

**CALIFORNIA COASTAL COMMISSION**  
 NORTH COAST AREA  
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# F 5a



Filed:	March 21, 1996
49th Day:	May 9, 1996
180th Day:	September 17, 1996
Staff:	Robert Merrill-E
Staff Report:	April 19, 1996
Hearing Date:	May 10, 1996
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

**APPLICATION NO.:** 1-96-01

**APPLICANT:** JAMES & NANCY MAAS AND  
ROBERT & JANNYCE ROUSSEAU

**PROJECT LOCATION:** 1361 Buhne Drive, King Salmon area of Humboldt County,  
APNs 305-073-51 and 305-073-52

**PROJECT DESCRIPTION:** Merge two 25-foot-wide lots and construct a  
1,950-square-foot two-story single-family home with an  
877-square-foot secondary dwelling unit and two  
garages within the same structure, landscaping, and  
1,930 square feet of paving for a driveway, walkways,  
and a patio.

Lot area:	8,500 square feet
Building coverage:	1,950 square feet
Pavement coverage:	1,930 square feet
Landscape coverage:	2,800 square feet
Ht abv fin grade:	27 feet
Parking spaces:	3 garage spaces and 1 off-street space
Zoning:	Residential Single Family, 5,000-square-foot min. parcel size with possible flood hazard combining zone (RS-5/F)
Plan designation:	Residential Low Density (RL)

**LOCAL APPROVALS RECEIVED:** Humboldt County Special Permit and Parcel  
Merger approved March 25, 1996.

**SUBSTANTIVE FILE DOCUMENTS:** Humboldt County Local Coastal Program.

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STAFF NOTES

1. Standard of Review

The proposed project is located within the King Salmon area of Humboldt County. Humboldt County has a certified LCP, but the King Salmon area is within the Commission's retained jurisdictional area. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

2. Proposed Boat Hoist/Dock Facility.

The original application submitted to the Commission included the installation of a boat docking facility that included a boat hoist. Since filing of the application, the applicants have amended the application to delete the boat docking facility. The applicants may later decide to re-apply for the docking facility, but any such request submitted in the future would be processed as a separate permit or as an amendment request requiring separate Commission action. The current application before the Commission does not include the boat dock facility.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will be in conformity with the Humboldt County Local Coastal Program, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached

III. Special Conditions: None.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project and Site Description:

The applicants propose to merge two adjoining lots in the King Salmon subdivision along Humboldt Bay south of Eureka and construct a two story home with an attached secondary dwelling unit and two attached garages. The

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project site is located on property known as 1361 Buhne Drive, 300 feet south of the intersection with King Salmon Avenue, across the street from the tidelands of Humboldt Bay (see Exhibit 1-4).

The King Salmon subdivision consists of former tidelands filled during the mid-1900s and later subdivided (see Exhibit 3). The two flat undeveloped parcels to be merged are each 25-foot wide. The northerly parcel varies in length from 158 feet to 165 feet and encompasses approximately 4050 square feet. The southerly parcel varies in length from 165 feet to 173 feet and encompasses approximately 4450 square feet. The rear of both parcels back on to an arm of Fisherman's Channel, a tidal channel or slough that connects to Humboldt Bay (see Exhibit 4). The parcels are vegetated with grasses and shrubs but contain no trees. Apart from small amounts of marsh vegetation along the bank of the arm of Fisherman's Channel and the tidelands of the channel itself, the two parcels contain no environmentally sensitive habitat.

The proposed merger of the two lots will create one 8,500-square-foot parcel that is 50 feet wide and varies in length from 158 feet to 173 feet.

The proposed two-story structure will have a building footprint of 1,950 square feet (see Exhibits 4-9). The top story (see Exhibit 9) will be devoted to a three bedroom primary dwelling unit while the ground floor (see Exhibit 8) will contain an 877-square-foot secondary dwelling unit and two separate garages, including a two-car garage to serve the primary dwelling unit and a one-car garage to serve the secondary dwelling unit. A 390-square-foot deck will be constructed off the front end of the second story, and the project includes 1,930 square feet of paving for a rear patio, walkways, and driveway. The driveway will contain one off-street uncovered parking space (see Exhibit 4). The project also includes landscaping.

2. New Development:

Section 30250(a) of the Coastal Act states that new development shall be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources.

The proposed primary and secondary residences will be constructed on vacant property within the developed community of King Salmon. The residences will be served by a community water and sewer system operated by the Humboldt Community Services District. Therefore, the proposed development is consistent with Section 30250(a) to the extent that the development will be located in an existing developed area able to accommodate it.

The proposed lot merger will combine two existing parcels into one. The subject parcels are zoned as Residential Single Family with a 5,000-square-foot minimum parcel size. Secondary dwelling units are allowed by special permit within this zoning district.

The proposed lot merger will take two legal nonconforming lots with respect to lot size and form one 8,500-square-foot parcel that conforms with the 5,000-square-foot minimum parcel size.

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As currently configured, the two subject parcels contain the potential for two primary residential units and two secondary dwelling units. As merged, there will only be one parcel with one primary residence and one secondary residence. Therefore, the parcel merger will not result in an increase in the potential residential development allowable, and, in fact, will reduce the number of parcels by one and the potential number of residential units (including both primary and secondary) by two.

