

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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 49th Day: December 17, 1997
 180th Day: April 27, 1998
 Staff: Jon Van Coops - SF
 Robert Merrill - E
 Staff Report: January 16, 1998
 Hearing Date: February, 5, 1998
 Commission Action:

TO: CALIFORNIA COASTAL COMMISSIONERS
FROM: PETER M. DOUGLAS, EXECUTIVE DIRECTOR
SUBJECT: STAFF RECOMMENDATION ON MINOR BOUNDARY ADJUSTMENT BA# 1-97
 (REDWOOD CARE CENTERS, INC., HUMBOLDT COUNTY)
 (for Commission consideration at its February 5, 1998 Meeting)

This recommendation was developed by Jonathan Van Coops, Mapping Program Manager, Technical Services Division, and Robert Merrill, North Coast District Manager

STAFF NOTE:

Section 30103(b) of the Coastal Act of 1976 provides for minor adjustment to the inland coastal zone boundary within certain limitations, to avoid bisecting a parcel or to conform the boundary to readily identifiable features. The relevant portion of that section states:

"...the Commission may adjust the inland boundary of the coastal zone the minimum landward distance necessary up to a maximum of 100 yards except as otherwise provided in this subdivision, or the minimum distance seaward necessary up to a maximum of 200 yards, to avoid bisecting any single lot or parcel or to conform it to readily identifiable natural or man-made features. Where a landward adjustments is requested by the local government and agreed to by the property owner, the maximum distance shall be 200 yards."

The Commission has adopted regulations setting forth procedures for making minor adjustment to the coastal zone boundary. This request for adjustment is being processed in conformance with those adopted regulations.

The primary purpose for minor boundary adjustments made under the provisions of Section 30103(b) of the Coastal Act is boundary determination. The specific language of Section 30103(b) states that the Commission may adjust the boundary and there is no mandate to automatically alter the boundary. The regulations provide procedures for establishing when such adjustments are possible, as well as where adjustments are desirable, and establish a two-step process of investigation. The first step determines whether the parcel is currently bisected by the boundary, and whether coastal resources would be affected by the adjustment or if coastal planning issues are present such that an adjustment could prejudice the resolution of those issues in the Local Coastal Planning process. The minor boundary adjustment procedure contains no

mechanism to resolve coastal resources or planning issues. If a boundary adjustment would affect coastal resources or involve coastal planning issues, the proper mechanism for resolution of those issues is either the coastal-permit process or the LCP process. To approve a minor boundary adjustment, the Commission must make specific actual findings to support the following legal conclusions:

- (a) The adjustment conforms to the requirements of Section 30103(b) of the Coastal Act; and
- (b) The adjustment will not interfere with the achievement of the policies of Chapter 3 of the Coastal Act, and will not prejudice the preparation of a local coastal program conforming to Chapter 3 of the Coastal Act.

I. STAFF RECOMMENDATION

1. Approval

The staff recommends that the Commission approve the proposed adjustment in the location of the coastal zone boundary, with respect to Humboldt County Assessor Parcel Numbers 306-232-29 and 306-232-30. This action requires that the Commission approve the following affirmative motion:

The Commission hereby approves the proposed adjustment in the location of the coastal zone boundary on the grounds that the adjustment as requested conforms to the requirements of Section 30103(b) of the Coastal Act, will not interfere with the achievement of the policies of Chapter 3 of the Coastal Act, and will not prejudice the preparation of a Local Coastal Program conforming to Chapter 3 of the Coastal Act.

II. FINDINGS AND DECLARATIONS

1. Background

This request is for a minor coastal zone boundary adjustment affecting a 3.15 acre parcel in Humboldt County. The property consists of one legal parcel with two Assessor Parcel Numbers (APNs 306-232-29 and 306-232-30) located at 8400 Purdue Drive, between Highway 101 and Humboldt Hill, about six miles southwest of downtown Eureka. The coastal zone boundary is currently located approximately half a mile inland from the shoreline of Humboldt Bay in this area, and the subject property has about 2.85 acres lying within the zone.

