

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260



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| Filed: | November 26, 1997 |
| 49th Day: | January 14, 1998 |
| 180th Day: | May 25, 1998 |
| Staff: | Bill Van Beckum |
| Staff Report: | February 20, 1998 |
| Hearing Date: | March 11, 1998 |
| Commission Action: | |

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 1-97-70

APPLICANTS: STEPHEN BRADY

PROJECT LOCATION: 8 & 10 Dipsea Road, Seadrift, Stinson Beach, Marin County. APNs 195-090-48 & 49.

PROJECT DESCRIPTION: Merge two vacant parcels into one 51,401-square-foot parcel.

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|------------|---------------------------|---------------------------|
| Lot Areas: | Existing: APN 195-090-48: | 24,011 sq. ft. (0.55 ac.) |
| | APN 195-090-49: | 27,390 sq. ft. (0.63 ac.) |
| | Proposed: | 51,401 sq. ft. (1.18 ac.) |

Zoning: C-RSPS-0.346, Coastal, Residential Single Family Planned District, Seadrift Subdivision, 2.89 dwelling units per acre

Land Use Plan: C-SF3, 1 - 5 dwelling units per acre

LOCAL APPROVALS RECEIVED: Marin County Lot Line Adjustment #98-03, approved August 18, 1997

SUBSTANTIVE FILE DOCUMENTS: Marin County Local Coastal Program

STAFF NOTES

1. Standard of Review. The proposed project is located on the west shore of Bolinas Lagoon. Marin County has a certified LCP, but the project site is within the Commission's retained jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed lot merger. The proposed project is within an existing residential area able to accommodate it. As the proposed lot merger will reduce the potential density of development on the property by half, the project will result in less impact on coastal resources than the development currently allowable under the LCP. Furthermore, the development will have no effect on public access. 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, will be in conformity with the Marin 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 applicant proposes to merge two lots into one 51,401-square-foot parcel at 8 and 10 Dipsea Road, in the Seadrift residential subdivision at Stinson Beach in Marin County. See Exhibits 1-2.

The lots, which are vacant, are in a one-lot-deep row of properties along the west shore of Bolinas Lagoon. See Exhibit 3. Most of the nearby properties are developed with single-family homes. The subject lots are nearly level and are covered with ruderal vegetation and stands of pampas grass. Eleven Monterey pines (10 - 24 inches diameter) are located at the lots' west ends, near the road. A 12-inch diameter oak is located at the east end of the southerly lot, approximately 25 feet from the lagoon shore. Apart from the lagoon itself, the lots do not contain any environmentally sensitive habitats.

The two parcels to be merged are separate legal parcels. Assessor's Parcel Number APN 195-090-48 is approximately 24,011 square-feet in area and Assessor's Parcel Number APN 195-090-49 is approximately 27,390 square feet in area (see Exhibit 3). No structural development is proposed at this time.

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 intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

Permanent water service is made available to development in the Seadrift residential subdivision, in which the subject lots are located, by the Stinson Beach County Water District. The District is also the agency which regulates the onsite wastewater disposal systems that serve development throughout the subdivision. Merging the two existing parcels into one can only increase the likelihood that a suitable onsite wastewater disposal system can be created for future development of the site as: (1) only one house would need to be served in the future instead of two, and (2) the merger provides greater flexibility for appropriately locating a system as it can be placed in locations throughout the combined area of the two existing lots rather than just on one lot. For example, the system might now be placed where the current common property line would have heretofore precluded locating the system because of the need to keep the system from straddling a property line and to provide for side yard setbacks. Therefore, the proposed development is consistent with Section 30250(a) of the Coastal Act to the extent that the development will be located in or near an existing developed area able to accommodate it.

The proposed lot merger will combine two existing parcels into one. The subject parcels are located in a developed subdivision. The area is zoned as Coastal, Residential Single Family Planned District with a specified maximum density of 2.89 dwelling units per acre for the subject parcels. The proposed lot merger will take two legal conforming lots with respect to lot size and form one 51,401-square-foot parcel (Exhibit 4) that also conforms with the density limits.

As currently configured, the two subject parcels contain the potential for two residential units, i.e., one unit per parcel. As merged, there will only be one parcel with the potential for one residence only, since the zoning does not allow for secondary residences on an individual parcel. Therefore, the parcel merger would not result in an increase in the potential residential development allowable, and, in fact, would reduce the number of parcels by one and the potential number of residential units by one.

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. 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.

