

**CALIFORNIA COASTAL COMMISSION**

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



# W10

**Prepared February 22, 2023 (for the March 8, 2023 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Shana Gray, North Coast District Deputy Director  
**Subject:** **North Coast District Deputy Director's Report for March 2023**

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 8, 2023. 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 8<sup>th</sup>.

With respect to the March 8<sup>th</sup> 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 8, 2023** (see attached)

---

## Waivers

- 1-23-0134-W, Naman – Tree Removal (Humboldt County)

## Immaterial Amendments

- 1-91-093-A1, Duffield – Vegetation Removal (Highway 101, Mendocino County)
- A-1-MEN-98-094-A3, Uhlmann – Deck Enclosure (Elk, Mendocino County)

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

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT  
1385 EIGHTH STREET, SUITE 130  
ARCATA, CA 95521  
PHONE: (707) 826-8950  
FAX: (707) 826-8960  
WEB: WWW.COASTAL.CA.GOV



# NOTICE OF PROPOSED PERMIT WAIVER

**Date:** February 23, 2023

**To:** All Interested Parties

**From:** Melissa B. Kraemer, North Coast District Manager  
Catherine Mitchell, Coastal Program Analyst

**Subject:** **Coastal Development Permit (CDP) Waiver 1-21-0405-W**

**Applicant:** Seth Naman

**Location:** 16 Driftwood Lane, approximately 1.5-miles south of Sue-Meg State Park, Trinidad area, Humboldt County (APN: 517-071-039).

## Proposed Development

Removal of seven mature Sitka spruce trees deemed hazardous to life and property by a certified arborist due to susceptibility to windthrow.

## 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 seven trees proposed for removal are hazardous due susceptibility to windthrow and proximity to existing structures, as documented by a Certified Arborist who inspected the trees. Two trees have already fallen on the applicant's property, destroying multiple structures. One mature spruce fell on and destroyed a detached garage in the 2018 winter storms, and, more recently, a mature spruce (estimated at least 60 years old) fell on and largely destroyed the single-family residence on the property. The latest treefall was part of the January 4, 2023 windstorms that produced wind gusts of up to 90 mph and were declared a State of California emergency by the Governor.<sup>1</sup> The seven trees proposed to be removed are within close proximity to existing structures on the subject property and neighboring properties and remain an ongoing threat to residential and commercial development and public spaces, including the garage and the remaining heavily damaged single family residence on the subject

---

<sup>1</sup> Proclamation 23-001 was filed on January 10, 2023 and addressed severe winter storms beginning on December 27, 2022. The storms were related to a series of atmospheric river systems in California, bringing heavy rainfall, flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages.

property (which is proposed to be rebuilt in the coming year), neighboring residences, an adjacent commercial structure, a public road, and electrical utility lines running along Driftwood Lane. According to the arborist's report, there are several reasons why the particular spruce trees on this property are hazardous and in need of removal. The Sitka spruce are isolated and not part of a contiguous, typical closed-canopy forest, which, when naturally intact, provides a stronger, more protective windbreak. Sitka spruce trees naturally grow very tall in a short period of time and have some of the strongest limbs in the conifer family, meaning branches do not generally snap off during windstorms (like redwood trees) and the stress is instead transferred to the stem and root system. Spruce trees have relatively shallow root systems, as evidenced by the most recent tree that toppled, which had an approximately 10-foot diameter and only 2-foot-deep root ball (for the estimated 80-foot-tall tree). Finally, spruce trees growing in saturated soils like those of the January 2023 atmospheric river event are known to uproot and topple. For these reasons, individual isolated trees remaining on the property, which are not part of a contiguous Sitka spruce forest, pose a risk to life and property due to their susceptibility to windthrow. The proposed tree removal will not diminish or degrade the overall habitat matrix of the patchy spruce and mixed conifer grove in the greater Patricks Point area.

