

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 1-25-0672

Applicants: Ronald and Thomas Harris

Location: 253 Bazemore Lane, Trinidad area, Humboldt County
(APN: 517-081-005)

Project Description: Residential rebuild consisting of: (1) 1-story, 2,735 square-foot residence, (2) attached 772 square-foot garage, (3) 272 square feet of covered porches, (4) 1,500 gallon septic tank and associated leach field, (5) two 2,500-gallon water storage tanks for dedicated domestic water use and one 2,500-gallon storage tank for fire suppression, (6) driveway improvements.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The subject 1.5-acre property is located on a blufftop lot between the sea and the first public road (Patricks Point Drive) approximately 150 feet south of the southern boundary of Sue-Meg State Park and 5.4 miles north of the City of Trinidad. The applicant proposes a 1-story, 2,735 square-foot residence with an attached 772 square-foot garage and related ancillary development. The original 1,380-square-foot 3-bedroom, 2-bath home and attached carport on the site were built in 1956 and were destroyed in a fire on December 20, 2023. The only remaining structures on the property are a detached 440 sq. ft. accessory dwelling unit (ADU) and an existing onsite septic and water systems. The proposed replacement building's footprint would be situated in approximately the same location as the destroyed structure, but shifted north, approximately 7 feet to allow for 30' State Fire Responsibility Area (SRA) setbacks.

The primary Coastal Act issue associated with this project is the minimization of geologic hazard risks. Coastal bluff erosion and retreat is evident in the steep coastal bluffs that extend along the entire Trinidad area coastline, including on the subject property. In many cases, bluff erosion in the area is manifested as active landsliding. The subject property is one of several blufftop lots adjacent to Sue-meg State Park which, according to the Excerpts from the Geologic Reports submitted for the project (SHN, 2025 – [Exhibit 4](#)), are experiencing blufftop erosion. The geologic assessment recommends a minimum setback of 95 feet from the current bluff edge. The project design shows the residence will be set back 180 feet from the bluff edge, which is well over the recommended 95-feet, with the closest development component being the leach field, setback a minimum of 140 feet to the bluff top edge. Staff is recommending various special conditions to minimize geologic hazard risks, including conditions prohibiting the future construction of bluff or shoreline protective devices to protect the residential improvements and restrictions on future improvements to the authorized development (see Special Conditions 1-5).

Staff believe that the proposed development as conditioned includes measures to mitigate geologic hazards to the greatest extent possible, and the project as conditioned is consistent with the policies of Chapter 3 of the Coastal Act. The Motion to adopt the staff recommendation of approval with conditions is found on **page 4**.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS	5
IV. FINDINGS AND DECLARATIONS	11
A. PROJECT DESCRIPTION AND BACKGROUND.....	11
B. PROJECT LOCATION & ENVIRONMENTAL SETTING.....	12
C. STANDARD OF REVIEW	12
D. OTHER AGENCY APPROVALS	13
E. LOCATING AND PLANNING NEW DEVELOPMENT	13
F. HAZARDS	14
G. BIOLOGICAL RESOURCES	19
H. VISUAL RESOURCES.....	22
I. PUBLIC ACCESS.....	22
J. PROTECTION OF ARCHAEOLOGICAL RESOURCES.....	24
K. LOCAL COASTAL PROGRAM CERTIFICATION	25
L. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	25

LIST OF APPENDICES

[Appendix A – Substantive File Documents](#)

LIST OF EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Aerial Photo Catalogue](#)

[Exhibit 3 – Plan Set \(Site Slan, Floor Plan, Elevations\)](#)

[Exhibit 4 – Excerpts from the Geologic Reports](#)

I. Motion and Resolution

A. Motion

I move that the Commission **approve** Coastal Development Permit Application No. 1-25-0672 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

B. Resolution

The Commission hereby **approves** Coastal Development Permit Application No. 1-25-0672 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

This permit is granted subject to the following 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 of 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.

III. Special Conditions

This permit is granted subject to the following special conditions:

1. **Future Development Restriction.** This permit is only for the development described in coastal development permit (CDP) 1-25-0672. The following future development restrictions apply:
 - A. Pursuant to Title 14 California Code of Regulations (CCR) section 13250(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) section 30610(a) shall not apply to the development governed by the CDP 1-25-0672. Accordingly, any future improvements to the structures authorized by this permit shall require an amendment to CDP 1-25-0672 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government.
 - B. In addition, an amendment to CDP 1-25-0672 from the Commission or an additional CDP from the Commission or from the applicable local government with a certified local program shall be required for any repair or maintenance identified as requiring a permit in PRC section 30610(d) and Title 14 CCR §13252(a)-(b).
2. **Conformance of Final Design and Construction Plans to the Geologic Reports.** All final plans for bluff edge setbacks, site preparation, grading, drainage, erosion and sediment control, pavement design, and other geotechnical and soil related standards shall be consistent with the recommendations contained in the geologic reports prepared by SHN titled (1) "Coastal Bluff Stability Analysis for the Establishment of a Site Development Setback, 253 Bazemore Lane, Trinidad, California" dated July 3, 2025, (2) "Bazemore Lane Replacement Home Architectural Plans" dated August 21, 2025. All authorized development shall be located at least 140 feet back from the bluff edge as determined by the SHN survey that was the basis for the submitted site plan ([Exhibits 3 & 4](#)).
 - A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-25-0672, 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 site preparation, foundation design, and drainage plans and the minimum bluff edge setback plot plan, and has certified that each of those plans is consistent with all of the

recommendations specified in the above-referenced geologic report and plot plans approved by the California Coastal Commission for the project site.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. No Future Shoreline Protective Device and Removal of Development.