Although the project is located between the first public road, Shoreline Highway (Highway 1), and the sea, it will not adversely affect public access. No evidence has been presented to suggest that an implied dedication of a public access easement to or along the 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 block any existing public access. Furthermore, as the project involves the merging of two lots, the development will ultimately reduce the potential demand for public access in the area as it will reduce by half the number of new residences and inhabitants wanting to use public access that could be located at the site.

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.

4. California Environmental Quality Act (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

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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. Therefore, the proposed development is consistent with the requirements of CEQA.

EXHIBITS

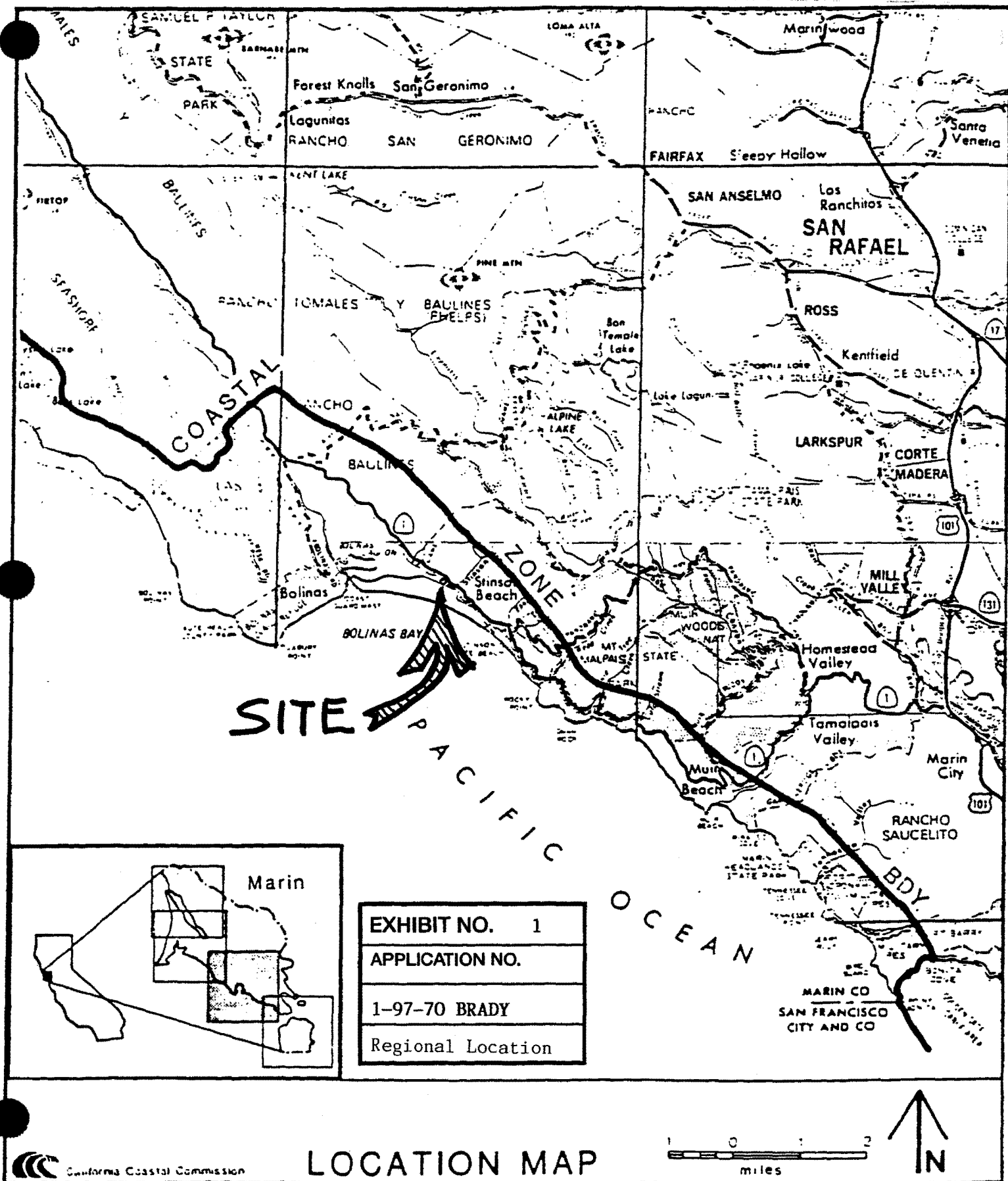
1. Regional Location Map
2. Site Vicinity Map
3. Assessor's Parcel Map
4. Proposed Merge