The applicant proposes to leave some of the cut tree trunks as snags for wildlife habitat enhancement. In addition, large woody debris from the cut trees will be transported to Prairie Creek and incorporated into a current fish habitat restoration project in Prairie Creek approximately 20 miles to the north. Following tree removal, disturbed areas will be replanted with native vegetation including Wax Myrtles (*Morella californica*) and Coast silk-tassel (*Garrya elliptica*). The proposed tree removal will have no significant impact on visual resources, because the trees do not screen development on the subject property from public vantage points, and several trees in the surrounding area not deemed hazardous will remain. The proposed project will not adversely affect coastal resources or public access and is consistent with past Commission actions and 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 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, March 8, 2023.** 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

**Coastal Development Permit (CDP) Waiver 1-23-0134-W**  
**Page 3 of 3**

Hybrid Hearing Procedures posted on the Coastal Commission's webpage at [www.coastal.ca.gov/mtgcurr.html](http://www.coastal.ca.gov/mtgcurr.html) 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 [ExecutiveStaff@coastal.ca.gov](mailto:ExecutiveStaff@coastal.ca.gov) or call 415-904-5202.

The in-person hearing will be held at **Oceano Hotel & Spa, 280 Capistrano Road, Half Moon Bay, CA 94019**. The Commission still strongly encourages continued participation virtually through video and teleconferencing to reduce our carbon footprint. **To view the live stream of the hearing, please visit <https://cal-span.org/>**

**If you have any questions about the proposal or wish to register an objection, please contact Catherine Mitchell in the North Coast District office at [Catherine.Mitchell@coastal.ca.gov](mailto:Catherine.Mitchell@coastal.ca.gov).**

cc: Seth Naman, Applicant  
Humboldt County Planning & Building Dept

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 8<sup>TH</sup> STREET, SUITE 130  
ARCATA, CALIFORNIA 95521-5967  
PH (707) 826-8950 FAX (707) 826-8960  
WWW.COASTAL.CA.GOV



# NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** February 22, 2023  
**To:** All Interested Parties  
**From:** Melissa B. Kraemer, North Coast District Manager  
Bente Jansen, Coastal Program Analyst  
**Subject:** Amendment to Coastal Development Permit (CDP) **1-91-093**  
Applicant: David Duffield

**Project Site**

34200 South Highway 1, approximately 5 miles north of Gualala, Mendocino County (APN: 143-161-03).

**Original CDP Approval**

On July 17, 1991, the Commission approved a CDP request from applicants Gary Sprague and Michelle McHugh for construction of a 29.5 foot high, 3,200 square-foot single-family residence with attached garage and installation of a septic system, driveway, and underground utilities.

**Proposed CDP Amendment**

The current applicant and landowner, David Duffield, proposes major vegetation removal within a recorded Open Space Easement, consisting of the removal of approximately 66 dead and dying Bishop Pine trees.

The Commission's reference number for this amendment is **1-91-093-A1**.

**Executive Directors 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:

**Background**

The Commission approved the original permit in July of 1991 to develop a single-family residence and associated amenities on a blufftop lot subject to five special conditions, including, but not limited to Special Condition No. 1 requiring that an open space deed restriction be recorded in the following areas: "a) an environmentally sensitive habitat protection and geologic hazard setback area that extends 30 feet inland from the edge of the bluff and extends seaward from the edge of the bluff to the mean high tide line; and b) a riparian buffer area that extends 50 feet from the bank of an unnamed stream

## Coastal Development Permit Amendment 1-91-093-A1

### Page 2 of 4

located along the northwest property line and excepting a 12-foot-wide area centered over the driveway.” Much of the deed restricted area consists of Bishop pine forest, which is a sensitive natural community that constitutes an environmentally sensitive habitat area (ESHA) under the Mendocino County certified LCP. The deed restriction, which runs with the land and binds all successors in interest of the property, was recorded on August 2, 1991, and the permit was issued on August 6, 1991. The permitted residence and associated amenities were constructed thereafter.

The deed restriction restricts the ESHA/geologic hazard setback areas and the riparian buffer area to “natural open space for habitat protection, private recreation and resource and resource conservation uses.” The deed restriction states in part that “No development... including, but not limited to removal of trees and other major or other native vegetation, grading, paving, installation of structures such as signs, building, etc.... shall occur or be allowed on the Protected Land with the exception of the following... (a) the removal of hazardous substances or conditions or diseased plants or trees; (b) the removal of any vegetation which constitutes or contributes to a fire hazard to residential use of neighboring properties, and which lies within 100 feet of existing or permitted residential development; (c) the installation or repair of underground utility lines and septic systems...”

#### Related Local Action

In March of 2019, the County of Mendocino approved CDP\_2018-0013 to demolish the single-family residence previously approved by the Commission, and in March of 2022, the County approved a renewal and modification of CDP\_2018-0013 to allow for major vegetation removal of approximately 20 dead and dying trees outside of the deed restricted area on the subject property.

