

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST AREA  
FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
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Filed:	July 14, 1997
49th Day:	September 1, 1997
180th Day:	January 10, 1998
Staff:	Robert Merrill-E
Staff Report:	September 19, 1997
Hearing Date:	October 9, 1997
Commission Action:	

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.: 1-97-47****APPLICANT: MICHAEL & NANCY TOUT****PROJECT LOCATION:** At 1094 Vernon Street, in the unincorporated Myrtletown area east of Eureka, Humboldt County. APN 14-173-07.**PROJECT DESCRIPTION:** Merge three parcels and a portion of a third into one 11,025-square-foot parcel and construct a 1,500-square-foot one-story single-family residence with an attached garage and driveway.

**Lot Areas:** Existing: Lot 22: 3,062.5 sq. ft (.07 acres)  
Lot 23: 3,062.5 sq. ft (.07 acres)  
Lot 24: 3,062.5 sq. ft (.07 acres)  
Lot 21: 1,837.5 sq. ft (.04 acres)  
(portion owned by applicants)

**Proposed:** 11,025 sq. ft (.25 acres)

**Plan Designation:** Residential/Low Density (3 units/acre)

**Zoning:** Residential Single Family

**LOCAL APPROVALS RECEIVED:** Humboldt County Parcel Merger approval.

**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 Myrtletown area of Humboldt County. Humboldt County has a certified LCP, but the Myrtletown 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.

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed lot merger and single family house. 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 development will not block views to and along the coast and is consistent with the visual character of the area. Therefore, staff believes the proposed project is consistent with the Coastal Act and recommends approval.

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, 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 three parcels and a portion of a fourth into one parcel and construct a single family home on the consolidated parcel. The subject property is located at 1094 Vernon Street, in the unincorporated Myrtle town area east of Eureka (See Exhibits 1-3).

The subject property is located within an existing residential neighborhood that is largely developed. The subject property is vacant. A small seasonal drainage crosses the southwest corner of the property. The drainage supports a small area of vegetation containing alder trees but there is no evidence that the area constitutes an environmentally sensitive habitat area.

The parcels to be merged are separate legal parcels that share the same Assessor's Parcel Number (APN 14-173-07). The parcels are known as Lots 22, 23, 24, and 21 of Block 7 of the Santa Clara Tract as per the map recorded in Book 10 of Maps, Page 4 in the County Recorder's Office (see Exhibit 3). Lots

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22, 23, and 24 are each 25 feet wide by 122.5 feet long. The portion of Lot 21 involved in the merger is 15 feet wide by 122.5 feet long. The resulting merged parcel will be 11,025 square feet in area.

The proposed home consists of a 1,500-square-foot one-story single-family residence with an attached garage. A 400-square-foot driveway would be constructed. As proposed, the approximately 20-foot-high house would be set back 20 feet from Vernon Street, 10-14 feet from the adjoining properties on each side, and 66 feet from the rear property line (see Exhibit 4).

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 subject parcels are located in a developed subdivision served by community water and sewer systems. The systems are managed by the Humboldt Community Services District. Therefore, the Commission finds that the project is consistent with Section 30250(a) to the extent that adequate services are available to accommodate the project.

The proposed lot merger will combine three existing parcels and a portion of a fourth into one. The area is 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 three legal nonconforming lots with respect to lot size and a portion of a fourth and form one 5,900-square-foot parcel that conforms with the 5,000-square-foot minimum parcel size.

As currently configured, the four 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 the potential for 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 three and the potential number of residential units (including both primary and secondary) by six.

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 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:

Coastal Act Section 30251 requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas; that the development minimize the alteration of natural land forms; that the development be visually compatible with the character of the surrounding area, and that new development in highly scenic areas be subordinate to the character of its setting.

The Humboldt Bay Area Land Use Plan for Humboldt County designates highly scenic areas as "coastal view areas" and/or "coastal scenic areas". The subject property is not designated as either a coastal view area or coastal scenic area in the LUP. Therefore, the proposed development need not be subordinate to the character of its setting, only visually compatible with the character of the surrounding area to be consistent with visual character provisions of Section 30251.

