

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

5 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

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Filed:	December 15, 1997
49th Day:	February 2, 1998
180th Day:	June 13, 1998
Staff:	Robert Merrill-E
Staff Report:	March 20, 1998
Hearing Date:	April 8, 1998
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 1-97-85

APPLICANTS: TWYMAN & LYNN TEASLEY

PROJECT LOCATION: 1197 Walker Point Road, in the Bayside area, northeast of the City of Eureka, Humboldt County. APNs 402-321-12 and 13.

PROJECT DESCRIPTION: (1) Adjust the common lot line of a lot developed with a single family residence and a vacant parcel, adjusting the lots to 18,102 square feet and 17,034 square feet, respectively, and (2) construct a detached 1,000 square feet garage on the lot with the existing house.

Lot Areas:	<u>Lot 1</u> (APN 402-321-12)	<u>Lot 2</u> (APN 402-321-13)
Existing:	24,984 sq.ft. (.57 acres)	10,152 sq.ft. (.23 acres)
Proposed:	17,034 sq.ft. (.39 acres)	18,102 sq.ft. (.41 acres)

Building Coverage:	Existing:	1,700	sq. ft.
	Proposed:	1,000	sq. ft.
	Total:	1,700	sq. ft.

Ht abv fin grade:	Existing:	15	ft.
	Proposed:	15	ft.

Paved Area:	Existing:	800	sq. ft.
	Proposed:	1,000	sq. ft.
	Total:	1,800	sq. ft.

Plan designation: Residential/Exurban, specifying no further subdivision

Zoning: Rural Residential Agricultural, specifying no further subdivision, with Design Review combining zone (RA-X/D)

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LOCAL APPROVALS RECEIVED: Humboldt County Lot Line Adjustment and Special Permit approved December 1, 1997.

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program.

STAFF NOTES

1. Standard of Review.

The proposed project is located within the Bayside area of Humboldt County. Humboldt County has a certified LCP, but the subject property is within the Commission's retained jurisdictional area (see Exhibit 2). Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed lot line adjustment and new garage to serve an existing single family residence. The proposed project is within a largely developed rural residential area with community water service and septic capacity. The proposed development would not adversely affect the riparian habitat area along the east side of the property as the proposed garage would be located as far back from the riparian zone as the existing house and as the vacant lot, as adjusted, would retain sufficient area to locate a house with a suitable buffer from the riparian zone. However, to ensure that potential future development of the site would not create a demand for sewage treatment that exceeds the septic capacity of the property nor adversely affect the riparian habitat, staff recommends that a condition be imposed to require recordation of a future development deed restriction stating any future development of the property would require additional authorization from the Commission. With such a condition, the Commission would be assured of the ability to review future development for its consistency with the Coastal Act, and in particular, Chapter 3 policies on new development and the protection of environmentally sensitive habitats. With regard to visual resources, the proposed development would not block views to and along Arcata Bay and would be consistent with the visual character of the area. Therefore, staff believes the proposed project is consistent with the Coastal Act and recommends approval of the project with conditions.

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

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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:

1. Future Development Deed Restriction.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director stating that development on the parcel shall be limited to that described in Coastal Permit No. 1-97-85, and any future additions or other development as defined in Public Resources Code sections 30106 will require an amendment to this permit, a new coastal development permit from the California Coastal Commission or from its successor agency, or a determination that neither is necessary.

This document shall run with land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Site Description:

The applicant proposes to adjust the common lot line of two parcels and construct a detached 1,000-square-foot garage at 1197 Walker Point Road, in the Bayside area of Humboldt County, east of Arcata Bay and Highway 101, between Eureka and Arcata (see Exhibits 1-6).

The property is located within an existing rural residential neighborhood where most of the residential lots have already been developed with single family homes. The area to the west of the property, across Walker Point Road, is agricultural land used mainly for grazing (see Exhibit 3).

The two parcels involved in the lot line adjustment are separate legal parcels created by a 1963 subdivision (see Exhibit 4). The northerly lot, Lot 1 (APN 402-321-13) is currently approximately 10,152 square feet in area. The lot has been developed with a 1,700-square-foot single family home with a driveway and septic system.

The southerly lot, Lot 2 (APN 402-321-12) is approximately 24,984 square feet in area. This lot is currently undeveloped.

