

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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Date Filed: September 7, 2007
Hearing Date: November 16, 2007
49th Day: October 9, 2007
180th Day: February 17, 2008
Staff Report: October 26, 2007
Staff: Melissa B. Kraemer
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-07-014**

APPLICANT: **Steve Porter**

PROJECT LOCATION: 1228 Stagecoach Road, Trinidad area, Humboldt County (APN 515-281-008).

PROJECT DESCRIPTION: Increase the height by two feet of an existing approximately 150-foot-long roadside earthen berm for privacy.

GENERAL PLAN DESIGNATION: Area of Deferred Certification. Humboldt County Trinidad Area Plan – Rural Residential, 0-1 dwelling unit per 5 acres [RR(b)].

ZONING DESIGNATION: Area of Deferred Certification. Rural Agricultural, minimum 5-acre lot size, Special Designation for Design Review, Offshore Rocky Intertidal Areas, and Streams and Riparian Corridor Protection combining zones (RA-5 D/O/R).

OTHER APPROVALS: None Required.

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve with conditions the development that involves increasing the height by two feet of an existing approximately 150-foot-long roadside earthen berm at 1228 Stagecoach Road in the Trinidad area of Humboldt County. The subject property is located on a blufftop parcel (the project area is located over 650 to 900 feet from the bluff edge) on the west side of Stagecoach Road in an area of low-density, rural residential development. Stagecoach Road is a densely vegetated, narrow road corridor, and the surrounding area is mostly wooded with coastal forest vegetation.

The applicant seeks after-the-fact authorization for the development, which was performed without the benefit of a coastal development permit. The project involves raising the height of the roadside berm on the property on the west side of Stagecoach Road approximately two feet for privacy. The roadside berm and a portion of the area between the berm and the house used to be covered with trees and dense vegetation, thereby obstructing views from the road to the applicant's house and the ocean beyond it, until a severe wind storm in the winter of 2005-2006 blew down approximately a dozen trees on the berm and many more between the berm and the house. The applicant subsequently cut up the downed trees for firewood and raised the height of the berm slightly higher than original to help with privacy that was lost with the vegetation blow-down. Approximately 10 to 15 cubic yards of earthen material, graded from the applicant's adjacent yard, was placed atop an approximately 150-foot-long stretch of the existing berm to raise its height by two feet (from approximately 4 feet to 6 feet above the road surface). Vegetation has recolonized the filled area, and currently the berm is covered with various ferns, grasses, and other understory species, including at least one invasive weed, Kangaroo apple (*Solanum aviculare*), which is an uncommon plant in the area. Limited blue water views of the ocean are currently available from Stagecoach Road north and south of the berm. These views to the water contrast to the majority of Stagecoach Road, where views to the ocean are primarily obscured by dense vegetation.

Staff believes that the development being authorized will not result in significant adverse impacts on views to or along the coast, as the roadside berm at its original height of 4 feet already obstructs the public view through that portion of the property to the applicant's residence and blue water views north and south of the house. Increasing the height of the berm by 2 feet will not block more of the view through the property. Staff further believes that the proposed development would not result in substantial alteration of natural landforms, as the scope of the work is relatively minor. Finally, staff believes that the size of the raised berm is consistent with the character of the surrounding area, as a roadside berm as high as 8 to 10 feet currently exists along most of both the east and west sides of Stagecoach Road, including along the eastern property line of the subject parcel.

However, staff believes that there is one uncharacteristic, invasive species [Kangaroo apple (*Solanum aviculare*)] that occurs on the existing berm that, if not eradicated, could spread across the area being authorized for development as well as to the surrounding area. Staff believes that proliferation of this relatively large and showy shrub species in the area would not be visually

compatible with the character of the surrounding area inconsistent with Section 30251 of the Coastal Act, and would adversely affect nearby environmentally sensitive habitat areas inconsistent with Section 30240(b). Therefore, staff recommends Special Condition No. 1, which would require that the applicant remove the invasive plant from the subject berm, and within one year of permit approval, submit documentation to the Executive Director that any and all *Solanum aviculare* plants in the area authorized for development have been eradicated or are actively being eradicated (since it potentially could take longer than one year to fully eradicate the species from the area). The condition would also prohibit the planting of invasive species in the area as well as the use of certain rodenticides, which could adversely impact surrounding natural communities.

Therefore, staff recommends that the Commission find that the proposed development, as conditioned, is consistent with Coastal Act Section 30251 and all other applicable Chapter 3 policies.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on Pages 3-4.

STAFF NOTES:

1. Jurisdiction & Standard of Review

The project subject to this coastal development permit is located within an Area of Deferred Certification along the west side of Stagecoach Road within the Trinidad Planning Area of the County of Humboldt's Local Coastal Program. The project site is located between the first through public road and the sea. Pursuant to Section 30604(a) of the Coastal Act, prior to certification of a certified LCP for this geographic segment, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION, & RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-07-014 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve Permit:

The Commission hereby approves a coastal development permit 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: See Attachment A.

