

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

Th 3aADMINISTRATIVE PERMITPage 1 of 6
Date: August 22, 1997Permit Application No. **1-97-04**APPLICANT: **WILBUR GLENN BERRY**

PROJECT DESCRIPTION: Demolish two dilapidated, approximately 800-square-foot one-bedroom cabins and construct a two-story, 21-foot-high, 1,480-square-foot, one-bedroom residence with a 252-square-foot deck.

PROJECT LOCATION: 26 Sea Drift Lane, near the intersection of Sea Drift Lane and Scenic Drive in the Trinidad Area of Humboldt County, APN's 514-181-28 and 514-181-29.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Date: Thursday, September 11, 1997

Tel.No. (707) 442-6441

Time: 9:00 a.m., Item No. **Th 3a**

Place: Eureka Inn, 7th & "F" Streets, Eureka, CA

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS

Executive Director

By: JAMES J. MUTHTitle: Coastal Planner

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 this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:1. Project and Site Description.

The applicant proposes to demolish two dilapidated, approximately 800-square-foot one-bedroom cabins and construct a two-story, 21-foot-high, 1,480-square-foot, one-bedroom residence with a 252-square-foot deck. The new residence will be sited within the former footprint area of the cabin to be removed that is farthest from Scenic Drive. The subject property is located at 26 Sea Drift Lane, near the intersection of Sea Drift Lane and Scenic Drive in the Trinidad Area of Humboldt County, APN 514-181-28. See locational Exhibits No. 1 through 6. The site plan is shown in Exhibit No. 7. The floor plans and elevations of the proposed residence are shown in Exhibits No. 8 and 9.

The subject property is located on the west side of Scenic Drive. Although the property is located between the first public road (i.e. Scenic Drive) and the sea, the property does not front the sea. The 9,000-square-foot property is currently developed with two dilapidated, one-bedroom cabins that share a common septic system. The exiting cabins receive water from the Westhaven Community Services District. Except the developed portions of the property, (consisting of the cabins, a driveway, septic tank/leach field area, and an existing grassy terrace area west of the proposed house and deck), the balance of the small property is wooded with native trees and shrubs. The surrounding area also includes other small single-family residences or wooded lots. In particular, a screen of native vegetation is located between the proposed house site and Scenic Drive. The property is designated in the Trinidad Area Land Use Plan for Humboldt County as RV (Rural Village). See Exhibit No. 4.

2. Local Coastal Program Background.

In October of 1982, the Commission adopted a resolution certifying in part the Trinidad Area Land Use Plan of Humboldt County's Local Coastal Program. However, the resolution denied certification of the plan for privately owned lands, other than lands owned by the Humboldt Land Trust, located west of Scenic Drive, west of Stagecoach Drive, and west of Patricks Point Drive (where they are the first public roads paralleling the sea), and along the route of the 6th Avenue Trail in the Westhaven area. In denying certification for this area, the Commission suggested that the plan's policies regarding the protection of public rights of access where acquired through use 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 area of deferred certification" or ADC. Consequently, the authority for granting coastal development permits within the ADC is still retained by the Commission. See Exhibit No. 2.

3. New Development.

Section 30250 of the Coastal Act requires in applicable part that new residential development be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The Humboldt County Environmental Health Department has determined that the existing septic system on the property is adequate to accommodate the project's waste water generation. In addition, the water service connection from the Westhaven Community Services District can continue to be used for the replacement residence. Thus, adequate services are available to accommodate the proposed single-family residence. As discussed below, the project will not result in any adverse impacts to coastal resources. Consequently, the project is consistent with Section 30250 of the Coastal Act.

4. Visual Resources.

Coastal Act Section 30251 requires in applicable part that permitted development: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas, (b) minimize the alteration of natural land forms, and (c) be visually compatible with the character of the surrounding area.

The Trinidad Area Land Use Plan indicates that the subject property is diagrammatically located within a "coastal view area" and within a "coastal scenic area." See Exhibit No. 5. With respect to the "coastal view area", there are no public views over the site to the sea from Scenic Drive due to the intervening forested character of the subject property and the surrounding area. Consequently, the proposed development will not interfere with any existing views of the sea as seen from Scenic Drive. However, lands adjacent to Scenic Drive are within the "coastal scenic area" due to the forested character along this portion of Scenic Drive. The proposed project is consistent with the "coastal scenic area" designation in the Trinidad Area Land Use Plan for Humboldt County because an existing strand of native vegetation that will not be disturbed by the development will screen the proposed residence from public view from Scenic Drive. However, to ensure that all debris from cabin demolition and all left over construction materials from the new residence do not become a visual eyesore, Special Condition No. 1 is attached which requires that all construction debris and surplus materials be removed from the site upon completion of the project and deposited in a licensed landfill. As conditioned, the project is consistent with Section 30251 of the Coastal Act as the project will be visually compatible with the character of the surrounding area and has been sited and designed to protect views to and along a scenic coastal area.

5. Public Access.

Coastal Act Section 30210 requires that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires that the development not interfere with the public's right of access to the sea where acquired through use. Section 30212 requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in such instances as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety. In applying Sections 30210, 30211, and 30212, the Commission is limited by the need to show that any denial of a permit application based on those sections, 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 public access.

