

**CALIFORNIA COASTAL COMMISSION**  
 NORTH COAST AREA  
 45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260

W 18a



Filed: March 21, 1996  
 Hearing Opened: May 10, 1996  
 180th Day: September 17, 1996  
 Staff: Robert Merrill-E  
 Staff Report: May 24, 1996  
 Hearing Date: June 12, 1996  
 Commission Action:

STAFF REPORT: REGULAR 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.

**1-96-01 JAMES & NANCY MAAS  
AND ROBERT & JANNYCE ROUSSEAU**

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STAFF NOTES

1. Previous Commission Consideration.

The public hearing on the application was opened at the May 10, 1996, Commission meeting in Long Beach. The Commission considered the application as part of the consent calendar, but voted to remove the application from the consent calendar and schedule the item for further hearing at the June meeting.

2. 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.

3. Proposed Boat Hoist/Dock Facility.

The original application submitted to the Commission included the installation of a boat docking facility with a boat hoist. Several members of the public have expressed concerns about the size and location of the boat docking facility (see Exhibit 10, correspondence) as originally proposed. However, since filing 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 a boat dock facility.

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed lot merger and single-family residence with a secondary dwelling unit. The proposed project is within an existing developed residential subdivision served by community sewer and water systems. As the proposed lot merger will reduce the potential density of development on the property in half, the project will result in less demand on coastal resources than allowable under the LCP. In addition, the proposed structure will not block public views of Humboldt Bay, and the two-story structure is compatible with the visual character of the area, which includes other two-story and single-story residences built to a great variety of architectural styles. Furthermore, to comply with building code requirements, the structure will be built at a suitable elevation to avoid flood hazards associated with wave run-up or 100-year tsunami events. Moreover, the project will have no effect on coastal access. Therefore, staff believes the proposed project is consistent with the Coastal Act and recommends approval.

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AND ROBERT & JANNYCE ROUSSEAU**

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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 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 feet wide. The northerly parcel varies in length from 158 feet to 165 feet and encompasses approximately 4,050 square feet. The southerly parcel varies in length from 165 feet to 173 feet and encompasses approximately 4,450 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.

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AND ROBERT & JANNYCE ROUSSEAU**

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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.

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).

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AND ROBERT & JANNYCE ROUSSEAU**

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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 fronts on.

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).

During the local review process, the project was redesigned to reduce the size of the second unit and make other changes to satisfy concerns raised by local residents and County Planning staff about the compatibility of the proposed structure with the neighborhood. In approving the project, the County ultimately found the project to be consistent with visual resource policies of the Local Coastal Program.

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.

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

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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. The entire waterfront along the west side of Buhne Drive is open and available for public access use.

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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AND ROBERT & JANNYCE ROUSSEAU**

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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 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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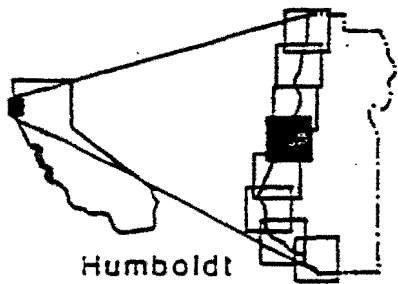
ATTACHMENT A

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 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 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