The proposed development is consistent with the applicable requirements of Section 30251. Although the project would be visible from Vernon Street and other public roadways within the subdivision, no views to and along Humboldt Bay and scenic coastal areas would be affected. Intervening development, topographical features, and existing vegetation block all view of such areas through the subject property. In addition, no grading is required and the proposed project would not result in any significant alteration of the property's natural land forms. Furthermore, the project is visually compatible with the character of the surrounding area as other one story single-family residences are located next to or near the site and the proposed architectural style with wood siding and a peaked shingle roof is consistent with the style of other homes in the area. The Commission therefore finds that the project is consistent with Section 30251.

4. Environmentally Sensitive Habitat:

Coastal Act Section 30240 states that environmentally sensitive habitat area shall be protected against any significant disruption of habitat values and that development in areas near such sensitive habitat areas shall be sited and designed to prevent significant adverse impacts to these areas.

The southwest corner of the property contains a low area that appears as though it might have been part of a former stream channel. Some riparian plant species are growing in this area, including a number of alder trees. However, the site does not exhibit the characteristics of a stream channel any longer. The areas immediately north and south of the depression, along what would have been the course of the old stream, appear to have been filled many years ago for residential development. During a site inspection of the property by Commission staff during a winter month, the depression did not contain any standing water and did not appear to even be damp. In the course of the Commission's review of a previous project proposed but never built at the subject property, the Department of Fish & Game had no comment when

consulted by staff as to whether the site contained wetland, riparian, or other environmentally sensitive habitat.

Alder trees are often, though not always, associated with riparian vegetation, a form of environmentally sensitive habitat. Given that alder trees can grow in locations other than riparian or wetland habitats, and that no other evidence is available to the Commission indicating that the vegetation proposed for clearing is part of a riparian or wetland habitat, the Commission cannot conclude that the site comprises environmentally sensitive habitat. The Commission notes that none of the proposed development is proposed in the location of the area containing alder trees. In addition, the house and other development proposed is set back a minimum of 35 feet from this area. Therefore, the Commission finds that the proposed project will not adversely affect environmentally sensitive habitat and is consistent with Section 30240 of the Coastal Act.

5. Humboldt County LCP.

Although Humboldt County has a certified LCP, the Myrtle town 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 consolidation of the three and a half existing legal nonconforming lots (with respect to lot size) into one 11,025-square-foot parcel is consistent with the RL designation and the RS zoning.

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.

6. 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

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or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