III. SPECIAL CONDITIONS:

1. Landscaping Restrictions

- A. WITHIN 60 DAYS OF APPROVAL, the permittee shall remove all Kangaroo apple (*Solanum aviculare*) plants growing on the subject berm and any other invasive plants that exist within the area authorized for development.
- B. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the area authorized for development. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be planted within the area authorized for development.
- C. WITHIN ONE YEAR OF COMMISSION APPROVAL OR WITHIN SUCH ADDITIONAL TIME AS THE EXECUTIVE DIRECTOR MAY GRANT FOR GOOD CAUSE, the permittee shall submit to the Executive Director, for review and written approval, documentation that all Kangaroo apple (*Solanum aviculare*) plants and all other problematic and/or invasive plants on the area authorized for development have been eradicated or are actively being eradicated. If the submitted documentation shows that any Kangaroo apple individual(s) still remains on the area authorized for development, additional follow-up documentation demonstrating the species’ eradication shall be submitted until complete eradication has been achieved.

- D. Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used.

2. Permit Expiration & Condition Compliance

Because the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS & DECLARATIONS:

The Commission hereby finds and declares the following:

1. Site Description & Proposed Project

The approximately 5-acre subject property is located on a blufftop parcel on a coastal terrace on the west side of Stagecoach Road, approximately two miles north of the city of Trinidad in Humboldt County (Exhibit No. 1). The site is located in an area of low-density, rural residential development along a densely vegetated, narrow road corridor (Stagecoach Road) (Exhibit No. 2). The subject property contains an existing single family house located near the bluff edge, several hundred feet west of the project area. The project area is immediately adjacent to Stagecoach Road, over 650 to 900 feet from the bluff edge (see Exhibit No. 3). The elevation of the project area is approximately 200 feet above mean sea level. The surrounding area is mostly wooded with a North Coast Coniferous Forest consisting typically of Sitka spruce (*Picea sitchensis*), western hemlock (*Tsuga heterophylla*), red alder (*Alnus rubra*), California wax myrtle (*Morella californica*), evergreen huckleberry (*Vaccinium ovatum*), salal (*Gaultheria shallon*), blackberries (*Rubus* spp.), and various ferns and other understory species.

The project involves raising the height of the roadside berm on the property on the west side of Stagecoach Road approximately two feet for privacy (Exhibit No. 4). According to the applicant, the roadside berm and the area between the berm and the house used to be covered with trees and dense vegetation, thereby obstructing views from the road to the applicant's house and the ocean beyond it, until a severe wind storm in the winter of 2005-2006 blew down approximately a dozen trees on the berm. The applicant subsequently cut up the downed trees for firewood and raised the height of the berm 2 feet higher than original to help with privacy that was lost with the vegetation blow-down. Approximately 10 to 15 cubic yards of earthen material, graded from the applicant's adjacent yard, was placed atop an approximately 150-foot-long stretch of the existing berm to raise its height by two feet (from approximately 4 feet to 6 feet above the road surface). Vegetation has recolonized the filled and graded areas, and the applicant mulched the disturbed area with straw to minimize the potential for erosion. Currently the berm is covered with various ferns and other understory species, including some invasive

weeds (e.g., Himalayan blackberry, *Rubus discolor*; and Kangaroo apple, *Solanum aviculare*), as well as a few small trees, which survived the wind storm. Limited blue water views of the ocean are currently available from Stagecoach Road to the north and south of the berm. These views are in contrast to the majority of Stagecoach Road, where views to the ocean are primarily obscured by dense vegetation.

2. Protection of Visual Resources & Compatibility with Surrounding Character

Coastal Act Policy:

Section 30251 of the Coastal Act states, in applicable part, the following:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...

Section 30251 of the Coastal Act requires that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural land forms, and be visually compatible with the character of surrounding areas.

Consistency Analysis:

The site is located on the west side of Stagecoach Road in an area of low-density, rural residential development on heavily forested lots. Stagecoach Road is a narrow, public road within a densely vegetated travel corridor that provides public access to several coastal recreation areas including various units of Trinidad State Beach to the south from the City of Trinidad and serves as an alternate parallel route to Patrick's Point Drive for southbound traffic coming from the north. The development being authorized does not involve the removal of any trees or major vegetation (just debris blow-down) and would not be visible from any park or public recreation area, only from the public road.