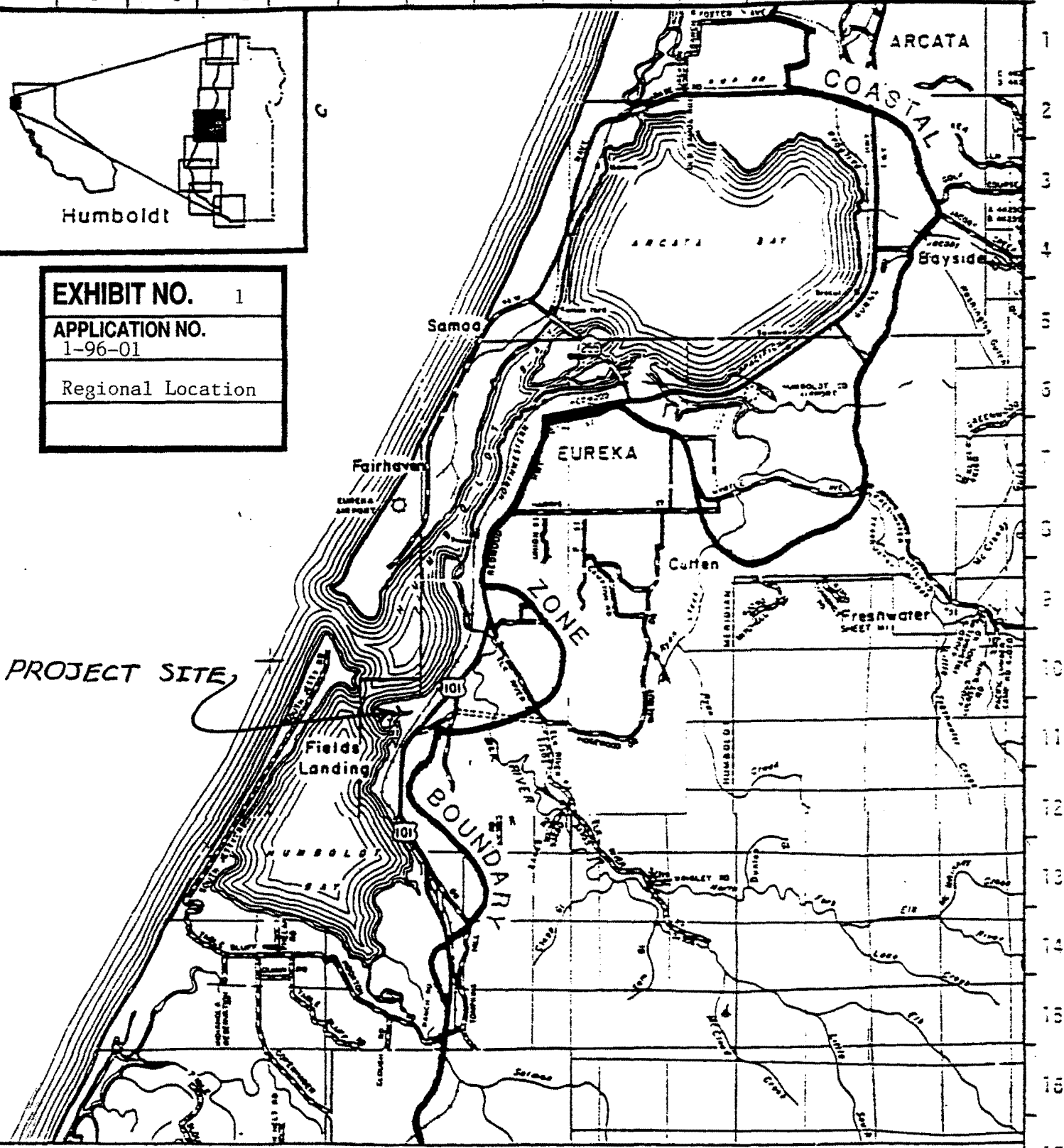


Humboldt

EXHIBIT NO. 1

APPLICATION NO. 1-96-01

Regional Location



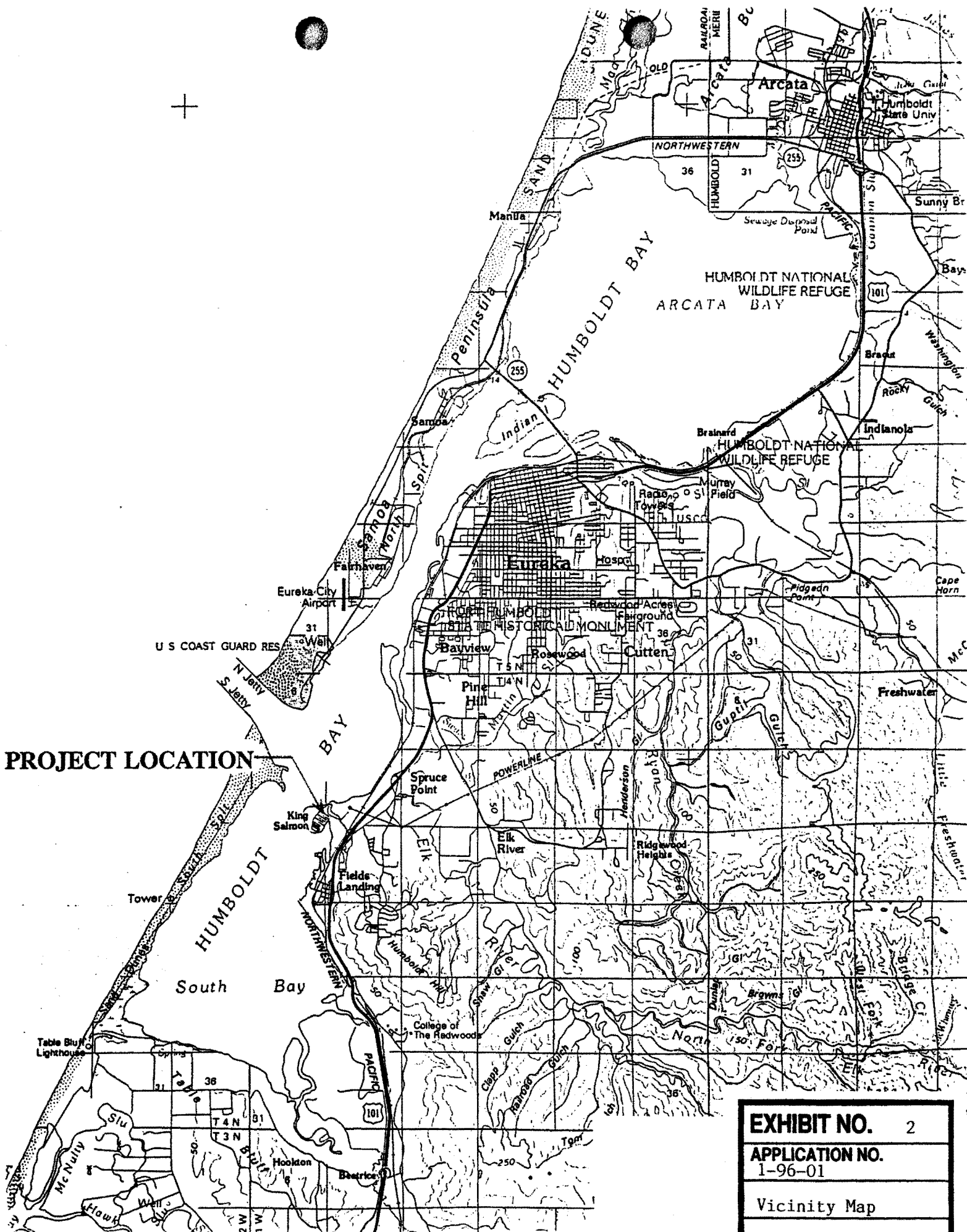
PROJECT SITE



LOCATION MAP