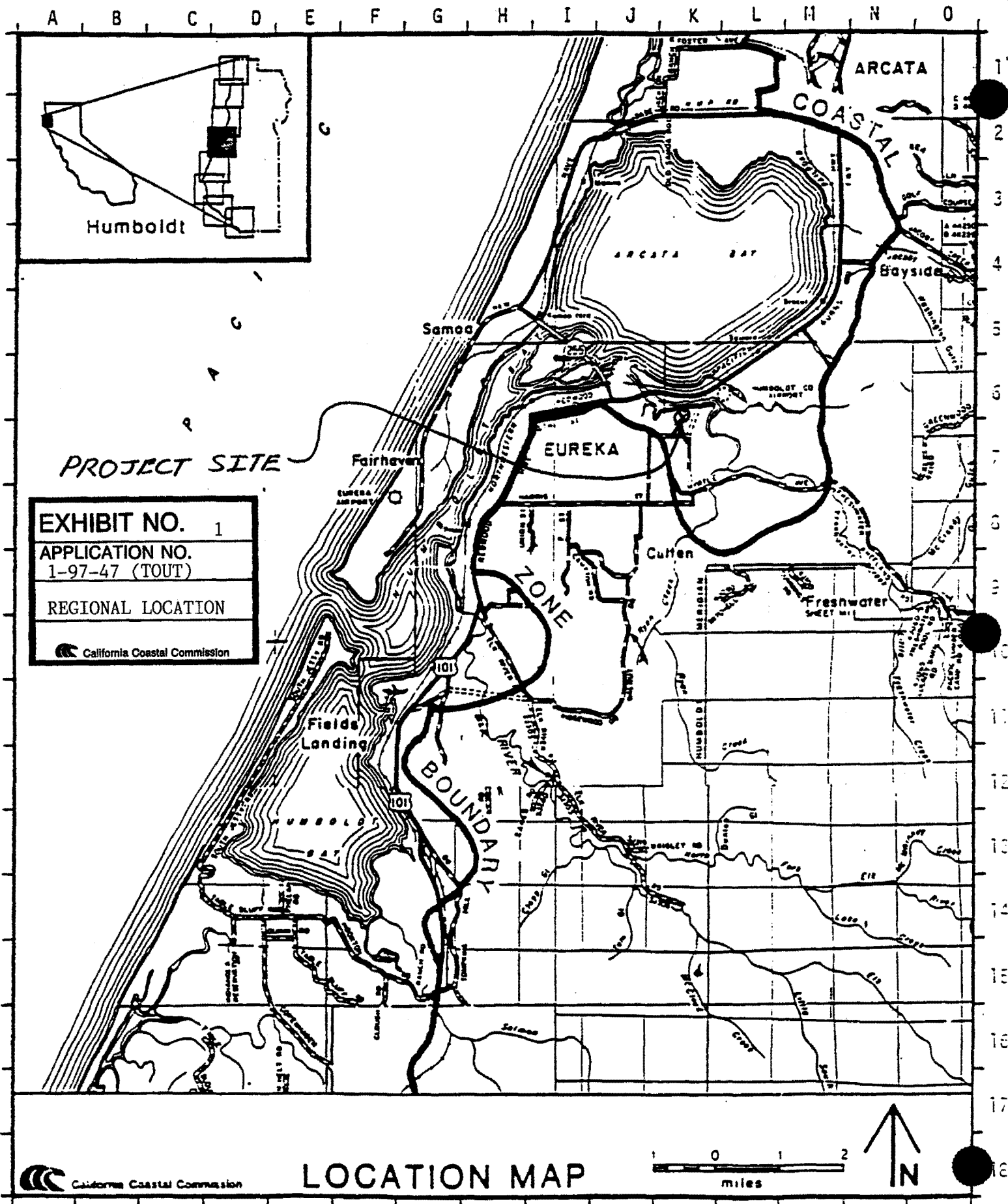
The project does not have a significant adverse effect on the environment, within the meaning of CEQA, as it is located in an area able to accommodate it, and as there will be no significant adverse impacts on coastal resources.

