 in accordance with the following proposed construction-related Best Management Practices:**
- a. Timing of work: All work shall occur only during the dry season (July 1 - October 31). If precipitation is forecast before construction is complete, all disturbed soil areas and stockpiles shall be treated with appropriate erosion control devices (e.g., seeding, straw mulch, matting, etc.) and covered;**
  - b. Erosion, Sediment, and Runoff Control: Decomposable straw wattles shall be placed along the project's eastern boundary. Once the soil is placed and graded, the entire area shall be seeded with a Humboldt blend grass seed and covered in organic rice straw;**
  - c. Debris Disposal: All gravel and asphalt shall be taken to the Kern**

**Construction Yard where it will be recycled or properly disposed of.**

- 5. Post-Project Monitoring: Within 60 days of project completion, the applicant shall submit a post-construction report and photographs that demonstrate that the wetland buffer area adjacent to the on-site wetland has been successfully reestablished and revegetated. If the monitoring report indicates that the restoration has been unsuccessful, the applicant shall submit a revised or supplemental restoration plan to achieve the objective. The revised or supplemental restoration program shall be processed as an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.**

**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](mailto: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 Wednesday, August 10, 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.

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The in-person hearing will be held on August 10, 2022 at 9:00 a.m. at **King Gillette Ranch, 26800 Mulholland Hwy, Calabasas, CA 91302**. The Commission strongly encourages continued participation virtually through video and teleconferencing due to changing Covid-19 conditions.

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