

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

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Filed: February 26, 1997
49th Day: April 16, 1997
180th Day: August 25, 1997
Staff: James Muth
Staff Report: March 21, 1997
Hearing Date: April 10, 1997
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 1-97-05

APPLICANT: ELIZABETH M. TEIG

AGENT: Robert J. Westberg

PROJECT LOCATION: 11 Rayipa Lane at the intersection of Rayipa Lane and Scenic Drive, approximately 3 miles south of the City of Trinidad in the Moonstone area of Humboldt County, APN 514-181-21.

PROJECT DESCRIPTION: (1) Remove a 6-foot-wide, 115-foot-long strip of native vegetation, including two 40-foot-high spruce trees, located between a failing wooden retaining wall and the edge of the pavement along Scenic Drive, (2) remove the wooden retaining wall, and (3) replace the wooden retaining wall with a 115-foot-long, 4 to 9-foot-high, reinforced, concrete retaining wall.

Lot area: 7,176 square feet
Zoning: Residential single family
Plan designation: Not certified (Area of Deferred Certification)
Ht abv fin grade: 4 to 9 feet above the elevation of Scenic Drive.

LOCAL APPROVALS RECEIVED: None required, other than a local building permit.

SUBSTANTIVE FILE DOCUMENTS: Humboldt Coutny, Trinidad Area Land Use Plan.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

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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 not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreational 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.

1. Landscaping Plan.

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall submit a landscaping plan for the review and approval of the Executive Director. The landscaping plan shall provide for the planting of landscaping materials (i.e small trees, shrubs, and/or vines) within the approximately 6-foot-wide, 115-foot-long, strip of land located between the base of the new retaining wall and the edge of the pavement along Scenic Drive to soften, and ultimately screen the retaining wall from public view along Scenic Drive within 5 years of planting.

Landscape plantings shall be sited, designed and maintained to screen the wall from public view, avoid interference with any overhead or underground utilities, and avoid interfering with the vehicular line of sight along Scenic Drive. A predominance of evergreen plantings, such as evergreen rhododendrons, shall be used, as such plants offer year round screening. Landscape plantings that are both low maintenance and compatible with the native vegetation in the surrounding area shall be used. At a minimum, the 59± foot-long strip of land located below the highest part of the wall shall be planted with not less than 6 equally-spaced shrubs and/or small trees. Said shrubs shall not be less than 3 feet in height at the time of planting and said trees shall not be less than 4 feet in height at the time of planting.

The landscaping plan shall be prepared by, or in consultation with, a licensed landscape architect, landscape designer, nursery person, ornamental horticulturalist, or similar professional having expertise with readily available plant materials that are suitable to screen the wall and that are accepting of local site conditions. The landscaping plan shall be drawn to scale and shall include: (a) a diagram showing the location of each plant to be planted, (b) a plant identification list indicating the common and Latin names of the plants to be used, and (3) a written narrative indicating the

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planting specifications and maintenance techniques to be followed, (e.g. size and depth of the holes to be dug, soil amendments to be added, planting schedule, fertilizing schedule, irrigation method and schedule, etc.). The plant selection and the plant maintenance program shall be designed to maximize the chances of survival of the vegetation to be planted. The vegetation to be planted shall be planted within 1 month after construction of the new concrete retaining wall has been completed. Any planted vegetation that dies shall be replaced, at a one-to-one or greater ratio for the life of the project.

2. Disposal of Debris and Excess Materials.

All surplus material and construction debris 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.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Project Description and Location.

The applicant proposes to: (1) remove a 6-foot-wide, 115-foot-long strip of native vegetation, including two 40-foot-high spruce trees, located between a failing wooden retaining wall and the edge of the pavement along Scenic Drive, (2) remove the wooden retaining wall, and (3) replace the wooden retaining wall with a 115-foot-long, 4 to 9-foot-high, reinforced, concrete retaining wall. The subject property is a residential parcel located at 11 Rayipa Lane at the intersection of Rayipa Lane with Scenic Drive, approximately 3 miles south of the City of Trinidad in the Moonstone area of Humboldt County on APN 514-181-21. See Exhibits No. 1 through No 7.

The existing wooden retaining wall is failing due to age. The 115-foot-long, 4 to 9-foot-high, embankment that is held back by the wooden retaining wall is noticeable by anyone who travels along Scenic Drive. However, a dense thicket of native shrubs located between the wall and the edge of the pavement that has grown to the same height as the wall screens most of the wall from public view as seen from Scenic Drive. None of the vegetation to be removed is environmentally sensitive.

The subject property is developed with a single-family residence that is built atop the embankment and is somewhat visible from Scenic Drive. The residence is served by an asphalt driveway runs off of Scenic Drive. See the site plan in Exhibit No. 7.

The property is designated in the Trinidad Area Land Use Plan for Humboldt County as RV (Rural Village). See Exhibit No. 4.