- A. By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no shoreline protective device(s) shall be constructed to protect the development approved pursuant to Coastal Development Permit No. 1-25-0672 including, but not limited to, the proposed single-family residence, attached garage, covered porches and decking, three water storage tanks, and replacement on-site wastewater disposal system, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, 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 or any other applicable law.
- B. By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that they are required to remove all or a portion of the development authorized by the permit, and restore the site, if:
 - i. The County or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, erosion, bluff retreat, landslides, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices;
 - ii. Essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
 - iii. Removal is required pursuant to LCP policies for sea level rise adaptation planning; or
 - iv. The development requires new and/or augmented shoreline protective devices that conflict with relevant Coastal Act policies.

- C. In the event that the edge of the blufftop recedes to within 10 feet of the single-family residence, attached garage, covered porches and decking, three water storage tanks, and replacement on-site wastewater disposal system but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist, retained by the permittee, that addresses whether any portions of the single-family residence, attached garage, covered porches and decking, three water storage tanks, and replacement on-site wastewater disposal system are threatened by coastal flood and/or geologic hazards. The report shall identify all those immediate or potential future measures that could stabilize the single-family residence, attached garage, covered porches and decking, three water storage tanks, and replacement on-site wastewater disposal system without bluff or shoreline protective device(s), including but not limited to removal or relocation of portions of the single-family residence, attached garage, covered porches and decking, three water storage tanks, and replacement on-site wastewater disposal system. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical investigation concludes that any portion of the single-family residence, attached garage, covered porches and decking, three water storage tanks, and replacement on-site wastewater disposal system is unsafe for occupancy or use, the permittee shall, within 90 days of submitting the investigation, apply for a coastal development permit amendment to remedy the hazard.
- D. Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Executive Director for the review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

- 4. Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** By acceptance of this permit, the permittee acknowledges and agrees (a) that the site may be subject to hazards from earth movement, earthquake shaking, liquefaction, differential settlement, erosion, flooding, and other geologic and flood hazards, some of which will worsen with future sea level rise; (b) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) 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 (d) 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.

5. Deed Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the permittee 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: (a) 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 (b) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the 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.

6. Construction and Post-Construction Water Quality Protection

Responsibilities. The applicant shall adhere to appropriate construction-related best management practices (BMPs) to protect water quality and surrounding environmentally sensitive habitat areas, including, but not limited to, the following:

- A. BMPs shall be used to prevent the entry of polluted stormwater runoff into coastal waters during construction and post-construction, including the use of appropriate BMPs for erosion and runoff control and post-construction BMPs for roof runoff controls, vegetated buffer strips, and bioretention as detailed in the current California Storm Water Quality Best Management Handbooks (<http://www.cabmphandbooks.com>).
- B. Minimize Erosion and Sediment Discharge. During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:
 - i. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
 - ii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers) shall be installed as needed

to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.

C. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

- i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:
 - a. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
 - b. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
 - c. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
 - d. Prompt removal of all construction debris from the project area.

D. Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

- i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control; and
- ii. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.

7. Protection of Archaeological Resources. The landowner/ permittee shall undertake development in compliance with the following mitigation measures to protect archaeological and/or tribal cultural resources:

- A. **Discovery.** If an area of tribal cultural and/or archaeological resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (C) hereof, and the permittee shall immediately notify and retain a tribal cultural resource specialist and, if needed, at the recommendation of the tribal cultural specialist, a qualified archaeologist to analyze the significance of the find in consultation with the Native American Tribes listed on the NAHC contact list. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s) to protect cultural resources. Project activities may continue outside of the exclusion zone.
- B. **Human Remains.** Should human remains be discovered on-site during the course of the project, immediately after such discovery, the permittee shall notify the county coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An “exclusion zone” may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the permittee shall ensure that NAHC is contacted within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee shall notify the Coastal Commission’s Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.
- C. **Recommencing Activities Following a Discovery.** A permittee seeking to recommence construction within an exclusion zone following discovery of resources (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (B) above) shall submit a Supplementary Archaeological Plan (SAP) prepared by an archaeologist in consultation with the Native American Tribes listed on the NAHC contact list. The SAP shall be submitted for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP’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 in writing. If the Executive Director approves the SAP 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.