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The property slopes gently from Walker Point Road on the west to a riparian area that runs generally north-south along the eastern property line of the two parcels. The riparian area contains riparian plant and tree species and extends approximately 20 feet westward onto the two parcels, covering an area of approximately 3,800 square feet of the combined property (see Exhibit 5). The rest of the undeveloped portions of the property are covered generally with meadow grasses and contain no other environmentally sensitive habitat areas.

2. Project Description

The applicants propose the lot line adjustment to accommodate the development of a detached garage to serve the existing house on Lot 1. The applicants propose to transfer approximately 7,950 square feet from Lot 2 to Lot 1, increasing the size of Lot 1 from 10,152 to 17,034 square feet and decreasing the size of Lot 2 from 24,984 to 18,102 square feet.

The proposed 1,000-square-foot garage will be built within the area to be transferred from Lot 2 to Lot 1, 18 feet south of the existing house. The one story, 15-foot high garage will be of wood construction with an asphalt shingle roof (see Exhibit 6). In addition to vehicle parking, the structure will contain a shop and hobby room and be used for the storage of boats, trailers, and other household items. The structure is not proposed for use as an additional dwelling unit or guest house.

3. 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.

The subject parcels are located in a largely developed rural residential subdivision. The area is designated in the Land Use Plan as Residential/Exurban, and zoned as Rural Residential Agricultural specifying no further subdivision. These designations and zoning allow single family homes and certain ancillary structures including garages as principally permitted uses. The lots to be adjusted will remain legal conforming lots after the lot line adjustment. One parcel is already developed with an existing single-family residence, and approval of the boundary line adjustment will not change the overall development potential of either parcel.

The subject parcels are in an area that is provided water service by the Humboldt Community Services District. Sewage is handled by septic systems. The boundary line adjustment will not affect the availability of water and septic, as water will still be provided by the District and sufficient area will remain on the vacant .39-acre Lot 2, as adjusted, to locate a septic system. Development of the proposed garage will not increase the demand for

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water and septic capacity as the structure is not proposed for use either as a second residential unit or as a guest house, and no bathroom is proposed. Should such additional development be proposed in the future, however, it is not clear whether the capacity of the existing septic system would be sufficient to handle the additional demand for sewage treatment. Therefore, the Commission attaches Special Condition No. 1 which requires recordation of a deed restriction regarding future development. The deed restriction will state that development on the property shall be limited to that authorized by the coastal permit; any future development, including any change in the intensity or density of use such as creating a second residential unit or guest cottage, will require additional authorization from the Commission. This condition reflects existing requirements of the Coastal Act, as a change in the intensity or density of use is a development as defined in Section 30106 of the Act, and any development in the coastal zone requires a coastal development permit pursuant to Section 30600 of the Act. The condition will serve to notify the applicant and any future purchasers of the property that such changes in use require Commission authorization and help ensure that the Commission will have the opportunity to evaluate the proposed change for consistency with Section 302500 of the Act.

The proposed development, as conditioned, will not result in increased density and will not create additional demands for sewer and water services. As discussed in Findings 4 through 6 below, the development, as conditioned, will also have no impact on environmentally sensitive habitat, visual resources, and other coastal resources. 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 that the proposed development as conditioned is consistent with Coastal Act Section 30250(a).

4. Protection of Environmentally Sensitive Habitat.

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas (ESHAs) shall be protected against any significant disruption of habitat values and that development near such sensitive habitat areas shall be sited and designed to prevent significant adverse impacts to these areas. Section 30231 requires protection of coastal waters by maintaining natural vegetation buffer areas that protect riparian habitats.

Most of the undeveloped portions of the two parcels consist of a grassy meadow that slopes gently downward from Walker Point Road. The meadow does not contain any known environmentally sensitive habitat. However, as noted previously, an environmentally sensitive riparian habitat area runs generally north-south along the eastern property line of the two parcels. The riparian area contains riparian plant and tree species and extends approximately 20 feet westward onto the two parcels, covering an area of approximately 3,800 square feet of the combined property.