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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. 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". However, there are no public views over the site to the sea from Scenic Drive due to the intervening embankment and the forested character of the subject property and the other residentially designated properties located between the subject property and the sea. Notwithstanding, lands adjacent to Scenic Drive are within the "coastal scenic area" due to the forested character along this portion of Scenic Drive.

The development would not be compatible with the leafy-green roadside character along Scenic Drive, if: (a) the new concrete retaining wall is not adequately screened from public view by appropriate landscaping upon completion of the project, or (b) if all surplus materials and construction debris are not removed from the site and properly disposed of upon completion of the project.

The Commission therefore attaches Special Condition No. 1 which requires the applicant to submit a landscaping plan for the review and approval of the executive director prior to issuance of the coastal development permit. The landscaping plan shall provide for the planting of landscaping materials

(i.e. small trees, shrubs, and/or vines) to soften, and ultimately screen, the 115-foot-long, 4 to 9-foot-high, concrete retaining wall from public view along Scenic Drive within 5 years of planting. Among other things, Special Condition No. 1 requires that: (a) the landscaping be installed within 1 month after completion of the new concrete retaining wall to minimize the period of time that the wall will be very visible to public view, and (b) any planted vegetation that dies be replaced with the same species, or with a different species, at a one-to-one or greater ratio for the life of the project.

The Commission also attaches Special Condition No. 2 which requires that all surplus materials and construction debris be removed from the site upon completion of the project and deposited in a licensed landfill.

The Commission finds that the proposed project is a replacement structure that will not alter the size or shape of the existing embankment. Thus, the project is consistent with Section 30251 of the Coastal Act as the project minimizes the alteration of natural lands forms. In addition, as conditioned by Special Conditions No. 1 and No. 2 herein, the Commission further finds that the project is consistent with the remaining provisions of 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 along a scenic coastal area.

4. 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 1,500 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 is consistent with Section 30211 of the Coastal Act as it 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.

Existing public access to the sea is located less than 300 feet to the south of the project site at the intersection of Scenic Drive and Moonstone Beach Road. Consequently, the project with Section 30212 of the Coastal Act as adequate public access exists nearby.

Lastly, 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 Section 30210 of the Coastal Act.

5. Geologic Hazards.

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high geologic hazard by assuring the stability and structural integrity of new development.

The subject property is located within an area of northern California that is subject to ground shaking by earthquakes. As indicated by the engineer's stamp on Exhibits No. 7 through No. 9, the new wall has been designed by a registered professional engineer (Walter Sweet). The Commission finds that the project is consistent with Section 30253 as the new retaining wall has been designed to provide stability and structural integrity in an area of geologic hazards.

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

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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.

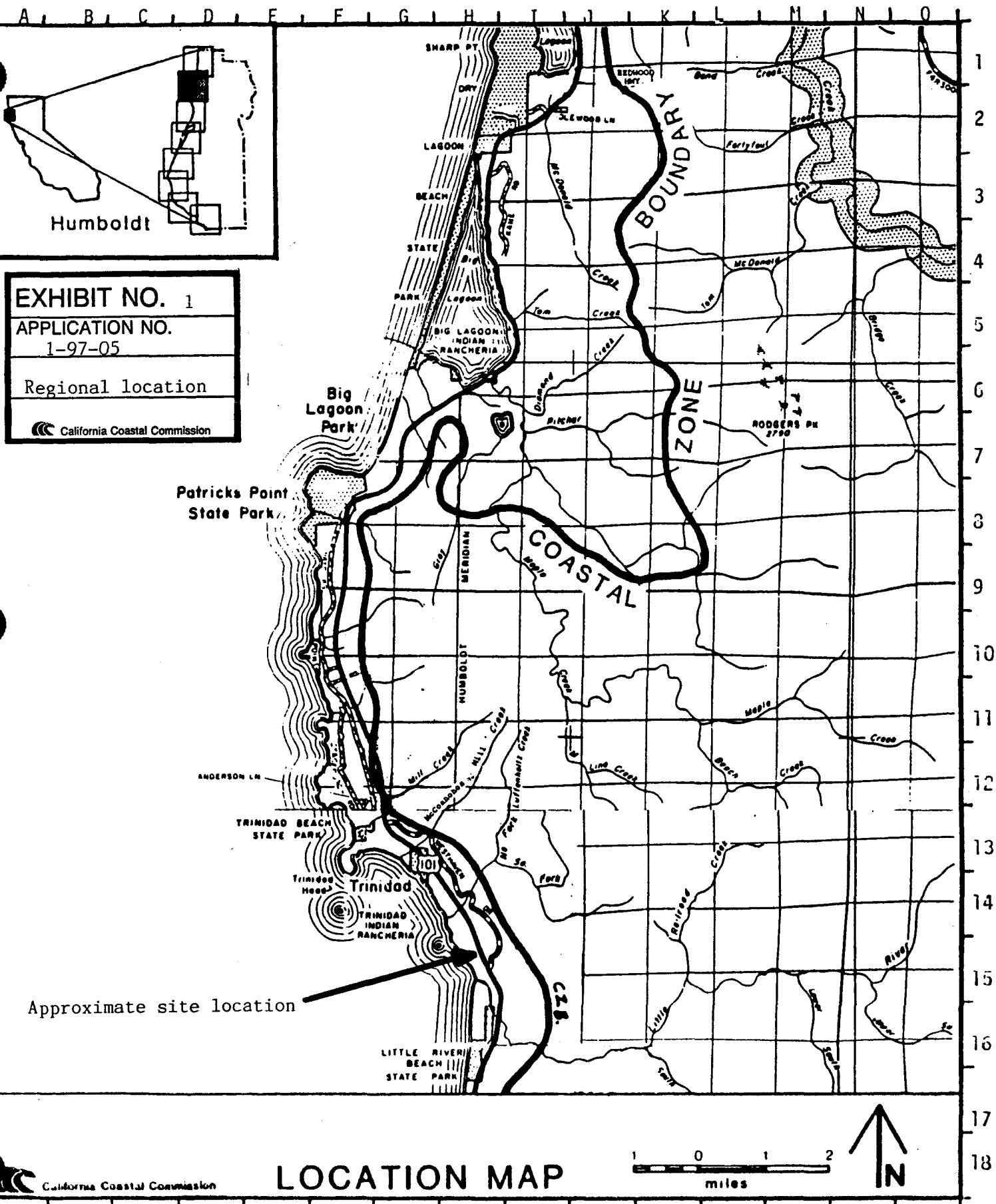
As conditioned, the proposed project has been mitigated to avoid significant adverse impacts to scenic coastal resources. Special Condition No. 1 requires the preparation and implementation of a landscaping plan to effectively screen the replacement retaining wall from public view along Scenic Drive. Special Condition No. 2 requires that all surplus materials and debris 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. The Commission therefore finds that the proposed project, as conditioned, does not have significant adverse effect on the environment, within the meaning of CEQA.