**PROJECT LOCATION**

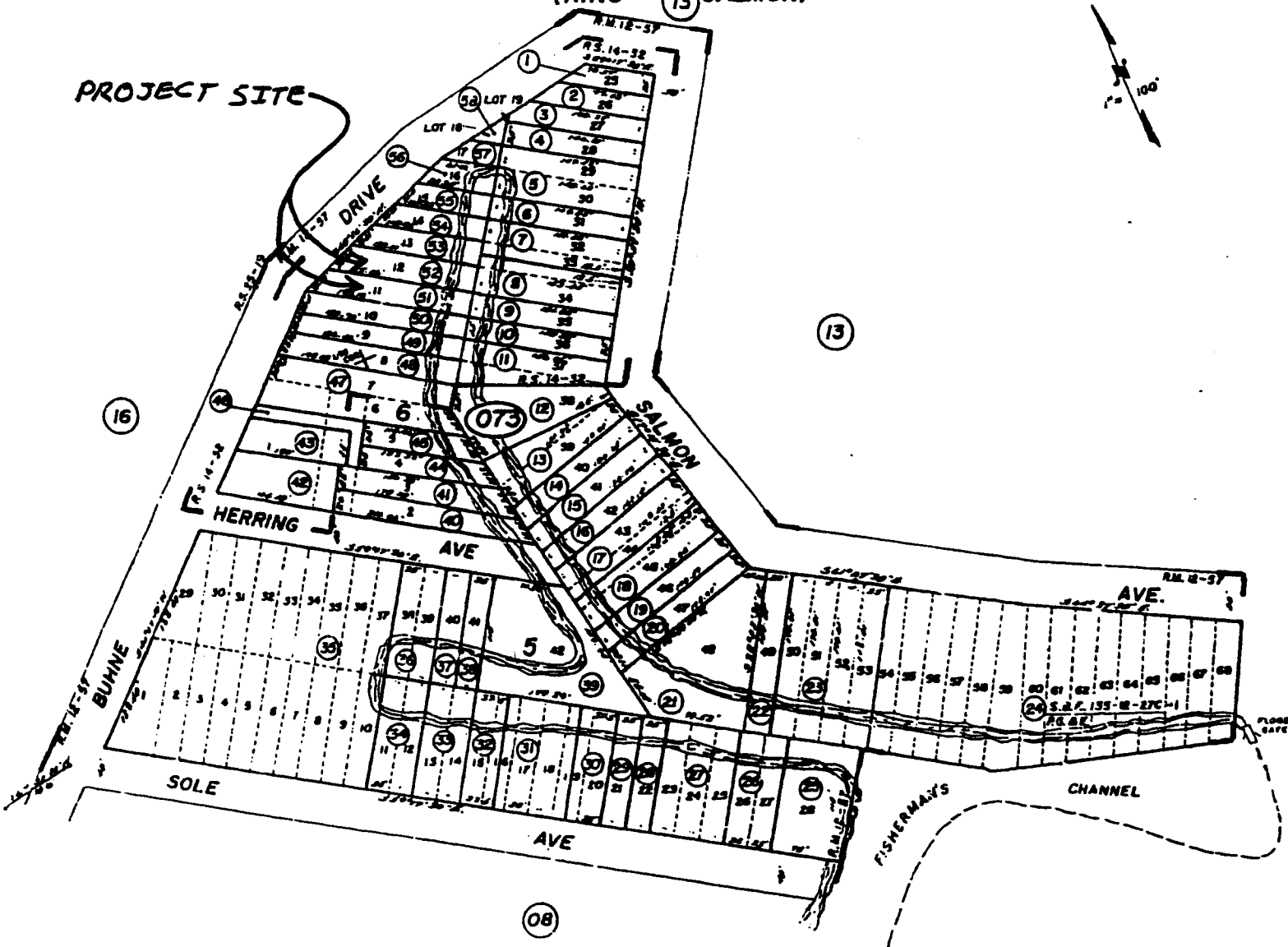


<b>EXHIBIT NO.</b>	2
<b>APPLICATION NO.</b>	1-96-01
Vicinity Map	

POR. SEC'S. 7 & 8, T. 4 N., R. 1 W., H. B. 8 M.  
(KING SALMON)