The proposed development will not adversely affect the riparian habitat. The proposed garage will be built approximately 60-70 feet away from the habitat

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area and would be located no closer to the riparian area than the existing house (see Exhibit 5). Other homes and ancillary structures in the neighborhood extend closer to the riparian zone than the proposed garage. Thus, the meadow area between the location of the proposed garage and the riparian zone will provide an adequate buffer and the garage will not adversely affect the riparian habitat. The proposed lot line adjustment would also not adversely affect the ESHA. As adjusted, the 17,034 square-foot vacant parcel would have sufficient area outside of the ESHA to locate a future home and still maintain at least as large a buffer between the future home and the ESHA as the area buffering the ESHA from the existing house on Lot 1.

Although the development as proposed will not adversely affect the ESHA, future development of ancillary residential structures on Lot 1 that might otherwise be exempt from the need for a coastal development permit pursuant to Section 30610 of the Coastal Act and Section 13250 of the Commission's regulations (Title 14 of the California Code of Regulations) could adversely affect the habitat depending on the location and nature of the development. Similarly, construction of a new home on Lot 2 could adversely affect the ESHA if the house is not sited on the lot so as to maintain a sufficient buffer between the ESHA and the house. Therefore, the Commission attaches Special Condition No. 1, requiring recordation of a deed restriction regarding future development. The deed restriction will state that development on the property shall be limited to that authorized by the coastal permit; any future development as defined in Public Resources Code Section 30106 will require an amendment to this permit or will require an additional coastal development permit. This condition helps ensure that the Commission will have the opportunity to evaluate any potential impacts on the riparian habitat area of future development that might be proposed. In addition, the condition will ensure that any future buyers of either of the two lots will be made aware that future development may be limited to minimize significant adverse impacts to the ESHA on the site.

Therefore, the project as conditioned is consistent with the requirements of Coastal Act Sections 30240 and 30231 in that the environmentally sensitive habitat area on the property will be protected against any significant disruption of habitat values, that development near this sensitive habitat will be sited and designed to prevent significant adverse impacts to the area, and that the riparian habitat will be protected.

5. 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; and that the development be visually compatible with the character of the surrounding area.

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The proposed development is consistent with the applicable requirements of Section 30251. The proposed garage will not adversely affect views to and along Arcata Bay as the bay is not visible from the area now; an intervening hill blocks bay views. In addition, no significant 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 single-family residences and garages are located next to or near the site and the proposed architectural style of the garage with wood siding and a peaked shingle roof is consistent with the style of other residential development in the area (see Exhibit 6). The Commission therefore finds that the project is consistent with Section 30251.

6. 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 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.

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.