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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.



Trinidad Area Plan Map

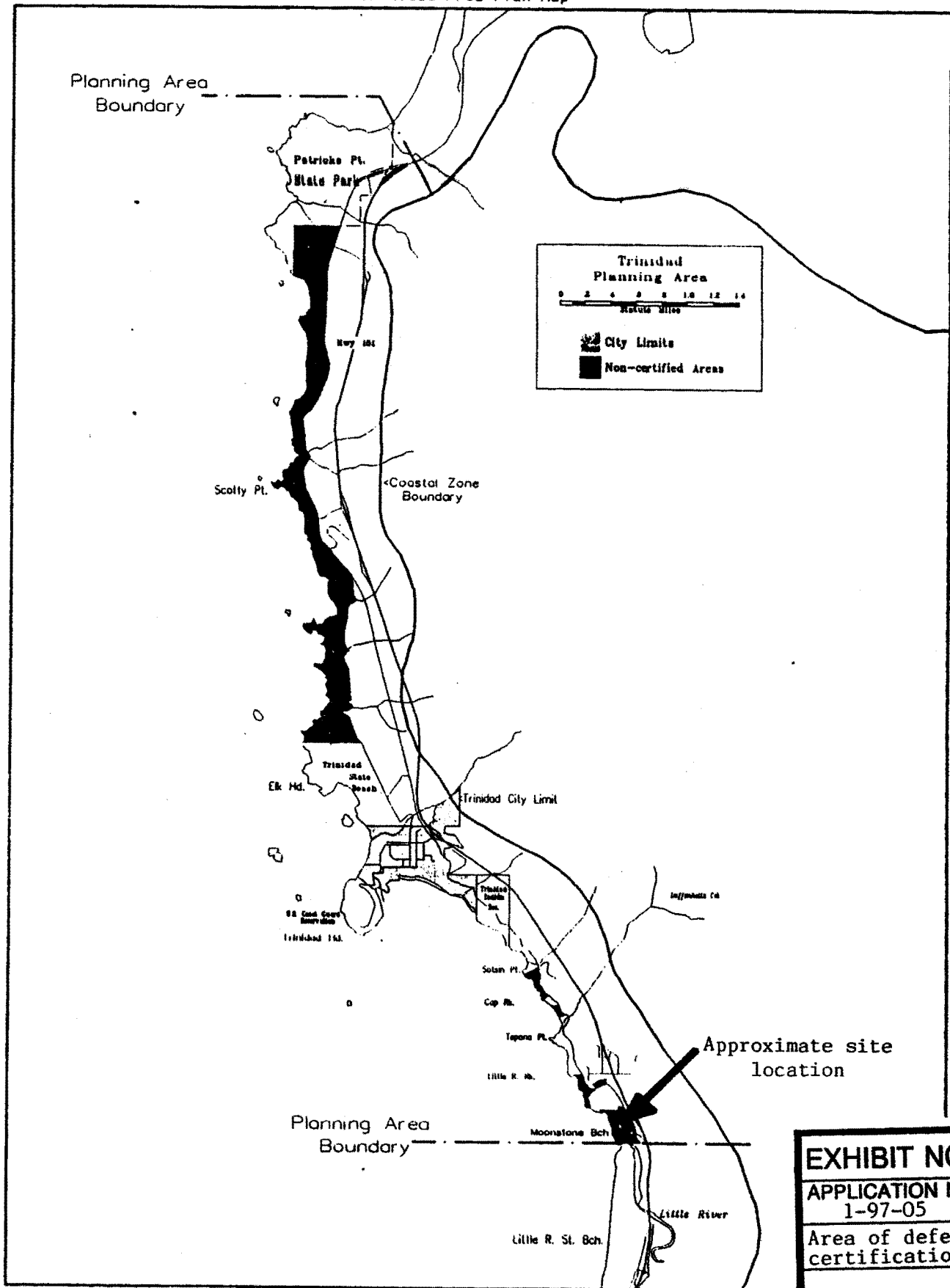
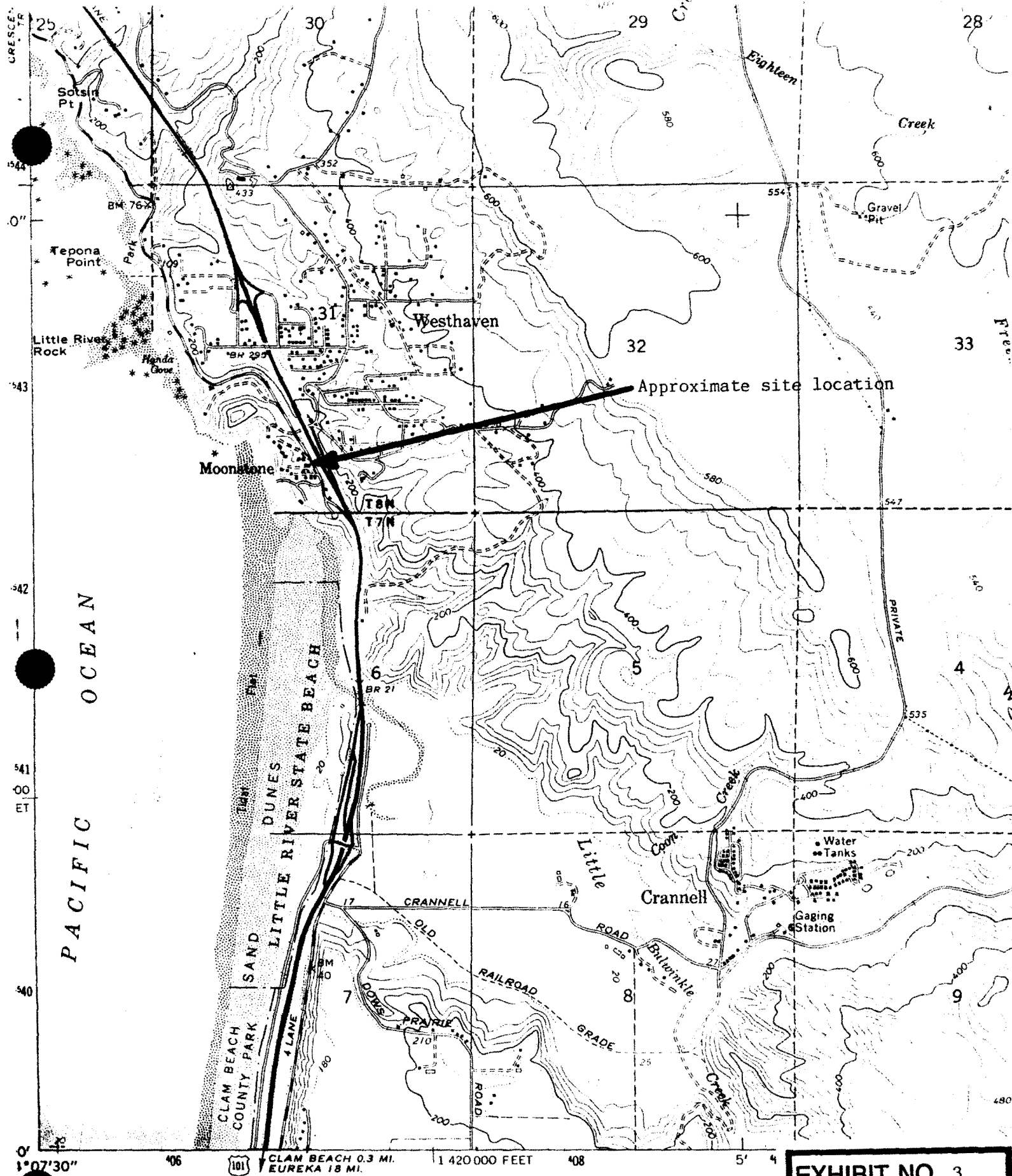


