

CALIFORNIA COASTAL COMMISSION

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W12a

MEMORANDUM

Date: August 31, 2023

To: Commissioners and Interested Persons

From: Shana Gray, Deputy Director
Melissa B. Kraemer, North Coast District Manager
Catherine Mitchell, District Planner

Subject: Addendum for Commission Meeting for Wednesday, September 6, 2023
Item W12a, CDP Application No. 1-22-0621 (Kane)

This addendum presents certain changes to the August 24, 2023 staff report for the above-referenced item. Since publication of the staff report, the applicant identified certain corrections and clarifications related to the size of the proposed septic tank and the proximity of the proposed production well/pump house, water storage tanks, and driveway to environmentally sensitive Sitka spruce forest habitat.

With respect to proximity of the proposed well/pump house, tanks, and driveway to Sitka spruce forest ESHA, the August 24, 2023 staff report states that all proposed development will be located at least 100 feet from ESHA. However, the existing test well and driveway both are located less than 100 feet from the ESHA (approximately 50 feet away).¹ Thus, the project proposes to place the new production well, associated tanks, and improved driveway at least 50 feet but less than 100 feet from ESHA.

Staff believes the closer location of the limited ancillary development to the Sitka spruce forest ESHA will not significantly degrade the ESHA and will be compatible with its continuance. Staff continues to recommend that the proposed buffer distances are adequate, because, among other reasons: (1) the proposed driveway will be located atop the existing driveway and will be graveled rather than paved to maintain permeability and reduce the potential for concentrated stormwater runoff; (2) maintaining the driveway in its current alignment on a relatively flat portion of the property will avoid the need for additional grading and ground disturbance; (3) converting the existing test well to a production well rather than drilling a new well will minimize ground disturbance; (4) there is little functional relationship between the non-

¹ The Commission approved drilling a test well under de minimis waiver 1-22-0724-W. The test well was authorized to be placed at least 50 feet and less than 100 feet from the adjacent spruce forest ESHA.

native grassland habitat where the production well, water storage tanks, and driveway will be located and the forest habitat; and (5) there are no Cal Fire 100-foot defensible space requirements that apply to water storage tanks or driveways that would necessitate future tree removal for fire safety purposes for trees within 100 feet of these minor ancillary development components.

Staff recommends changes to Special Condition 2 and related findings and continues to recommend that the Commission, upon completion of the public hearing, approve the coastal development permit with the special conditions and findings included in the staff recommendation of August 24, 2023, as modified by the changes recommended herein.

I. Changes to Special Condition 2

Revise Special Condition 2 on page 5 as follows (text to be deleted is shown in ~~bold double strikethrough~~ format, and text to be added is shown in **bold double underline** format):

2. **Final Plans.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-22-0621, the applicant shall submit to the Executive Director for review and written approval final construction, drainage, and landscaping plans in substantial compliance with those submitted to the Commission on July 25, 2022, including incorporation of the following:

- A. Evidence that a licensed professional (Certified Engineering Geologist or Geotechnical Engineer) has reviewed and approved final plans for residential structures and has certified that the plans include appropriate measures for design and structural stability to address seismic hazards consistent with state and local building code requirements;

- B. A final site plan drawn to scale that depicts the following:

- a. A 100-foot “no development” buffer zone between the outer edge of the forest canopy of the Sitka spruce forest and areas where proposed development may be located, ~~(including the residence, barn, water storage tanks, other~~ **and accessory structures (other than driveway improvements aligned on the existing driveway, the production well/pump house at the location of the existing test well, two 3,000-gallon water storage tanks, and associated buried water lines, which may be located no less than 50 feet from the outer edge of the forest canopy);**
- b. Provisions for installing temporary construction fencing or similar temporary barriers prior to commencement of construction to minimize the potential for construction encroachment into adjacent ESHA/ESHA buffers. All construction storage and staging areas shall be located at least 100 feet from the adjacent forested areas (as measured from the outer edge of forest canopy).