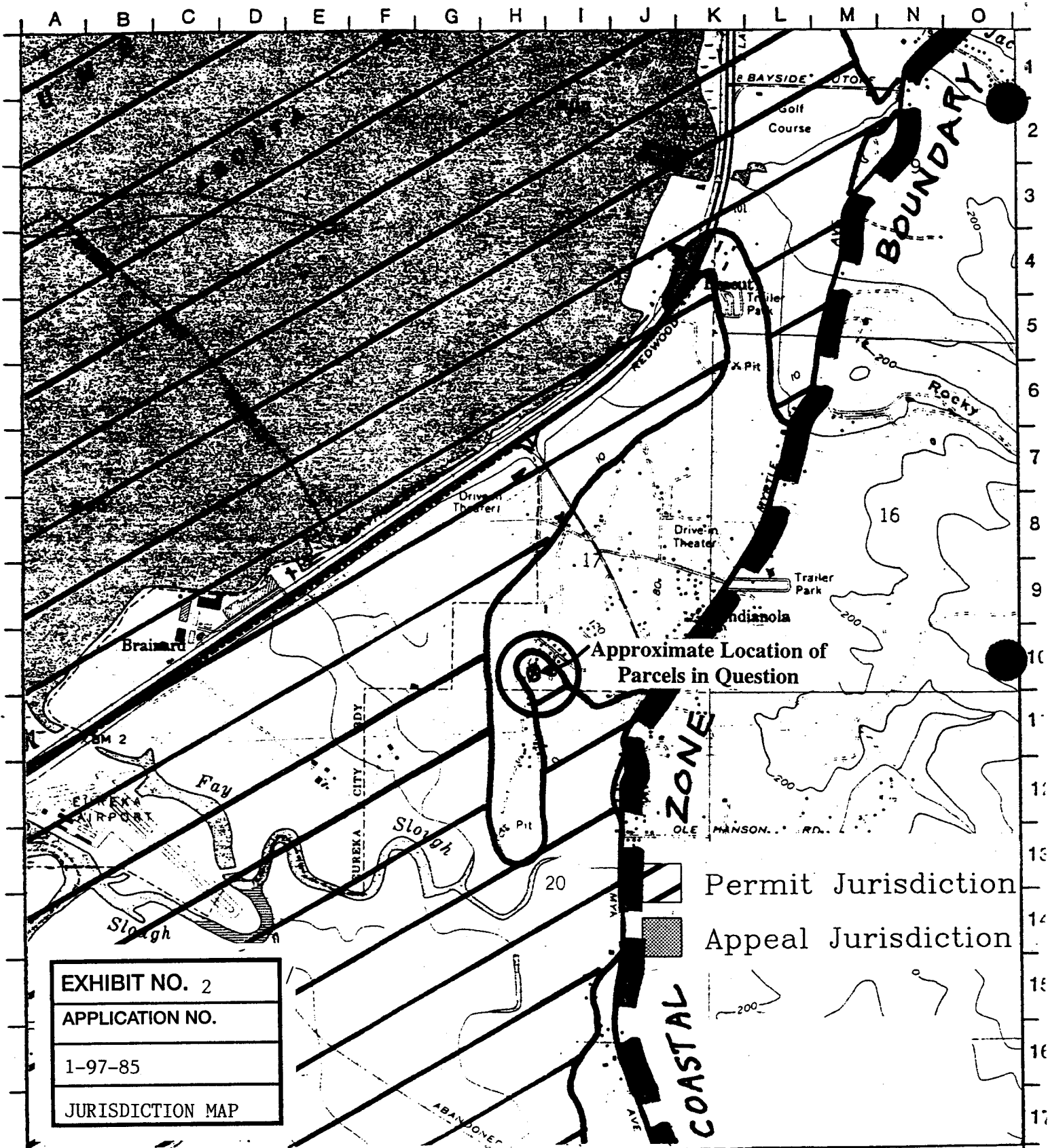


EXHIBIT NO. 2

APPLICATION NO.

