

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
 P.O. BOX 4908
 EUREKA, CA 95502-4908
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**F 3a**

Date Filed: October 14, 1999
 49th Day: December 2, 1999
 180th Day: April 11, 2000
 Staff: T. Tauber
 Staff Report: October 15, 1999
 Hearing Date: November 5, 1999
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 1-99-069

APPLICANT: Kathrin & Michael Burleson and Thomas & Doris Montgomery

AGENT: Michael O'Hern, Kelly-O'Hern Associates

PROJECT LOCATION: 1804 Patrick's Point Drive, Trinidad, Humboldt County
 APN No. 517-021-07

PROJECT DESCRIPTION: Lot line adjustment to merge three parcels into two parcels of 3.2 and 3.4 acres

Lot Area: Three parcels covering a total of +/- 6.6 acres

Plan Designations: Rural Residential RR(a), Trinidad Area Plan (not certified)

Zoning: Residential Agriculture (RA-2/A,D,O)

LOCAL APPROVALS: Lot Line Adjustment LLA-98-39

SUBSTANTIVE FILE DOCUMENTS: Trinidad Area Plan
 Humboldt County Coastal Zoning Ordinance

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** the proposed development. The proposed lot line adjustment to merge three parcels into two parcels of 3.2 and 3.4 acres, will decrease the overall potential for further development on the coastal bluff parcel. Therefore, the project, as proposed, would result in decreased density on the coastal bluff site, will not have any adverse impacts on coastal resources, and is consistent with the policies of Chapter 3 of the Coastal Act.

STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

I. Resolution to Approve Permit:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development, as conditioned, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the nearest public road and the sea or the shoreline of any body of water within the coastal zone 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 Required.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Site Description & Project Description

The project site is located near Trinidad in Humboldt County, on the west side of Patrick's Point Drive, approximately 200 feet north from the intersection of Patrick's Point Drive and Westgate Drive, on the property known as 1804 Patrick's Point Drive. The subject site is situated on top of a 200-foot-high, steeply sloping coastal terrace in a rural residential area.

The applicants propose a lot line adjustment that would merge three parcels (2.1, 2.2, and 2.3 acres) into two parcels (3.2 and 3.4 acres). The three parcels involved are blufftop parcels that extend down the face of the bluff to the high tide line. The parcels are long, narrow lots, averaging approximately 850 feet long by 125 feet wide. The middle parcel is undeveloped, and due to the setbacks that would be needed for an on-site sewage

disposal system, the parcel is marginally buildable. There are existing single family residences on the other two parcels, setback approximately 50 and 100 feet from the bluff edge. The applicants are the long-time owners of the two developed parcels. They perceived that development of the middle parcel would negatively impact their privacy. Thus, they have purchased the property and propose to divide the area between them. Although the parcel to be eliminated is heavily vegetated, there is no riparian habitat, wetland vegetation, or other environmentally sensitive habitat area (ESHA) on the site. The parcels are located in an area of the Trinidad Area Plan that is not certified.

2. New Development

Coastal Act Section 30250 (a) states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

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 existing single family residences on the lots adjacent to the parcel to be merged are served by on-site sewage disposal systems and by a domestic water source. The lot line adjustment will not affect the availability of water and septic, and because one parcel will be eliminated, the adjustment will not increase the demand for such services. The proposed configuration of the lots will reduce the overall development potential and thereby decrease potential cumulative impacts of new development. The Commission therefore finds that the proposed project is consistent with Section 30250(a) of the Coastal Act.

3. Public Access

The proposed project is located between the nearest public road and the sea. Section 30604(c) of the Coastal Act requires every permit issued for any development between the nearest public road and the sea or the shoreline of any body of water within the

coastal zone to include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30210 of the Coastal Act requires maximum access and recreational opportunities to be provided for all the people consistent with the need to protect public rights, rights of private property owners and natural resource areas. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Section 30210 and 30211, the Commission is also limited by the need to show that any denial of a permit application based on this section, 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 access.

The subject site is located on the west side of Patrick's Point Drive, the first public road, and is on top of a 200-foot-high coastal bluff. The project will not result in significant adverse impacts to existing or proposed public access opportunities. Public access exists 1 and 1/2 miles north of the project site at Patrick's Point State Park, and two miles south of the project site at Trinidad State Beaches. There is no evidence of the public's right of access over the subject property to the sea. The project does not create a significant demand for new public access. Therefore, the Commission finds that the proposed project, which does not include any new public access, will not adversely affect public access and is consistent with the public access policies of the Coastal Act.