8. Landscaping Restrictions. Only native and/or non-invasive plant species shall be planted as landscaping on the property. 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 bounds of the property.

9. Additional Restrictions to Protect Coastal Resources

- A. Lighting Limitations. All exterior lighting, including any lights installed as part of the development approved under CDP 1-25-0672, or in the future, shall be low-wattage, shielded, and downcast such that no light will shine beyond the bounds of the property or into adjacent sensitive habitats.
- B. Underground Utilities. Where feasible, new and existing utilities should be underground. When above-ground facilities are the only alternative, they should be visually unobtrusive to blend in with the surrounding natural environment, if feasible.
- C. Natural Landscaping. Landscaping shall prioritize native vegetation common to the area and should be used to screen and soften the visual impact of the new development.
- D. Materials and Colors. The colors and materials of the structures, including roofing, windows, doors, trim, siding, flashings, gutters, downspouts, deck railings, chimneys, and other building features potentially visible to the public from public vantage points shall be non-reflective and generally earth-toned to blend with the natural surroundings of the area.

IV. Findings and Declarations

A. Project Description and Background

The applicants, Ronald and Thomas Harris, propose to rebuild a single-family residence destroyed by a fire in December of 2023. The original house had been constructed in 1956 and consisted of a 1,380-square-foot three-bedroom two-bathroom single family residence with an attached carport and gravel driveway. Currently, the only surviving structure on the property is a detached 440-square-foot accessory dwelling unit (ADU) and existing onsite septic and water systems. There are no changes or alterations proposed to the ADU under this application. Following the fire, all related debris and the foundation were cleared from the site. The applicant proposes to construct the new

structure in the same location as the previous structure, though the proposed residence will be larger.

The new residential proposal includes: (1) 1-story, 2,735 square-foot residence, (2) attached 772 square-foot garage, (3) 272 square-feet of covered porches, (4) 1,500 gallon septic tank and associated leach field, (5) two 2,500-gallon water storage tanks for dedicated domestic water use and one 2,500-gallon storage tank for fire suppression, (6) driveway improvements, including a turnaround space for emergency vehicles. There will be no change in the total number of bedrooms (three bedrooms), and the number of bathrooms will increase the number of bathrooms from two to three. Project plans are attached as [Exhibit 3](#). The proposed development would be sited in approximately the same location as the previous residence.

B. Project Location & Environmental Setting

The subject 1.5-acre property is located on a blufftop lot between the sea and the first public road (Patrick's Point Drive) approximately 150 feet south of the southern boundary of Sue-Meg State Park and 5.4 miles north of the City of Trinidad. The subject lot is located at 253 Bazemore Lane (APN 517-081-005) ([Exhibits 1-2](#)).

The project setting and the larger area around Patrick's Point Drive is largely forested with an abundance of coniferous trees (redwood, Sitka spruce, grand fir, and others) and other forest vegetation lining the roadway and extending across the properties on either side of the road. The project location is at the end of a private roadway, Bazemore Lane, and there are no views of the ocean through the property available to the public. Additionally, the project is not located in a Coastal Scenic Area or mapped for Coastal Scenic Views. The parcel hosting the proposed development is approximately 1,200 feet from the nearest public roadway, Patrick's Point Drive and is not in proximity to other public viewshed areas.

The subject property is at an elevation of over 200 feet above sea level. The previous house was located approximately 200 feet back from the bluff edge, and the new residence will be setback 180 feet from the bluff edge. The parcel is surrounded by other rural residential blufftop lots to the north and south, and non-bluff adjacent lots to the east, with the Pacific Ocean situated west of the proposed development.

In addition to the existing ADU located near the northern portion of the driveway, the property is developed with a 12-foot-wide gravel driveway, a groundwater well, a pump house, an onsite wastewater treatment system serving the ADU, one 400-gallon water tank—planned to be repurposed for the proposed fire suppression sprinkler system—and one propane tank. Water and sewer lines currently extend from the ADU and connect to the onsite wastewater treatment system and domestic well located at the eastern and northeastern side of the lot.

C. Standard of Review

The County of Humboldt has a certified Local Coastal Program (LCP). However, the property is located in a non-certified area (area of deferred certification, or ADC) that

includes all of the privately owned lands, other than lands owned by the Trinidad Coastal Land Trust, located west of Scenic Drive, west of Stagecoach Road, and west of Patricks Point Drive (where they are the first public roads paralleling the sea), and along the route of the Sixth Avenue Trail in the Westhaven area. In denying certification for this area of the Trinidad Area Plan (LUP) in 1982, the Commission suggested that the Plan's policies regarding the protection of the public's right of access where acquired through use (i.e. potential prescriptive rights) be modified to conform to the natural resource, hazard, and public access policies of the Coastal Act. The County did not accept the suggested modifications, and the geographic area became an ADC. As a consequence, the Commission retains CDP jurisdiction over the site, and the standard of review for issuance of a CDP is whether the development is consistent with the Chapter 3 policies of the Coastal Act.