#### Purpose of Amendment Request

The purpose of the proposed major vegetation removal within the deed-restricted open space area is to restore the protected area by removing dead and dying diseased trees, which in turn also will reduce the fire danger posed by the dead and dying trees to surrounding properties. Although the structure on the subject property was permitted by the County to be demolished, there are structures on neighboring properties (including to the north) for which the dead and dying trees pose a fire hazard.

#### Immateriality Determination

The applicant has submitted a report from a certified arborist who visited the property in 2016 and 2021 confirming the decline and “observed mortality” of Bishop pine trees on the site, including within the deed restricted area. Noted pathogens causing tree rot, decay, and fungal bodies (in part in response to bark beetle infestation) include *Cryptosporium vulvatum* (sapwood rot), *Peridermium (Endocronartium) harknessii* (western gall rust), *Arceuthobium* spp. (dwarf mistletoe), *Armillaria* (root rot), and *Phellinus pini* (heartwood rot). Bishop pine is a closed-cone serotinous pine, meaning that to some degree forest regeneration is tied to a fire regime. In addition to the arborist report, the applicant also provided a Preliminary Mitigation, Management, Monitoring, & Reporting Plan (prepared by Wynn Coastal Planning and Biology dated March 2021; revised

## Coastal Development Permit Amendment 1-91-093-A1

### Page 3 of 4

September 2022; updated February 2023) with the stated purpose of removing the dead and dying trees to restore the ESHA and “facilitate natural regeneration through a performance based adaptive management process in a manner similar to the natural stand replacement that would occur after a wildfire.” The applicant proposes to implement the restoration plan pursuant to multiple proposed mitigation measures, including, but not limited to, the following: 1) removal of trees with hands tools to minimize soil compaction and impacts to native understory vegetation; 2) seasonal avoidance of bird breeding season (February through August) or completion of nesting bird surveys by a qualified biologist prior to tree removal during the nesting season and avoidance and buffering (in consultation with California Department of Fish and Wildlife) of any identified nests to protect sensitive nesting bird habitat until completion of nesting; 3) seasonal avoidance of potentially occurring sensitive bat roost sites or special status bat surveys by a qualified biologist prior to tree removal that occurs November through August and avoidance and buffering (in consultation with CDFW) of any identified sensitive bat roosts; 4) protection of young, regenerating pine seedlings on the site and protection of adjacent ESHA documented on the property from tree removal activities through the use of temporary flagging and construction fencing to prevent entry into/trampling of adjacent sensitive resources; and 5) ensuring that there is no net loss in the total number of Bishop pine trees on the site by ensuring that a minimum 1:1 ratio of Bishop pine seedlings surviving to mature dead and dying Bishop pine trees removed is maintained for a proposed 5-year monitoring period. Each year for the first five years after tree removal, the applicant proposes to monitor the number of Bishop pine trees on the site, including naturally established seedlings, at least 25 of which have been noted to date by the applicant’s biological consultants, and additional plantings grown offsite that are proposed to be installed to restore the Bishop pine ESHA. Additional measures proposed in the plan include, but are not limited to, the following: 1) removal of non-native and/or invasive plants to the greatest extent feasible (in particular Monterey pine, Monterey cypress, blackwood acacia, lollypop tree, and English ivy); 2) installing caging around, and conducting regular hand weeding and mowing around, existing Bishop pine seedlings to promote tree growth and encourage natural stand regeneration; 3) retaining at least three standing snags in the restoration area to benefit wildlife (e.g., acorn woodpeckers); and 4) inspecting trees and vegetation annually and consulting as needed with the U.C. Forest Advisor, a CalFire tree pathogen specialist, and/or the project biologist if pathogens are suspected. The applicant’s plan also proposes to produce and submit to the Commission (and the County Planning Department) annual reports for the duration of the restoration monitoring period documenting annual weed eradication efforts, health and survival of Bishop pine seedlings/plantings, and evidence of pathogen presence. The reporting will include pictures and discussion of whether and how performance goals and criteria have been met or are on a trajectory towards success. As proposed in the plan (as updated in February 2023), “if it appears during site monitoring that seedlings native to the site are not becoming established at the stocking rates desired and cited above, then planting of native, non-infected seedling stock from off-site may be necessary to accomplish the success criteria. This may also necessitate additional years of mitigation and monitoring.” All special conditions imposed by the original permit remain in full force and effect.