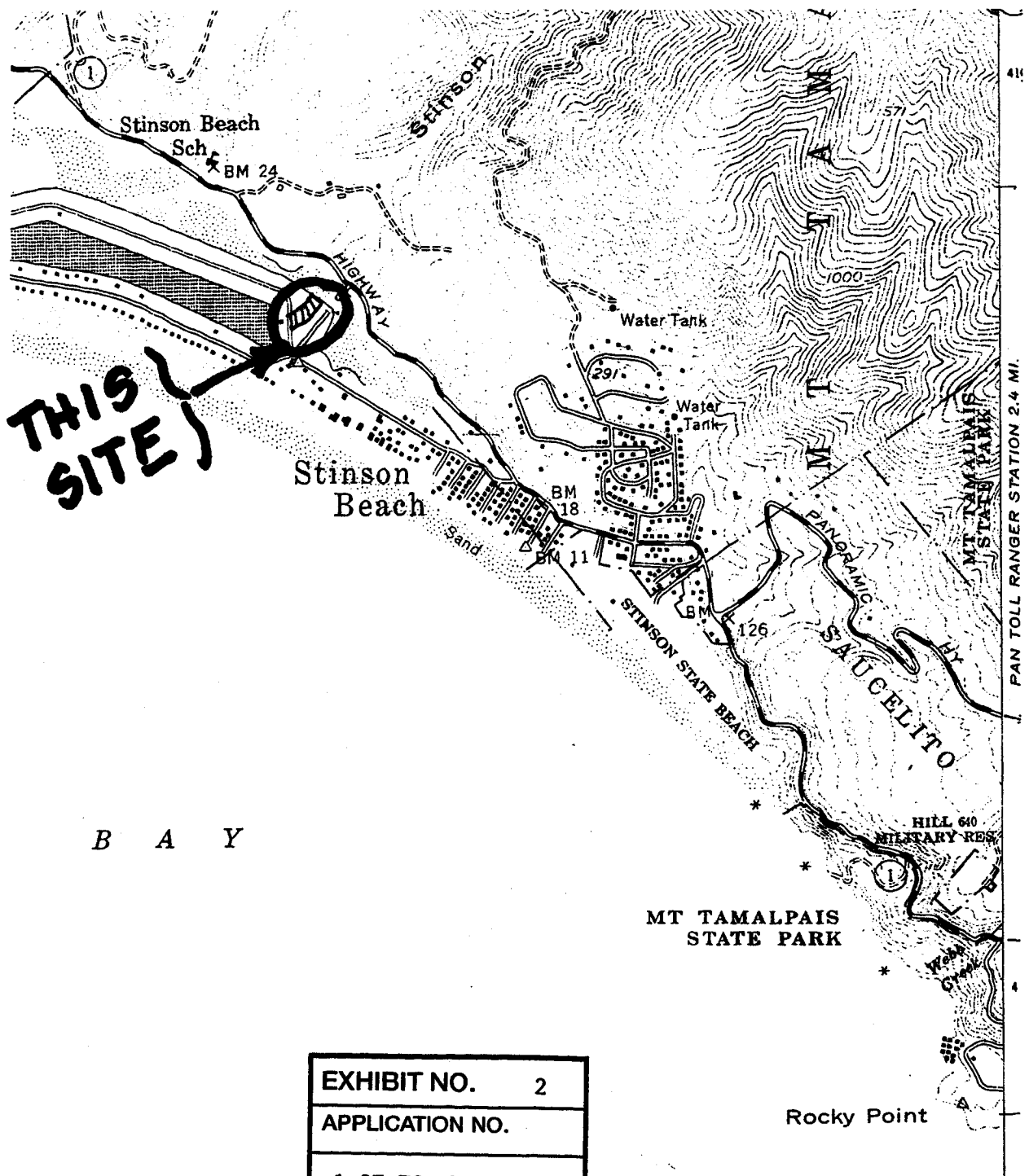
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ATTACHMENT A

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.





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| EXHIBIT NO. | 2 |
| APPLICATION NO. | |
| 1-97-70 | BRADY |
| Site Vicinity | |

195-09

Tax Area Code
56-022
56-011

Bolinas

(27)

(44)
3.05 Ac.

Pol. C

DIPSEA

(25)
1.6 Ac.