D. Other Agency Approvals

The County approved a Special Permit for Design Review (PLN-2024-19213) for the proposed development on August 18, 2025.

E. Locating and Planning New Development

Section 30250 of the Coastal Act states in applicable part (emphasis added):

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

An intent of section 30250(a) is to channel development toward developed areas where services are provided and potential impacts to resources are minimized. As discussed above, the property is located in a rural residential area with no community services for wastewater or domestic water. Thus, the Commission must ensure that adequate onsite wastewater treatment and domestic water services will be provided to serve the proposed development in a manner that will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The property is located in a rural residential area with no community services. The proposed reconstruction of a larger single-family residence will be served by a new on-site individual sewage disposal system and existing on-site groundwater well. The existing accessory dwelling unit (ADU) is currently served by an existing onsite wastewater treatment system, which will remain unchanged. The County Department of Environmental Health (DEH) has been consulted to evaluate the adequacy of the

proposed septic system and the existing well to serve the replacement single-family residence. DEH assesses water and septic demand based on the total number of bedrooms in a residence. Although the replacement home will include one additional bathroom, it will not increase the total number of bedrooms compared to the previous residence. As a result, the improvements will not increase demand on the existing water well or the new sewage disposal system. The previous septic system was outdated and deemed inadequate for the new residence, necessitating its replacement. Accordingly, the proposed 1,500-gallon septic system has been reviewed and approved by DEH as having sufficient capacity to serve the new development.

As described in the findings below, the proposed project, as conditioned, will not have significant adverse impacts on coastal resources. Therefore, the Commission finds that the proposed development is consistent with Coastal Act section 30250(a) to the extent that it has adequate water and septic capability to accommodate it and it will not cause significant adverse effects, either individually or cumulatively, on coastal resources.

F. Hazards

Section 30253 of the Coastal Act states, in applicable part, as follows:

New development shall do all of the following:

- a. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

Section 30235 of the Coastal Act states as follows:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

Coastal bluff erosion and retreat is evident in the steep coastal bluffs that extend along the entire Trinidad area coastline, including on the subject property. In many cases, bluff erosion in the area is manifested as active landsliding. The subject property is one of several blufftop lots adjacent to Sue-meg State Park which, according to the Excerpts from Geologic Reports submitted for the project (SHN, 2025 – [Exhibit 4](#)), are experiencing blufftop erosion. Recent landsliding near and along the blufftop of the project site is primarily due to slow-moving earthflows within the clay-rich, sheared

mélange matrix of the Franciscan Complex bedrock. These earthflows deform around large, stable rock blocks and are accompanied by shallow debris slides and slumps, especially on the lower and mid-bluff slopes. At the bluff top, an active shallow rotational slump is undermining the sandy marine terrace sediments, likely triggered by ongoing earthflow movement below. Evidence of both historic and active slope instability includes a prominent arcuate head scarp, hummocky terrain, tilted trees, tension cracks, and down-dropped soil blocks.

The site is situated at the southern end of the 64,000-year-old Patrick's Point marine terrace, which is several hundred feet wide in this area. It lies along a southwest-facing coastline just southeast of Palmer's Point, the southernmost rock outcrop of the Patrick's Point headland. The terrace is nearly flat, mostly grass-covered with a few scattered trees, and sits at an elevation of approximately 200 feet.

The upper coastal bluff face is currently located at the western edge of the marine terrace surface and is well defined. The bluff is a steep, vine-covered face rising over 30 feet with a sharp, well-developed edge—features that suggest it is a relatively young geologic landform. At the base of the bluff is a gently sloping bench, also covered in vines and notably lacking mature trees, which extends toward a much steeper slope that drops another 50+ feet to the beach. The combination of these features—especially the sharp bluff edge, the absence of deep-rooted vegetation, and the stepped terrain—indicates that the area is likely experiencing ongoing ground movement, specifically the slow, downslope shifting of soil and rock known as earthflow deformation.

When reviewing development on a blufftop lot, to find it consistent with the Coastal Act hazard policies cited above, the Commission must determine that the development is sited with an adequate setback that will minimize its exposure to instability and erosion over its lifetime without having to propose any shore or bluff stabilization devices that would substantially alter natural landforms along the bluffs to protect the structure. The Coastal Act acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or “hard” methods designed to forestall erosion alter natural landforms and natural shoreline processes, resulting in a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access and recreation, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, including ultimately the loss of the beach. Because shoreline armoring directly encroaches upon the beach and fixes the shoreline position, it reduces the beach area available for public use and halts passive erosion, such that additional public beach area can no longer be created. Furthermore, shoreline armoring constrains the possible responses and evolution of beach ecosystems to adjust to changes in sea level and other dynamic coastal processes, resulting in loss of biodiversity and ecosystem services. As evidenced by direct observations, the proposed home will be located inland from an eroding bluff and may eventually be threatened by bluff erosion and landsliding in the future. Thus, safe siting of development is critical not only for the inhabitants of the development but to prevent impacts to coastal resources.