305-07

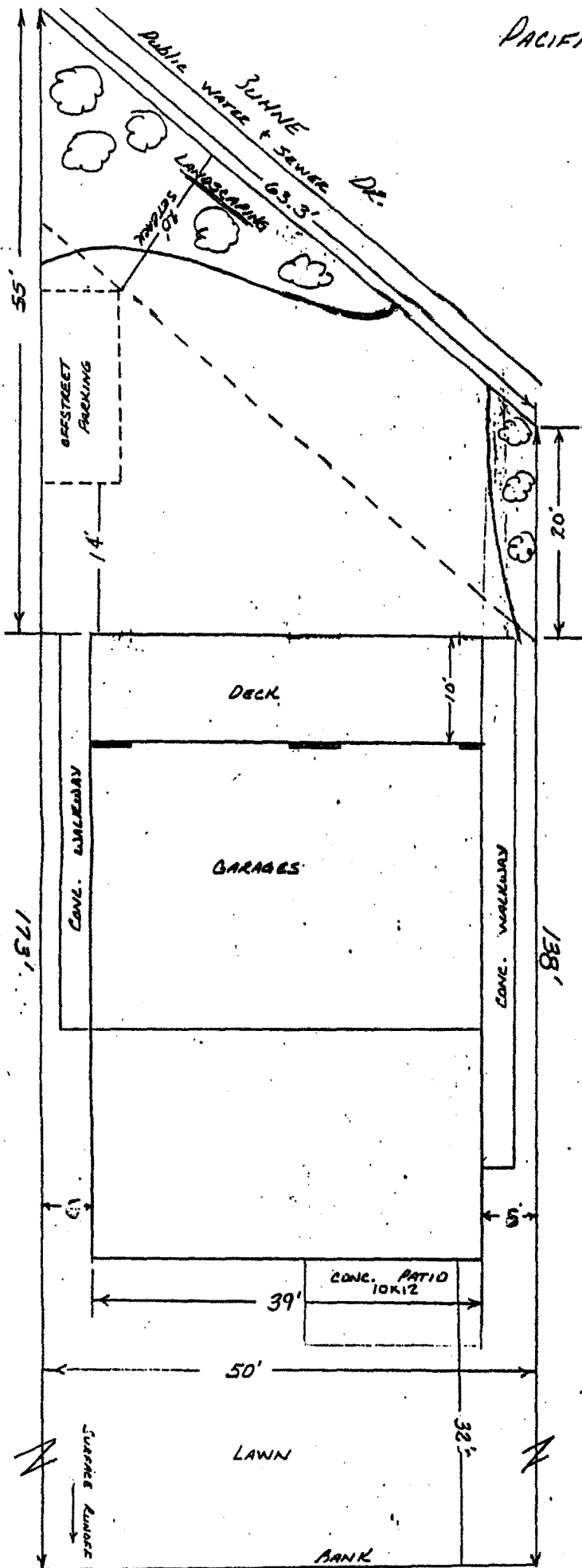
PROJECT SITE



Assessor's Map Bk. 305 - Pg. 07  
County of Humboldt, Calif.

EXHIBIT NO.	3
APPLICATION NO.	1-96-01
Assessor's Map	

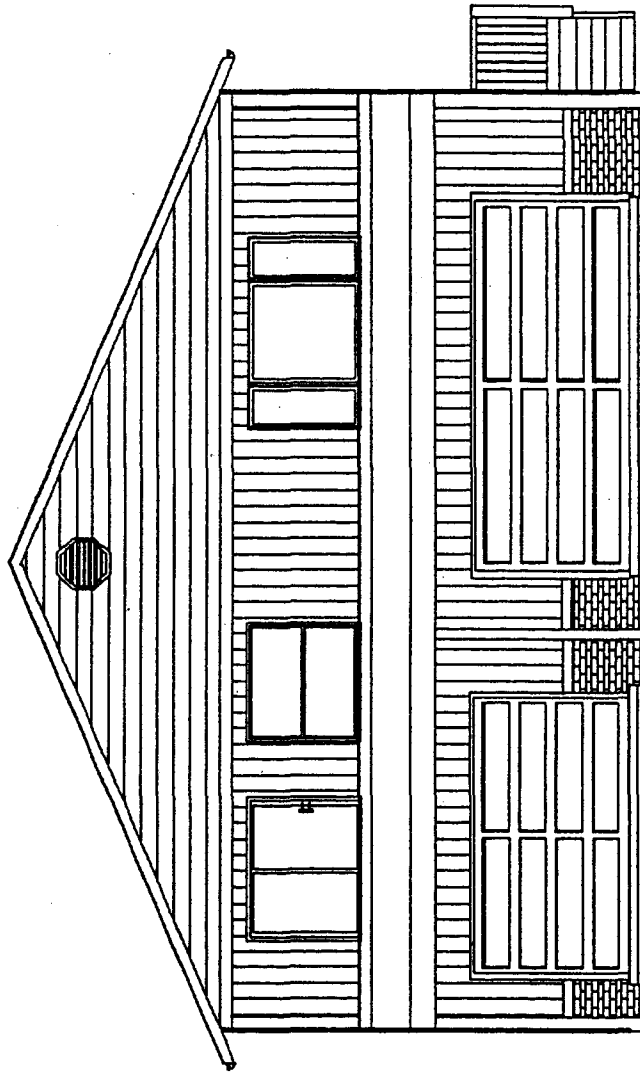
PACIFIC OCEAN



SCALE  
(LENGTH NOT TO SCALE)