4. Geologic Hazards:

The proposed project site is located on top of a steeply sloping coastal bluff, an environment commonly subject to erosion and geologic instability. Section 30253 of the Coastal Act addresses development policies for potentially hazardous areas.

Coastal Act section 30253 states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

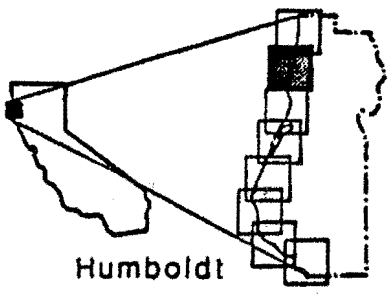
The proposed lot line adjustment will result in the elimination of the one undeveloped parcel by merging the three parcels into two. Therefore, the proposed project will reduce the overall potential development density on the blufftop lots and decrease the risk of geologic hazards associated with blufftop development. The existing residence to the north of the parcel to be eliminated is approximately 100 feet from the bluff edge and the existing residence to the south is approximately 50 feet from the bluff edge. Although Section 30610(a) of the Coastal Act exempts certain additions to existing structures from the permit requirements of the Act, any future improvements to the existing single family residences that would encroach within 50 feet of the edge of the coastal bluff will be subject to a coastal development permit pursuant to Section 13250 of the Commission's administrative regulations. Therefore, the Commission will be able to review a permit application for any proposed addition to the single family structures that might be proposed close to the bluff edge for conformance with the provisions of Section 30253 that require that new development not contribute to geologic hazards. If accessory structures are proposed for either of the two existing houses on the two lots that would result from the lot line adjustment, there are buildable areas inland from the existing homes where such structures could be built without raising bluff stability concerns. Therefore, the Commission finds that the proposed project will not adversely affect the geologic integrity of the coastal bluff and is therefore consistent with the development policies of section 30253 of the Coastal Act.

5. California Environmental Quality Act (CEQA):

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the permit, as modified by any conditions of approval, is consistent with any applicable requirement of the CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits approval of proposed development if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment. The Commission finds that the project, as submitted, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA. The project, as submitted, includes adequate provisions to ensure consistency with the resource protection policies of the Coastal Act and the requirements of Section 21080.5(d)(2)(A) of the CEQA. Further, the project will have no significant impacts. Thus, the Commission finds that the project, as submitted, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