The subject property was developed in the early 1960s for the Seaview Care Center. The Seaview Care Center consists of a one-story, 26,300-square-foot convalescent hospital containing 54 patient rooms, with a maximum licensed capacity of 99 patients. The main building is located on the western portion of the property, with the main parking area on the eastern portion. The area proposed to be added to the coastal zone consists mainly of the parking lot

and a portion of the main building. The Seaview Convalescent Hospital is located within a developed residential neighborhood.

The primary reason for the proposed adjustment is to facilitate rezoning the parcel to make the currently legal, non-conforming use of the property a conforming use. The convalescent hospital was recently sold, and as a condition of sale of the property, the former owners agreed to pursue the necessary local and state approvals to make the hospital a legal conforming use. The portion of the site outside of the coastal zone is zoned R-1, a residential district that does not allow convalescent hospitals either as a principal or conditional use. The portion of the site within the coastal zone is zoned as RS-20, a residential district that does allow convalescent hospitals by conditional use permit. The RS-20 district is a zoning district that the County's zoning ordinances only allow to be applied within the coastal zone. Therefore, the County suggested that the applicant request the coastal zone boundary be adjusted landward to allow the County to process an LCP amendment that would rezone the site to apply the RS-20 zone to the entire property. If such an amendment is certified, then the County would process a coastal development permit and conditional use permit for the Seaview Convalescent Hospital, which if granted would make the use a legal, conforming use.

The adjustment proposed would move the coastal zone boundary to avoid bisecting the property, and would conform the boundary to the eastern parcel line and a portion of the southern property line. The request, if approved, would shift the boundary "landward," away from the shoreline of Humboldt Bay, a maximum of 280 feet, and would include the property within the coastal zone in its entirety.

As noted above, the County initially suggested the proposed boundary adjustment to facilitate making the convalescent hospital a legal conforming use and supports the Commission staff recommendation that the property be included entirely within the coastal zone. No objections to the proposed boundary adjustment have been received from members of the public as of the date of this report. No coastal resource or planning issues exist which would constrain staff from recommending approval of the request.

2. Conformance to Section 30103(b) of the Coastal Act.

The proposed adjustment conforms to Section 30103(b) of the Coastal Act. The adjustment is proposed to avoid bisecting a parcel as allowed by Section 30103(b). In addition, the requested adjustment would move the boundary no more than 280 feet landward, which is within the maximum allowable distance (100 yards/300 feet) for a landward adjustment not requested directly by the local government.

3. Achievement of Chapter 3 Policies and Local Coastal Preparation.

The requested adjustment will not interfere with the achievement of the

policies of Chapter 3 of the Coastal Act. The adjustment will add the remainder of the hospital property to the coastal zone, thereby making this portion of the property subject to Coastal Act requirements for the first time. No new development is currently proposed for the subject property. However, with the proposed boundary adjustment, any future development anywhere on the hospital property would be subject to the coastal development permit requirements of the Coastal Act, thereby providing the Commission and Humboldt County with greater ability to minimize the adverse impacts on coastal resources of any future development of the property as a whole and ensure consistency with the policies of Chapter 3 of the Coastal Act.

The requested adjustment will also not interfere with the ability of Humboldt County to prepare an LCP in conformance with the Coastal Act for this area. The portion of the property within the coastal zone is located in an area already covered by the Humboldt County Local Coastal Program, certified by the Commission in 1983. The boundary adjustment has been requested in anticipation of the County processing an LCP amendment to designate and zone the portion of the property heretofore outside the coastal zone with the same designations and zoning that apply to the portion of the property currently within the coastal zone. As the convalescent hospital use of the property conforms to these designation and zoning, and as the designations and zoning were certified by the Commission as being consistent with the Coastal Act, the proposed boundary adjustment will not prejudice the County's preparation of an LCP amendment in conformance with Chapter 3 of the Coastal Act for the portion of the hospital property being added to the coastal zone.