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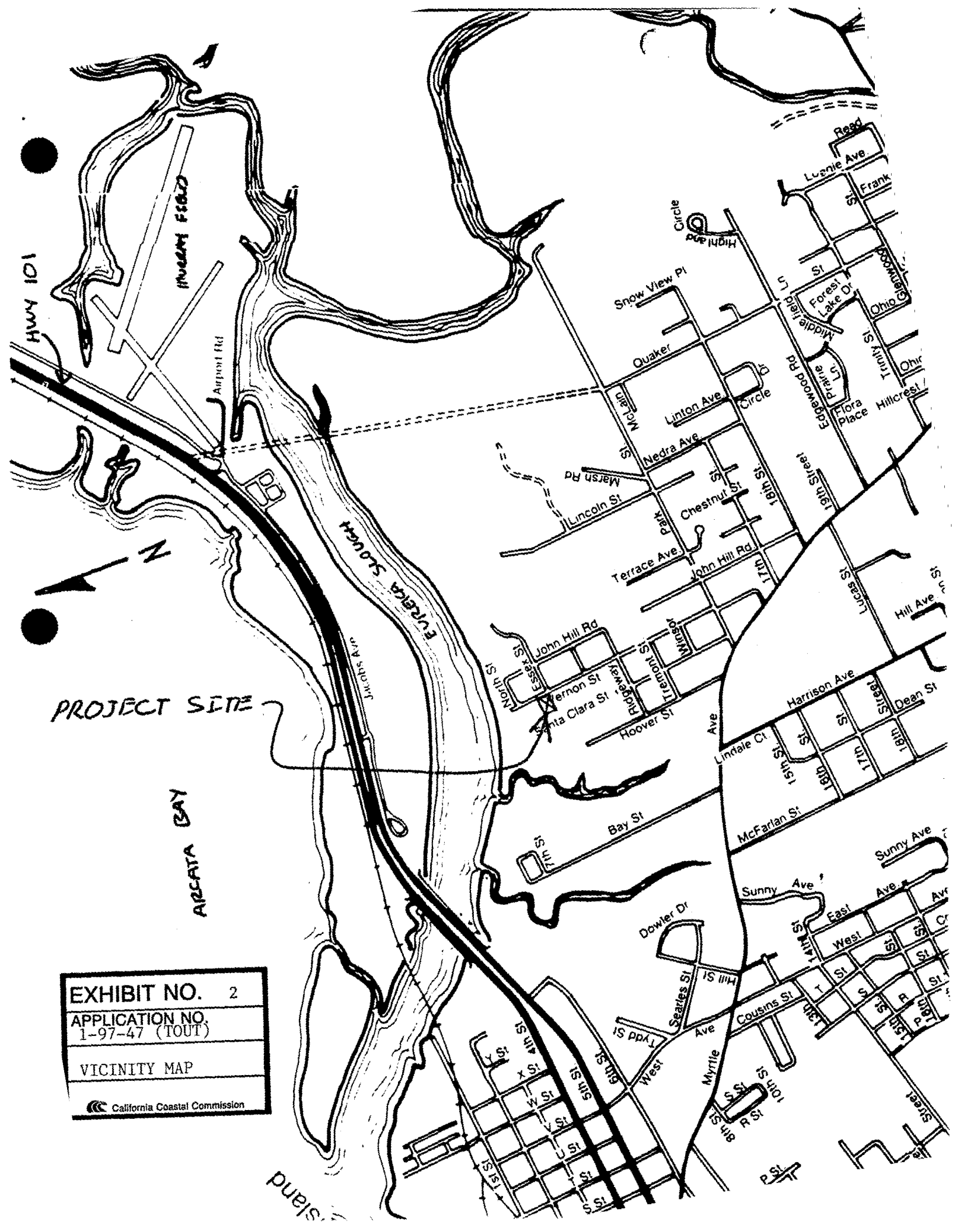
ATTACHMENT A

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 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.