- c. Low-stature fencing or similar demarcation barriers (e.g., split-rail or similar fencing, driftwood logs, small boulders, etc.) to delineate the approved building envelope as proposed on the preliminary project plans. The approved building envelope includes the area where proposed development may be located as shown on preliminary plans and which is located at least 100 feet from ~~forest ESHA~~ the outer edge of the forest canopy of the Sitka spruce forest as measured on final plans where the proposed driveway, structures, and accessory development as shown on preliminary plans may be located. The fence or other demarcation barrier shall be designed to provide a visible “barrier” along the perimeter of the authorized development areas to clearly establish a visible boundary between areas where authorized development and activities associated with residential development are permitted on the site and adjacent ESHA and ESHA buffers outside of the authorized development areas. The permanent fencing/demarcation barriers shall be installed prior to occupancy of the residence.

...

II. Modifications to Staff Recommended Findings

- Revise Finding IV-A (Project Description and Location) on pages 10-11 as follows:

...

The applicants, Donald and Coral Kane, propose to: (1) construct a new 3,000-square-foot two-story (maximum 29-foot-high), three-bedroom, single-family residence with approximately 130 square feet of second story attached decking and a 658-square-foot covered porch; (2) construct a 1,000-square-foot detached building that will serve as a barn, garage, and storage space; (3) develop an on-site septic system with a ~~1,800-~~ 1,500-gallon septic tank, primary leach field, and designate a reserve leach field area; (4) develop a water system including conversion of a test well to a production well and development of a pump house, two 3,000-gallon water storage tanks, and a buried water line from the pump house to the proposed residence; and (5) construct a new approximately 200-foot-long gravel driveway connecting Big Lagoon Ranch Road to the new residence. The proposed development would involve less than 50 cubic yards of grading. Project plans are attached as Exhibits 3-4.

- Revise Finding IV-D (Locating and Planning New Development) on pages 11-12 as follows:

...

For the proposed three-bedroom residence, DEH has determined that the proposed ~~1,800-~~ 1,500-gallon septic tank and primary leach field will have adequate capacity to serve the proposed development.

- Revise Finding IV-E (ESHA) on pages 14-15 as follows:

...

All proposed development, except for portions of driveway, the well/pump house, and water storage tanks, will be located at least 100 feet from the Sitka spruce forested areas.² Portions of the driveway, the well, and water storage tanks will be located at least 50 feet from the outer edge of the forest canopy of the Sitka spruce forest. The Commission finds ~~this~~ these buffer distances adequate because (1) the driveway will be located atop the existing driveway and will be graveled rather than paved to maintain permeability and reduce the potential for concentrated stormwater runoff; (2) maintaining the driveway in its existing alignment will avoid the need for additional grading and ground disturbance; (3) there is little functional relationship between the non-native grassland habitat where the house will be located and the forest habitat; (~~24~~) the buffer area between the building envelope and sensitive forest habitat is flat, with permeable soils, and not susceptible to erosion; ~~and~~ (~~35~~) the second-growth/relatively young forest habitat is not known to harbor sensitive species of plants and animals that would be disturbed significantly by the permitted development, especially with inclusion of several special conditions, as discussed below; (6) there are no Cal Fire 100-foot defensible space requirements that apply to water storage tanks or driveways that would necessitate future tree removal for fire safety purposes for trees within 100 feet of these ancillary development components; and (7) there is sufficient area and access from the driveway, outside of the 50-foot buffer, to service the well and tanks, reducing the need for future encroachments into the buffer for maintenance purposes.

As discussed, the proposed project is to construct a new single-family residence that includes a driveway, covered porch, barn, onsite septic system, and well. All these features will be constructed in the open, nonnative grassland and will cover less than a half-acre of the 62-acre property. **Special Condition 2** requires submittal of final site plans prior to commencement of construction that show, in part, all development located at least 100 feet from the Sitka spruce forest, other than driveway improvements aligned on the existing driveway, the production well/pump house at the location of the existing test well, two 3,000-gallon water storage tanks, and associated buried water lines, which may be located no less than 50 feet from the outer edge of the forest canopy. The final plans shall label the ~~100-foot~~ “no development” buffer **zones** as measured from the outer edge of the forest canopy and also shall include a building envelope delineation plan to clearly establish a visible boundary between areas where authorized development and activities associated with residential development are permitted on the site (i.e., the building envelope). The special condition further requires a physical delineation of the building envelope using low-profile fence or other symbolic barrier constructed of natural materials such as wood or rock in order to maintain the visibility of the delineated building envelope.

² The Commission approved drilling a test well under de minimis waiver 1-22-0724-W. The test well was authorized to be placed at least 50 feet from the adjacent spruce forest ESHA.