1-97-85

JURISDICTION MAP

BD 31-97

APN 402-321-12 and 13



California Coastal Commission

Portion of Post-LCP
Certification Map#13
Arcata South Quad

1000 0 2000
feet



County of Humboldt

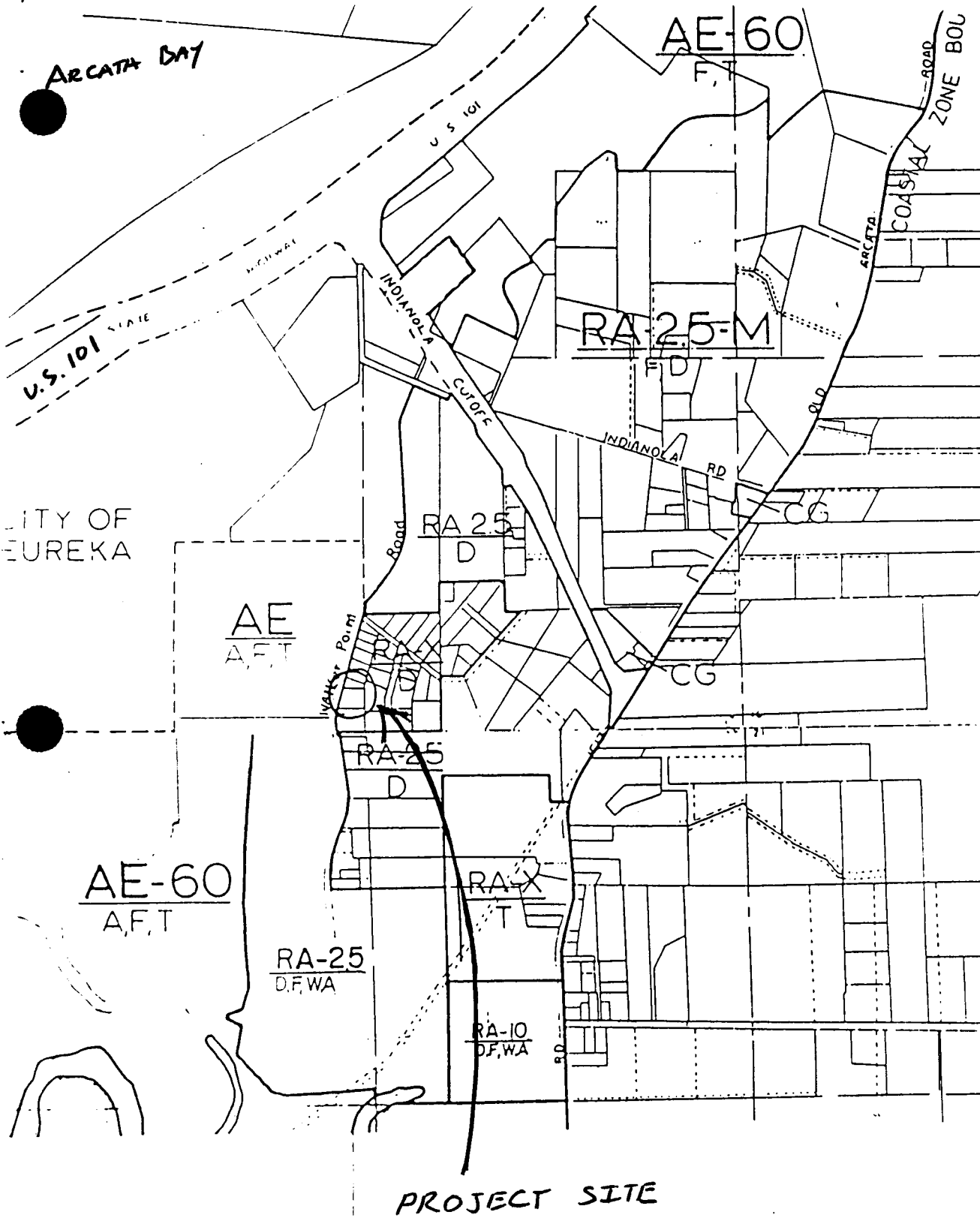
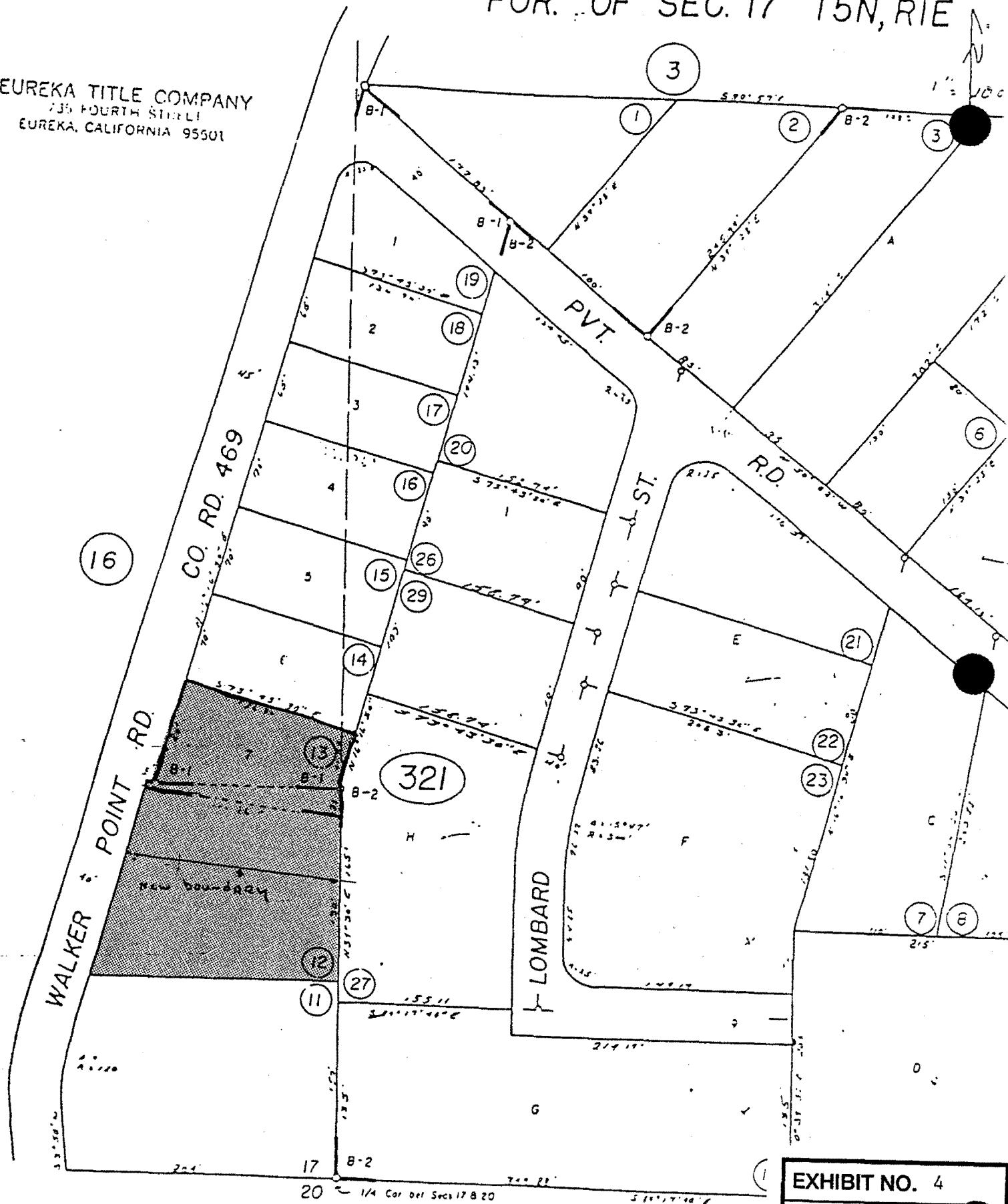