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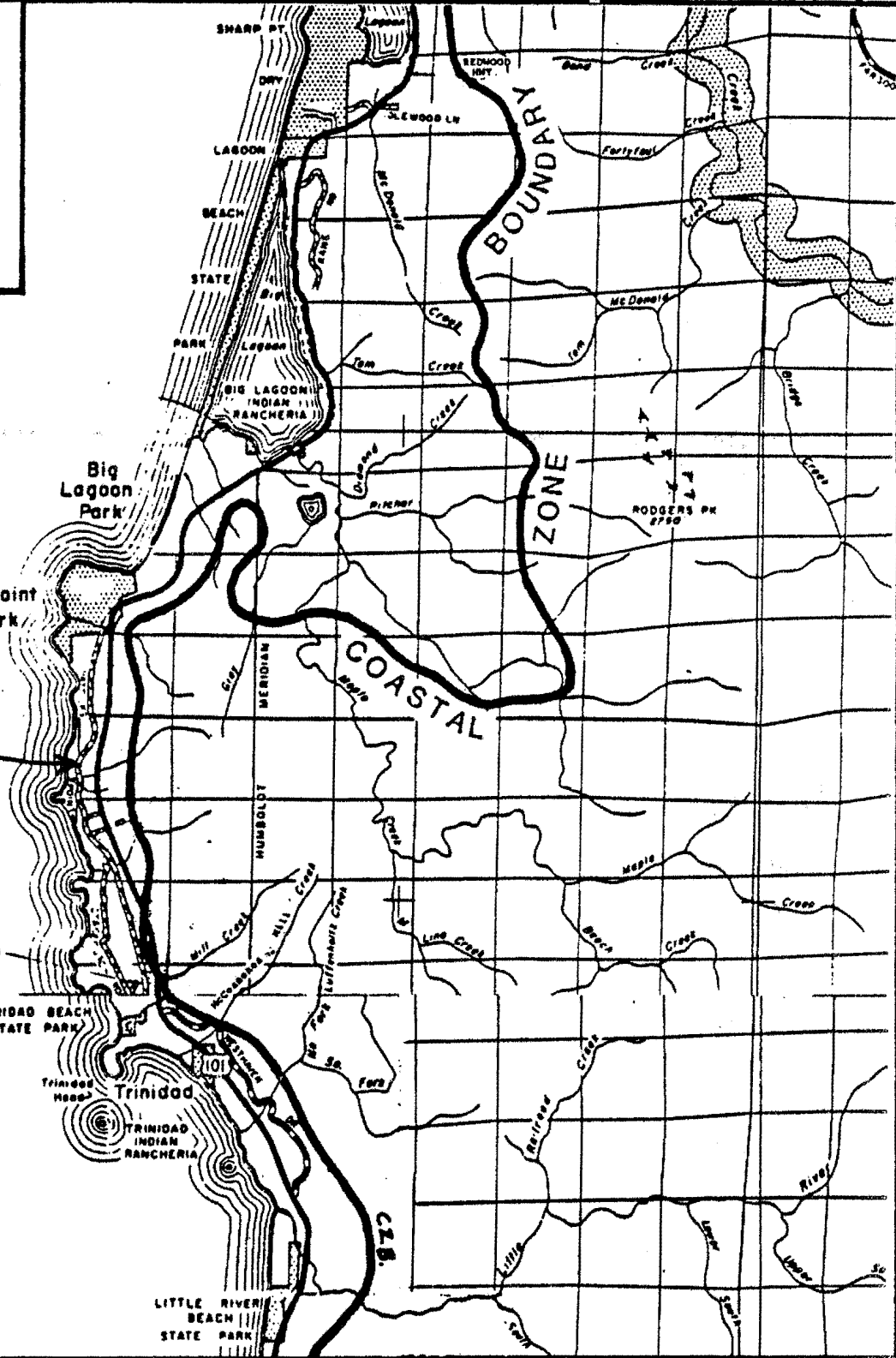
Humboldt

EXHIBIT NO. 1

APPLICATION NO.