The Trinidad Area LUP identified a number of trails over privately held lands in the surrounding area which the public has historically used to gain access to the sea. However, none of these identified trails are located on the subject property. The closest such trail is approximately 1,200 feet to the north of the subject property where a portion of the so-called "6th Avenue Trail" reaches the north side of Scenic Drive after traversing the forested slope from the now abandoned Beach Avenue and APN 514-15-22 to Loop Place Road and 6th Avenue at the top of the coastal bluffs. A staff site inspection did not reveal the presence of any other trails or paths within or immediately adjacent to the project site. Although the subject property is located between the first public road (Scenic Drive) and the sea, the property does not front the Pacific Ocean. Consequently, the project will not interfere with the public's right of access where acquired through use, as no such rights apparently exist within or immediately adjacent to the project site. In addition, the limited nature of the project will not create any adverse impacts to existing or potential public access opportunities in the area. Consequently, the project as proposed, without any new public access, is consistent with public access policies of the Coastal Act.

6. Humboldt County LUP/Prejudice to LCP.

As previously discussed, the subject property lies within an area of deferred certification. The area remains uncertified primarily because of an issue involving the protection of the public's right of access to the sea where acquired through use. However, those rights of access are not an issue with this particular permit application.

Coastal Act Section 30604(a) authorizes permit issuance if the proposed development is in conformity with the provisions of Chapter 3 of the Coastal Act and if the permitted development will not prejudice the ability of local government to prepare a local coastal program that is in conformance with Chapter 3 of the Coastal Act.

As discussed above, approval of the project as conditioned is consistent with the Chapter 3 policies of the Coastal Act and thus will not prejudice local government's ability to implement a certifiable LCP for this area of deferred certification.

7. CEQA.

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

As conditioned, the proposed project has been mitigated to avoid significant adverse impacts to visual and scenic coastal resources. Special Condition No. 1 requires that all construction debris and left over construction materials be removed from the site, and properly disposed of, upon completion of the project. As conditioned, there are no feasible alternatives and no feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Consequently, the proposed project, as conditioned, does not have significant adverse effect on the environment, within the meaning of CEQA.

SPECIAL CONDITIONS:

1. Disposal of Debris and Excess Materials.

All construction debris and left over construction materials shall be removed from the site upon completion of the project. Placement of any surplus materials or debris in the coastal zone at a location other than in a licensed landfill will require a coastal development permit.

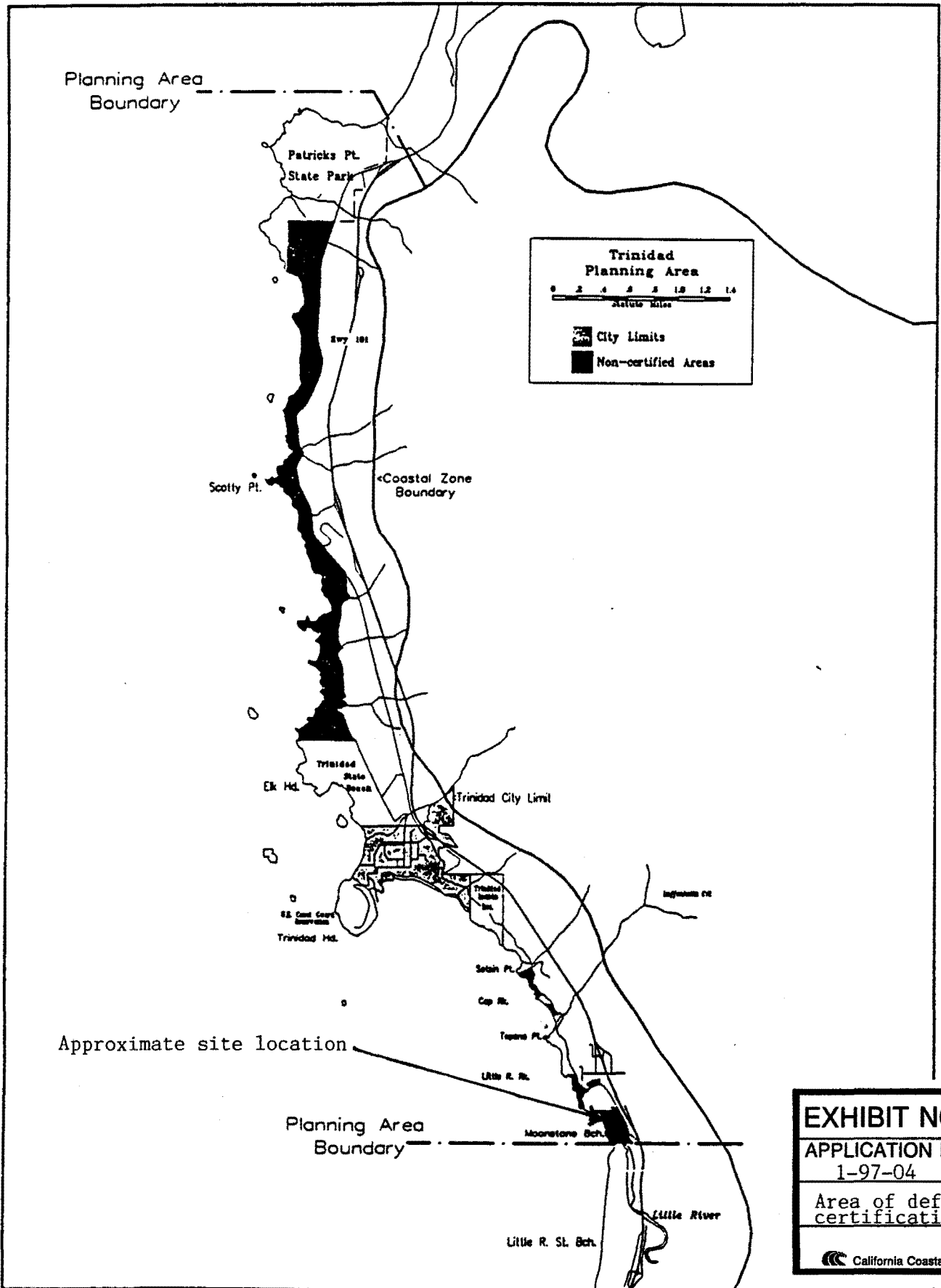
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

