

CALIFORNIA COASTAL COMMISSION

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Date Filed: March 4, 2005
49th Day: April 22, 2005
180th Day: August 31, 2005
Staff: Carrie A. Bluth
Staff Report: July 22, 2005
Hearing Date: August 12, 2005
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-04-070

APPLICANT: Matt Allen

AGENT: Mary-Jane Ashton (Humboldt County Planning)

PROJECT LOCATION: 6818 and 6820 West Avenue, Fields Landing,
Humboldt County (APN: 306-033-07).

PROJECT DESCRIPTION: Divide one 10,380-square-foot parcel currently
developed with two residences, into two parcels,
Parcel 1 to be 5,352 square feet and Parcel 2 to be
5,028 square feet, with one residence on each
parcel, and partially demolish and remodel the
1,715-square-foot residence on Parcel 1, reducing
the size to 1,435 square feet.

GENERAL PLAN DESIGNATION: Residential Low Density (RL) - Humboldt Bay
Area Plan (HBAP) Density: 1-7 dwelling units per
acre.

ZONING DESIGNATION: Residential single-family specifying a minimum
parcel size of 5,000 sq.-ft. (RS-5)

LOCAL APPROVALS RECEIVED: Humboldt County Parcel Map Subdivision and Special Permit (NO. 04-9) approved February 17, 2005.

SUBSTANTIVE FILE DOCUMENTS: Humboldt County LCP; Humboldt County Parcel Map Subdivision and Special Permit (NO. 04-9) approved February 17, 2005.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with **one special condition** of coastal development permit application number 1-04-070, to (1) subdivide an approximately 10,380-square-foot parcel, currently developed with two single-family residences, into two approximately 5,000-square-foot plus size parcels, resulting in each of the two residences being located on a separate parcel, and (2) demolish and remodel a portion of one of the residences.

The subject property is located in an urbanized setting, in the unincorporated community of Fields Landing, south of Eureka, near Humboldt Bay. Both residences are served by community water and sewer, and will continue to be so served, post-development. The creation of the two parcels and related development, as proposed, would be within the higher end of the designated density range for the area, and is compatible with the development pattern in the surrounding area.

The proposed partial demolition and related remodel of one of the residences would reduce the overall square footage of the residence, in order to accommodate the creation of the second parcel. Staff recommends one Special Condition to ensure that construction related materials and debris are managed and disposed of properly, thus preventing any adverse impacts on coastal resources in light of the proximity of the project site to Humboldt Bay.

Although the property is located between the first public road and the sea, it will not have significant adverse effects on coastal access. The site is not in a designated scenic area, and does not contain environmentally sensitive habitat areas.

Staff believes that the proposed project would be located in a developed area able to accommodate it, and, that as proposed and conditioned, the development will not have significant adverse impacts on coastal resources, individually or cumulatively, consistent with Section 30251(a) of the Coastal Act.

Staff believes the proposed project as conditioned is consistent with the Chapter 3 policies of the Coastal Act. The motion to adopt the Staff Recommendation of Approval with Conditions is found on pages 3 through 4.

STAFF NOTES:

1. **Standard of Review**

The proposed project is located in the Commission's retained jurisdiction. Humboldt County has a certified LCP, but the site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

2. **Commission Action Necessary**

The Commission must act on the application at the July 14, 2005 meeting to meet the requirements of the Permit Streamlining Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-04-070 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as

conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Construction Responsibilities and Debris Removal

The permittee shall comply with the following construction-related requirements:

- A. All construction materials and debris originating from the project shall be contained in a manner to preclude uncontrolled entry and dispersion to the waters of Humboldt Bay either directly or via runoff;
- B. Any and all debris resulting from construction activities shall be collected and removed from the site for disposal at an authorized disposal site within one week of completion of construction;
- C. Should construction work be done during the rainy season (October 15th – April 15th), any construction related materials and debris temporarily placed or stored on site shall also be covered to minimize dispersion from storm water runoff or wind.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. Site & Project Description.