As the proposed lot merger will not allow for increased density, the project will not result in a greater demand on coastal resources. As discussed in the findings below, the project will also not adversely affect visual resources and coastal access. Therefore, as the development will be located in an existing developed area able to accommodate it and will have no impact on coastal resources, the Commission finds the proposed project to be consistent with Coastal Act Section 30250(a).

3. Visual Resources:

Section 30251 of the Coastal Act provides in applicable part that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas, and (b) be visually compatible with the character of surrounding areas.

The proposed project will not block public views to and along the ocean from public roads. The King Salmon Subdivision is located approximately one-quarter mile west of Highway 101, and existing development at King Salmon already blocks all view of Humboldt Bay through the site from Highway 101. In addition, as the project site is located on the east, or inland side of Buhne Drive, the proposed development will not block views from the public road the site is located along.

With respect to the building's visual compatibility with the character of the surrounding area, it should be noted that the subject property is located within an existing residential subdivision. Other two-story buildings are located within the immediate area of the project site and the homes within the King Salmon subdivision have been built according to a great variety of architectural styles. The proposed wood siding and composition shingle roof of the proposed building will not appear out of character with existing development (see Exhibits 5-7).

Therefore, the Commission finds that the proposed project is consistent with the visual resource policies of Section 30251 of the Coastal Act as the project will not block views to and along the coast and is compatible with the visual character of the surrounding area.

4. Flood Hazard

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high flood hazard.

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The subject property is located within a flood hazard combining zone, which indicates there is a risk of possible flooding. According to County staff, to avoid possible flood hazards associated with wave runup or 100-year tsunami events, residences in the King Salmon area need to be built with their first floors at an elevation of approximately 18 inches to two feet above existing grade. As a condition of approval of the Special Permit, the County required the applicants to provide a Flood Elevation Certificate prior to building to the satisfaction of the Building Inspection Division. This condition will ensure that the first floor of the proposed structure will be built at a suitable elevation to avoid flood hazards. Therefore, the Commission finds that the proposed project as conditioned by the County will minimize risks to life and property in an area of flood hazard consistent with Section 30253 of the Coastal Act.

5. Public Access.

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e. potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such 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 proposed project will not adversely affect public access. The project site does not front on Humboldt Bay, as it is separated from the Bay tidelands by Buhne Drive. Although the back side of the property lies adjacent to Fisherman's Channel, a tidal slough or channel that connects to Humboldt Bay, no evidence has been presented to suggest that an implied dedication of a public access easement to or along the Fisherman's Channel shoreline of the property has occurred. Therefore, the proposed project will not adversely affect any existing rights of access that may have been acquired through use. In addition, the project will not otherwise adversely affect public access as no existing public access will be blocked and the two additional residential units to be provided by the development will not increase the demand for access facilities sufficiently to overcrowd the ample public access that exists along the bayfront in the King Salmon area.

Therefore, the Commission finds that public access is not warranted for the proposed development and the project, which does not include public access, is consistent with the public access policies of the Coastal Act.

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6. Humboldt County LCP.

Although Humboldt County has a certified LCP, the King Salmon area is within the Commission's retained coastal development permit jurisdiction. Therefore, the standard of review that the Commission is applying in its consideration of the application is the Coastal Act. The Humboldt County LCP policies are considered advisory and are not binding in this case.

As noted above, the Humboldt Bay Area Plan segment of the Humboldt County LUP designates the project site as Residential Low Density (RL) and the site is zoned as Residential Single Family 5,000-square-foot minimum parcel size with possible flood hazard (RS-5/F). The proposed use of the site for one primary and one secondary dwelling unit and the proposed consolidation of the two existing legal nonconforming lots (with respect to lot size) into one 8,500-square-foot lot is consistent with the RL designation and the RS zoning. In granting Special Permit and Parcel Merger No. SP-31-95/NOM-08-95 for the project on March 7, 1996, the Humboldt County Planning Commission determined that the proposed project was consistent with the Humboldt County LCP.

Coastal Act Section 30604(a) authorizes permit issuance if the Commission finds that the proposed development is in conformity with the provisions of Chapter 3 of the Coastal Act and if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare or implement 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 Chapter 3 of the Coastal Act, and thus will not prejudice local government's ability to implement a certifiable LCP for this area.

7. CEQA:

Section 13096 of the Commission's administrative 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.

The project, as conditioned, does not have a significant adverse effect on the environment, within the meaning of CEQA, as it is located in an area able to accommodate it, and as there will be no significant adverse impacts on coastal resources.