1.40 TRINIDAD PLANNING AREA MAP





LACO ASSOCIATES
CONSULTING ENGINEERS
216 J ST. EUREKA, CA 95501 (707)443-

PROJECT	HOUSE PLANS	BY	CMF	FIGURE	1
CLIENT	GLENN BERRY	DATE	12/30/96		
LOCATION	HUMBOLDT COUNTY	CHECK	RDH	JOB NO.	4322
	APN 514-181-29	SCALE	NTS		

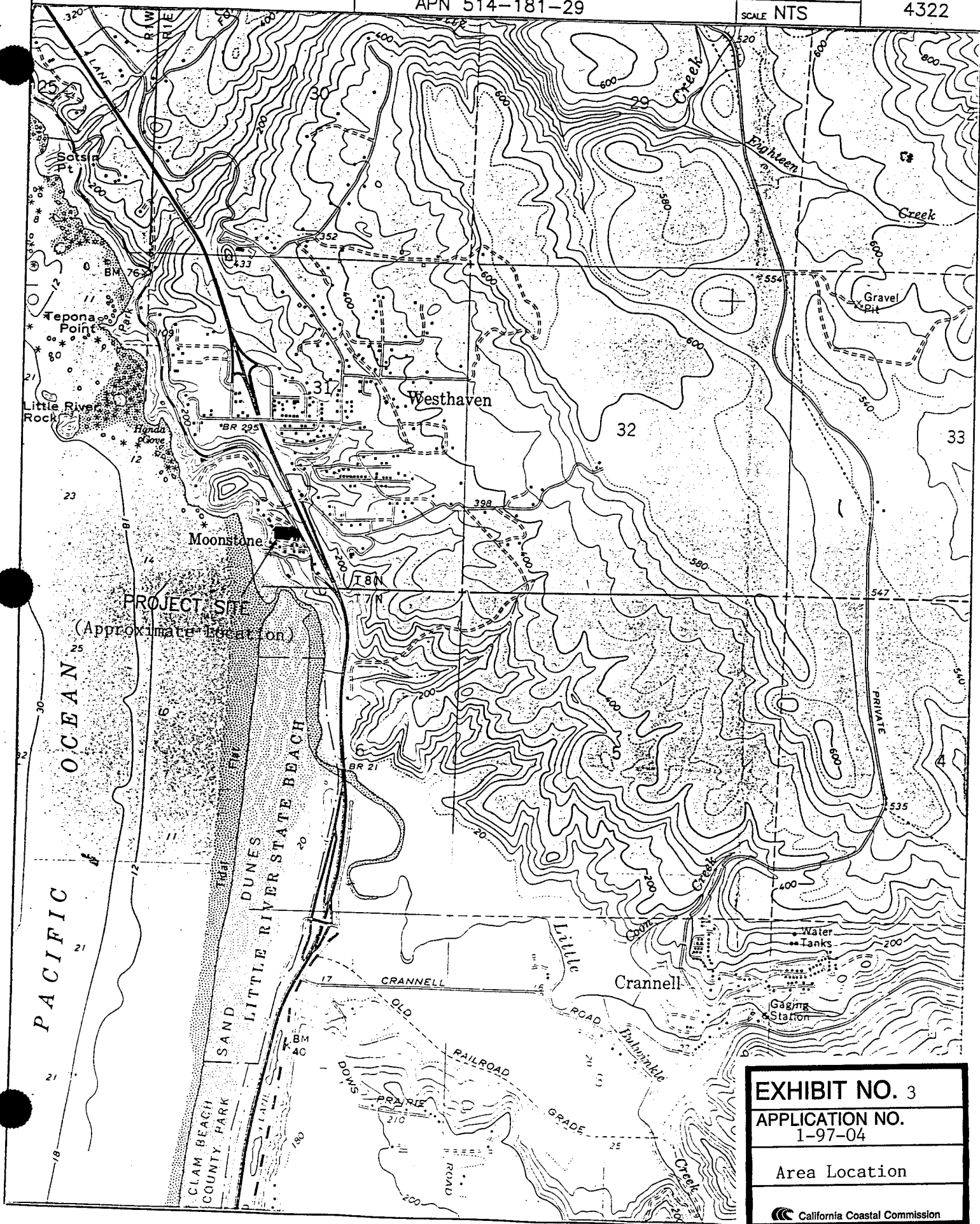


EXHIBIT NO. 3
APPLICATION NO. 1-97-04
Area Location
California Coastal Commission