<b>EXHIBIT NO.</b>	4
<b>APPLICATION NO.</b>	1-96-01
Site Plan	

FISHERMAN'S CHANNEL

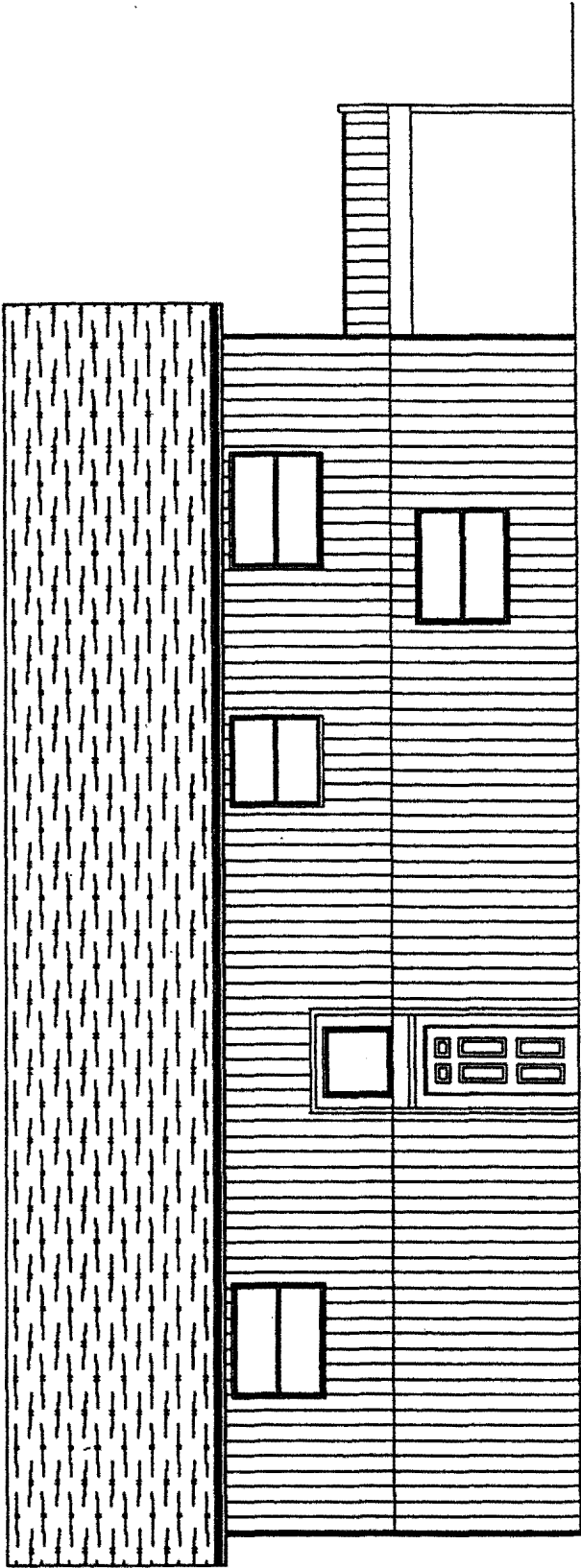


FRONT ELEVATION

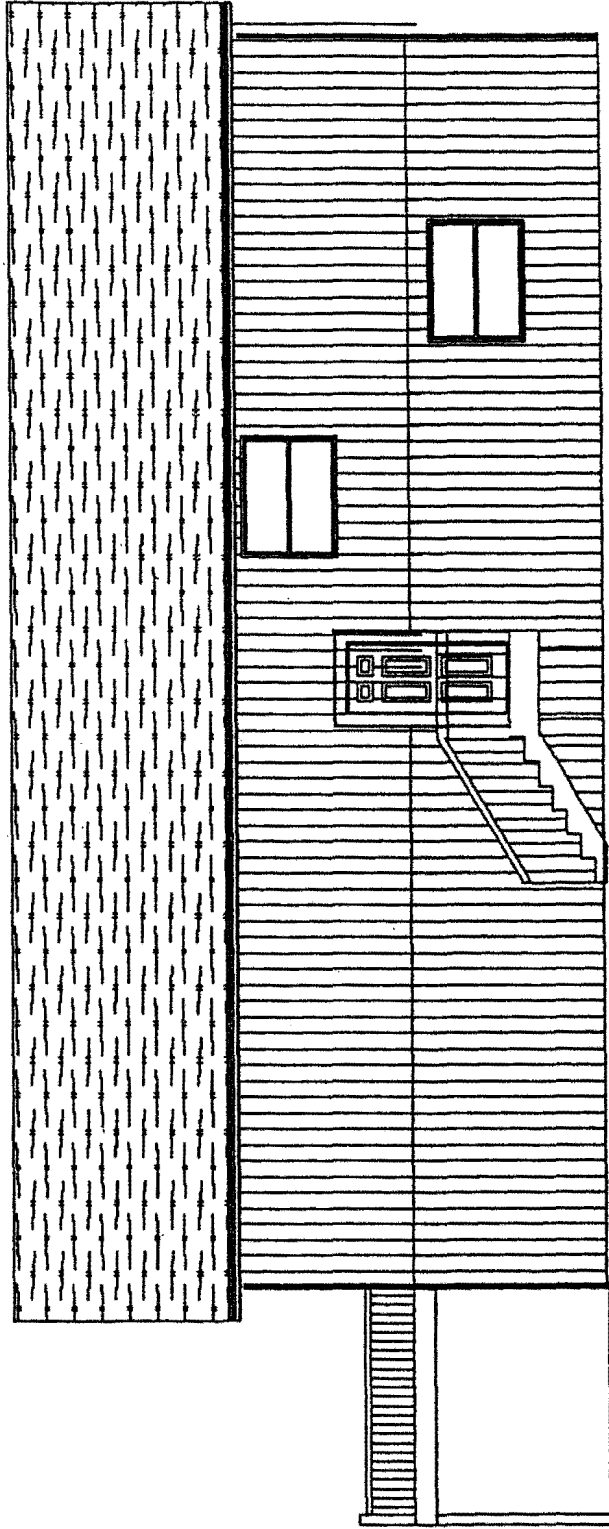
SCALE 1/8" = 1'-0"