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The Resources Agency
California Coastal Commission

STATE OF CALIFORNIA

County Location Map

Scale 1:5,000,000

1 inch equals approximately 80 miles

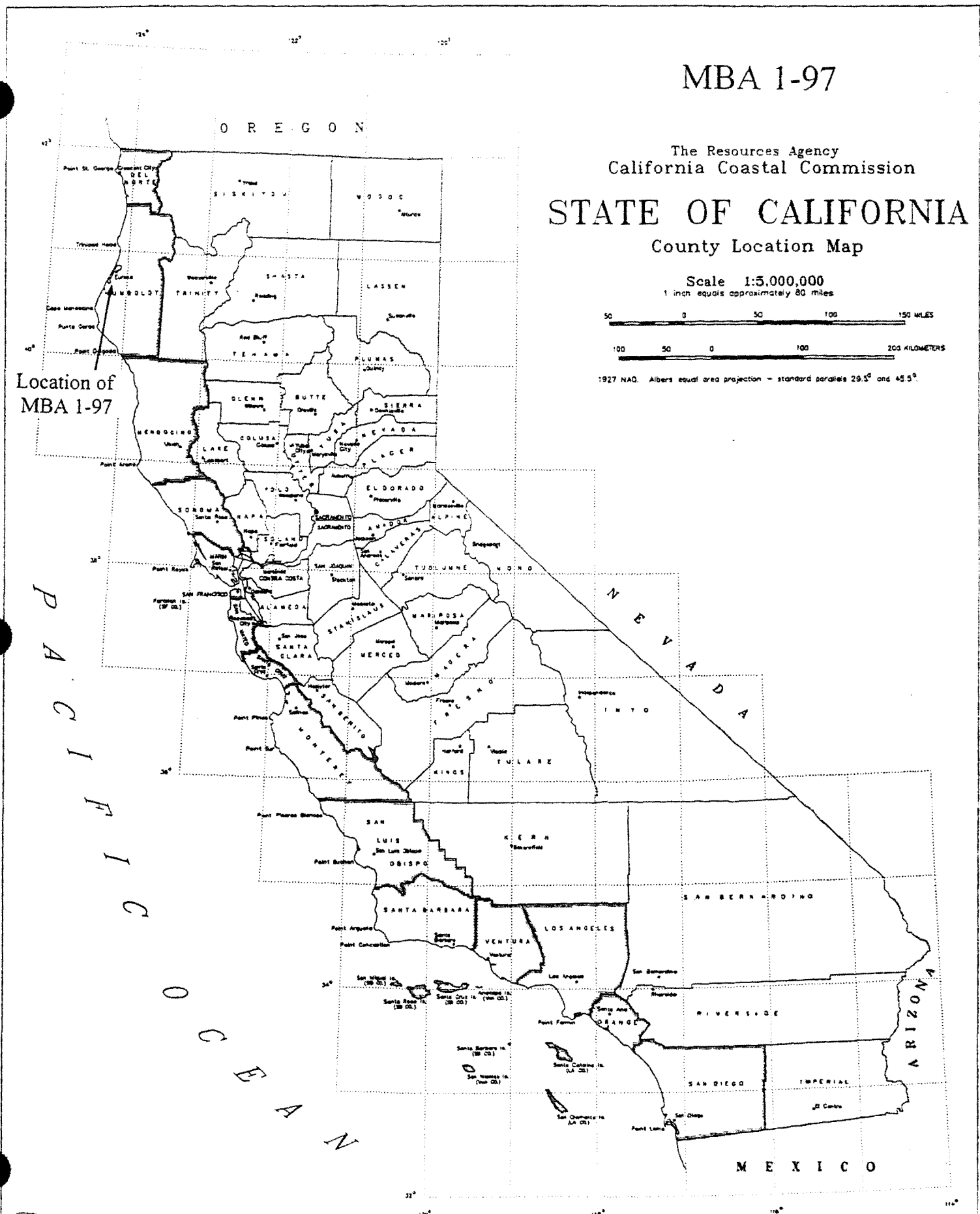