EXHIBIT NO. 2

APPLICATION NO.
1-97-05

**Area of deferred
certification**

California Coastal Commission



PACIFIC OCEAN

Approximate site location

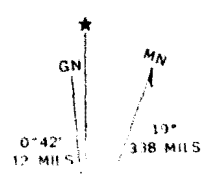
Moonstone

Westhaven

Crannell

SAND DUNES
LITTLE RIVER STATE BEACH
CLAM BEACH COUNTY PARK

EXHIBIT NO. 3
APPLICATION NO. 1-97-05
Area location
California Coastal Commission



Map compiled, edited, and published by the Geological Survey
 Control by USGS and USC&GS
 Topography by photogrammetric methods from aerial photographs taken 1964. Field checked 1966
 Selected hydrographic data compiled from USC&GS
 Chart 5846 (1966) and hydrographic surveys (1929)
 This information is not intended for navigational purposes

MAP 6

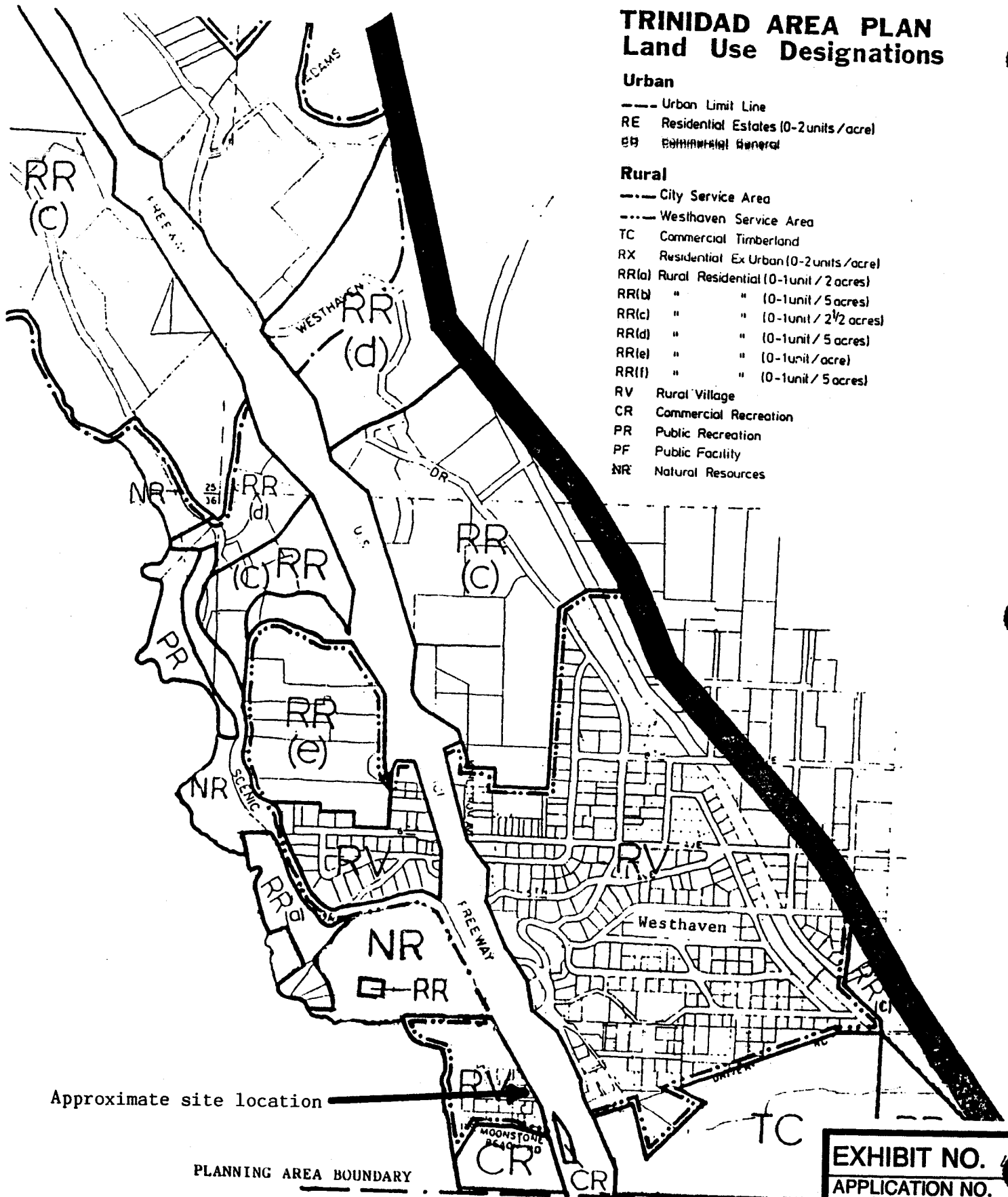
TRINIDAD AREA PLAN Land Use Designations

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



Approximate site location

PLANNING AREA BOUNDARY

(Mckinleyville Planning Area)

EXHIBIT NO.