The project site is a residential property located in an urbanized setting, in the community of Fields Landing located south of Eureka adjacent to Humboldt Bay (Exhibit Nos. 1 & 2). The property is located west of Fields Landing Drive, on the northwest corner of the intersection of West and Civic Avenues, and is between the first public road and the sea (Exhibit No. 2). The property is not sited in a designated scenic area, and does not contain environmentally sensitive habitat areas. The site is comprised of an approximately 10,380-square-foot parcel, currently developed with two legal non-

conforming, one-story single-family residences, one of the existing residences is 1,715-square feet in size with a detached 572-square-foot garage, and the other is a 1,640-square-foot residence which includes an attached 2-car garage. The residences are both 18-feet in height. Both residences are served by community water and sewer.

The proposed project involves a Parcel Map Subdivision of the approximately 10,380-square-foot parcel into two legal parcels. Proposed Parcel 1 would be 5,352 square feet, and Parcel 2 would be 5,028 square feet. The proposed subdivision would configure the property to locate each of the two existing residences on separate parcels. Also proposed is a partial demolition and related remodel of the 1,715-square-foot residence on Parcel 1, to reduce the size to 1,435 square feet in order to accommodate a minimum lot size of 5,000 square-feet for Parcel 2, and allow for the required side yard setbacks necessitated by the creation of the new Parcel (see Exhibit No. 4 - Site Plan). Both residences are currently serviced by community water and sewer, and would continue to be served by the provider, Humboldt County Community Services District. The project does not involve any tree or major vegetation removal.

2. New Development

Section 30250(a) provides in applicable part that:

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.

The proposed development would subdivide a 10,380-square-foot parcel currently developed with two, one-story, single-family residences, into 2 parcels, Parcel 1 – 5,352-square feet and Parcel 2 - 5,028 square feet in size, configuring the property so that each residence is on a separate parcel. The existing 1,715-square-foot residence on proposed Parcel 1 would undergo a partial demolition and remodel to reduce the square footage to 1,435 square feet, thereby accommodating a parcel size of just over 5,000 square-feet for proposed Parcel 2 with the necessary side-yard setbacks.

The property site is in an urbanized area, in the community of Fields Landing. The Humboldt Bay Area Plan land use designation for the site is Residential Low Density (RL) / Density: 1-7 dwelling units per acre, and it is zoned Residential Single-Family specifying a minimum parcel size of 5,000 square feet. (RS-5). The proposed parcel subdivision would create 2 separate parcels that would meet the higher end of the designated density range. Both parcels would be of a size greater than the 5,000-square-

foot minimum parcel size established by the zoning (Parcel 1 – 5,352 square feet and Parcel 2 - 5,028 square-feet in size), The resultant parcels would be similar in size to surrounding parcels in this urban neighborhood, and essentially constitute “in-filling” of the neighborhood, compatible with the community development pattern.

Both existing residences are in conformance with the applicable height and lot coverage development standards, and would continue to be so with the proposed partial demolition and remodel of the residence on proposed Parcel 1, as the height of the structure would remain unchanged and the square footage of the single-level residence would be reduced. The existing residences are considered legal non-conforming residences with respect to the setback standards. The proposed subdivision would not increase the non-conformance of any setback. Further, the demolition/remodel of the residence on proposed Parcel 1 would accommodate the need for a new 5-foot sideyard setback necessitated by the creation of the new parcel.

Both of the existing single-family residences are currently served by community water and sewer service, and would continue to be, post-development. Therefore, the proposed development is consistent with Section 30251(a), as the development is located in a developed area able to accommodate it, and no increase in demand for services is expected as a result of the parcel subdivision and minor demolition/remodel of one of the existing residences on the property.

The proposed partial demolition and remodel of the residence on proposed Parcel 1, would generate construction related debris and involve the use of building materials. Due to the proximity of the site to Humboldt Bay, and the related potential for contaminants or construction debris to be transported into the Bay during construction if such material is not properly managed, Special Condition No. 1 requires the applicant to adhere to certain construction phase and associated debris disposal requirements to ensure that the proposed development does not create any significant adverse impacts on coastal resources, consistent with Section 30251(a).