THIS SITE

(26)

| | |
|-------------------|---------------|
| EXHIBIT NO. | 3 |
| APPLICATION NO. | 1-97-70 BRADY |
| Assessor's Parcel | |
| Map | |

(04)

(24)
5.1 Ac.

(05)

(06)

Norman's Seadrift Subdivision, R.M. Bk. 20, Pg. 08
Map of Seadrift Lagoon Subdivision No. 1, R.M. Bk. 10, Pg. 95.
Map of Seadrift Lagoon Subdivision No. 2, R.M. Bk. 11, Pg. 51.
Resubdivision of Portions of Seadrift Lagoon Sub'd's No. 1 & No. 2, R.M. Bk. 19 Pg. 80

NOTE- Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 195- Pg. 09
County of Marin, Calif.

SEADRIFT ROAD

CALLE DEL ARROYO

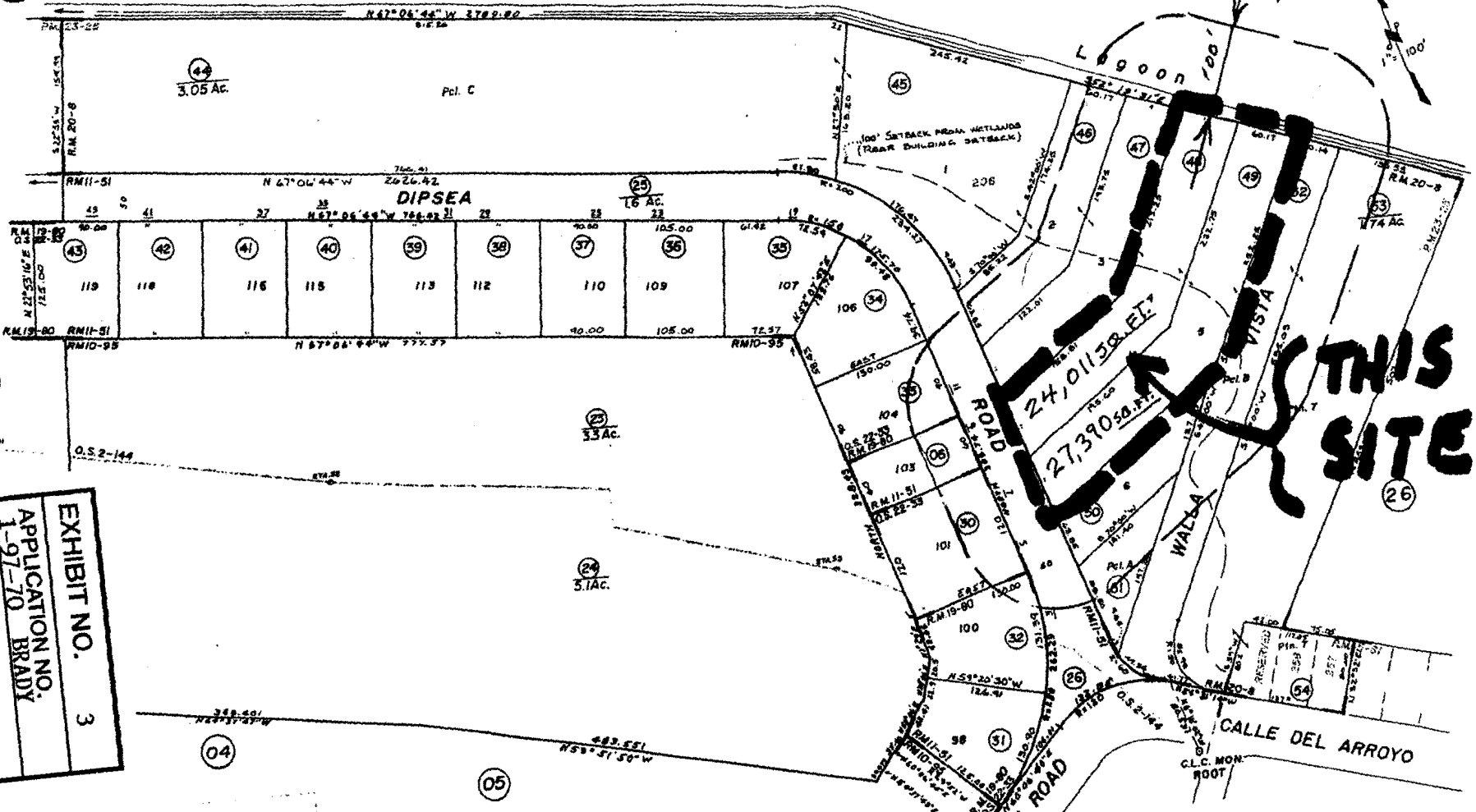
WALLA

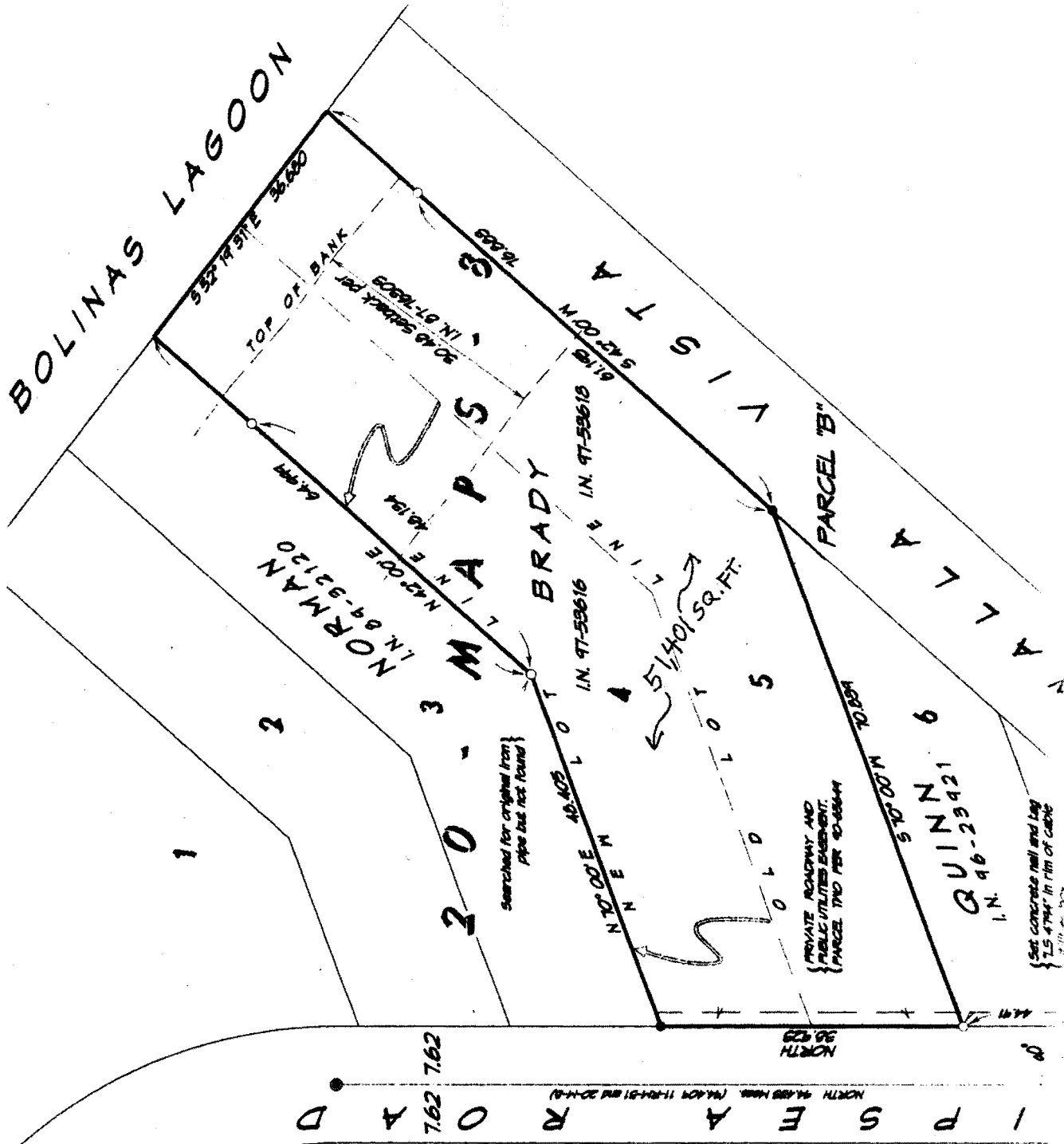
ROAD

24,011.59 FT.
27,390.58 FT.

Lagoon

100' SETBACK FROM WETLANDS
(REAR BUILDING SETBACK)





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| EXHIBIT NO. | 4 |
| APPLICATION NO. | |
| 1-97-70 | BRADY |
| Proposed Map | |