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

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



LEFT ELEVATION

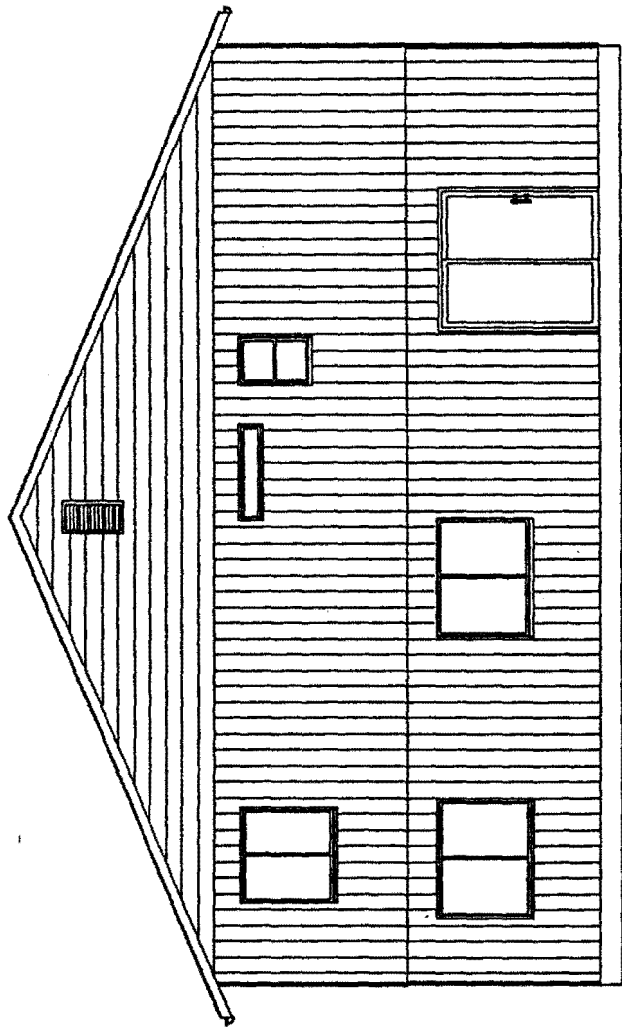


RIGHT ELEVATION

SCALE 1/8" = 1'-0"