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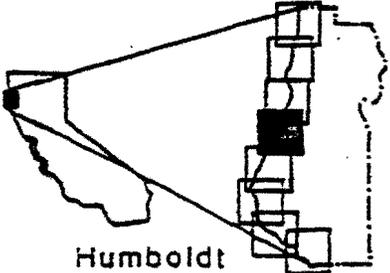
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ATTACHMENT A

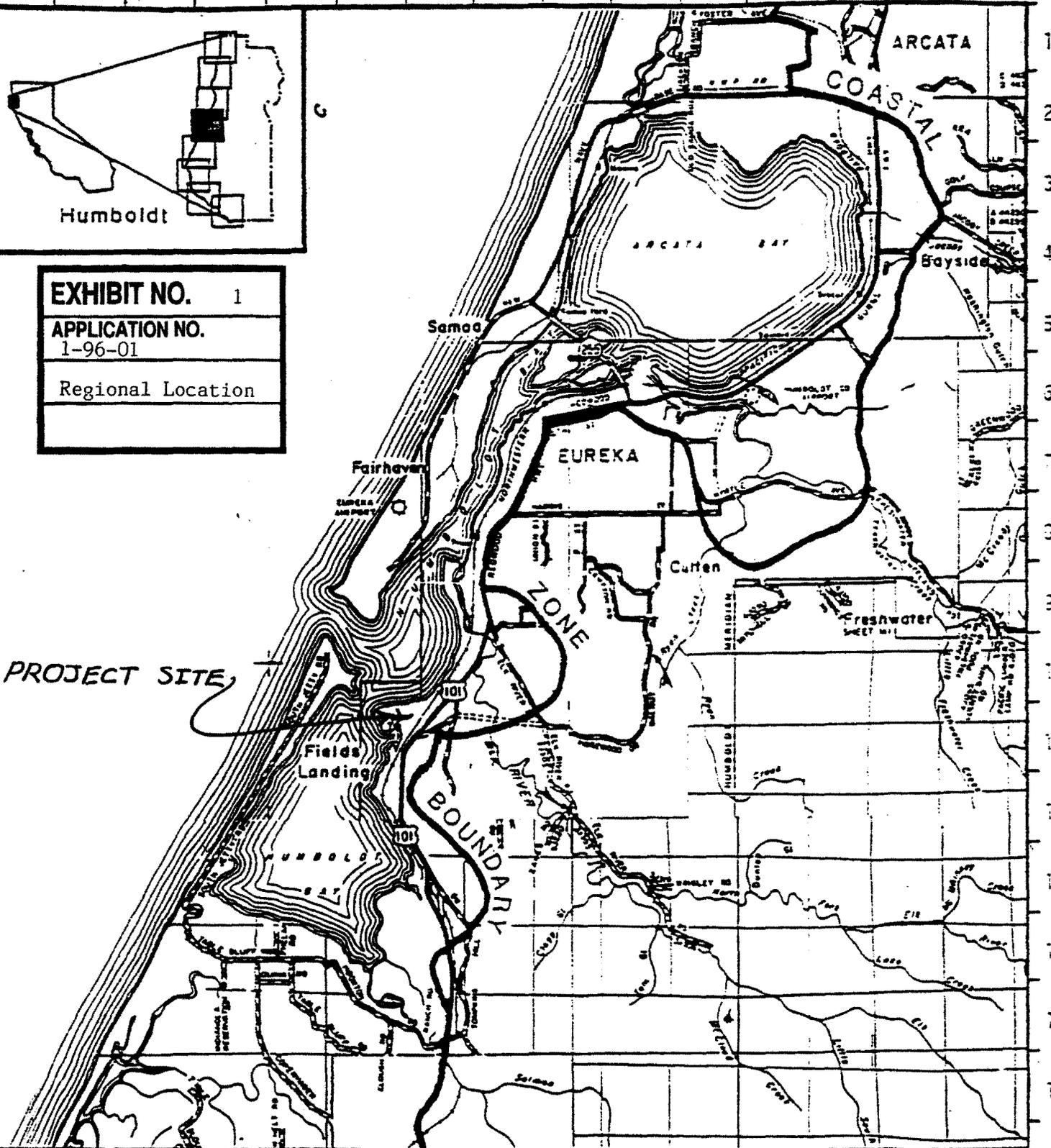
Standard Conditions

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. 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. 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 of 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 development during construction, 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.