The character of the area is largely defined by the dense, coastal forest and coastal scrub vegetation along the east and west sides of the road corridor, including along roadside berms and shallow road cuts, which align both the east and west sides of Stagecoach Road for virtually its entire length. As a result of the densely vegetated character of the area, very little development is actually visible from Stagecoach Road with the exception of occasional rooftops and some property-line fencing. This dense vegetation is the dominant characteristic of the area. The limited blue water views that are available from the road at the north and south ends of the subject berm are somewhat uncharacteristic of the area. Prior to the blow-down of the trees on the property during the storms of 2005-2006, no views to the ocean were afforded through the site from the road due to the density of vegetation in the area.

- Protection of Views To and Along the Ocean and Coastal Scenic Areas

Prior to the blow-down of trees from the storms of 2005-2006, virtually no view was afforded through the property from Stagecoach Road. Currently views of the ocean from Stagecoach Road at the subject property are limited by existing vegetation, the applicant's residence and neighboring residences, the existing roadside berm, and the distance from the road to the ocean (approximately 650 to 900 feet). As seen from Stagecoach Road, the subject property affords only a minimal blue water view corridor across the property to the south of the berm down the driveway entrance to the neighboring property to the south, and across the property to the north of the berm down the applicant's driveway (see Exhibit No. 5). The existing roadside berm at its pre-project height of 4 feet obstructs the public view through the property to the applicant's residence and blue-water views around it. The views to the ocean that are available to the north and south of the raised berm will not be affected by the 2-foot height increase of the berm. Therefore, the Commission finds that the development would not result in a significant adverse impact on views to or along the coast.

- Minimization of Natural Landform Alteration

As described above, the subject site includes a preexisting, 4-foot-high roadside berm (from the road surface) to which the applicant seeks permit authorization for an additional two feet of height (for a total height of 6 feet from the road surface). The terrain to the west of the roadside berm consists of more-or-less a flat to gently sloping (westward) uplifted marine terrace. The development being authorized entails some minor grading and excavation on the subject property immediately west of the roadside berm (approximately 10 to 15 cubic yards over an approximately two-thirds of an acre area); however, the depth of grading is very shallow (approximately one foot or less), and no standing trees or other areas of major vegetation are being removed. Given the relatively minor scope of the grading on mostly flat terrain with no necessary major vegetation removal, coupled with the relatively minor increase in the height of the roadside berm, the Commission finds that the development has been sited and designed to minimize the alteration of natural landforms.

- Visually Compatibility with the Character of Surrounding Areas

As noted above, the grading performed on the adjacent parts of the property to provide material to raise the berm higher did not result in a substantial alteration of the landform, and the area remained a gently sloping flat area of the same grade as the surrounding coastal terrace. Therefore, the graded area remains consistent with the character of the surrounding area.

Roadside berms or shallow road cuts currently line both the east and west sides of Stagecoach Road for virtually the entire length of the road, including along the eastern property line of the subject parcel. In some places the roadside berm or embankment is as high as 8 to 10 feet, such as across the road from the project area. The finished height of the berm on the subject property is approximately 6 feet, which is, on average, typical of the height of the roadside berm or embankment throughout the length of Stagecoach Road. Therefore, the size of the raised berm is consistent with the character of the surrounding area.

Prior to the development being authorized, the berm and graded area were, in general, vegetated with vegetation typical of the surrounding area, including grasses, ferns, blackberries, young conifers, and other species. As mentioned above, the applicant has already performed the grading and raised the berm height, and vegetation typical of the surrounding coastal forests has begun to recolonize the graded and filled areas. However, one isolated specimen of an uncharacteristic, invasive species [Kangaroo apple (*Solanum aviculare*)] currently occurs on the subject berm which, if not eradicated, could potentially spread across the newly disturbed upper portion of berm and the adjacent graded area. Proliferation of this relatively large and showy shrub species in the area would not be visually compatible with the character of the surrounding area, as the species is uncommon in the area, and due to its large, showy nature, a large population of plants would be conspicuous and would detract from the character of the area's mostly native coastal forest and coastal scrub communities.