MAP 3

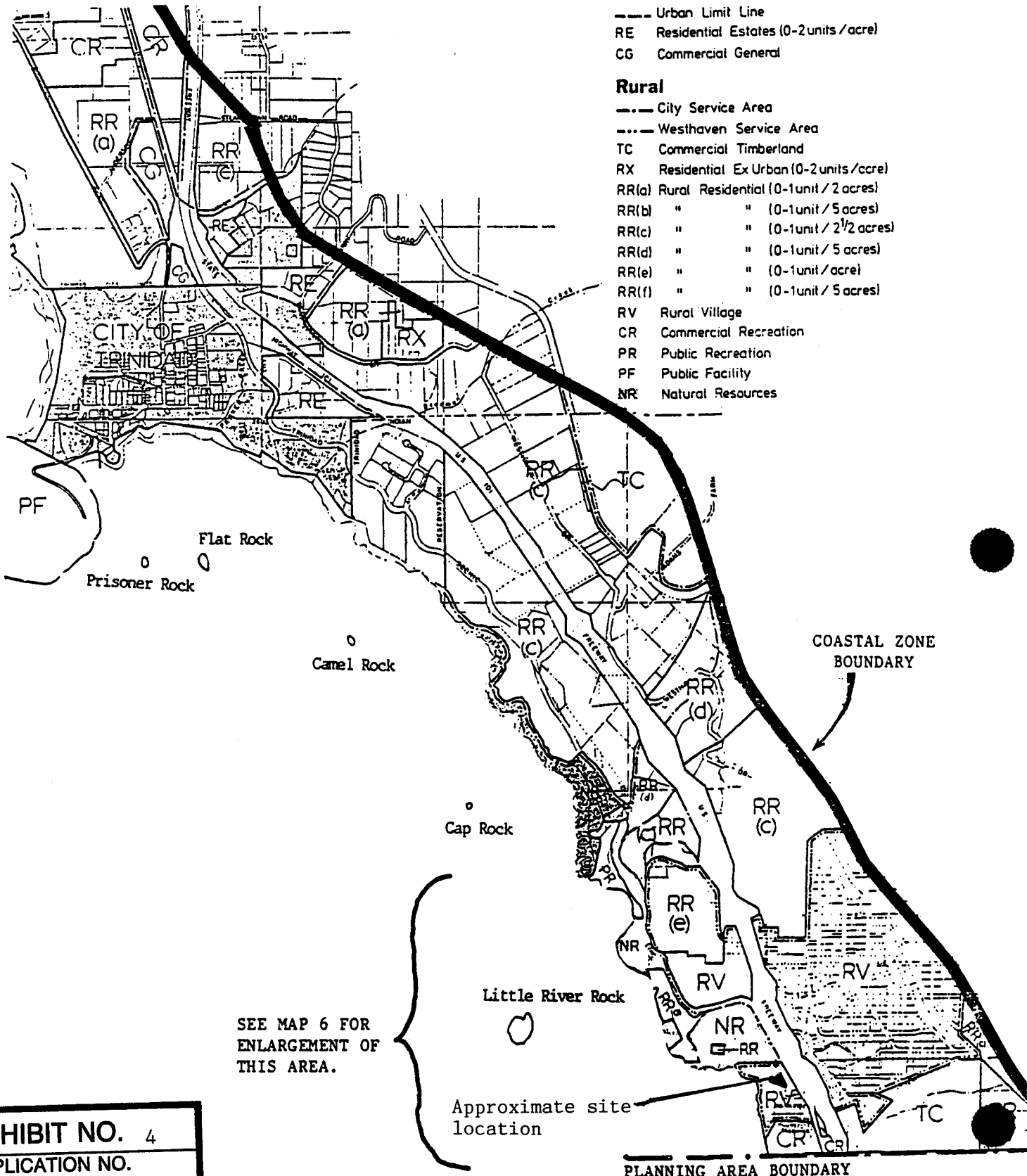
TRINIDAD AREA PLAN Land Use Designations

Urban

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

Rural

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



SEE MAP 6 FOR ENLARGEMENT OF THIS AREA.