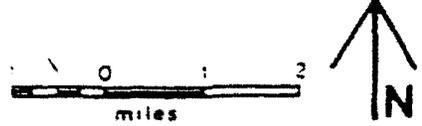
A B C D E F G H I J K L M N O



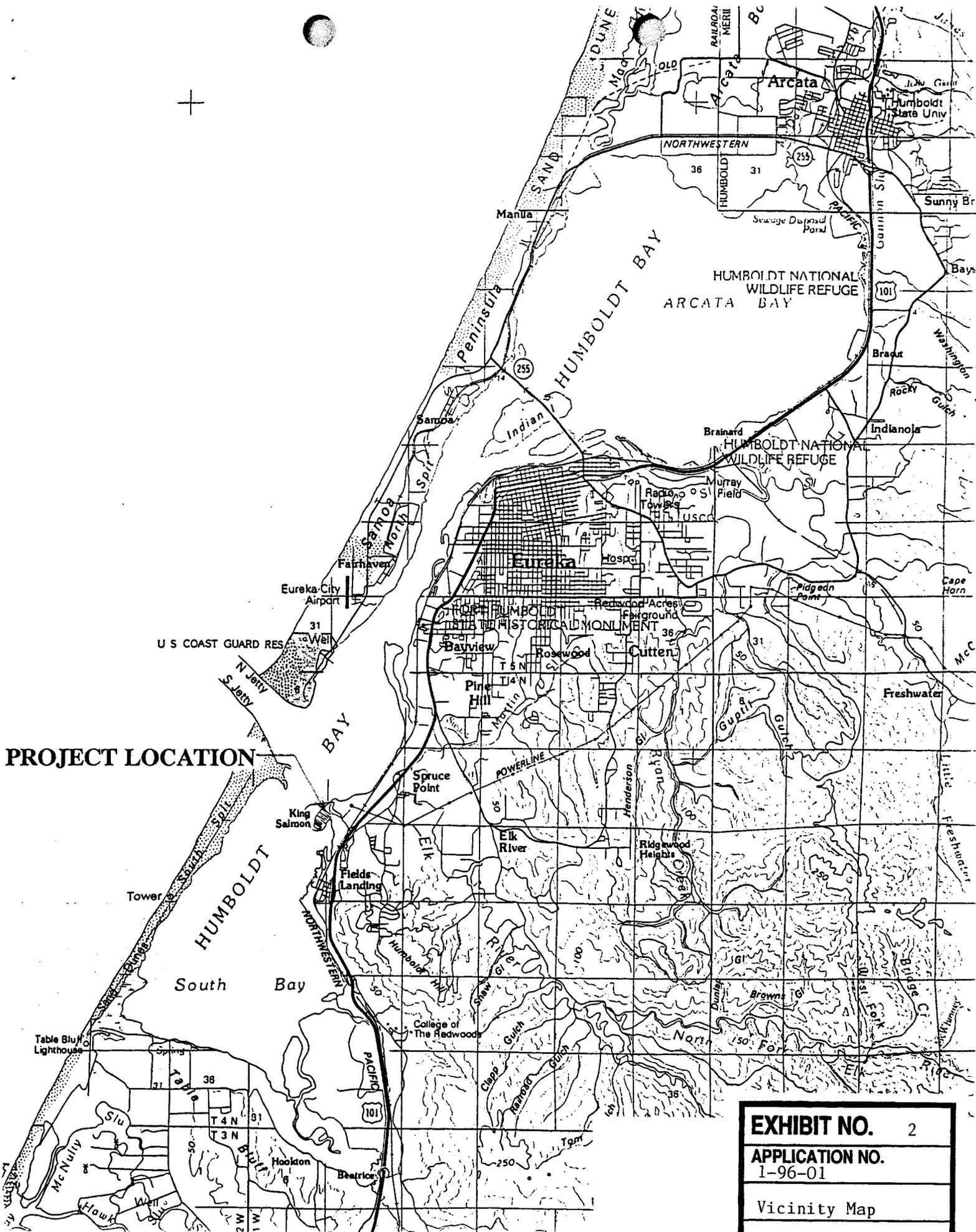
<b>EXHIBIT NO.</b>	1
<b>APPLICATION NO.</b>	1-96-01
<b>Regional Location</b>	



LOCATION MAP



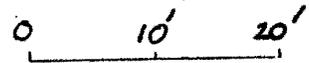
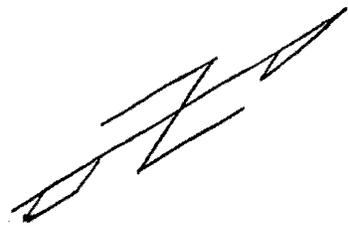
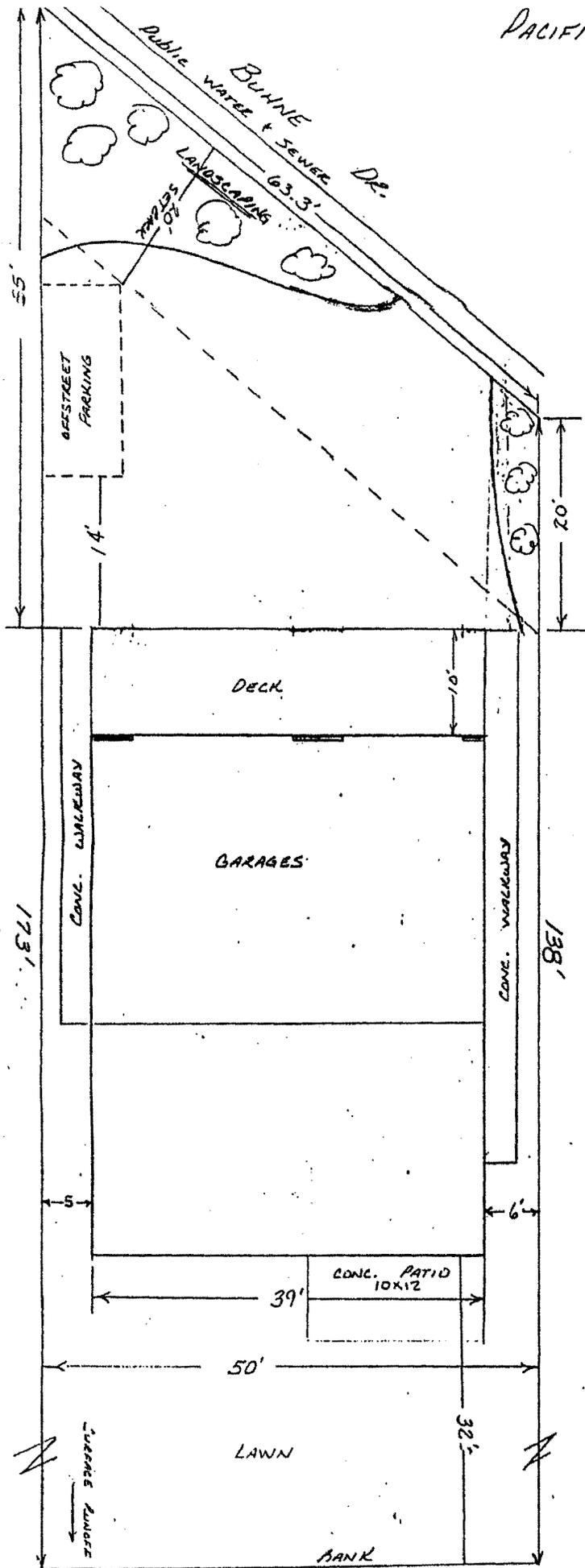
**PROJECT LOCATION**