Therefore, the Commission finds that the proposed project is located in a developed area able to accommodate it, and, that as proposed and conditioned, the development will not have significant adverse impacts on coastal resources, individually or cumulatively, consistent with Section 30251(a) of the Coastal Act.

3. Protection of Marine Resources and Coastal Water Quality

Section 30231 of the Coastal Act addresses the protection of coastal water quality and marine resources in conjunction with development and other land use activities. Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed partial demolition and remodel of the residence on proposed Parcel 1, would generate construction related debris and involve the use of building materials. Due to the proximity of the site to Humboldt Bay, and the related potential for contaminants or construction debris to be transported into the Bay during construction if such material is not properly managed, Special Condition No. 1 requires the applicant to adhere to certain construction phase and associated debris disposal requirements to ensure that the proposed development does not create any significant adverse water quality impacts.

Therefore, the Commission finds that the project, as conditioned, minimizes adverse impacts to the water quality of Humboldt Bay and tributary watercourses, and is therefore consistent with Section 30231 of the Coastal Act.

4. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from over use. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214 of the Coastal Act, the Commission is also limited by the need to show that any denial of a permit application based on these 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 public access.

Although the project is located between the first public road and Humboldt Bay, an inlet of the sea, the project would not adversely affect public access. The project site is within a residential section of Fields Landing, a developed community on the edge of Humboldt Bay. There are no trails or accessways leading to the Bay on the subject property itself, and the development would not affect any trails or other public roads that provide

shoreline access within the vicinity of the project. Furthermore, as the proposed development would not increase the density of residential development at the site, the proposed project would not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

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 application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures which will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

V. EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Site Plan

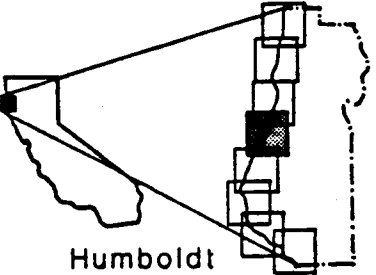
ATTACHMENT A

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. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.