Kangaroo apple (*Solanum aviculare*) is an evergreen shrub with relatively large, showy, purple flowers in the Nightshade Family (Solanaceae) that is native to Australasia (see Exhibit No. 6). According to *The Jepson Manual* (Hickman 1993) and the U.S.D.A.-N.R.C.S. Plants Database (<http://plants.usda.gov/index.html>), Kangaroo apple is relatively uncommon outside of its native range, with only limited naturalized occurrences of the species documented in western California, western Oregon, and parts of Hawaii. In California, scattered occurrences of the species are documented in "open, generally disturbed places" along the North Coast and northern Central Coast at elevations less than 100 meters. In Humboldt County, there are at least five known occurrences of the species from Arcata to Big Lagoon. According to Andrea Pickart, ecologist with the U.S. Fish and Wildlife Service at the Humboldt Bay National Wildlife Refuge (Lanphere Dunes Unit), *Solanum aviculare* has been increasing steadily in coastal forests in the area over the past 10 years (A. Pickart, pers. comm., October 3, 2007). Ms. Pickart believes that the species poses an ecosystem threat, since it potentially could, as many invasive species do, suddenly increase its geographic range much more rapidly than is typical during the initial "lag period" when a nonnative species first is becoming established in a new geographic area. Exotic plants often have a lag period (up to several decades) between introduction and becoming invasive (Hartzler 2005). This lag period is explained by the "evolution of increased competitive ability" (EICA) hypothesis, which contends that plants have developed defense mechanisms (chemicals) that reduce the damage inflicted by natural enemies, and when removed from the natural enemies, the resources previously used to protect the plant are gradually shifted towards growth. The greater resources available to support growth enhance the competitiveness of the plant and contribute to the invasiveness of the plant (Hartzler 2005). If Kangaroo apple suddenly was able to increase its geographic range much more rapidly than it previously has in the area (consistent with the EICA hypothesis), the species potentially could become a dominant nonnative associate of coastal forest communities, thereby displacing native species and native vegetation associations. Furthermore, the species is known to be quite prolific and difficult to eradicate; Ms. Pickart noted that a very large plant documented on the Refuge had been actively "killed" for an entire year before it was finally eradicated, and since then several new seedlings are being found every year. For these reasons, Ms. Pickart recommends eradicating the species wherever it is found.

As discussed above, the subject property is located in a rural area of low-density development surrounded by coastal forest vegetation. Public recreation areas, including state park land accessed from Stagecoach Road, occur approximately one mile to the south of the subject site. As Kangaroo apple favors disturbed habitats, if not controlled, the species could expand its population size into the area authorized for development and become a problematic seed source for potential dispersal into the surrounding coastal forest communities, including public recreation areas and along public roads (e.g., Stagecoach Road). Not only would the species' proliferation in the area have an impact on coastal forest vegetation (in terms of vegetation composition), but it also would be visually incompatible with the character of the surrounding area, which is currently virtually devoid of this invasive, showy shrub. Therefore, the Commission attaches Special Condition No. 1, which requires that the applicant remove the Kangaroo apple plant from the subject berm, and within one year of permit approval submit documentation to the Executive Director showing that any and all *Solanum aviculare* plants on the area authorized for development have been eradicated or are actively being eradicated (since it potentially could take longer than one year to fully eradicate the species from the area, as discussed above). The condition also prohibits the planting of invasive species in the area as well as the use of certain rodenticides, which could adversely impact surrounding natural communities (see discussion in Section IV-3 below). Removal of the Kangaroo apple plant and preventing the species from spreading into the area authorized for development will facilitate natural recolonization of the disturbed area by native plants, thereby restoring the site with vegetation characteristic of that in the Stagecoach Road area and helping to ensure that the development is visually compatible with the character of the surrounding area.

For all of the above reasons, the Commission finds that the development is visually compatible with the character of the surrounding area consistent with Section 30251 of the Coastal Act.

Conclusion:

The Commission concludes that as: (1) views to and along the ocean have not been significantly adversely affected by the development; (2) natural landform alteration has been minimized; and (3) the project has been conditioned to ensure that the development will remain visually compatible with the character of surrounding areas, the development, as conditioned, is consistent with Coastal Act Section 30251.

3. Protection of Environmentally Sensitive Habitat Areas

Coastal Act Policy:

Coastal Act Section 30240 states the following:

(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.

Coastal Act Section 30107.5 states the following:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states that development in areas adjacent to environmentally sensitive habitat 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 areas.

Consistency Analysis:

The subject property does not contain any known environmentally sensitive habitat areas. However, according to the California Native Plant Society (CNPS 2007), the coastal bluffs in the Trinidad area are known to contain rare plant species including Oregon coast Indian paintbrush (*Castilleja affinis* ssp. *littoralis*), Mendocino coast Indian paintbrush (*C. mendocinensis*), black crowberry (*Empetrum nigrum* ssp. *hermaphroditum*), and Wolf’s evening-primrose (*Oenothera wolffi*). The Commission finds that ESHA located near the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could physically spread into ESHA and displace native and/or rare vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that ESHA near the site is not significantly degraded by any future landscaping that would contain invasive exotic species, the Commission attaches Special Condition No. 1-B, which requires that only native and/or non-invasive plant species be planted at the site. As discussed above in Section IV-2, Special Condition No. 1 also requires that the applicant remove the invasive Kangaroo apple plant from the subject berm, and within one year of permit approval submit documentation to the Executive Director showing that any and all *Solanum aviculare* plants on the area authorized for development have been eradicated or are actively being eradicated (since it potentially could take longer than one year to fully eradicate the species from the area, as discussed above).