The SHN “Coastal Bluff Stability Analysis for the Establishment of a Site Development Setback, 253 Bazemore Lane, Trinidad, California” dated July 3, 2025, calculated bluff

erosion rates for the subject bluff and provided a quantitative assessment of the bluff stability in order to determine an appropriate bluff setback distance where new development would need to be sited in order to assure its stability and structural integrity and not be in danger from erosion during the expected life of the development. Residential development is generally expected to have a 75-year lifespan. Quantitative slope stability analyses typically calculate a “factor of safety” as an indicator of stability. In theory, slope failure is imminent when the factor of safety drops below 1.0, while values above 1.0 indicate increasing confidence in the stability of a slope. A common standard for assuring stability, which the Commission has consistently applied for many years in evaluating blufftop development, is a factor of safety of 1.5 or greater (or 1.1 for pseudostatic, conditions, accounting for ground-shaking during a large earthquake). To establish a safe setback for slope stability from the edge of a coastal bluff, it is necessary to find the distance inland of the bluff edge at which the factor of safety is equal to 1.5 (static) or 1.1 (pseudostatic), whichever is greater.

In addition to this landslide potential, bluffs are also subject to erosion and retreat over time. To ensure that this same minimum level of slope stability will be maintained over the life of a development, it is also necessary to estimate the amount of bluff retreat, and thus the future position of the bluff edge, 75 years in the future, and measure the slope stability setback from that location. As the bluff retreats, the factor of safety at the location of the development can also be expected to decrease. Thus, establishing the required bluff setback includes estimating long-term bluff retreat as well as slope stability.

A coastal bluff development setback of approximately 95 feet from the current bluff edge is recommended to ensure long-term slope stability and accommodate projected bluff retreat over the proposed development’s 75-year design life. This recommendation is based on several key factors. Quantitative slope stability modeling indicates that a minimum setback of 16 feet is required to maintain a factor of safety of 1.5 under static conditions and 1.1 under seismic conditions. Historical analysis shows that the bluff has retreated approximately 60 feet since 1948, corresponding to an average annual retreat rate of 0.8 feet per year. Considering a projected sea level rise of 6 to 8 feet over the next 75 years, the future retreat rate is conservatively estimated to increase by 10%, resulting in an adjusted rate of 0.9 feet per year. Applied over the 75-year design life, this equates to 68 feet of anticipated landward retreat. When combined with the 16-foot slope stability setback, the total minimum setback is 84 feet. To address uncertainties inherent in the analysis, an additional 10-foot buffer is recommended, resulting in a final development setback of approximately 95 feet. The project design shows the residence will be setback 180 feet from the bluff edge, which is well over the recommended 95-foot, with the closest development component being the leach field, setback a minimum of 140 feet to the bluff top edge. The Commission’s geologist, Philip Johnson, PG, CEG, and the Commission’s engineer Jeremy Smith, have reviewed the applicant’s geotechnical assessment and other studies and evidence relevant to the immediate project area, and generally concurs with the geologist’s conclusions. Thus, the available evidence indicates that the proposed development will not be subject to geologic instability during its projected lifespan, even taking into account the potential for accelerated coastal erosion due to future sea level rise.

The Commission finds that the development setback from the bluff proposed by the applicant is sufficient to protect the new development from bluff retreat hazards over its expected economic life. Adherence to this setback requirement, and other recommendations determined to be necessary by the geology investigations, is required by **Special Condition 2**, which requires that prior to permit issuance, a certified engineering geologist or geotechnical engineer shall approve all final site preparation, foundation design, and drainage plans, and bluff edge setback plot plan. The Commission finds that only as conditioned to ensure that the mitigation measures are properly incorporated into the development can the project be found consistent with Section 30253 of the Coastal Act.

Notwithstanding the relative degree of insulation of the proposed project improvements in their proposed locations from geologic hazards, the applicant is proposing to construct development that would be located on a high uplifted marine terrace bluff top that is inherently subject to erosion risks. Consequently, the development will be located in an area of high geologic hazard. However, new development can only be found consistent with section 30253 of the Coastal Act if the risks to life and property from the geologic hazards are minimized and if a protective device, such as a cliff retaining wall or seawall, will not be needed in the future to protect the development from erosion hazards. Although a geotechnical evaluation is a necessary and useful tool that the Commission relies on to determine if proposed development is permissible at all on any given bluff top site, the Commission finds that a geotechnical evaluation using existing information to model future conditions alone is not a guarantee that a development will be safe from bluff retreat. It has been the experience of the Commission that in some instances, even when a thorough professional geotechnical analysis of a site has concluded that a proposed development will be safe from bluff retreat hazards, unexpected bluff retreat episodes have threatened approved development during the life of structures that geotechnical modeling did not predict at the time of CDP application. Thus, site-specific geotechnical evaluations cannot always accurately account for the spatial and temporal variability associated with coastal processes and therefore cannot always absolutely predict bluff erosion rates. Geologic hazards are episodic, and bluffs that may seem stable now may not be so in the future.