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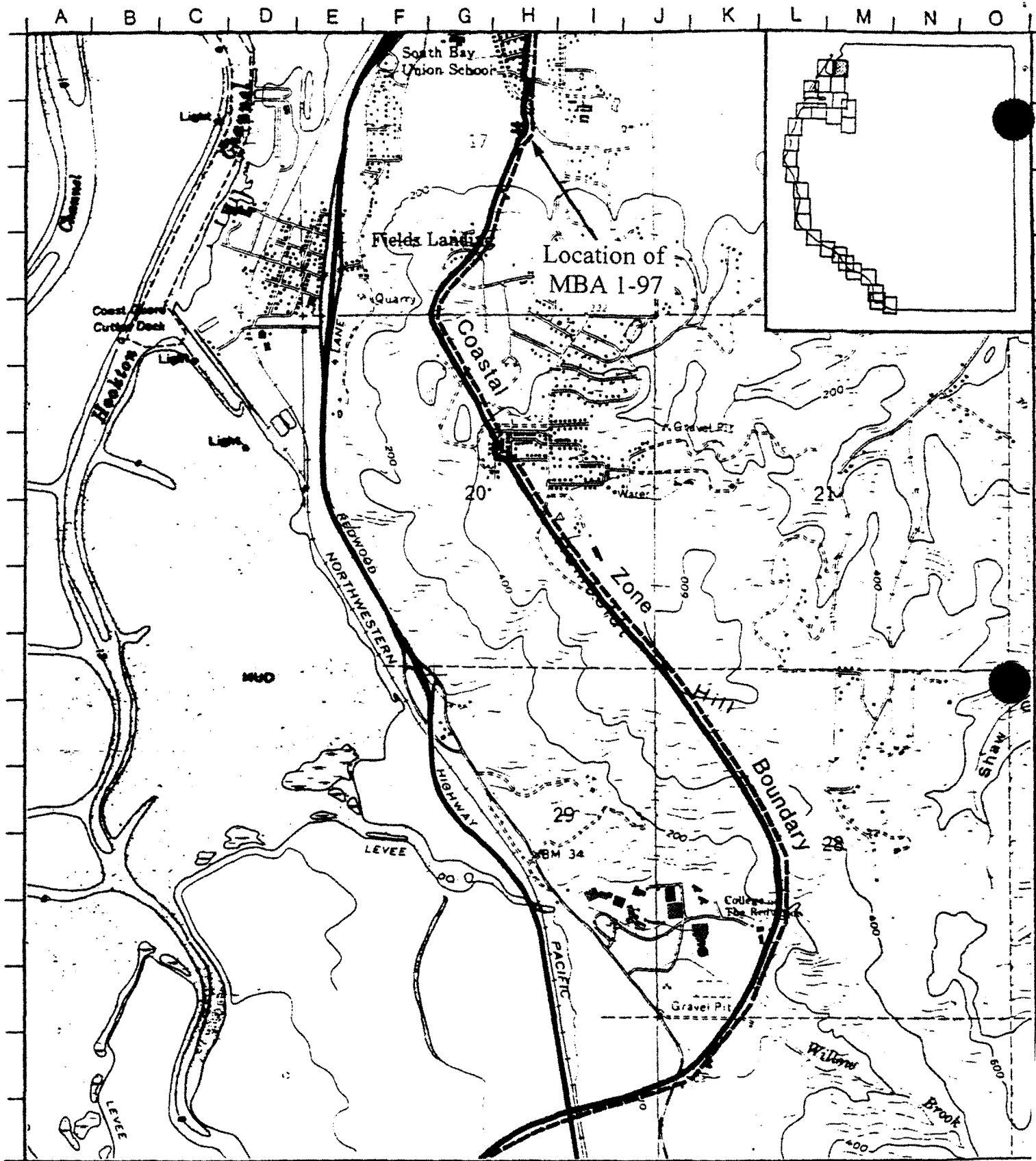
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1927 NAD, Albers equal area projection - standard parallels 29.5° and 43.5°