EXHIBIT NO. 3
APPLICATION NO.
1-97-85
VICINITY MAP

POR. OF SEC. 17 T5N, R1E

EUREKA TITLE COMPANY
735 FOURTH STREET
EUREKA, CALIFORNIA 95501



Beal Sub. L.S. 19 Pg. 81
Units 1 & 2

4

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EXHIBIT NO. 4

APPLICATION NO.

1-97-85

SUBJECT PARCELS

BD 31-97

NOTE - Assessor's Block No

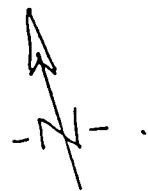
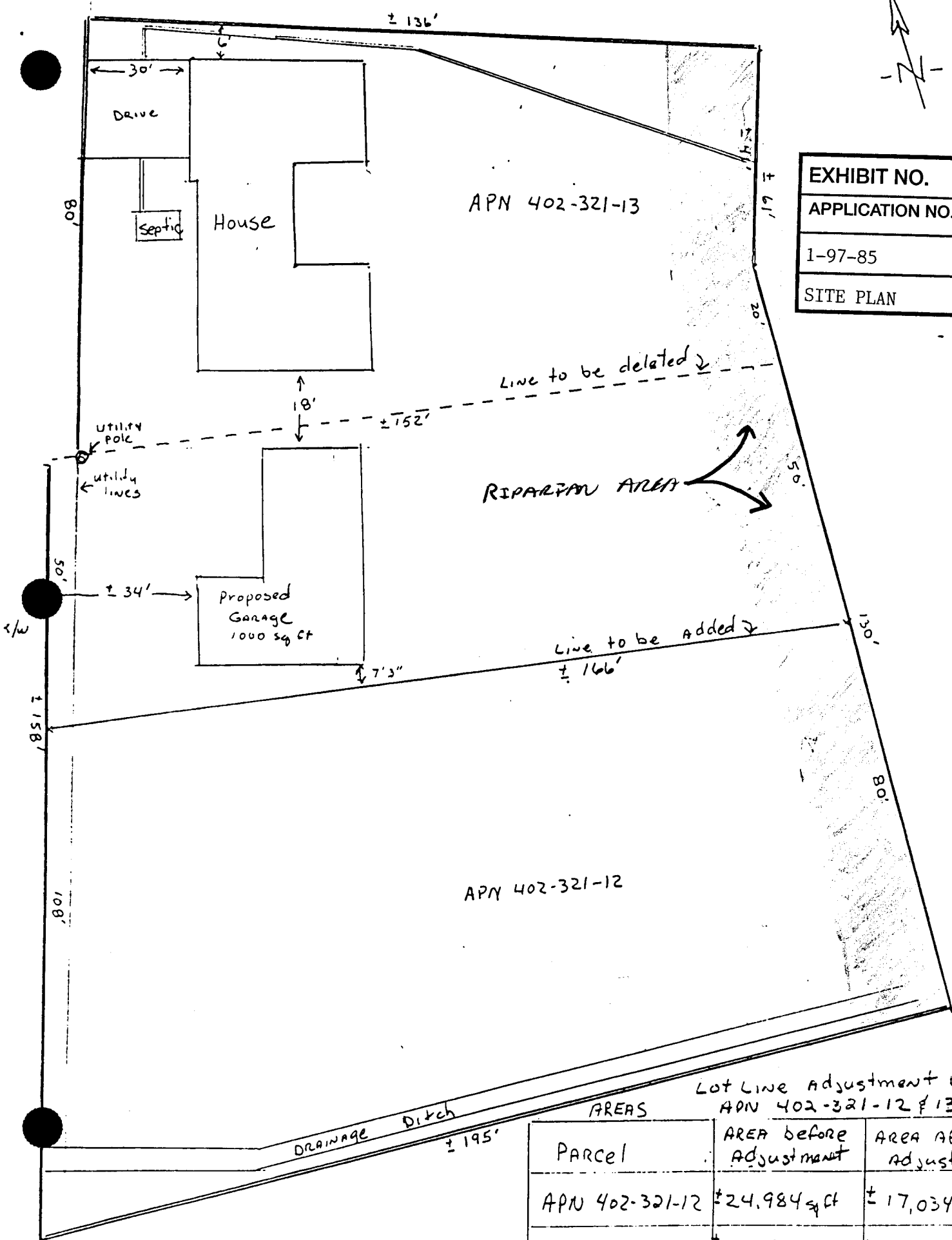