In addition, the Commission notes that certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to pose significant primary and secondary risks to non-target wildlife present in urban and urban/wildland interface areas. As raptors or other environmentally sensitive predators and scavengers prey upon these target species, the pest control compounds can bio-accumulate in the

animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. To avoid this potential cumulative impact to environmentally sensitive wildlife species, Special Condition No. 1-D contains a prohibition on the use of such anticoagulant-based rodenticides.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent environmentally sensitive habitat area, the project, as conditioned, will not significantly degrade adjacent ESHA and will be compatible with the continuance of the habitat area. Therefore, the Commission finds that the project as conditioned is consistent with Coastal Act Section 30240.

4. Coastal Access

Summary of Applicable Coastal Act Provisions:

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that 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. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

Consistency Analysis:

In its application of these policies, the Commission is limited by the need to show that any denial of a permit application based on the above public access policies, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

Although the project site is located between the first public road (Stagecoach Road) and the sea, the development does not adversely affect public access. There are no trails that provide shoreline access through the subject property, and therefore, the expanded height of the berm and the associated grading does not in any way result in a barrier to public coastal access. Furthermore, the development does not change the nature or intensity of use of the site and thus does not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the development is consistent with the public access policies of the Coastal Act.

5. Alleged Violation

Although certain development has taken place at the project site without the benefit of a coastal development permit (including raising the height of the berm by two feet and minor grading of the yard), consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

6. California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that 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 a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the project has been conditioned to achieve consistency between the project and the requirements of the applicable policies of the Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures that will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

REFERENCES:

- California Native Plant Society (CNPS). 2007. *Inventory of Rare and Endangered Plants* (online edition, v7-07c). California Native Plant Society. Sacramento, CA. Accessed on Mon, Oct. 15, 2007 from <http://www.cnps.org/inventory>.
- Hartzler, B. December 22, 2005. *Where will our next big weed come from?* Paper prepared for Iowa Integrated Crop Management Conference, November 30, 2005. Iowa State University Weed Science. Paper accessed at <http://www.weeds.iastate.edu/mgmt/2005/invasives.shtml>.

Hickman, J.C. (ed.). 1993. *The Jepson Manual: Higher Plants of California*. University of California Press, Berkeley, CA. 1400 pp.

Pickart, A. October 3, 2007. Personal communication (email) regarding identity and invasiveness of *Solanum aviculare*.

U.S.D.A.-N.R.C.S. Plants Database (<http://plants.usda.gov/index.html>).

EXHIBITS:

1. Regional Location
2. Vicinity & Land Use Designation Map
3. Assessors Parcel Map
4. Site Plan
5. Applicant's View Analysis
6. Photograph of Kangaroo apple (*Solanum aviculare*)

ATTACHMENT A

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. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. 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.
4. 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.