APPLICATION NO.
1-97-05Land Use Plan
designation

California Coastal Commission

MAP 9

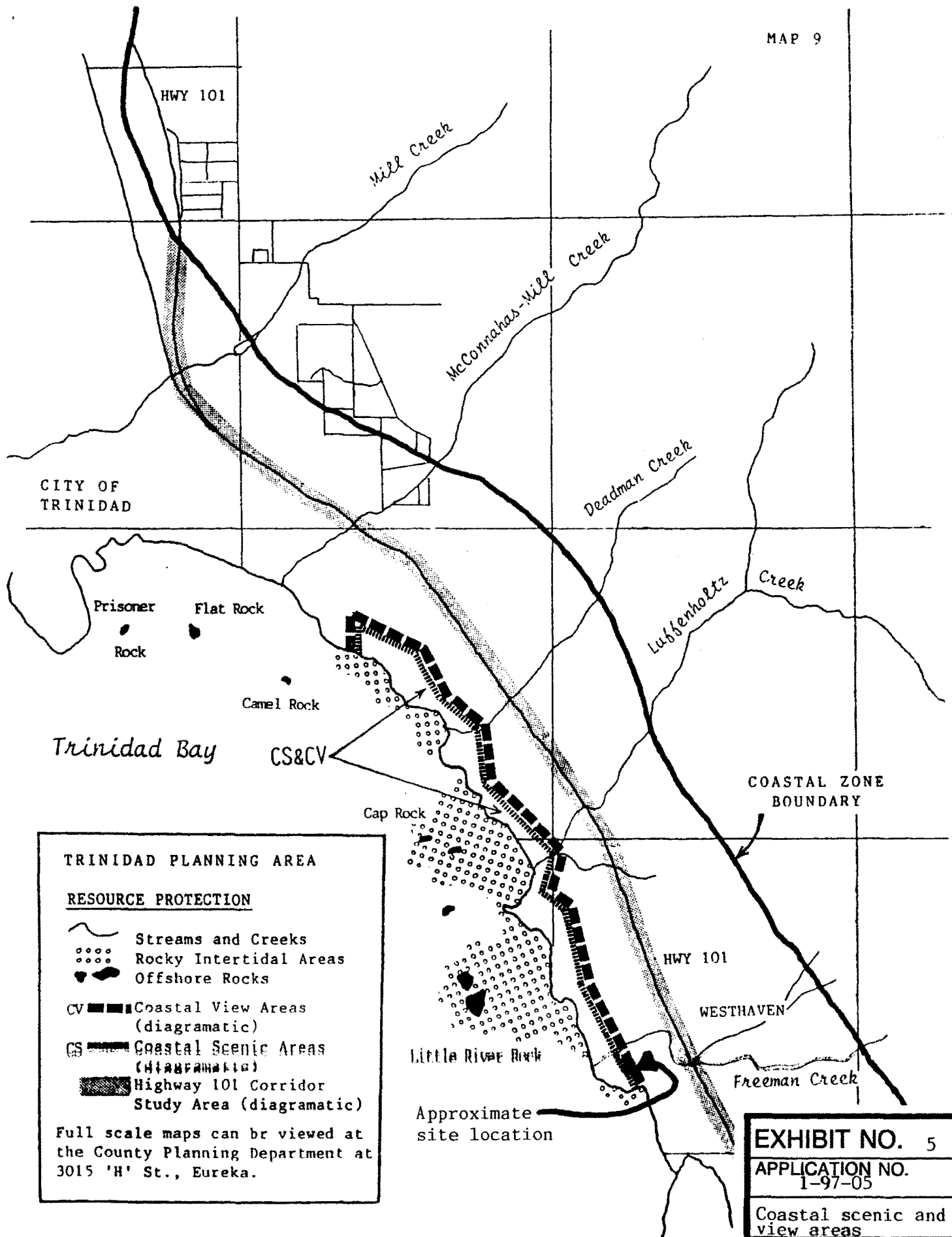


EXHIBIT NO. 6

APPLICATION NO.
1-97-05

Project location

California Coastal Commission

MOONSTONE BEACH

(PTN S 1/2 OF S 1/2 SEC 31 8N1E)

E/L Freeway - N 25° 22' W

THIS IS NOT AN OFFICIAL RECORD
FOR INFORMATION PURPOSES ONLY
HUMBOLDT COUNTY ASSESSOR

514-18

T.C.A. 141-00

1" = 100'