Approximate site location

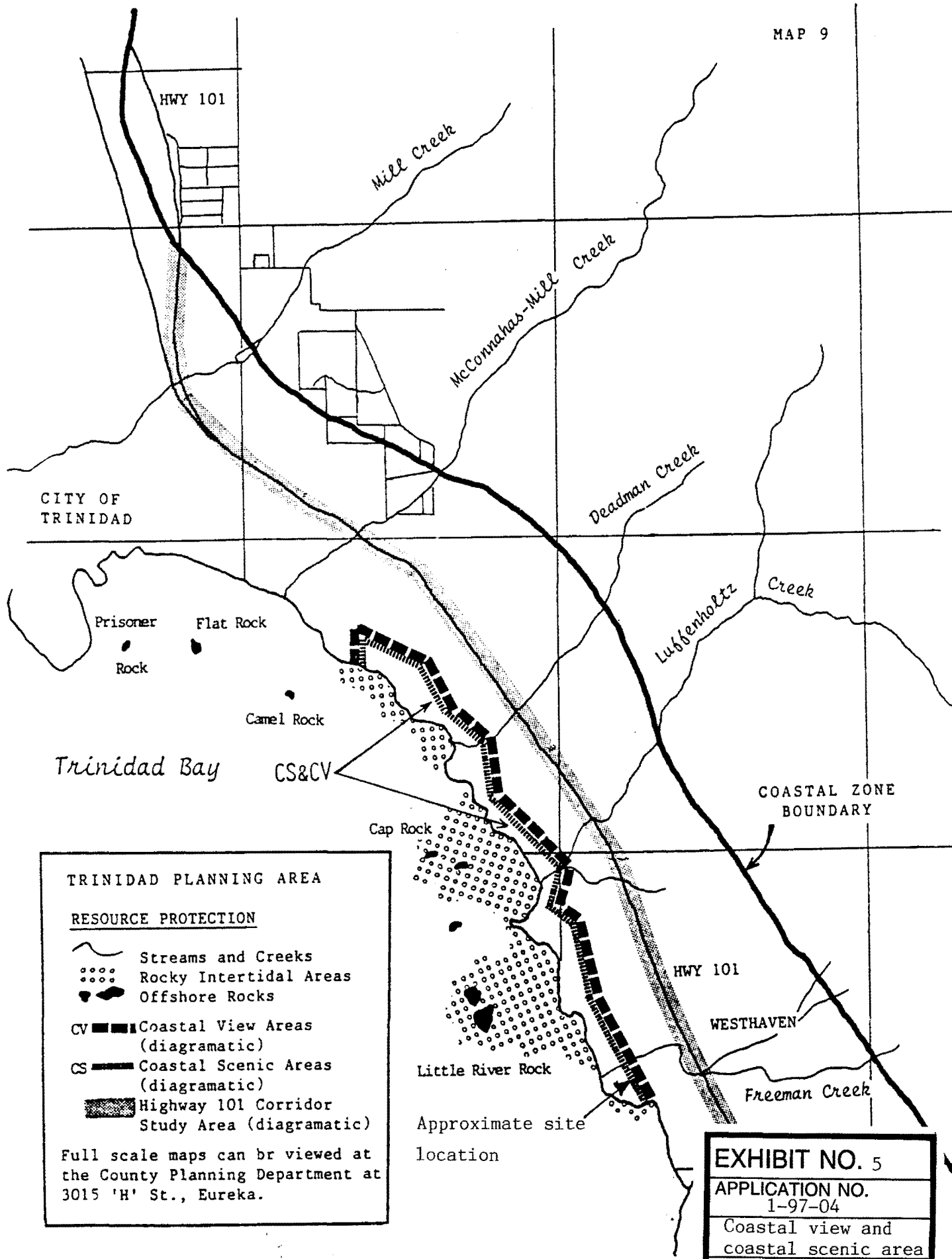
PLANNING AREA BOUNDARY

EXHIBIT NO. 4

APPLICATION NO.
1097-04

Rural Village LUP
designation in the
Trinidad Area Plan

California Coastal Commission



TRINIDAD PLANNING AREA

RESOURCE PROTECTION

- Streams and Creeks
- Rocky Intertidal Areas
- Offshore Rocks
- CV Coastal View Areas (diagramatic)
- CS Coastal Scenic Areas (diagramatic)
- Highway 101 Corridor Study Area (diagramatic)

Full scale maps can be viewed at the County Planning Department at 3015 'H' St., Eureka.

EXHIBIT NO. 5

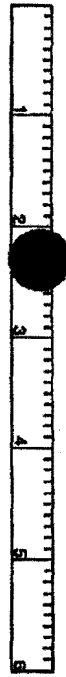
APPLICATION NO. 1-97-04

Coastal view and coastal scenic area

California Coastal Commission

TRW REDI

SCALE IN 1/10 OF AN INCH



1-800-345-7301

LS 28 P 20
30 P 37

PM 5 PG 137 = PM 649

MOONSTONE BEACH

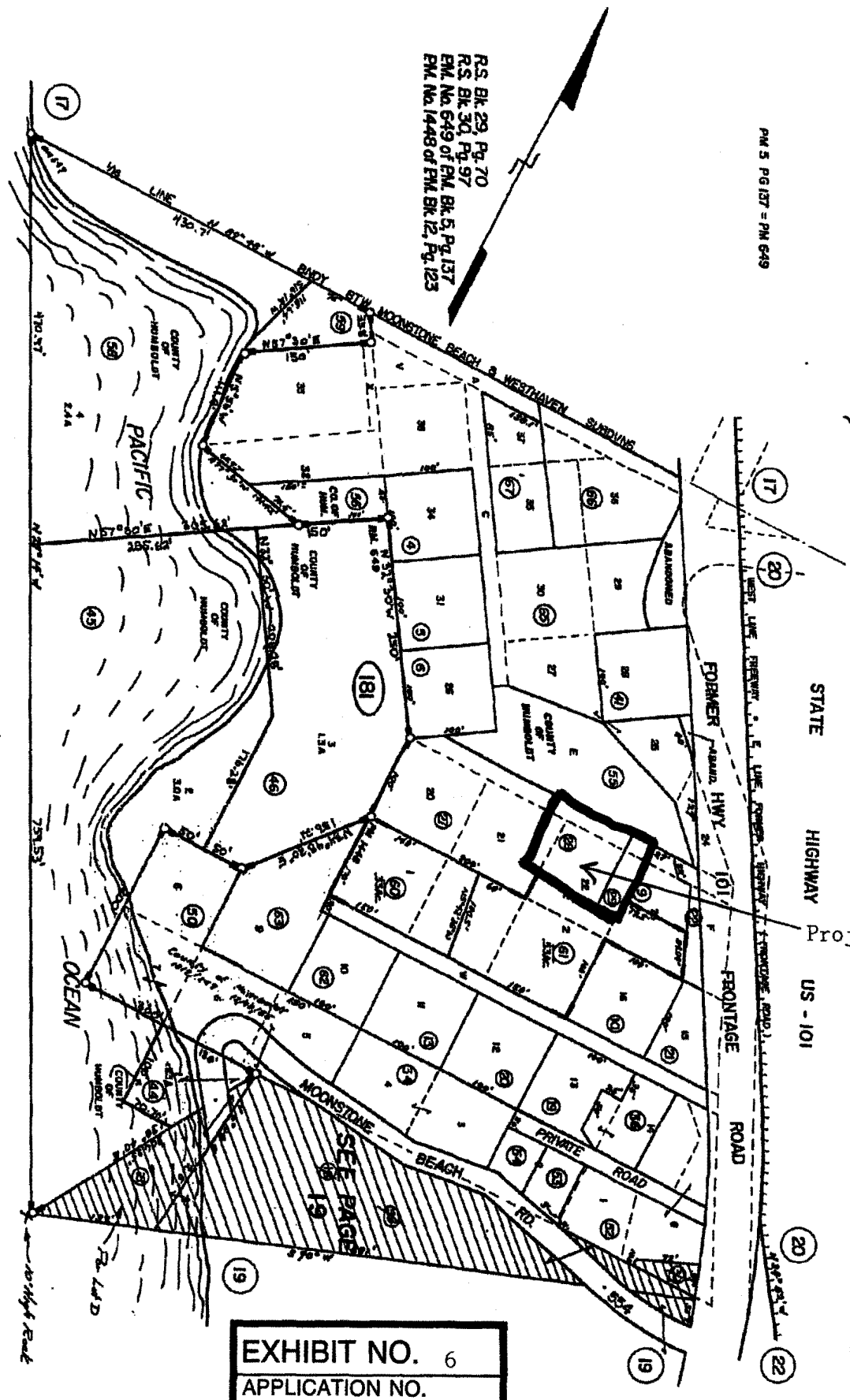
(PTN S 1/4 OF S 1/4 SEC 31 B1E1)

4th Freeway - Westhaven rd.