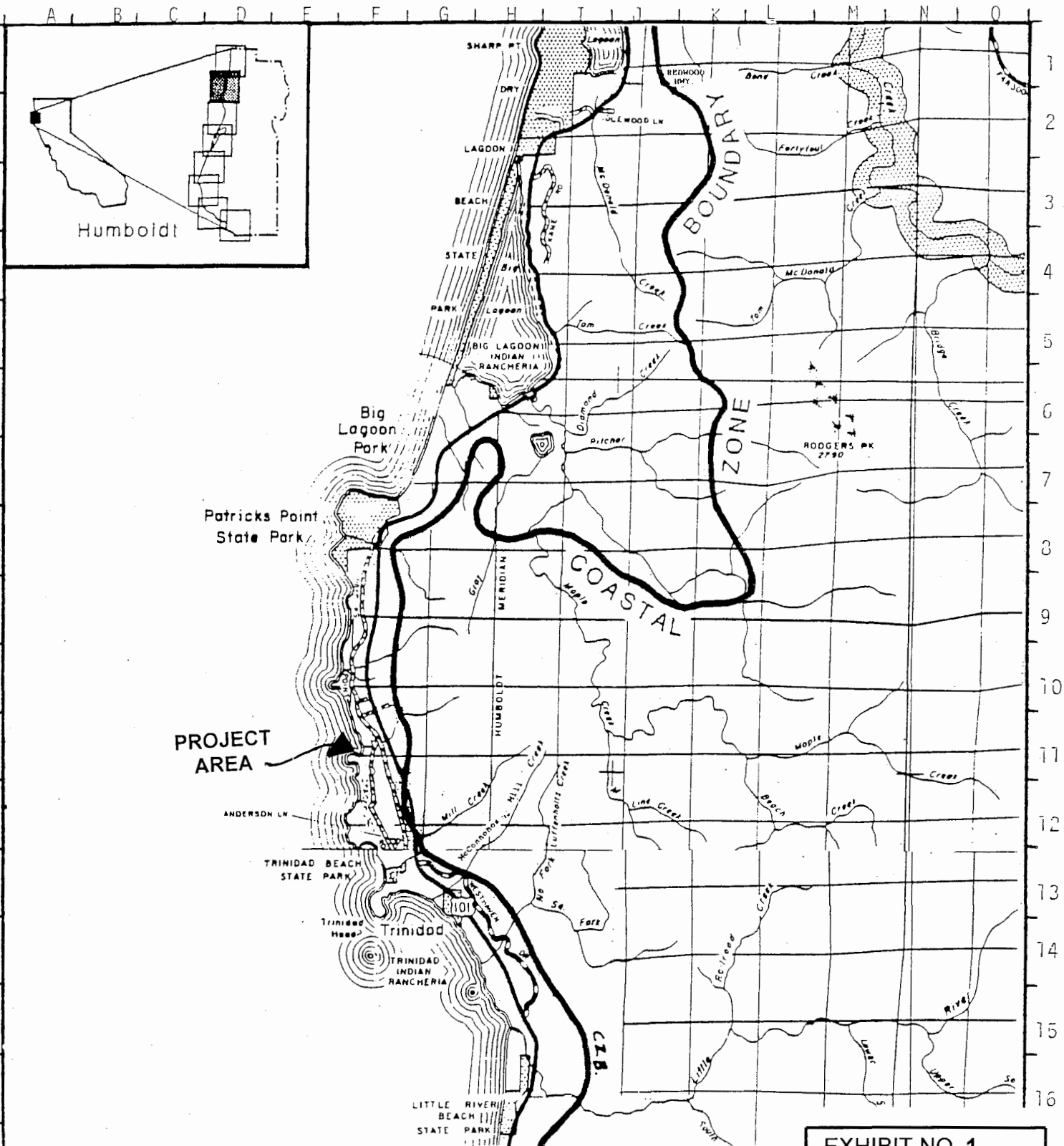


EXHIBIT NO. 1
APPLICATION NO.
 1-07-014
 PORTER
 REGIONAL LOCATION

MAP 4

TRINIDAD AREA PLAN Land Use Designations

Urban

- Urban Limit Line
- RE Residential Estates (0-2units/acre)
- CG Commercial General

Rural

- City Service Area
- Westhaven Service Area
- TC Commercial Timberland
- RX Residential Ex Urban (0-2units/acre)
- RR(a) Rural Residential (0-1unit/2 acres)
- RR(b) " " (0-1unit/5 acres)
- RR(c) " " (0-1unit/2 1/2 acres)
- RR(d) " " (0-1unit/5 acres)
- RR(e) " " (0-1unit/acre)
- RR(f) " " (0-1unit/5 acres)
- RV Rural Village
- CR Commercial Recreation
- PR Public Recreation
- PF Public Facility
- NR Natural Resources