1-99-69 Burleson

Regional Location



Patrick's Point State Park

Big Lagoon Park

BIG LAGOON INDIAN RANCHERIA

RODGERS PK 2750

Approximate Site Location

TRINIDAD BEACH STATE PARK

Trinidad

TRINIDAD INDIAN RANCHERIA

LITTLE RIVER BEACH STATE PARK



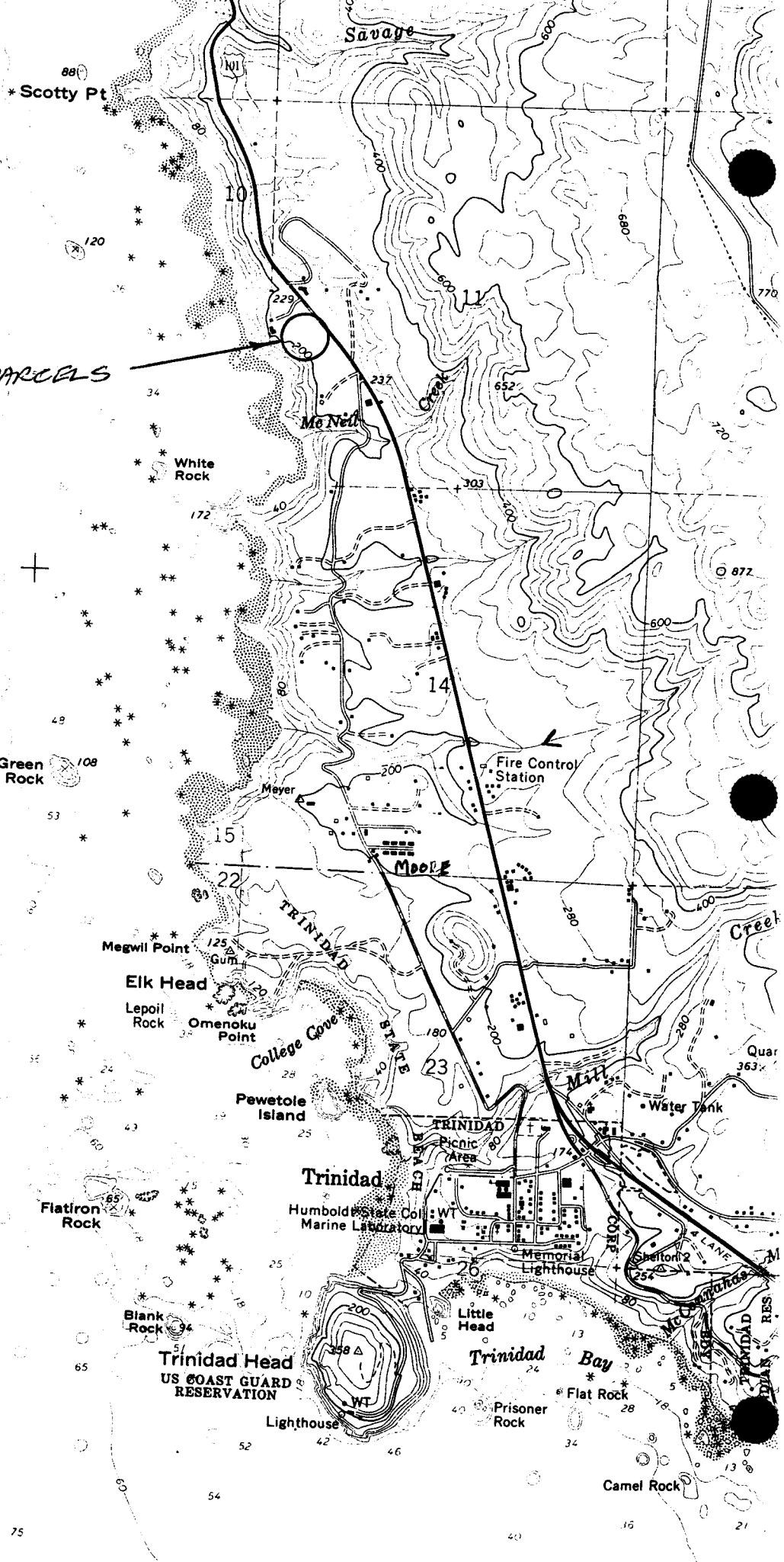
LOCATION MAP



EXHIBIT NO. 2
APPLICATION NO.
1-99-69 Burleson
Vicinity Map

7 1/2' USGS QUAD
"TRINIDAD"