<b>EXHIBIT NO.</b>	2
<b>APPLICATION NO.</b>	1-96-01
Vicinity Map	



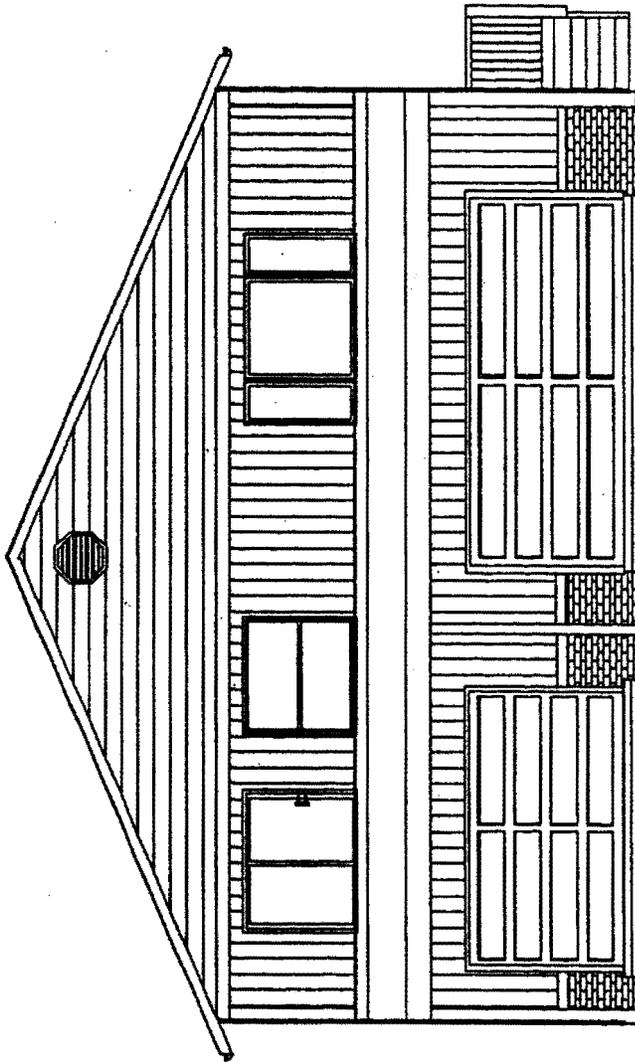
PACIFIC OCEAN



SCALE  
(LENGTH NOT TO SCALE)