Owner	Project	Drawn By	Date
ROUSSEAU/MOSS	KING SALMON		3-25-94

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

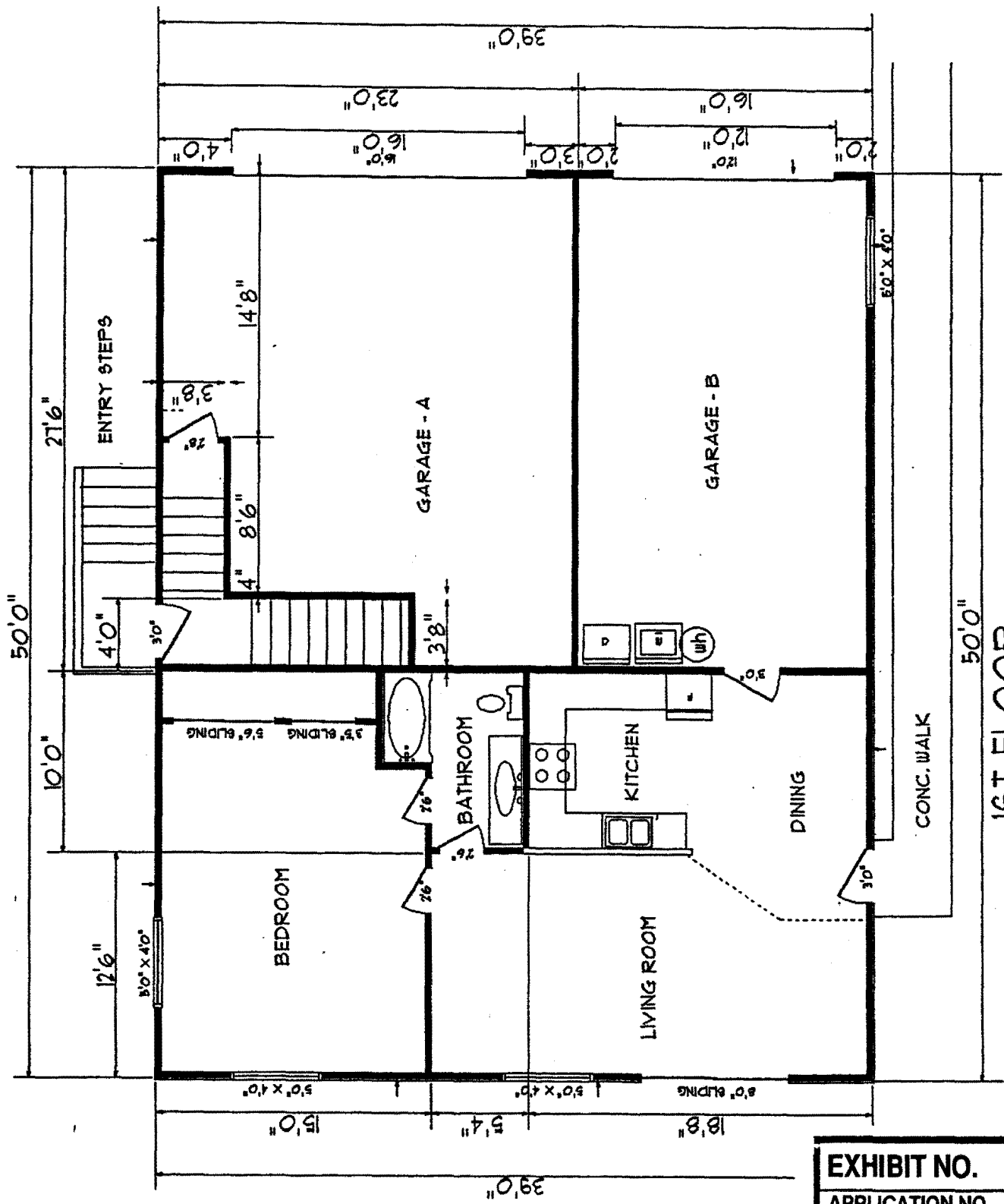


REAR ELEVATION

SCALE 1/8" = 1'-0"

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

Sheet Of Project	Sheet Of Project	Date	3-28-94
Drawn By	D.S.B.	ROUSSEAU/MOSS KING SALMON	

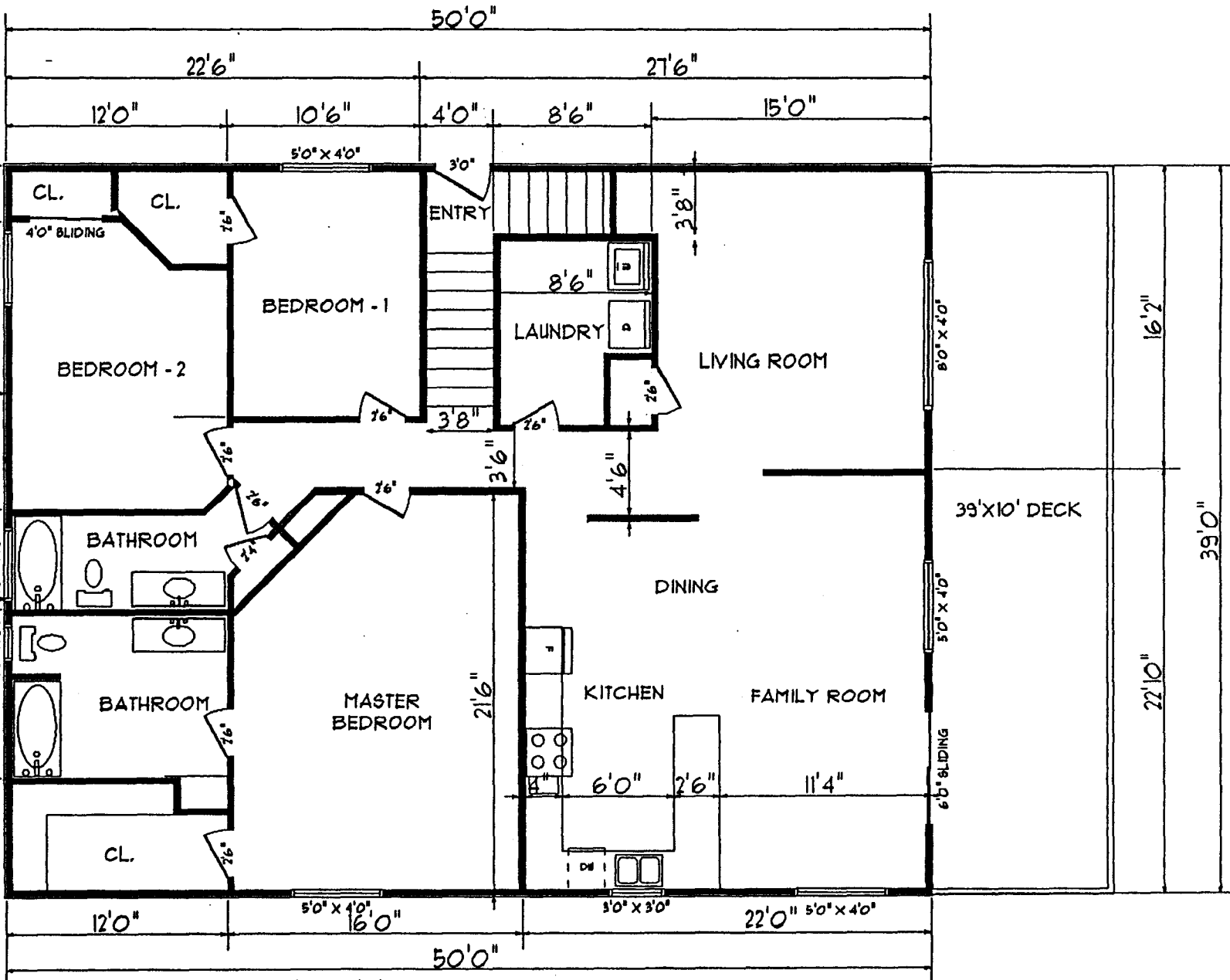


Owner	ROUSSEAU/MOSS
Project	KING SALMON
Drawn By	B.D.
Date	3-28-94
Sheet	
Of	
Project	