EXHIBIT NO. 5
APPLICATION NO.
1-97-85
SITE PLAN



Lot Line Adjustment between
APN 402-321-12 & 13

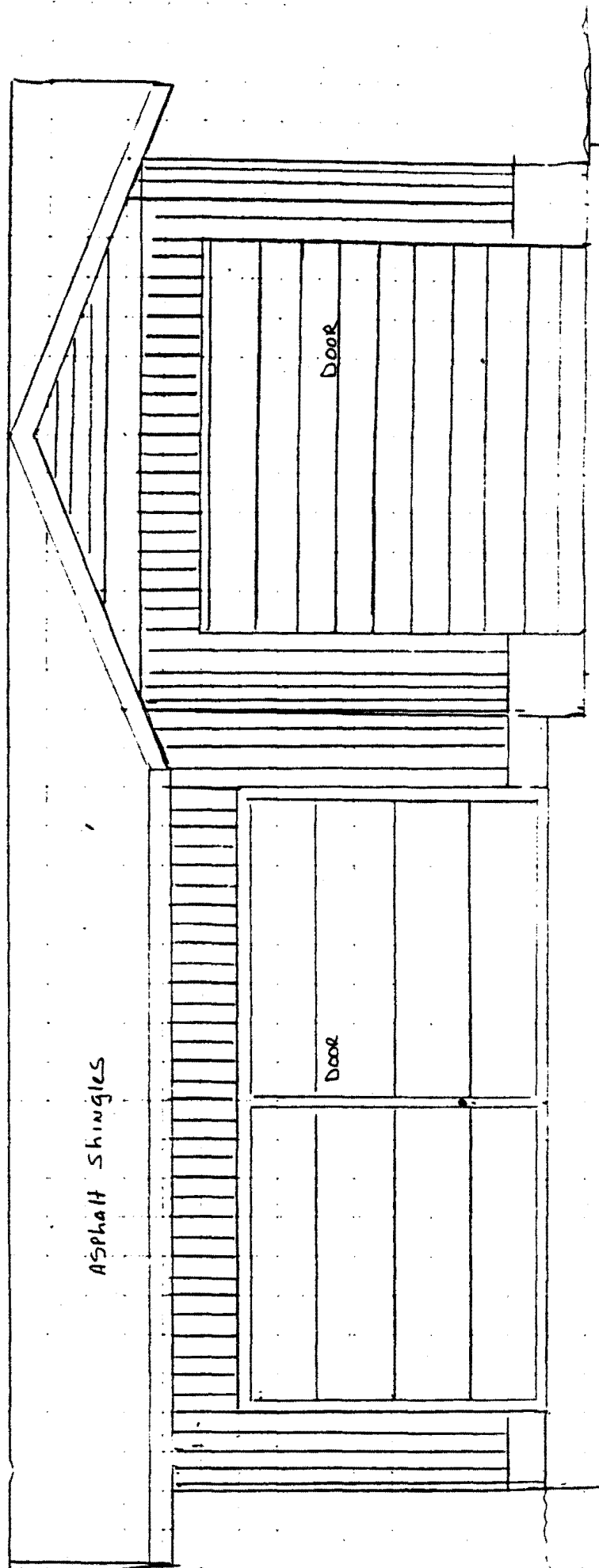
AREAS	Lot Line Adjustment between APN 402-321-12 & 13	
	AREA before Adjustment	AREA After Adjustment
Parcel		
APN 402-321-12	±24,984 sq ft	±17,034 sq ft
APN 402-321-13	±10,152 sq ft	±18,102 sq ft