REV 3/7 56

LS 29 P 70
30 P 97

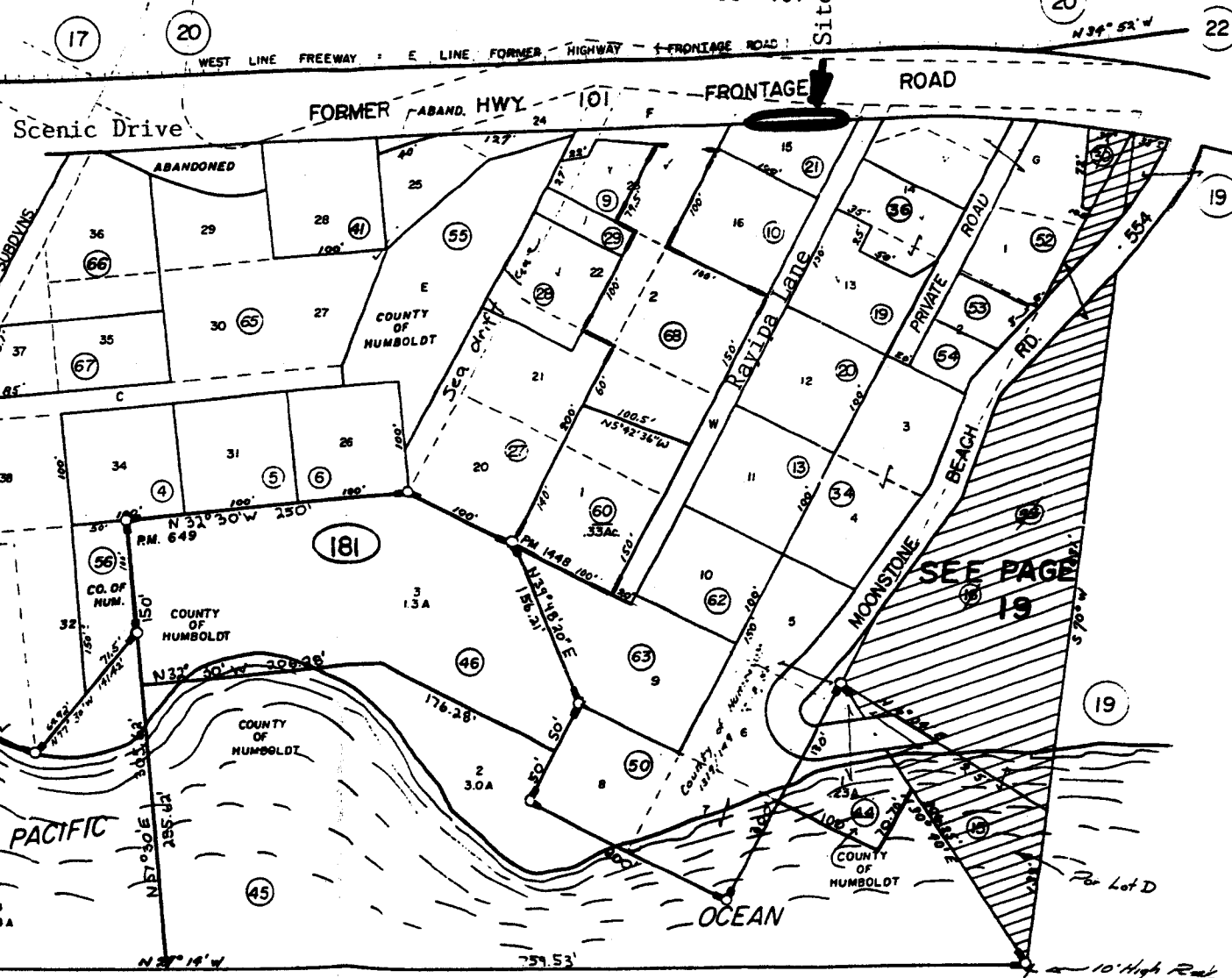
PM 5 PG 137 = PM 649

STATE

HIGHWAY

US - 101

Site location

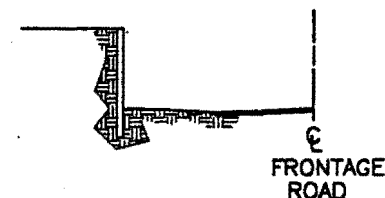


R.S. Bk. 29, Pg. 70
 R.S. Bk. 30, Pg. 97
 PM. No. 649 of PM. Bk. 5, Pg. 137
 PM. No. 1448 of PM. Bk. 12, Pg. 123

W B Sweet

JOB NO. 96-4409

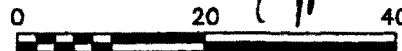
NOTE: ALL DIMENSIONS ARE APPROXIMATE



NIS

● PROPERTY CORNER

SCALE: 1"=20'