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

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





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

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

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

*LaVonne Wissinger*  
2910 Harris Street  
Eureka, California 95501

May 6, 1996

**EXHIBIT NO.** 10

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

Correspondence

(1 of 3)

Calif. Coastal Commission  
North Coast Area

45 Fremont, Suite 2000  
San Francisco, CA 95105-2219

ATTN: Mr. Merrill

As a property owner at 84 Crab Street in the King Salmon Area, we wish to protest the building Mr. Moss proposes to build on Buhne Street in this area.

This two story building will be extremely tall and block views from other residences living there.

The initial plan of that area was small houses with boat docks. Now we are getting all of these "Granny Flats" and the area is getting very congested with the extra traffic - just too many cars.

Mr. Moss also proposes to build a large boat house on the canal, presumably to keep his boat out of water at low tides. The rest of us let our boats sit in the mud. It would be a complete disaster if all of the home owners built boat houses on their property.

The canals are narrow and there would not be room for boats to get out of the canals.

We enjoy boating and fishing on the bay and ocean, like the other people in our area. We would like to keep King Salmon for a recreational area. There are many many areas around the Eureka area that would be much better suited for apartments.

I sincerely hope you will take this into consideration.

*LaVonne Wissinger*

California Coastal Commission  
North Coast Area  
45 Fremont, Suite 2000  
San Francisco, CA. 94105-2219  
Attn: Robert S. Merrill

May 6, 1996

EXHIBIT NO. 10

APPLICATION NO.  
1-96-01

Correspondence  
(2 of 3)

Dear Mr. Merrill:

My name is Loni D. Hollenbeck and I live at King Salmon, California. I am writing this note in opposition to the Maas/Rousseau building proposal, application No. 1-96-01 for the following reasons:

- 1) At the recent planning commissioners meeting where approval of this building permit was granted, Commissioner Smith asked Mr. Maas to make corrections on the left elevation. They are these:
  - a. the upstairs master bedroom window as shown in the elevation is in the closet.
  - b. the transom/fanlight above the first floor entry door, as shown in the left elevation should not be there. The light would open into the upstairs master bedroom.
- 2) Concerns not addressed at the above mentioned meeting, but recently voiced by an adjacent property owner is the problem of runoff. The application states in Article 4, Flood Hazard, page 4-5, that the lot will be raised 18" to 24" above existing grade. This action will inundate the adjacent lots. This problem has not been adequately addressed in this application. The words, surface runoff, does appear on the site plan, but it is directed towards the channel with the inevitable result of bank erosion.
- 3) On page 2 article 2, applicant states that a boat dock facility is not included in this application. However, in February 1996 applicant obtained an Army Corps of Engineers "nationwide permit" for a boat dock and boat house.  
Now, however, Mr. Lars Forsman, District Officer for the Army Corps of Engineers in San Francisco, has opted to investigate the opposition to the issuance of this permit by the other property owners in King Salmon. This opposition stems from the fact that the proposed application does not adhere to our deed restrictions, conditions covenants and restrictions, dating back to 1948. Nor does it comply with the Army Corps own guidelines set forth in Public Notice No. 74-0-15, dated August 13, 1973

which we have lived by since they were issued.  
Thank you for your consideration in this matter.

Truly yours,

Loni D. Hollenbeck  
Acting chairman King Salmon  
Citizens Committee

Shelley M. Hollenbeck - committee member

Margarette + Ira B Smith committee members

Marie J. + William Godwin " "

George C. Still HONORARY

A. M. Berg Lopez King Salmon comm.

There are many others who will sign  
but who are not available to do so today

<b>EXHIBIT NO.</b> 10
<b>APPLICATION NO.</b> 1-96-01
Correspondence
(3 of 3)

RECEIVED  
MAY 10 1996  
CALIFORNIA  
COASTAL COMMISSION

May 4, 1996

California Coastal Commission  
North Coast Area  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

Dear Coastal Commission:

This letter is written regarding Permit No. 1-96-01.

As long-time residents of King Salmon, my husband and I hope protective agencies such as the Coastal Commission will pay close attention to all new construction projects in our small neighborhood, to see that these projects mesh with the coastal environment and the surrounding structures.

Briefly, the project proposed for 1361 Buhne Drive sounds a bit on the large side (see attached Project Description). Two living structures, two garages, almost 2,000 square feet of paving, and a covered 14'x 20' boat dock (see attached copy of application to Humboldt Bay Harbor District)--this description fits no other lot on Buhne Drive. Beyond the lot becoming an eyesore in the marsh grass, possible future commercial use guarantees it becoming a traffic hazard.

Thank you for considering this opinion.

*L. GOGAN*  
Lauren Gogan  
1245 King Salmon Avenue

EXHIBIT NO.	10
APPLICATION NO.	1-96-01
Correspondence	