STATE HIGHWAY US - 101

Project Site

514-18
T.C.A. 141-00
1 - 100
REV 8/7/88



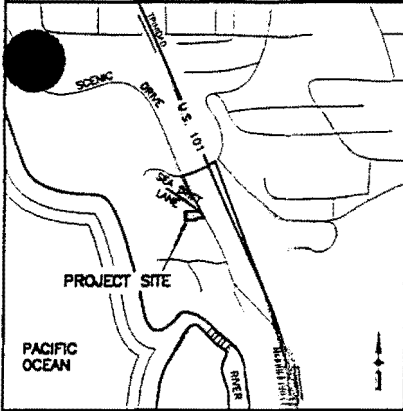
RS, BK 29, Pg 70
RS, BK 30, Pg 97
EML No. 649 of EML BK 5, Pg. 137
EML No. 1448 of EML BK 12, Pg. 123

EXHIBIT NO.	6
APPLICATION NO.	1-97-04
Tax Assessor's Map	
California Coastal Commission	

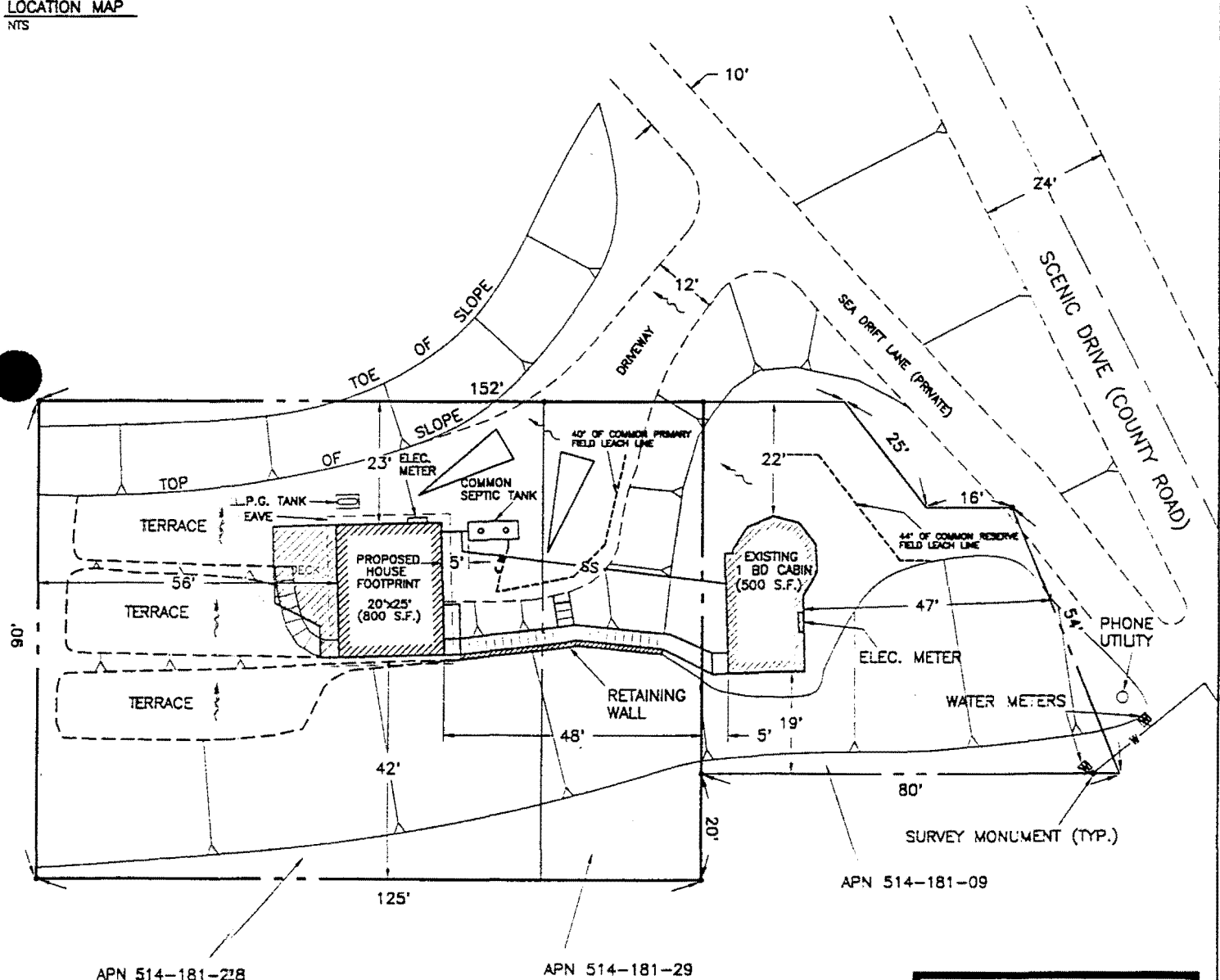
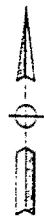