The Commission thus finds that due to the inherently hazardous nature of the bluff erosion on this lot, the fact that no geology report can conclude with absolute certainty that a geologic hazard does not exist, the fact that the approved development and its maintenance may cause future unforeseen problems, and because section 30253 prohibits new development from engendering the need for bluff or shoreline protection that would substantially alter natural landforms along bluffs, it is necessary to attach Special Condition 3. **Special Condition 3** prohibits the construction of bluff or shoreline protective devices on the parcel to protect the approved development, requires, subject to the procedures outlined in Special Condition 3, that the landowner provide a geotechnical investigation and, remove the approved development if bluff retreat reaches the point where this development is threatened, and requires that the landowners accept sole responsibility for the removal of any structural debris resulting

from landslides, slope failures, or erosion of the site. These requirements are necessary for compliance with Coastal Act section 30253.

In addition, **Special Condition 4** requires the landowner to assume the risks of extraordinary erosion and geologic hazards of the property and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite the risks identified in the geologic reports, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards. Furthermore, the Commission imposes **Special Condition 5** to require the applicant to record a deed restriction to impose the special conditions of this CDP as covenants, conditions, and restrictions on the use and enjoyment of the property. This special condition is required, in part, to effectively put future property owners on notice regarding the risks of development on the property, the prohibition against construction of bluff or shoreline protective devices to protect the approved development, the Commission's immunity from liability, and the indemnity afforded the Commission.

As noted above, some risks of an unforeseen natural disaster, such as an unexpected landslide or massive slope failure, could result in destruction or partial destruction of the development approved by the Commission. In addition, the development itself and its maintenance may cause future problems that were not anticipated. When such a catastrophic event takes place, public funds are often sought for the clean-up of structural debris that winds up on the beach or on an adjacent property. As a precaution, in case such an unexpected event occurs on the subject property, **Special Condition 3** also requires the landowner to accept sole responsibility for the removal of any structural debris resulting from landslides, slope failures, or erosion on the site, and agree to remove the approved development should the bluff retreat reach the point where a government agency has ordered that the structures not be inhabited.

The Commission notes that section 30610(a) of the Coastal Act exempts certain additions to existing single-family residential structures from CDP requirements. Pursuant to this exemption, once a house has been constructed, certain additions and accessory buildings that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment. Depending on its nature, extent, and location, such an addition or accessory structure could contribute to geologic hazards at the site (e.g., installing a sizable accessory structure for additional parking, storage, or other uses normally associated with a single family home in a manner that does not provide for the recommended setback from the bluff edge). Accordingly, section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a), the Commission adopted Section 13250 of Title 14 of the California Code of Regulations (CCR). Section 13250(b)(6) specifically authorizes the Commission to require a permit

for additions to existing single-family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a CDP.

As noted above, certain additions or improvements to the approved structure could involve a risk of creating geologic hazards at the site. Therefore, pursuant to section 13250 (b)(6) of Title 14 of the CCR, the Commission attaches **Special Condition 1**, which requires that any future improvements to the development authorized by CDP 1-25-0672 shall require an amendment to the permit from the Commission or shall require an additional CDP from the Commission or from Humboldt County. This condition will allow future improvements to the permitted development to be reviewed by the Commission to ensure that the future improvements will not be sited or designed in a manner that would result in a geologic hazard. As previously discussed, **Special Condition 5** also requires that the applicant record and execute a deed restriction against the property that imposes the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. Special Condition 5 also will assure that future owners are aware of these CDP requirements applicable to all future development.

The Commission thus finds that the proposed development as conditioned is consistent with section 30253 of the Coastal Act regarding geologic hazards, because the development as conditioned (1) minimizes risks to life and property, (2) will not contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, and (3) will not require the construction of protective devices that would substantially alter natural landforms along the bluff.

G. Biological Resources

Section 30231 of the Coastal Act addresses the protection of coastal water quality and marine resources in conjunction with development and other land use activities. Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act addresses environmentally sensitive habitat areas (ESHA):

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Though not the standard of review in this ADC, Section 3.30 of the County's Trinidad Area Plan lists the following types of ESHA for the Trinidad Area Plan LUP planning area in which the subject property is located:

B. Development Policies

1. Identification of Environmentally Sensitive Habitats

- a. Environmentally sensitive habitats within the County Trinidad Planning Area shall include:
 - (1) Rivers, creeks and associated riparian habitats
 - (2) Offshore rocks, islands and intertidal areas
 - (3) Other critical habitats for rare or endangered species listed on state or federal lists
 - (4) Wetlands ...

Coastal Act section 30231 requires, in part, that marine resources and coastal wetlands and waters be maintained, enhanced, and where feasible restored. Section 30231 specifically calls for the maintenance of the biological productivity and quality of marine resources, coastal waters, streams, wetlands, and estuaries necessary to maintain optimum populations of all species of marine organisms and for the protection of human health. As cited above, the LCP defines wetlands as a type of environmentally sensitive habitat where only resource-dependent uses are allowed and where adjacent development must be sited and designed to prevent impacts that would significantly degrade such sensitive habitat areas.