## **Coastal Development Permit Amendment 1-91-093-A1**

### **Page 4 of 4**

Therefore, as the permit amendment as proposed does not have a potential for adverse impacts, either individually or cumulatively, on coastal resources or public access, and the proposal does not lessen or avoid the intent of the original permit findings or conditions and is consistent with the Mendocino County certified LCP, 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](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, March 8, 2023. 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.

**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 707-826-8950.

The in-person hearing will be held at **Oceano Hotel & Spa, 280 Capistrano Road, Half Moon Bay, CA 94019**. 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 Bente Jansen at the North Coast office.**



**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 8<sup>TH</sup> STREET, SUITE 130  
ARCATA, CALIFORNIA 95521-5967  
PH (707) 826-8950 FAX (707) 826-8960  
WWW.COASTAL.CA.GOV



# NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** February 22, 2023

**To:** All Interested Parties

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

**Subject:** Amendment to Coastal Development Permit (CDP) **A-1-MEN-98-094**  
Applicant: Gordon Uhlmann

**Project Site**

7000 South Highway 1 in the unincorporated community of Elk, Mendocino County (APN: 127-260-01).

**Original CDP Approval and Previous Amendments**

On July 14, 1999, the Commission approved a CDP request from applicants Ted and Margorie Berlincourt for construction of an 18-foot-high, 3,125-square-foot residence, a 640-square-foot guest cottage, a 925-square-foot attached garage, patios and decks, driveway and parking areas; installation of a septic system; connection to a public water system; drilling of a water well for irrigation purposes; installation of a storage tanks, and extensive landscaping for vegetative screening. In 2000, the Commission approved amendment -A1 authorizing the relocation of the water storage tank, minor alterations to the window designs, and other minor changes to the approved design plans. Amendment -A2 approved in 2002 authorized the construction of a 117-square-foot, 10-foot-high shed and relocation of a propane tank.

**Proposed CDP Amendment**

Enclosure of an approximately 107-square-foot existing second story deck. The Commission's reference number for this amendment is **A-1-MEN-98-094-A3**.

**Executive Directors 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 a bluff-top lot west of Highway 1 in an area designated as "highly scenic" under the Mendocino County certified LCP. Because of sensitive visual resources and other sensitive coastal resources on the site, the original permit, which came to the Commission on an appeal, was approved subject to several special conditions, including, but not limited to: (1) Special Condition No. 1 requiring the

## Coastal Development Permit Amendment A-1-MEN-98-094-A3

### Page 2 of 3

applicant execute and record a deed restriction against the property stating that "...any future additions or other development on APN 127-260-01 as defined in Mendocino County Zoning Code Section 20.308.035(D), including the construction of fences, gates, additions, or outbuildings that might otherwise be exempt under Zoning Code Section 20.532.020(C), will require an amendment to this permit..."; (2) Special Condition No. 4 requiring a final landscaping plan to screen the development; and (3) Special Condition No. 5 requiring certain design restrictions, including, but not limited to, "All exterior siding of the proposed structures shall be composed of natural or natural appearing materials, and all siding and roofing of the proposed structures shall be composed of materials of dark earthtone colors only. In addition, all exterior materials, including roofs and windows, shall be non-reflective to minimize glare."

The County's LCP requires that development in highly scenic areas be subordinate to the natural setting through such measures as designing development to be in scale with rural character of the area, minimizing reflective surfaces, and various other measures. Due to the site's prominent location on a coastal terrace west of the highway, development on the property has the potential to be highly visible to passing motorists. The materials for the proposed deck enclosure are consistent with the LCP highly scenic policies and with Special Condition 5, because the materials will match the materials approved under A-1-MEN-98-094-A1 (natural finish cedar siding), and because the glass proposed will be non-reflective to minimize glare. All special conditions imposed by the original permit as amended remain in full force and effect.

Therefore, as the permit amendment as proposed does not have a potential for adverse impacts, either individually or cumulatively, on coastal resources or public access, and the proposal does not lessen or avoid the intent of the original permit findings or conditions and is consistent with the Mendocino County certified LCP, 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](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, March 8, 2023. 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.

**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 707-826-8950.

**Coastal Development Permit Amendment A-1-MEN-98-094-A3**

**Page 3 of 3**

The in-person hearing will be held at **Oceano Hotel & Spa, 280 Capistrano Road, Half Moon Bay, CA 94019**. 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 Bente Jansen in the North Coast office.**