LACO ASSOCIATES
CONSULTING ENGINEERS
218 J ST. EUREKA, CA 95501 (707)443-5054

PROJECT	HOUSE PLANS	BY	CMF	FIGURE	2
CLIENT	GLENN BERRY	DATE	12/27/96	JOB NO.	4322
LOCATION	HUMBOLDT COUNTY	CHECK	RDH		
	APN 514-181-28	SCALE	1"=30'		



LOCATION MAP
NTS

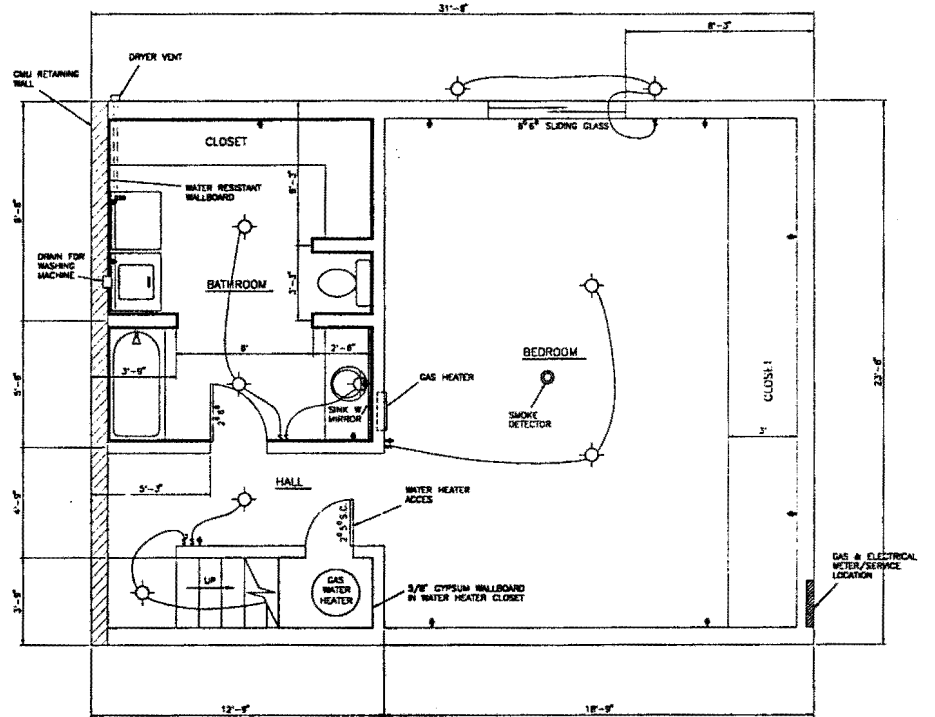
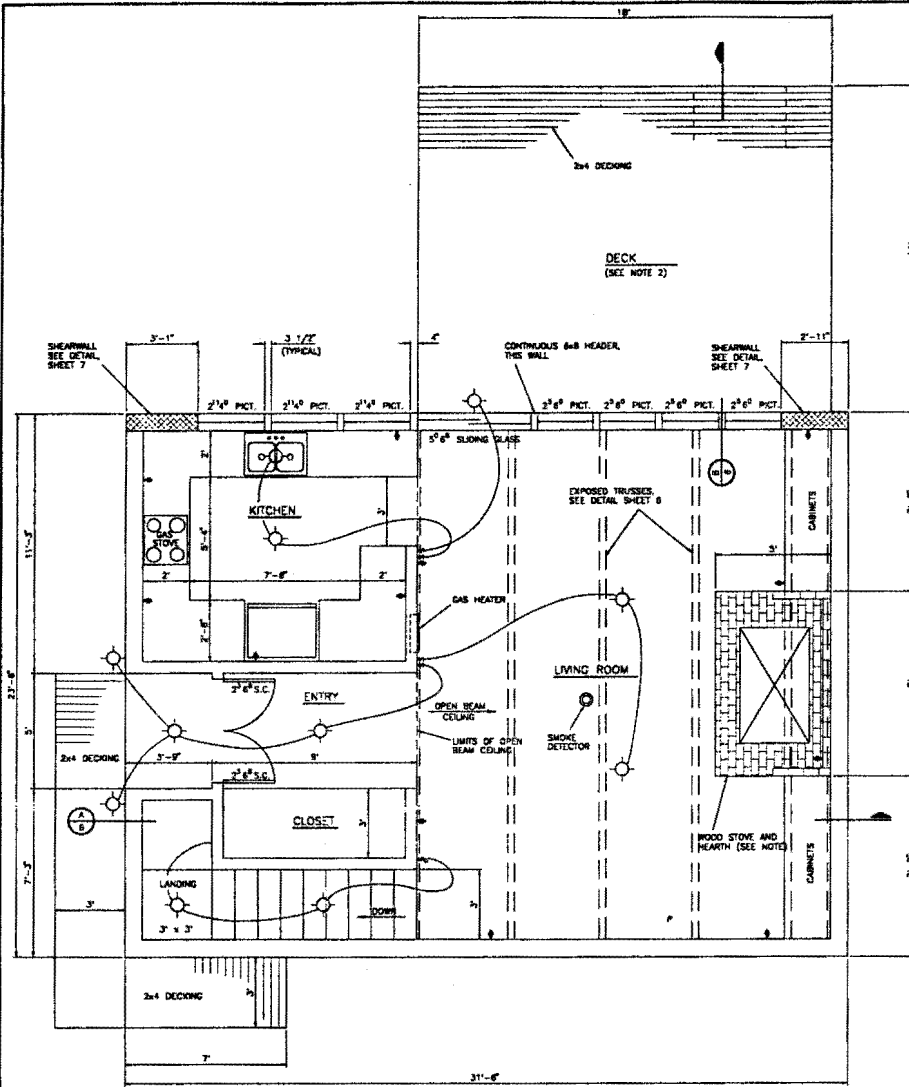