EXHIBIT NO.	4
APPLICATION NO.	1-96-01
Site Plan	

FISHERMAN'S CHANNEL

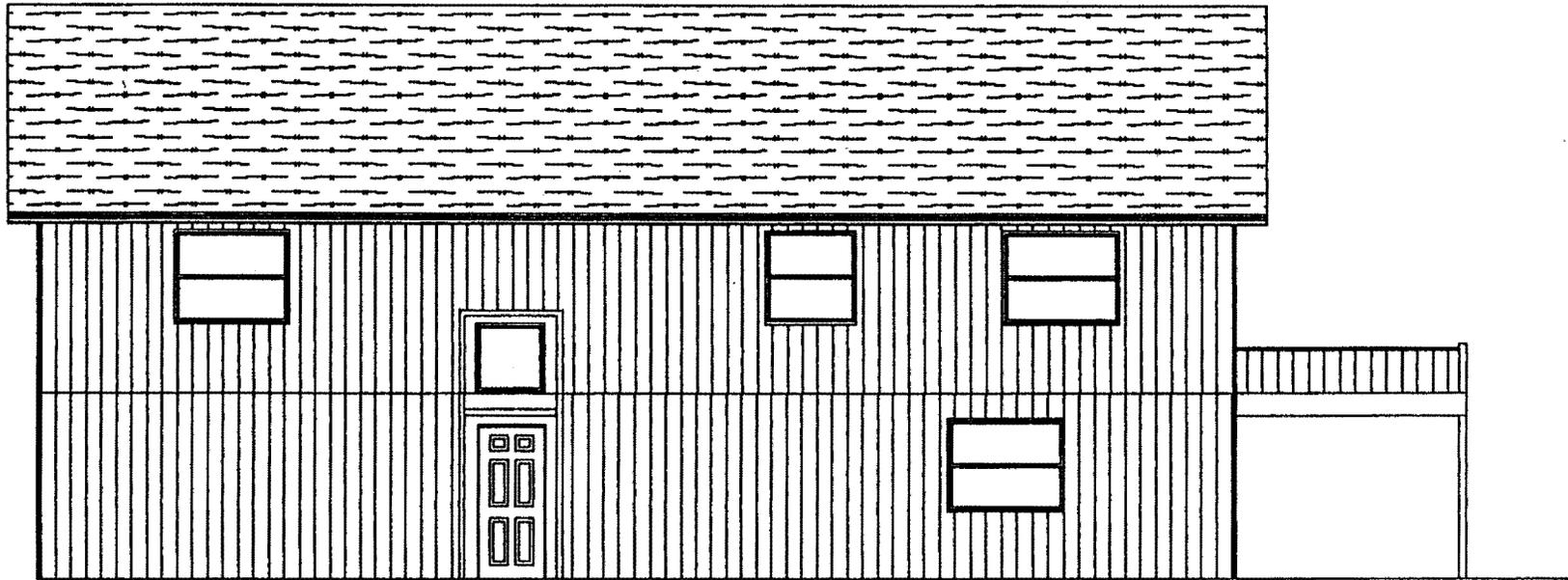


# FRONT ELEVATION

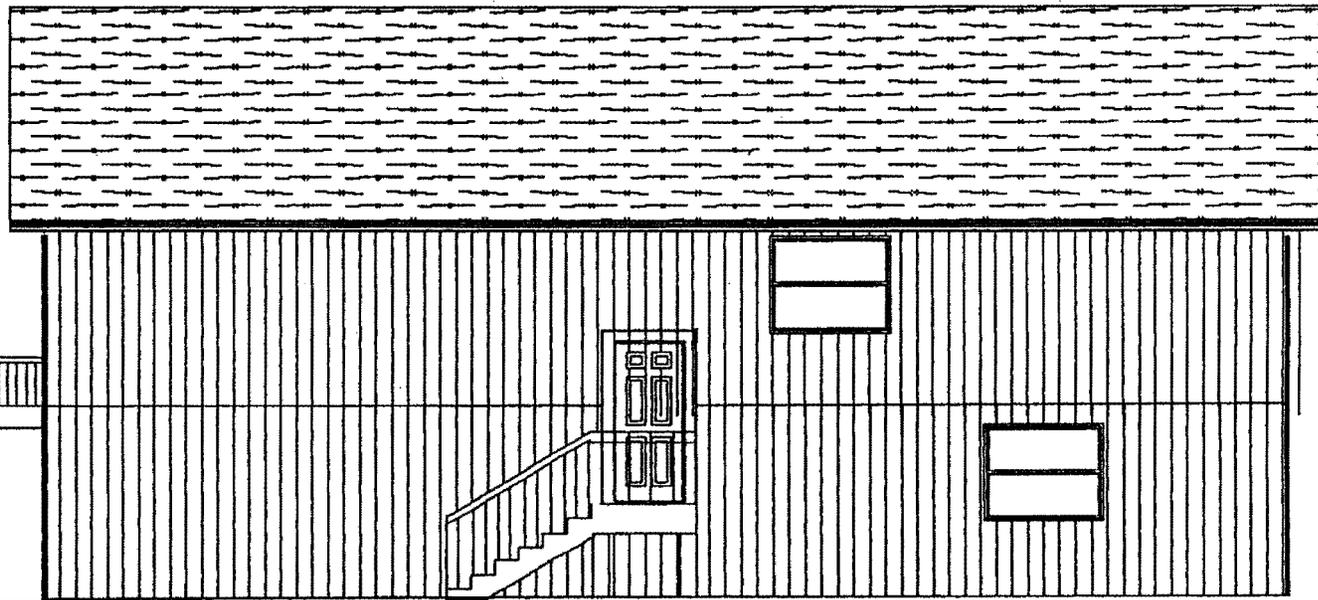
SCALE 1/8" = 1'-0"

<b>EXHIBIT NO.</b>	5
<b>APPLICATION NO.</b>	1-96-01
Front Elevations	

Owner	Project	Sheet	Project /
ROUSSEAU/MOSS			
Drawn By	P.L.D.	Date	3-28-94
KING SALMON			