A B C D E F G H I J K L M N O

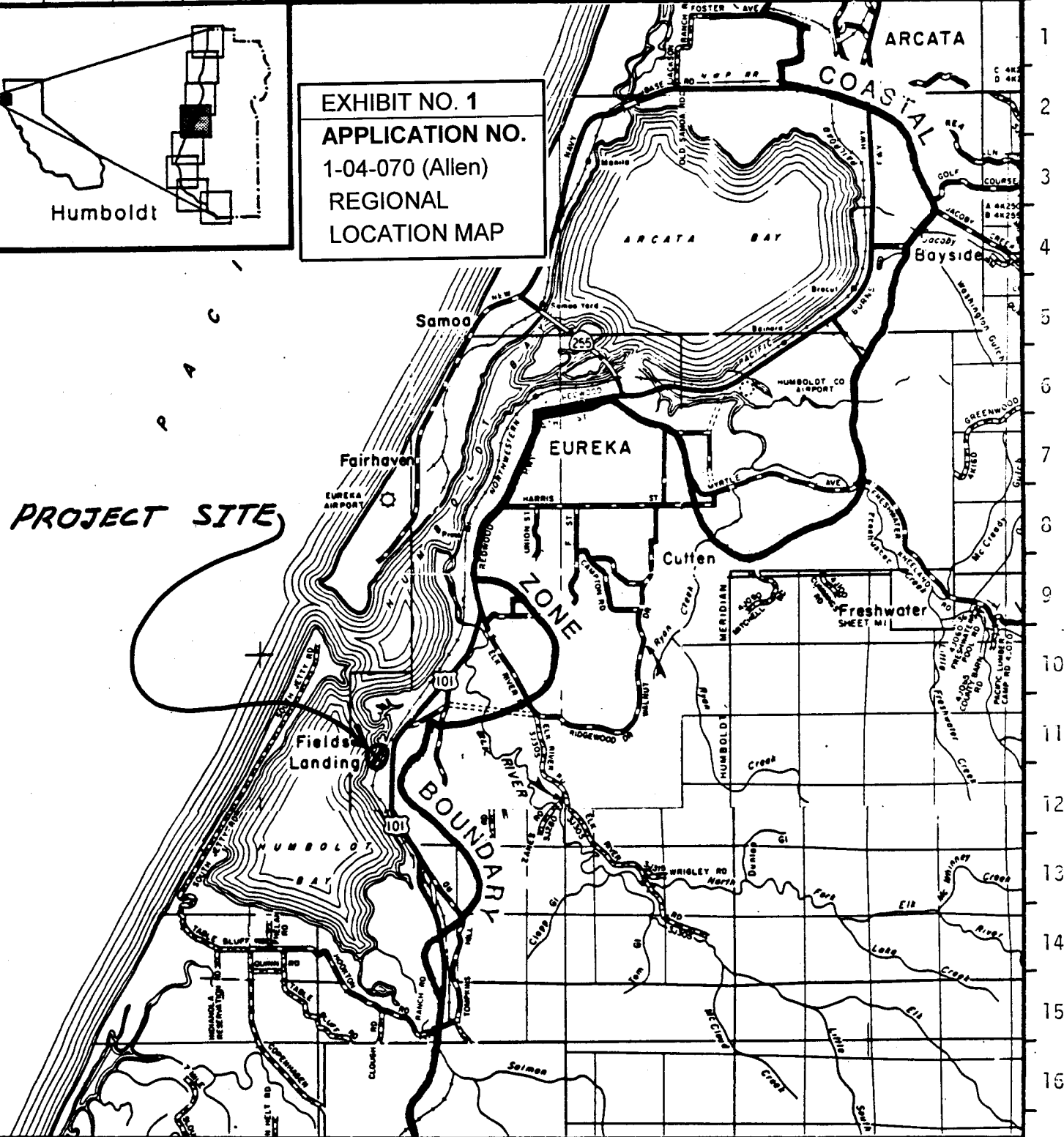


Humboldt

EXHIBIT NO. 1
APPLICATION NO.
1-04-070 (Allen)
REGIONAL
LOCATION MAP

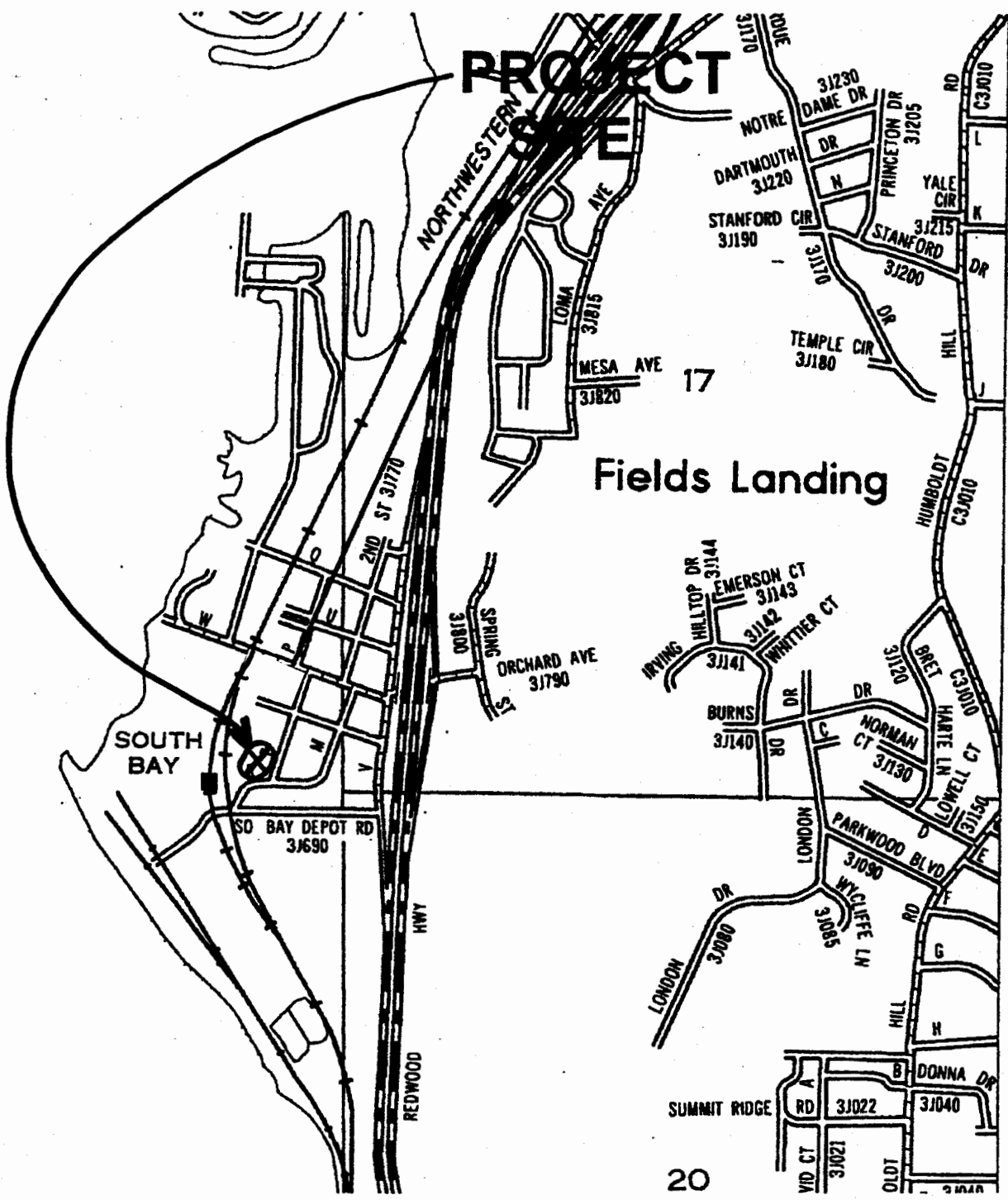
PROJECT SITE

BOUNDARY ZONE



LOCATION MAP



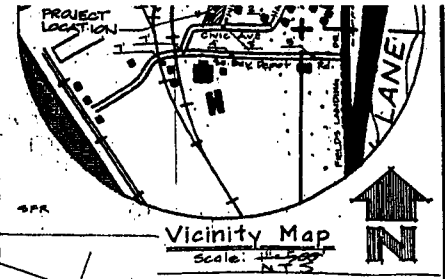
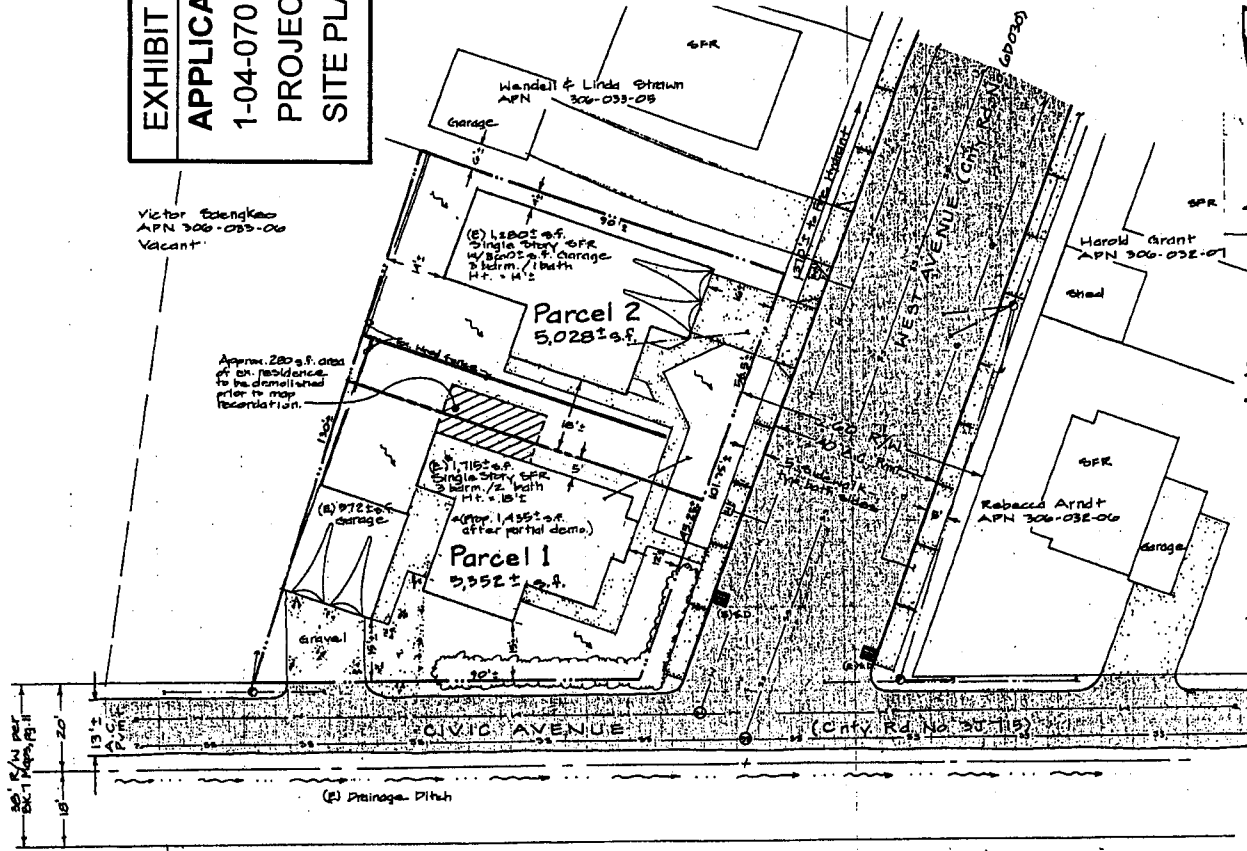


**PROPOSED ALLEN
 PARCEL MAP SUBDIVISION
 FIELDS LANDING AREA PMS-04-09
 APN: 306-033-07
 SECTION 18 T4N R1W H. B. & M.
 LOCATION MAP**

**EXHIBIT NO. 2
 APPLICATION NO.
 1-04-070 (Allen)
 PROJECT