SUBJECT PARCELS

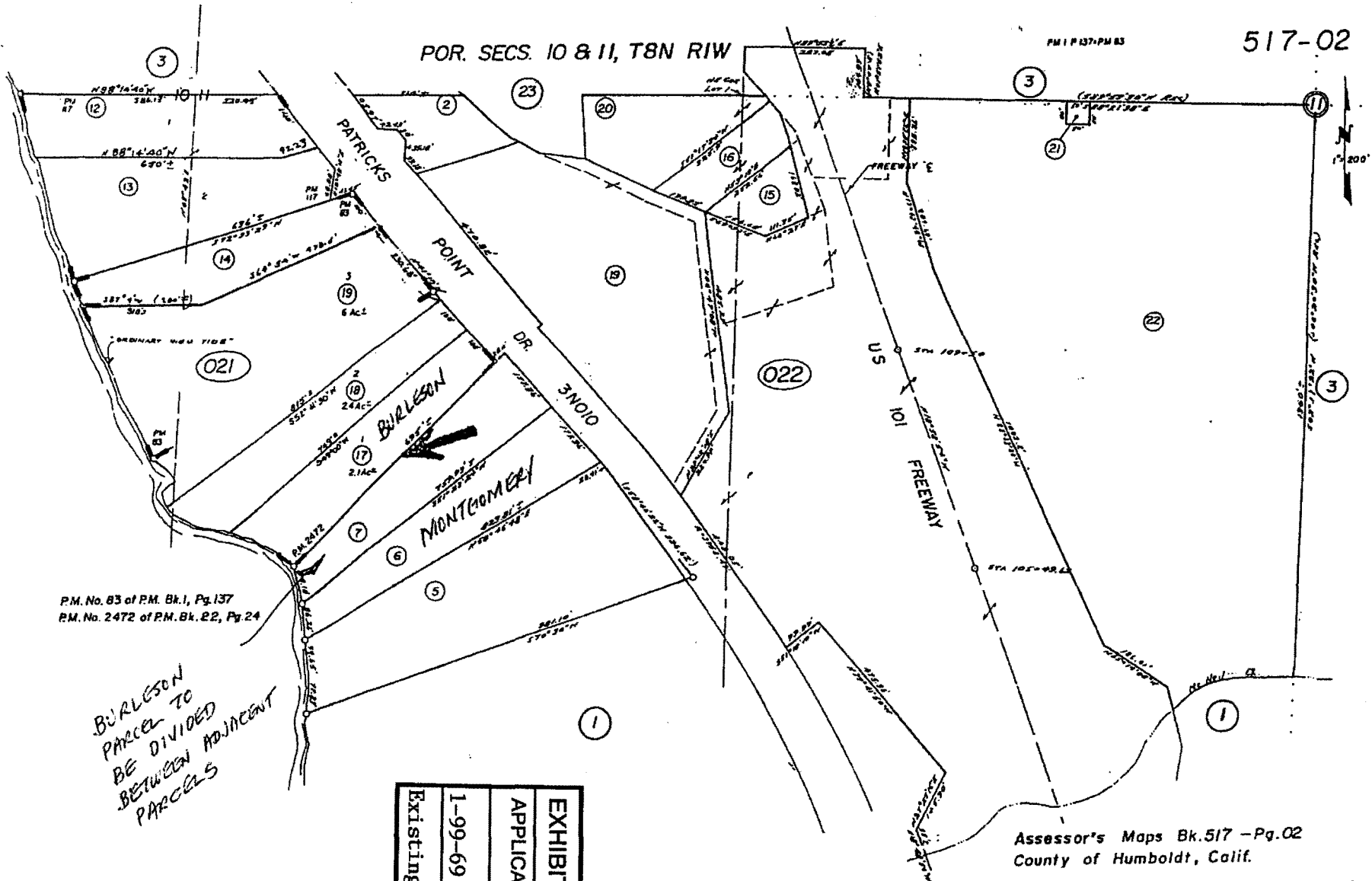


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POR. SECS. 10 & 11, T8N RIW

PM 1 P 137-PM 83

517-02



PM. No. 83 of PM. Bk. 1, Pg. 137
PM. No. 2472 of PM. Bk. 22, Pg. 24

BURLESON
PARCEL TO
BE DIVIDED
BETWEEN ADJACENT
PARCELS

FIRST AMERICAN TITLE
POST OFFICE BOX 88
735 FOURTH STREET
EUREKA, CALIFORNIA 95501

Existing Parcels	1-99-69 Burleson	EXHIBIT NO. 3
APPLICATION NO.		