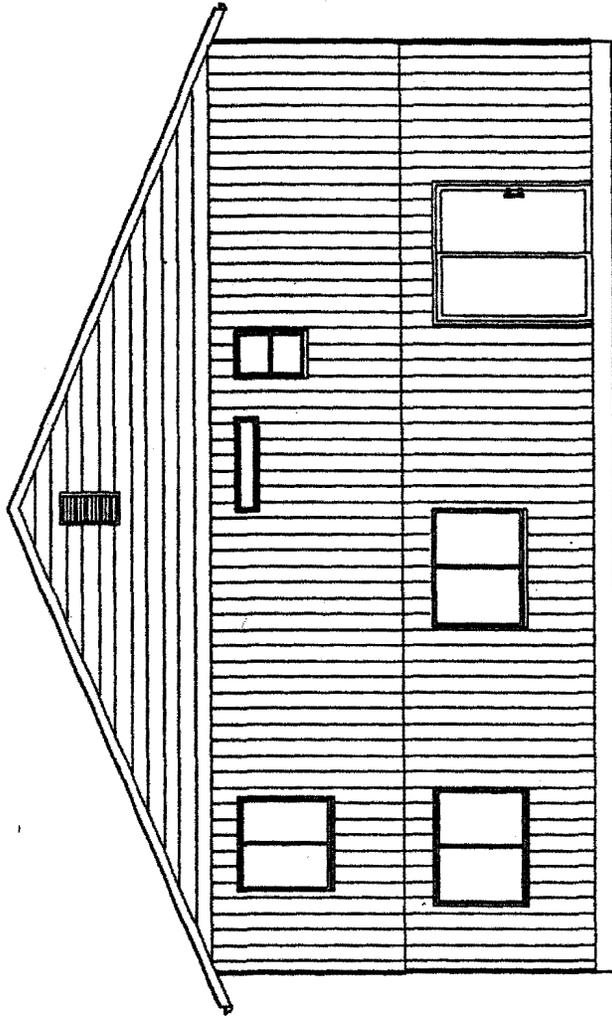
LEFT ELEVATION



RIGHT ELEVATION  
SCALE 1/8" = 1'-0"

EXHIBIT NO. 6  
APPLICATION NO. 1-96-01  
Side Elevations

ROUSSEAU/MOSS	Owner	Sheet Of Sheets Project #
	Project	
KING SALMON	Drawn By BLD	Date 3-26-94

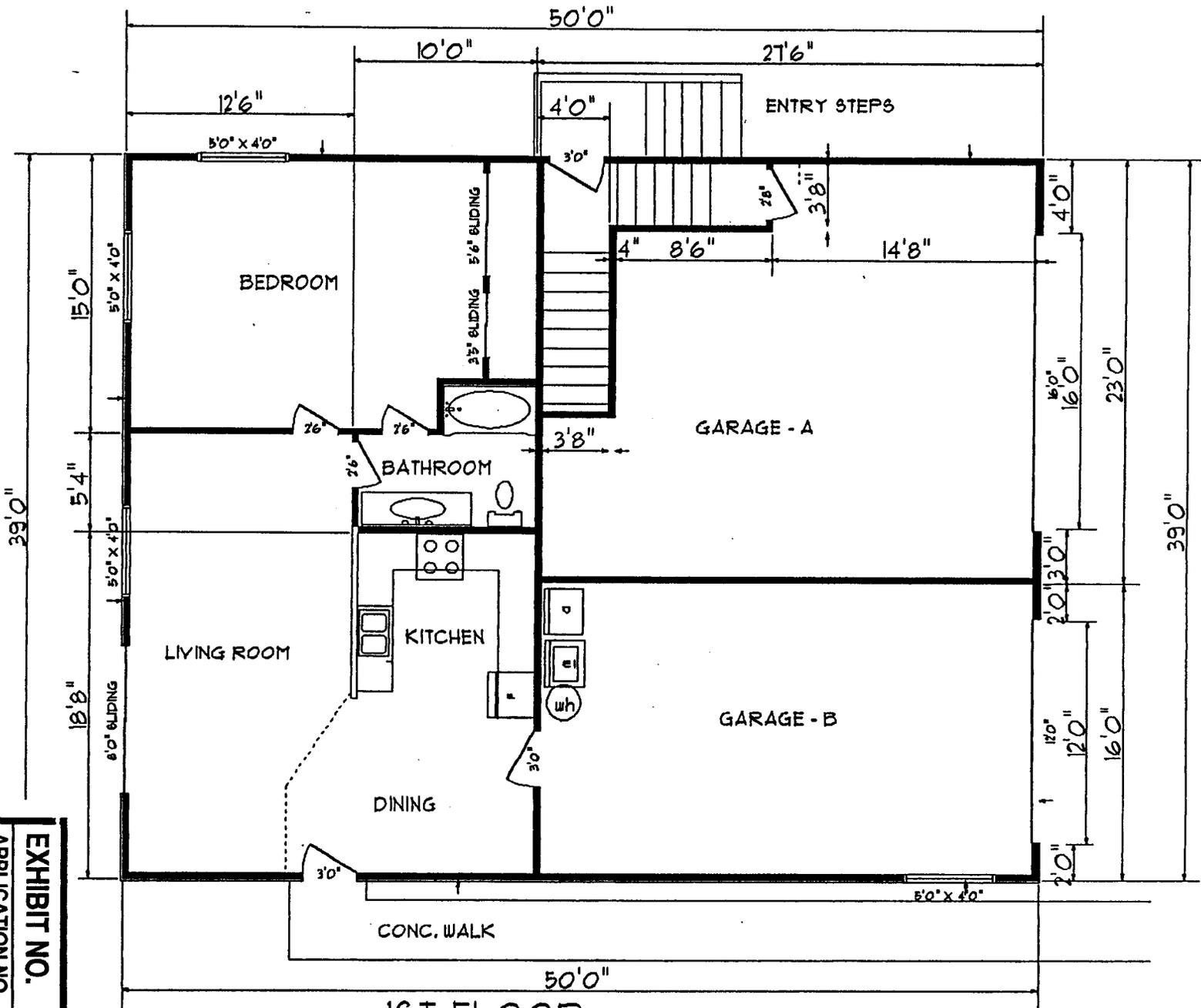


# REAR ELEVATION

SCALE 1/8" = 1'-0"