Location of
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PACIFIC OCEAN



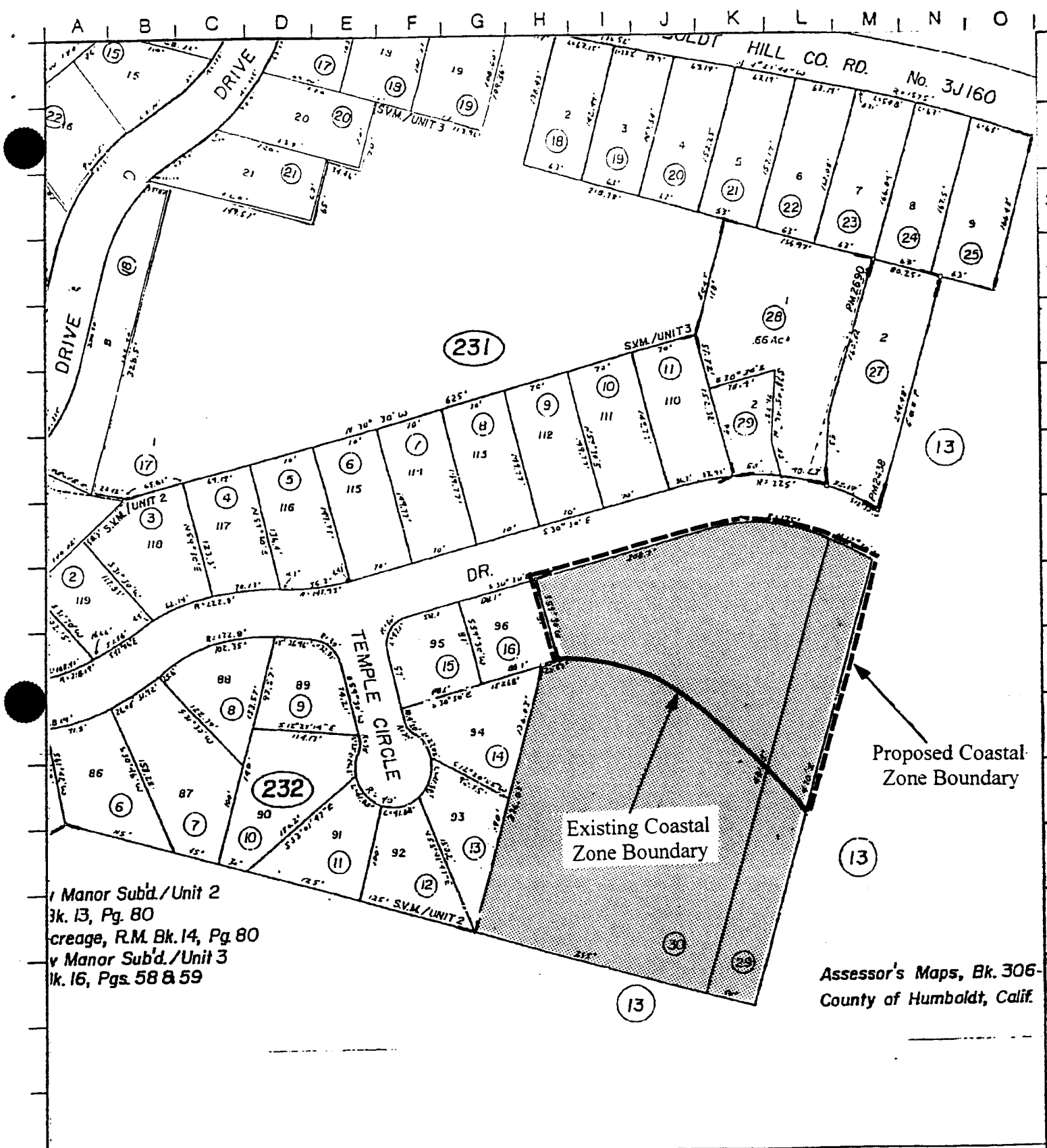


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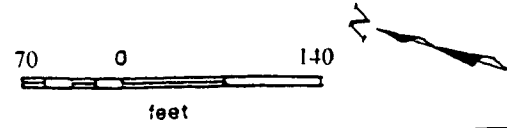
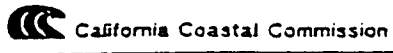
EXHIBIT 2



Manor Subd./Unit 2
 3k. 13, Pg. 80
 creage, R.M. Bk. 14, Pg. 80
 Manor Subd./Unit 3
 1k. 16, Pgs. 58 & 59

Assessor's Maps, Bk. 306-
 County of Humboldt, Calif.

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EXHIBIT 3