PROJECT SITE

ARCATA BAY

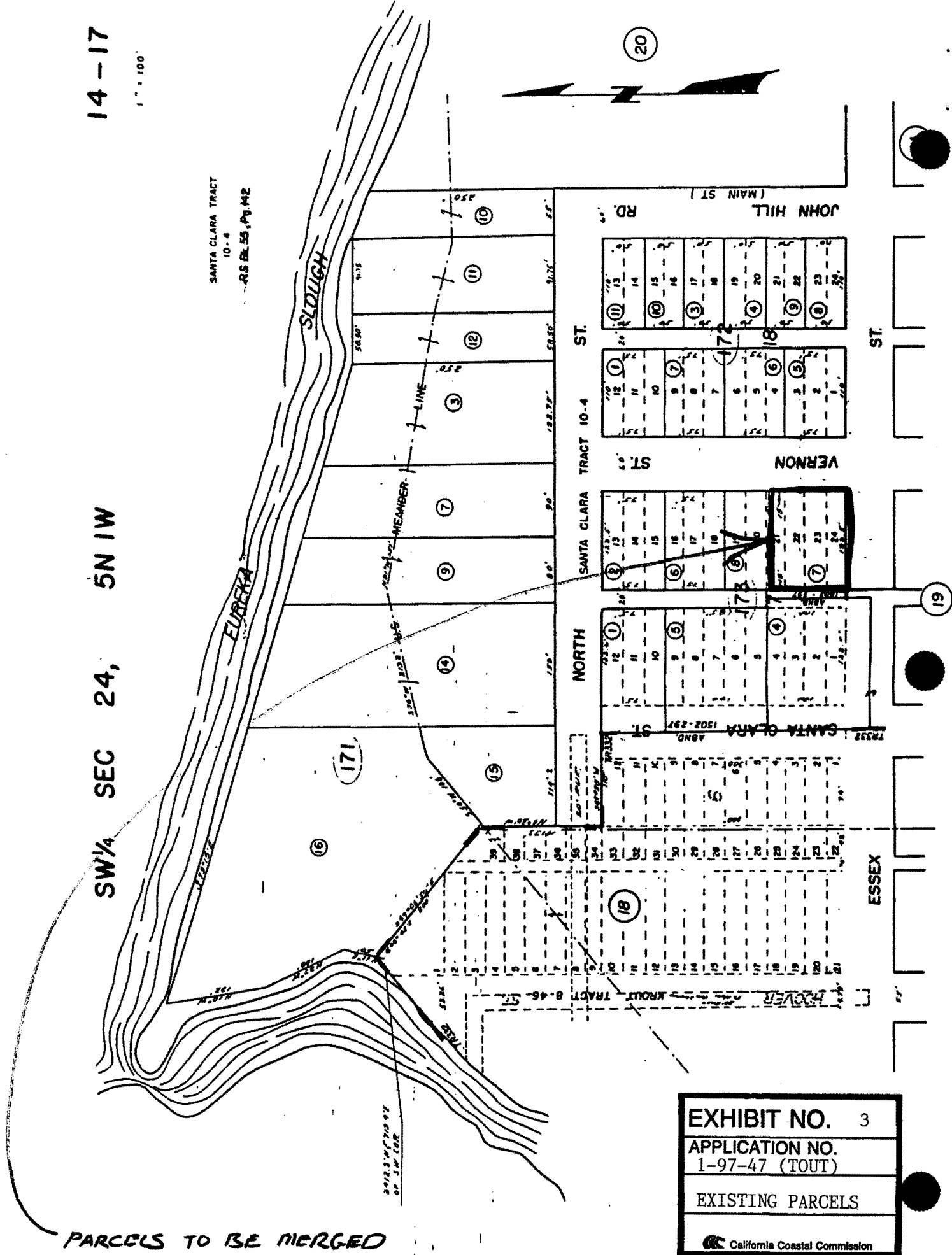
EUREKA SLOUGH

EXHIBIT NO.	2
APPLICATION NO.	1-97-47 (TOUT)
VICINITY MAP	
California Coastal Commission	