 **California Coastal Commission**

A.P.N.- 514-181-21

TITLE TEIG
SCALE AS NOTED
JOB NO. 96-4409


$$Z_1 = 1 - 0.16$$
 California Coastal Commission

Walter B. Sweet

CIVIL ENGINEER

P.O. BOX 636 ARCATA CALIFORNIA 95518
(707) 822-2436 FAX (707) 822-2463

DESIGNED JWH

DRAWN DLW

CHECKED JWH, WBS

DATE 10-1-96

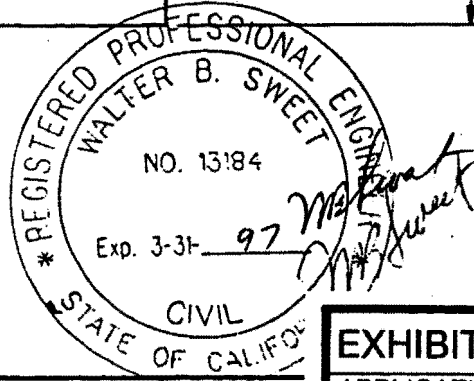
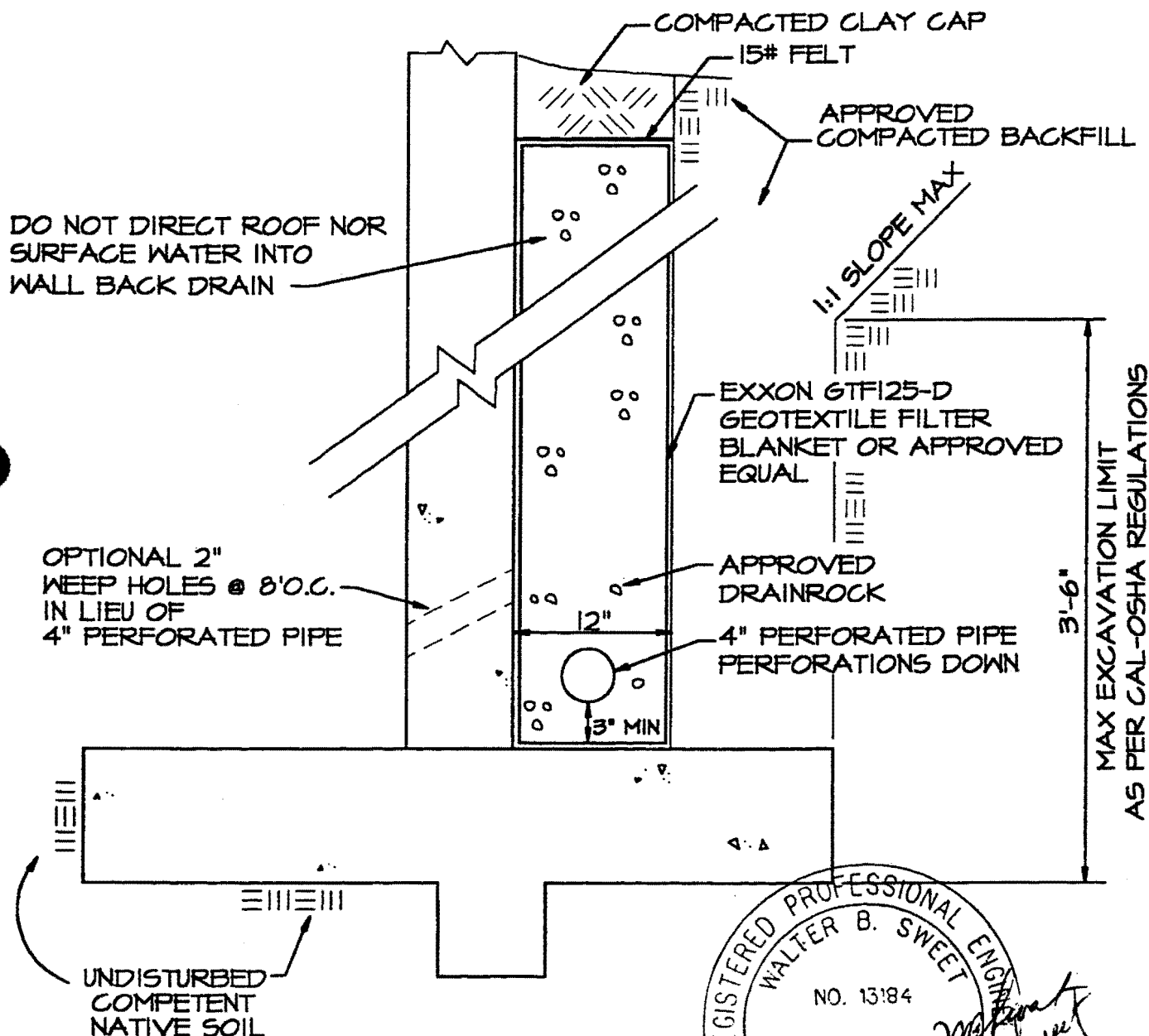
SHEET 2 OF 10

DWG. NO. 4409.DWG

TITLE TEIG

SCALE NTS

JOB NO. 96-4409



DETAIL TYPICAL RETAINING WALL DETAILS

NTS

EXHIBIT NO. 9

APPLICATION NO.
1-97-05

Footing detail of
retaining wall