APN 514-181-28

APN 514-181-29

APN 514-181-09

EXHIBIT NO. 7
APPLICATION NO. 1-97-04
Site Plan
California Coastal Commission



NOTES:

- 1) WOOD STOVE SHALL BE U.L. APPROVED AND HEARTH CONSTRUCTED IN ACCORDANCE TO MANUFACTURER'S RECOMMENDATIONS.
- 2) DECKING AND STAIRS SHALL BE CONSTRUCTED OF PRESSURE TREATED LUMBER OR REDWOOD

NO.	REVISION	BY	CHK	DATE

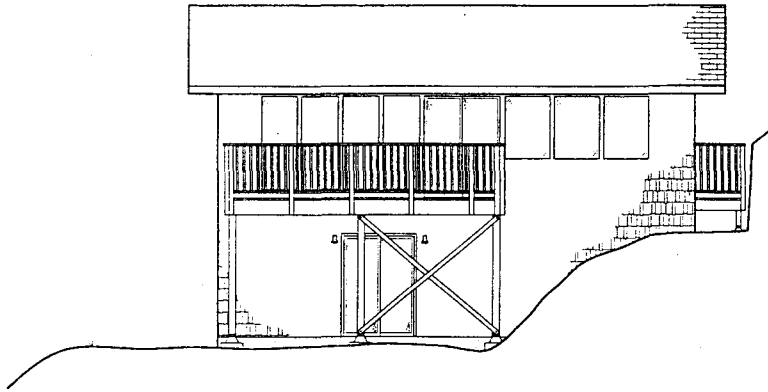
LACO ASSOCIATES
CONSULTING ENGINEERS
214 J ST. EUREKA, CA 95501 (707)443-0864

FLOOR PLANS		SCALE SHOWN
APN 514-181-09, 28 & 29		DRAWN CMF
GLENN BERRY		CHECK
P.O. BOX 2241		DATE 7/24/87
MCKINLEYVILLE, CA. 95519		JOB NO. 4322
PHONE: (707) 677-3725		SHEET 3 OF 7

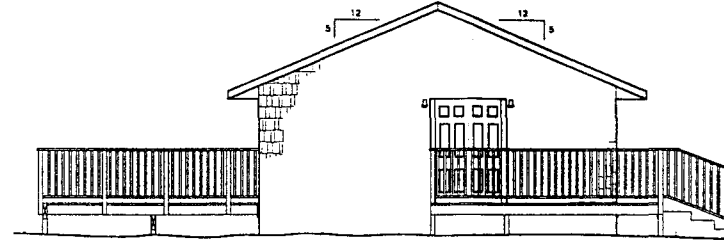
EXHIBIT NO. 8
APPLICATION NO. 1-97-04

Floor Plan

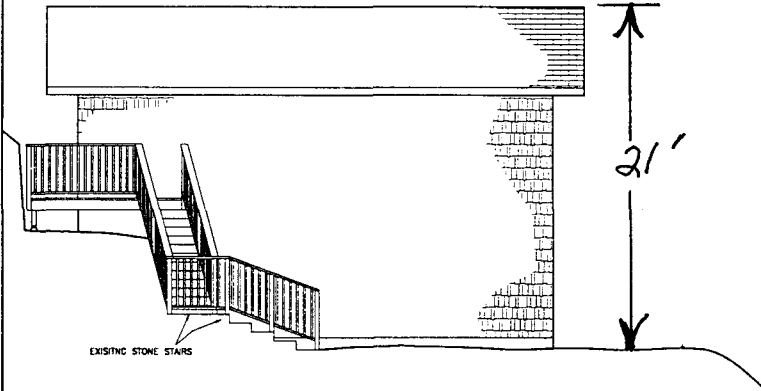
California Coastal Commission



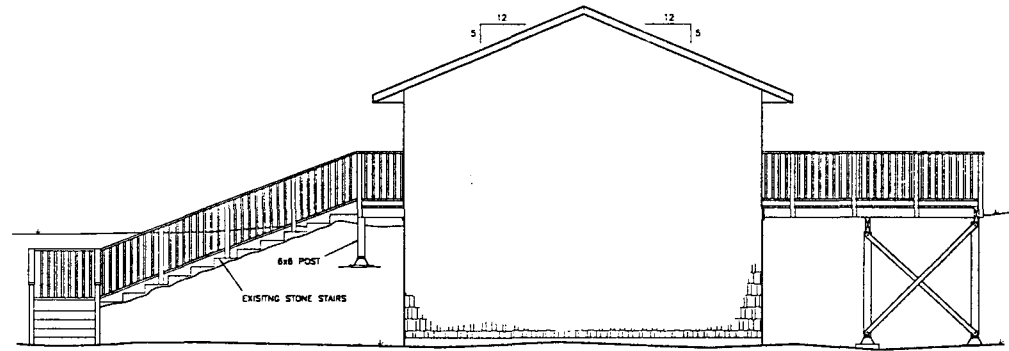
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

NO.	REVISION	BY	CHK	DATE



LACO ASSOCIATES
CONSULTING ENGINEERS
216 J ST. EUREKA, CA 95501 (707)443-5054


ELEVATIONS
APN 514-181-09, 28 & 29

GLEN BERRY
P.O. BOX 2241
MCKINLEYVILLE, CA. 95519

PHONE:
(707) 677-3725

SCALE	1/8"=1'
DRAWN	CMF
CHECK	
APP'D	
DATE	7/24/97
JOB NO.	4322
SHEET	5 OF 7

EXHIBIT NO. 9
APPLICATION NO.
1-97-04
House elevations



California Coastal Commission