**1001**

SANTA CLARA TRACT  
10-4  
RS BL 55, Pg. 142

### PARCELS TO BE MERGED

 **California Coastal Commission**

Plot Plan  
1094 Vernon St.  
Eureka, CA  
Parcel No.:14-173-07

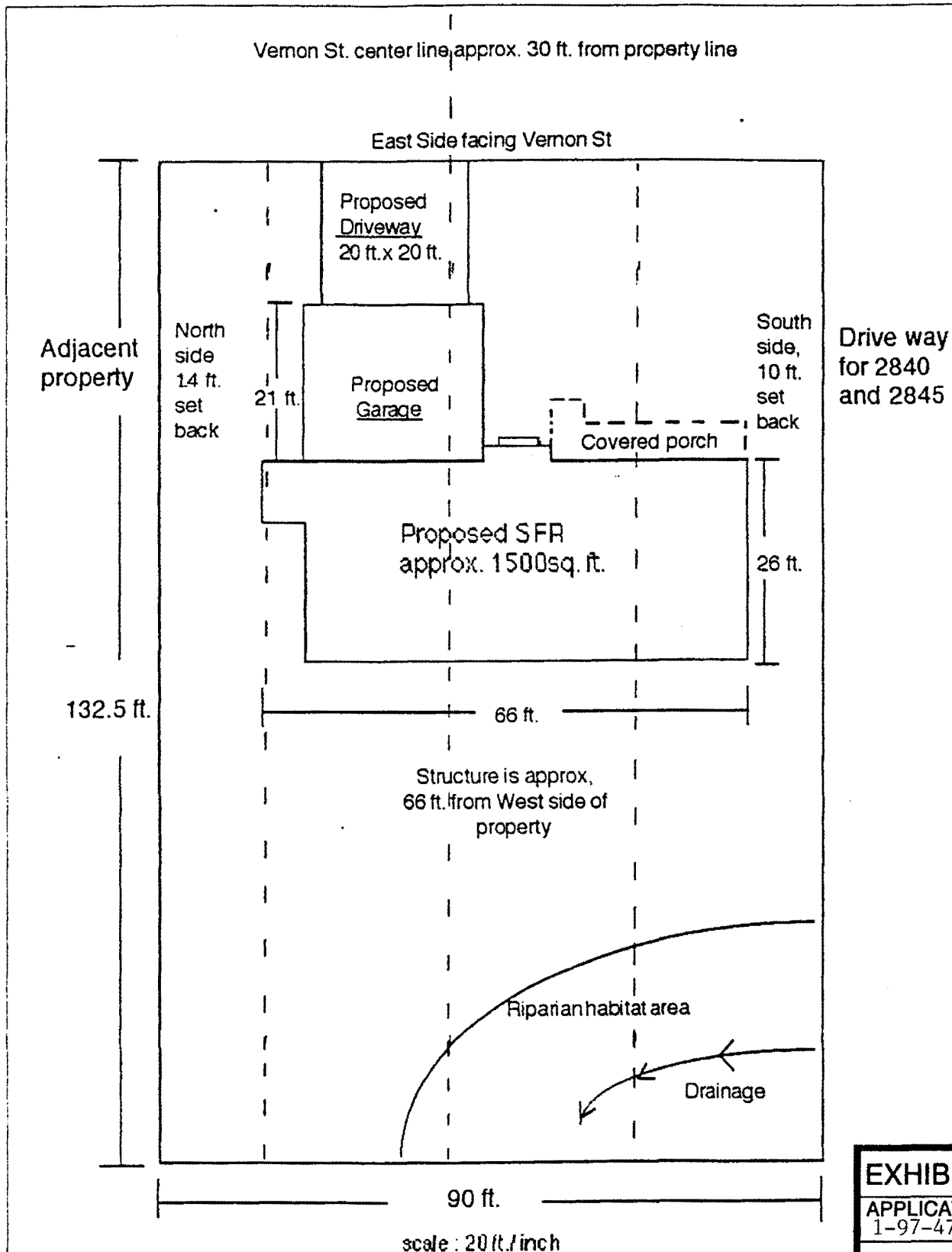
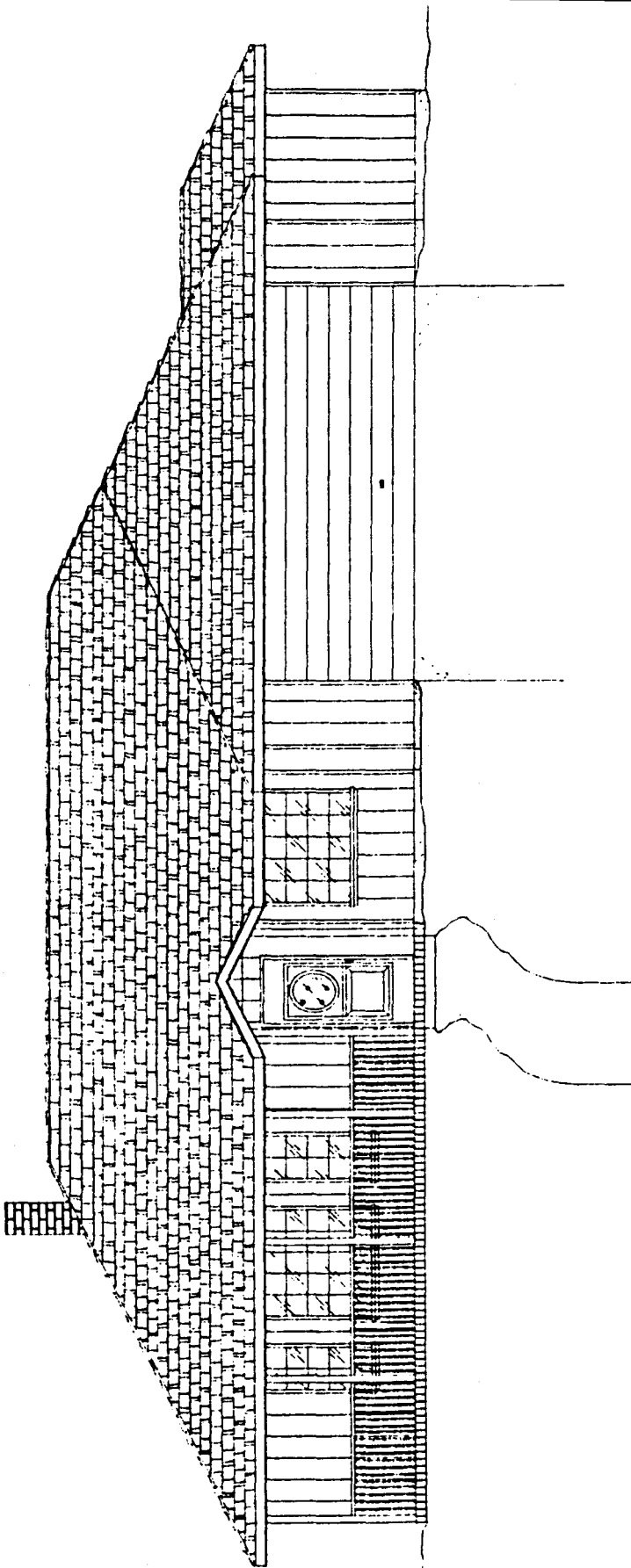