EXHIBIT NO. 6

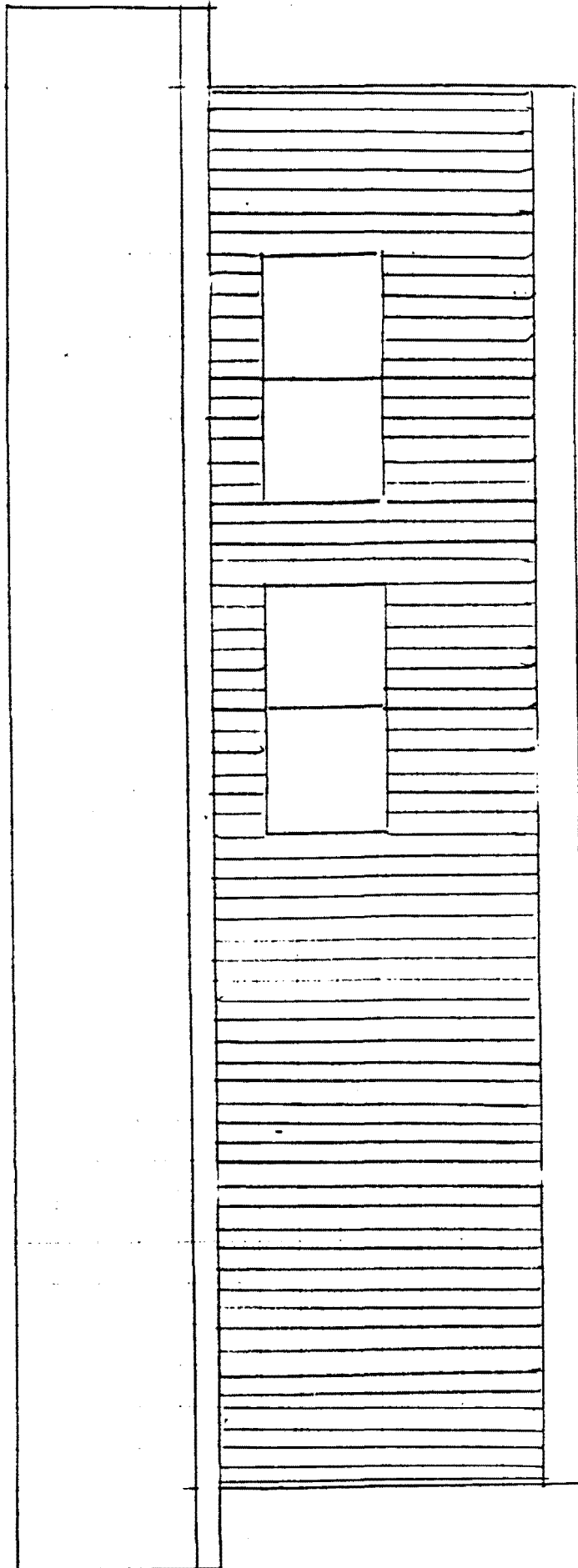
APPLICATION NO.

1-97-85 (1 OF 2)

GARAGE ELEVATIONS



West Elevation



East Elevation

EXHIBIT NO. 6
APPLICATION NO.
1-97-85 (2 OF 2)
GARAGE ELEVATIONS