The applicant provided a biological resource assessment (SHN, June 2025) to investigate the potential for sensitive habitat or listed flora and fauna species on the subject parcel. The report included seasonally appropriate floristic surveys conducted in both March and June to account for blooming periods and investigated the potential for wetlands and watercourses present. Test pits and environmental conditions were evaluated and concluded that no wetlands are present along the bluff top terrace. The assessment concluded that the parcel is largely covered in ornamental lawn comprised of native and non-native grasses and shrubs, which is regularly mowed and maintained and does not host ESHA or wetlands. There are no creeks or watercourses on the property, which is essentially level and flat, and all proposed development will be located on the 200-foot-high uplifted coastal terrace approximately 140 feet back from the bluff edge to the leach field and 180 feet from the bluff edge to the residence. Although the applicant will create new impervious surfaces as part of the project (residence, attached garage, covered porches and patio, and asphalt portions of

driveway), given the project site's substantial distance back from the bluff edge (180 feet back), and the sufficient permeable areas that will remain around the impermeable areas to allow for onsite infiltration of stormwater runoff, combined with the fact that the project involves no grading or vegetation removal, there is very little chance that sediment-laden runoff originating from the development site will flow over the bluff edge and down several hundred feet of slope into coastal waters.

In order to ensure the protection of water quality during construction, **Special Condition 6** requires the applicant to adhere to appropriate construction-related best management practices (BMPs) including the proper disposal of construction-related debris, the covering of stockpiles whenever there is a potential for rain to prevent polluted water runoff from the site, and the use of appropriate BMPs to minimize discharge of construction pollutants and control erosion and runoff as detailed in the current California Storm Water Quality Best Management Handbooks.

The applicant proposes to use native species for landscaping surrounding the immediate residence. As such, the Commission attaches **Special Condition 8** to ensure that only native and/or non-invasive plant species are planted on the subject property. As conditioned, the proposed project will ensure that the surrounding environment near the project site is not significantly degraded by any future landscaping that would contain invasive exotic species.

Furthermore, exterior lighting associated with residences has the potential to illuminate the nearby, naturally dark natural area and to degrade the dark nighttime character of the area. Accordingly, to prevent the cumulative impacts of light pollution on the biological resources of the area, the Commission attaches **Special Condition 9**, which requires that all exterior lighting associated with the proposed development be low-wattage and downcast shielded such that no glare is directed into the surrounding spruce forest habitat.

As discussed above, **Special Condition 1** requires that all future improvements to the development authorized by this permit amendment that might otherwise be exempt from CDP requirements requires an amendment or new CDP. This condition will allow future development to be reviewed by the Commission to ensure that future improvements to the development will not impact adjacent ESHA. **Special Condition 5** also requires that the applicants record and execute a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit amendment as covenants, conditions, and restrictions on the use and enjoyment of the property. **Special Condition 5**, discussed above, will also help assure that future owners are aware of these CDP requirements applicable to all future development.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with section 30231 of the Coastal Act, because the project as conditioned will protect marine resources, water quality, and the biological productivity of coastal waters and wetlands adjacent to the development site.

H. Visual Resources

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. This section requires, in applicable part, that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, and to be visually compatible with the character of surrounding areas.

The proposed new maximum 22-foot-tall residence will not be visible from Patricks Point Drive, although the new structure will be visible from the end of Bazemore Lane and partially visible from the end of Driftwood Lane, both dead-end private roadways with no public use.

The building site is located on level ground, and no grading or vegetation removal is proposed that would result in major landform alteration. The proposed siding, roofing, and contemporary architecture, are similar to other homes in the immediate neighborhood. The County approved a Special Permit for Design Review for the proposed new structure on August 18, 2025, with findings that the proposed project is compatible with the neighborhood and will not be of greater height or bulk than nearby development.

Although the development is largely hidden from public view due to dense forested growth surrounding Bazemore Lane, there is potential for the nighttime character of the area to be impacted by outside illumination, given that this is an area with relatively minimal exterior lighting. Accordingly, to prevent the cumulative impacts of light pollution on the visual resources of the area, the Commission attaches **Special Condition 9** which requires (1) all exterior lighting associated with the proposed development to be low-wattage and downcast shielded such that no glare is directed beyond the bounds of the property or into adjoining environmentally sensitive areas, (2) new utilities be undergrounded, where feasible, (3) that any new landscaping prioritizes vegetation common to the area and is used to screen and soften the new development, and (4) that any materials and colors chosen for the exterior of the new residence and garage are compatible with the natural surroundings of the area.

In summary, the proposed development as conditioned is consistent with section 30251, as the development will not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

I. Public Access

Coastal Act section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act section 30212(a) states, in part:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected.

Coastal Act section 30214 states in part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution...