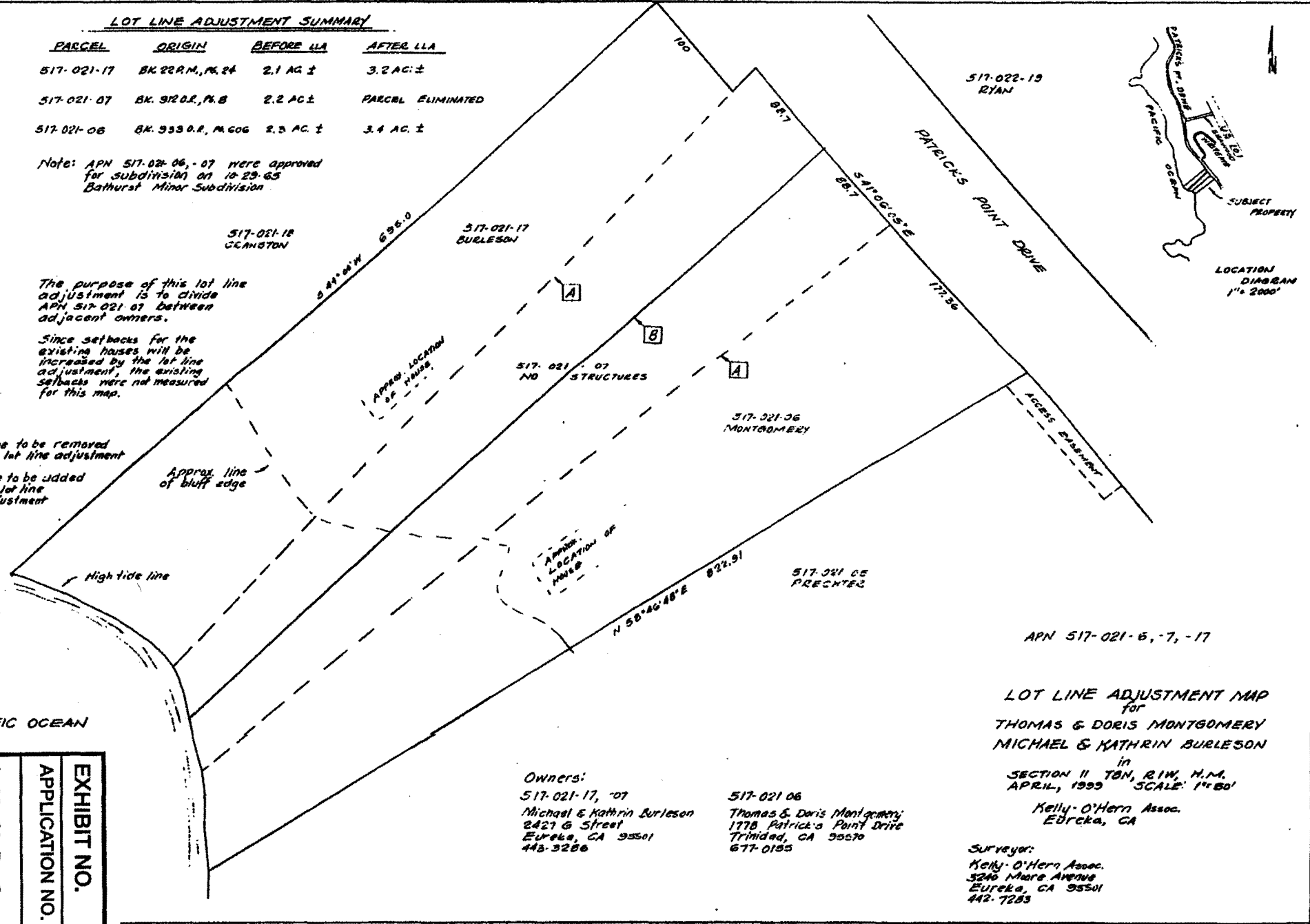
NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

This plat is not a survey. It is merely furnished as a convenience to locate the land in relation to adjoining streets and/or other lands and does not guarantee any dimensions, distances, bearings or acreage.

LOT LINE ADJUSTMENT SUMMARY

PARCEL	ORIGIN	BEFORE LLA	AFTER LLA
517-021-17	BK 22 R.M., P. 24	2.1 AC ±	3.2 AC ±
517-021-07	BK 912 R.R., P. 8	2.2 AC ±	PARCEL ELIMINATED
517-021-06	BK 933 R.R., P. 606	2.3 AC ±	3.4 AC ±

Note: APN 517-021-06, -07 were approved for subdivision on 10-29-65 Bathurst Minor Subdivision.



The purpose of this lot line adjustment is to divide APN 517-021-07 between adjacent owners.

Since setbacks for the existing houses will be increased by the lot line adjustment, the existing setbacks were not measured for this map.

- A** Line to be removed by lot line adjustment
- B** Line to be added by lot line adjustment

Approx. line of bluff edge

High tide line

APPROX. LOCATION OF HOUSE

APPROX. LOCATION OF HOUSE

PACIFIC OCEAN

Proposed Lot-Line Adjustment	1-99-69 Burleson
	APPLICATION NO.
EXHIBIT NO.	4

Owners:
 517-021-17, -07
 Michael & Kathrin Burleson
 2427 G Street
 Eureka, CA 95501
 443-3286

517-021-06
 Thomas & Doris Montgomery
 1778 Patrick's Point Drive
 Trinidad, CA 95570
 677-0155

APN 517-021-6, -7, -17
LOT LINE ADJUSTMENT MAP
 for
THOMAS & DORIS MONTGOMERY
MICHAEL & KATHRIN BURLESON
 in
 SECTION 11 T8N, R1W, H.M.
 APRIL, 1999 SCALE: 1"=50'

Surveyor:
 Kelly O'Hern Assoc.
 5240 Moore Avenue
 Eureka, CA 95501
 442-7283