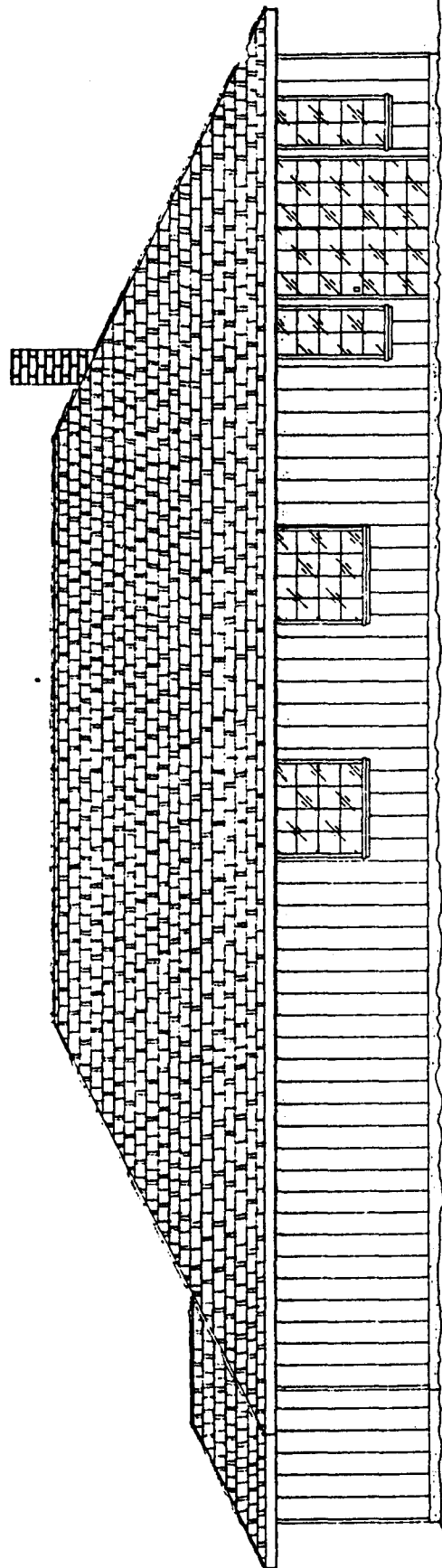



EXHIBIT NO.	4
APPLICATION NO.	1-97-47 (TOUT)
SITE PLAN	
California Coastal Commission	



FRONT ELEVATION  
*W. J. Smith*



BACK ELEVATION  
*W. J. Smith*

EXHIBIT NO.	5
APPLICATION NO.	1-97-47 (TOUT)
ELEVATIONS	
 California Coastal Commission	