In applying these sections, the Commission considers whether public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The project site is located between the first public road (Patricks Point Drive, a County road) and the ocean. As previously discussed, the subject lot is a developed bluff-top parcel with an existing ADU, and prior to 2023, with a single-family residence constructed in 1956. The lot hosts a steep bluff face to the west abutting the Pacific Ocean and is surrounded by other residential lots. These lots are located off of

Driftwood Lane to the south and others also on Bazemore Lane to the north and eastern parcel boundaries. Both roadways are private residential access and no surrounding parcels host public access points. The closest public access point to the property is Sue-Meg State Park, approximately 150 feet north of the parcel's northern property boundary.

There is no evidence of public use of the subject property for public access, no evidence of trails on the property, and no indication from the public that the site has been used for public access purposes in the past. The steep topography to the west abutting the Pacific Ocean does not lend itself as feasible public access. The proposed development will not significantly and adversely increase the demand for public access to the shoreline, as it involves development on an existing developed single-family residential lot. For all of these reasons, the Commission finds that the proposed project, which does not include provision of public access, is consistent with the public access policies of the Coastal Act.

J. Protection of Archaeological Resources

Coastal Act section 30244 states as follows:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

For thousands of years, the Yurok have lived in coastal areas and coastal watersheds from the Little River to areas within Del Norte County, including over 50 named villages clustered along the Klamath River and coastal lagoons and creeks. Several federally recognized California Native American tribes in the region are affiliated with the Yurok, including Big Lagoon Rancheria, Blue Lake Rancheria, Cher-Ae Heights Indian Community of Trinidad Rancheria, Pulikla Tribe of Yurok People (formerly Resighini Rancheria), and the Yurok Tribe – the largest tribe in California.

On October 31, 2025, Commission staff referred the project materials to the Tribal Historic Preservation Officers (THPO) for the Yurok Tribe, Cher-Ae Heights Indian Community of the Trinidad Rancheria, and the Big Lagoon Rancheria for review and comment. As of the date of publication of this report, no responses had been received.

To ensure protection of any archaeological resources that may be inadvertently discovered at the site during ground-disturbing activities associated with the proposed development, the Commission attaches **Special Condition 7**. This condition requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find in compliance with state and federal laws. To recommence construction following discovery of cultural deposits or human remains, the Permittee is required to submit a report for the review and approval of the Executive Director demonstrating whether any changes to the project are required to protect archaeological resources. If the ED determines that changes to the project are

necessary, and those changes are not de minimis, the Permittee must obtain a permit amendment from the Commission before proceeding with construction.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act section 30244, as the development includes reasonable mitigation measures to ensure that construction activities will not result in significant adverse impacts to archaeological resources.

K. Local Coastal Program Certification

Section 30604(a) of the Coastal Act states in part that prior to certification of a local coastal program (LCP), a CDP shall be issued only if the issuing agency finds that the proposed development is in conformity with the provisions of Chapter 3 of the Coastal Act, and the permitted development will not prejudice the ability of the local government to prepare a LCP that is in conformity with the provisions of Chapter 3.

As described above, the area that includes the subject site along with all of the bluff-top lots located west of Stagecoach Road and west of Patricks Point Drive between Trinidad State Beach and Patricks Point State Park, as well as several lots in the Westhaven area south of Trinidad, is located in an area that lacks a certified LCP (Area of Deferred Certification or ADC). The County considers the site designation to be Rural Residential (RR).

In denying certification for this area of the Trinidad Area Plan in 1982, the Commission suggested that the plan's policies regarding the protection of the public's right of access where acquired through use (i.e. potential prescriptive rights) be modified to conform to the natural resource, hazard, and public access policies of the Coastal Act. As discussed in the findings above, the development does not affect wetlands or environmentally sensitive habitat, the geologic hazards affecting the site have been evaluated and special conditions have been attached to the permit to protect against bluff retreat hazards, and there is no evidence of potential prescriptive rights of access on the subject lot. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act, and approval of the project will not prejudice the ability of Humboldt County to prepare an LCP for this area that is in conformity with the provisions of Chapter 3.

L. California Environmental Quality Act (CEQA)

Humboldt County served as the lead agency for the project in its processing of a special permit for design review for the proposed new residence. The County determined the project to be categorically exempt from CEQA review pursuant to section 15303(a) – New Construction or Conversion of Small Structures.

Section 13096 of the Commission's regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are any feasible alternatives or feasible

mitigation measures available that would substantially lessen any significant adverse effect the proposed development may have on the environment.

Accordingly, this report has discussed the relevant coastal resource issues with the proposal and the Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. As discussed above, the project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts, either individually or cumulatively, that the activity may have on the environment. Therefore, the Commission finds that the proposed development, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

1-25-0672 (Harris)

APPENDIX A

Application File for CDP Application No. 1-25-0672

Applicable policies and standards of the County of Humboldt Local Coastal Program
(certified Trinidad Area Plan & certified Coastal Zoning Regulations)