<b>EXHIBIT NO.</b>	7
<b>APPLICATION NO.</b>	1-96-01
Rear Elevations	

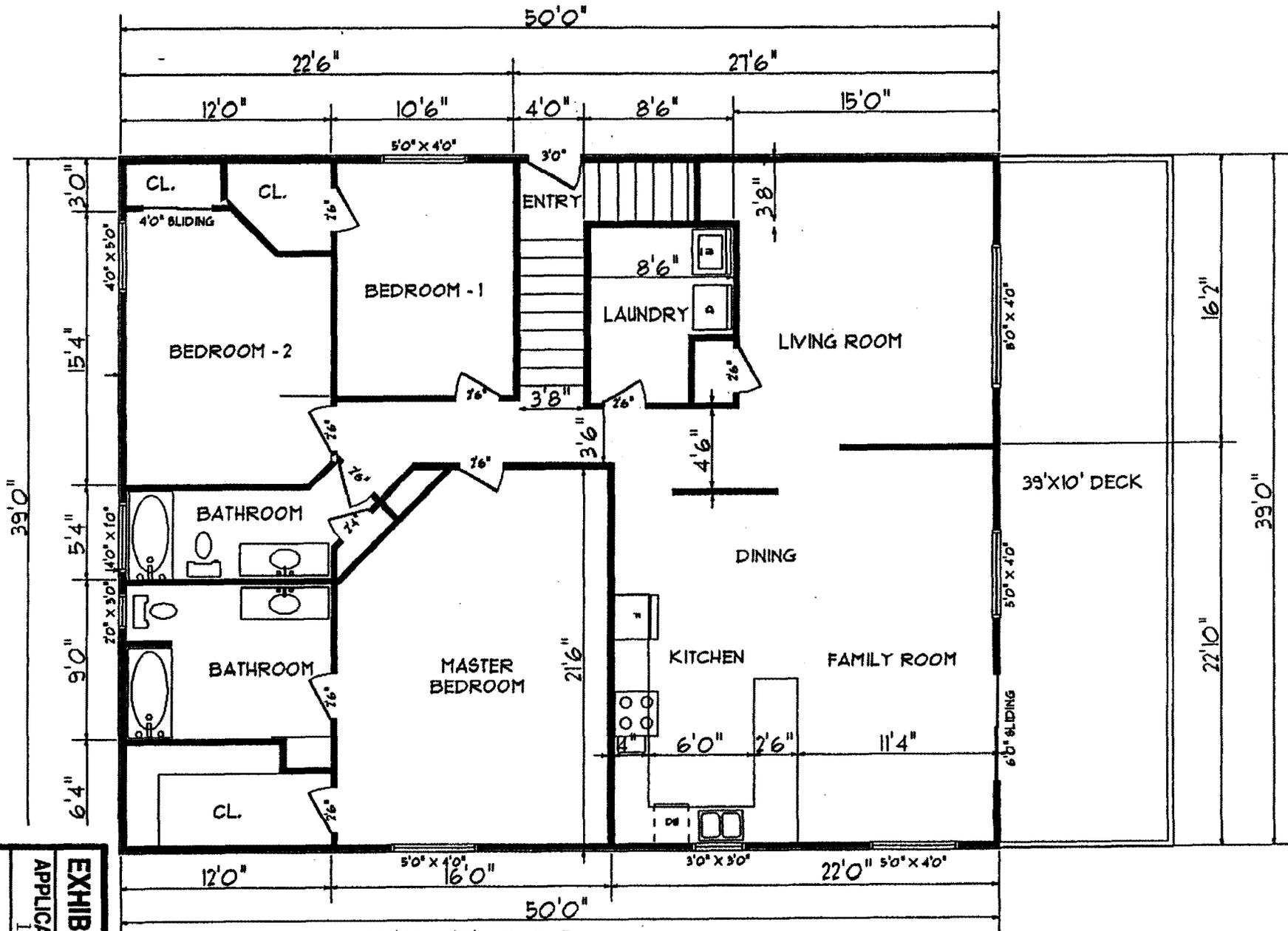
<b>Owner</b>	<b>Sheet</b>	<b>Of</b>	<b>Sheets</b>
<b>Project</b>			
<b>Drawn By</b>		<b>Date</b>	<b>Project #</b>
ROUSSEAU/NOSS		3-28-94	
KING SALMON			



1ST FLOOR  
 UNIT - B, 877 SQ.FT.  
 SCALE 1/8" = 1'-0"

<b>EXHIBIT NO.</b>	8
<b>APPLICATION NO.</b>	10-96-1-96-01
1st Floor Plan	

ROUSSEAU/MOSS		Owner	Sheet Of Project #
KING SALMON		Project	
		Drawn By DLD Date 3-26-94	



2ND. FLOOR  
 UNIT - A, 1950 SQ.FT.  
 SCALE 1/8" = 1'-0"

ROUSSEAU/MOSS		Owner	Sheet
KING SALMON		Project	Of Sheets
Drawn By BLD.	Date 3-28-94	Project #	

EXHIBIT NO. 9
APPLICATION NO. 1-96-01
2nd Floor Plan