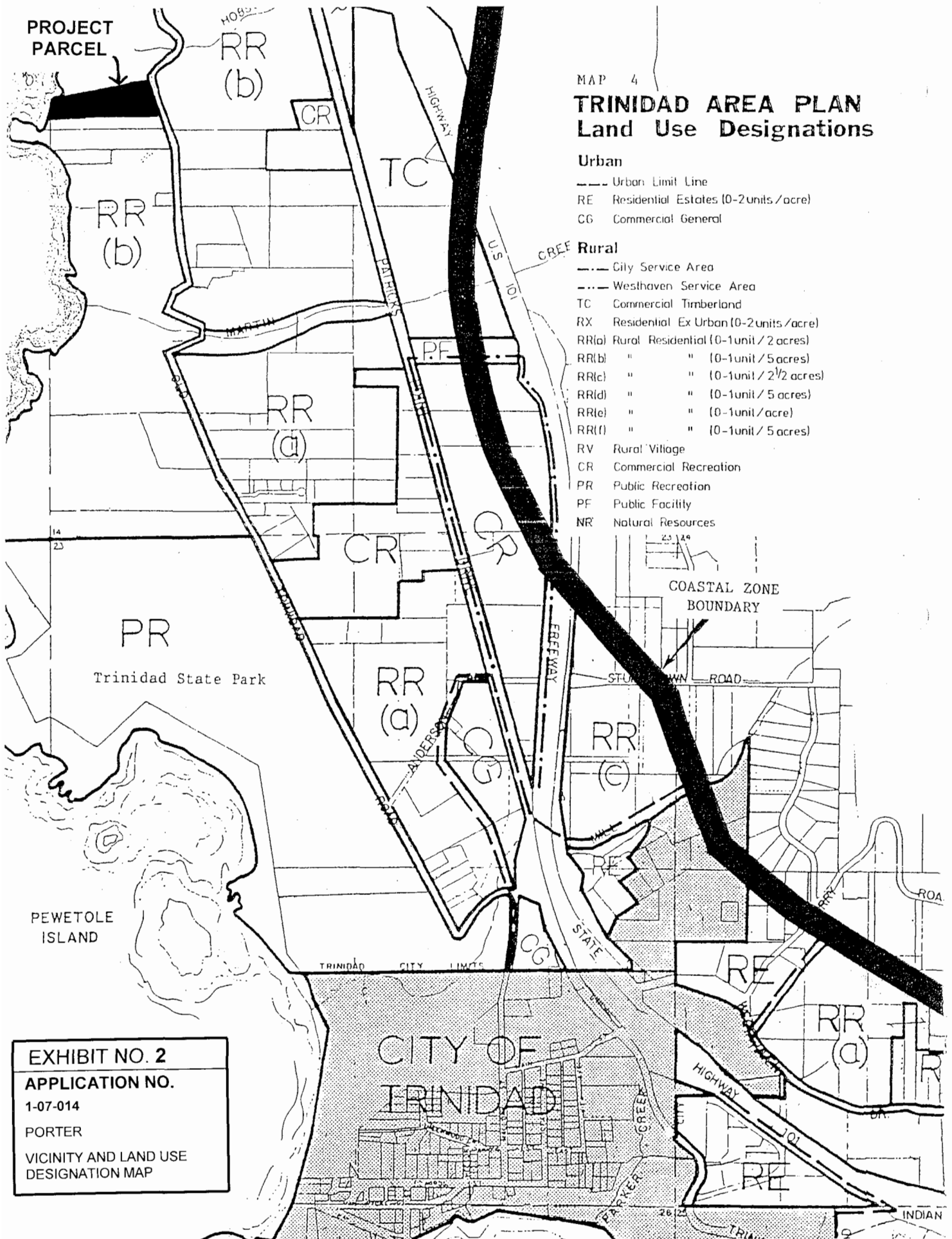


EXHIBIT NO. 2
APPLICATION NO.
 1-07-014
 PORTER
 VICINITY AND LAND USE
 DESIGNATION MAP

POR. NW 1/4 SEC. 14, T8N, R1W

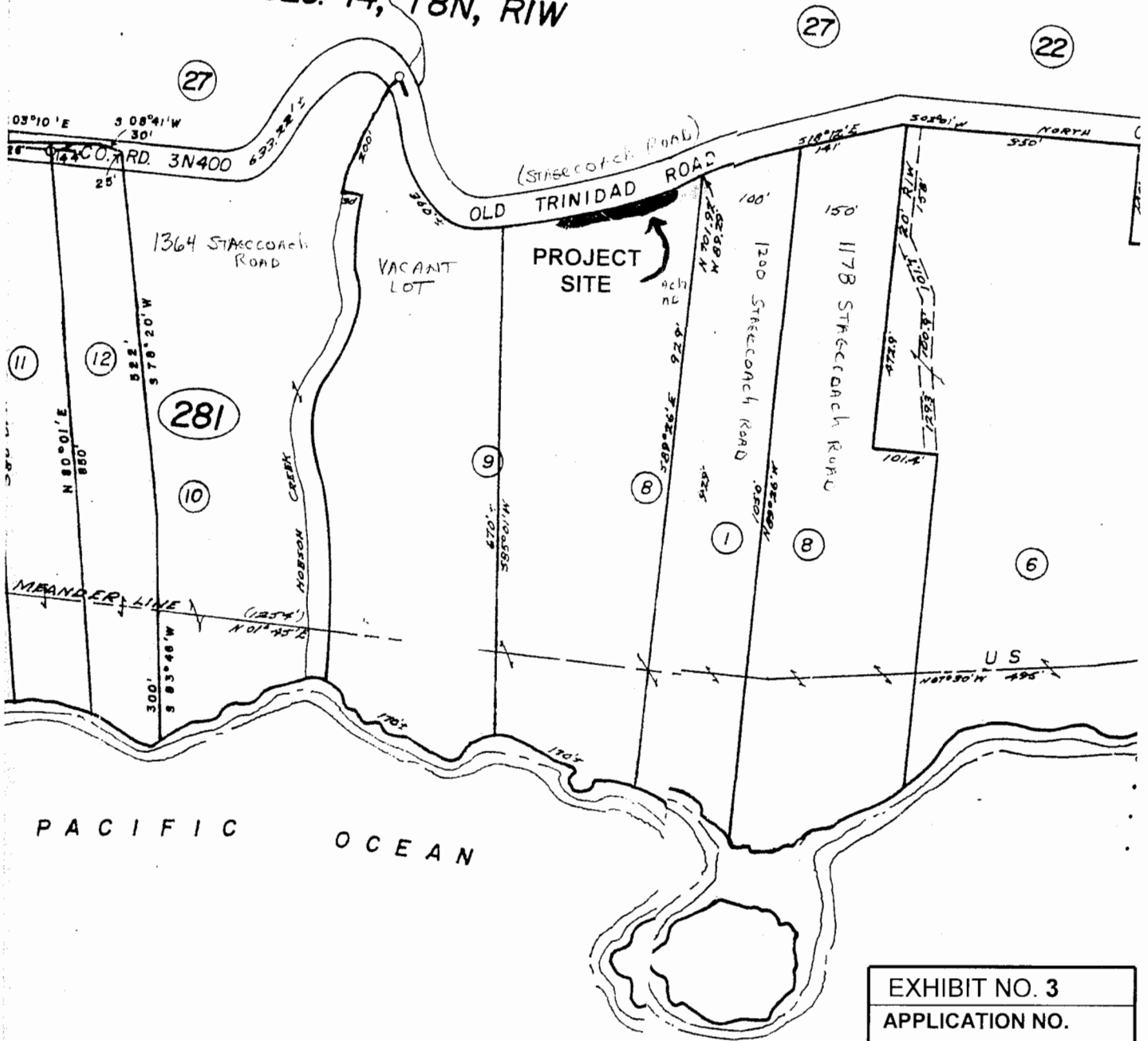


EXHIBIT NO. 3
APPLICATION NO.
1-07-014
PORTER
ASSESSOR'S MAP

NOTE- COASTLINE & ROAD FROM DIV. OF HWYS.
 AERIAL PHOTO, ASC NO. 450-10
 FLOWN 6-15-61

Assessor's Maps Bk. 515 - Pg. 28
 County of Humboldt, Calif.

E - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

NO
100
01
AV
PAC

North Property Line

226' TO HOUSE +



Porter house

EXHIBIT NO. 4
APPLICATION NO.
 1-07-014
 PORTER
 SITE PLAN

SHOWN
ALL EXISTING
TREES

(THIS BERM & FOOTING WAS ALIGNED
HERE, IT ADDED 2' TO
HEIGHT)

BERM

TAPER OFF

THICKER OF

EXISTING
TREES

0
Pie

300' +
TO
ONLY house

South Property Line

STREET

A HIGH POINT IN TERRAIN THAT THE ROAD
CUTS THROUGH CREATING BERM

STREET

STAGECOACH ROAD

THIS SIDE OF ROAD HIGHER THAN STREET BY 8'-10'
PART OF THE NATURAL BERM ON THE OTHER SIDE OF STREET

SIDE VIEW
LOOKING WEST

DOTTED LINE
ORIGINAL LANDSCAPE TERRAIN
THAT ROAD CUT THROUGH

2' ADDED SOIL

SIDE VIEW
LOOKING NORTH

2' ADDED SOIL

STREET

SCALE: 1/8" = 1' E.S.	APPROVED BY:
DATE: 5/14/07	DESIGNED BY:
	1228 STAGECOACH TRINIDAD

AREAS WHERE OCEAN BEING

TO HOUSE 1

TO HOUSE 2

TO HOUSE 3

300' +/-
TO
ONLY HOUSE

Point house

EXHIBIT NO. 5
APPLICATION NO.
1-07-014
PORTER
APPLICANT'S VIEW ANALYSIS

N

South Property Line

North Property Line

SHOWN ALL EXISTING TREES

BERM (THIS BERM FOOTPRINT WAS ALWAYS HERE. IT ADDS 2' TO THE HEIGHT)

TAPERED OFF

TAPERED OFF

EXISTING TREES

EXISTING TREES



STREET

* HIGH POINT IN TERRAIN THAT THE ROAD CUTS THROUGH CREATING BERM

STREET

* THIS SIDE OF ROAD HIGHER THAN STREET BY 5'-10' PART OF THE NATURAL BERM ON THE OTHER SIDE OF STREET

SIDE VIEW LOOKING WEST

SIDE VIEW LOOKING NORTH

DOTTED LINE ORIGINAL LANDSCAPE TERRAIN THAT ROAD CUT THROUGH

2' ADDED SOIL

VIEW FROM ROAD = PUBLIC VIEWS TO OCEAN

VIEW FROM ROAD

2134	DATE: 5/14/07	APPROVED BY:	DRAWING NUMBER
SCALE: 1/8" = 1' SET	REVIEWED:		1228 STRUCTURAL TRINIDAD



from: <http://www.plantoftheweek.org/week351.shtml>



EXHIBIT NO. 6

APPLICATION NO.

1-07-014

PORTER

PHOTOGRAPHS OF

KANGAROO APPLE

(*SOLANUM AVICULARE*)

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Photographs of "Kangaroo apple" (*Solanum aviculare*) flowers (top) and fruits (bottom).