 VICINITY MAP**



EXHIBIT NO. 3
APPLICATION NO.
1-04-070 (Allen)
PROJECT
SITE PLAN



LEGEND

- Subject parcel
- - - Proposed subdivision line
- o Joint power pole
- Existing water meter
- Existing water line
- Existing sewer line/manhole
- Existing fence
- Existing hedge
- Parking space
- Existing paved roadway
- Existing 5' wide sidewalk
- ~ Direction of surface water runoff
- /// Approximate area of residence - to be demolished

Applicant/Owner: Matt Allen
 125 12th St.
 Fortuna, CA 95540
 (707) 725-2852 ext. 115

TENTATIVE PARCEL MAP
 APN 306-033-07
 Site Address: 6046500 West Ave, Fields Landing, CA
 Location: 9E1/4 Section 19, T4N, R14W, H.D.#11.

Humboldt Community Serv. Dist.
 APN 306-221-02

Northwestern Pacific Railroad Co.
 APN 306-221-03
 Vacant

GENERAL NOTES

1. This subdivision application proposes a subdivision of one 10,380± sq. ft. parcel known as APN 306-033-07, currently developed with two residences, to result in Parcel 1 of 5,352± sq. ft. and Parcel 2 of 5,028± sq. ft. The subdivision will place each residence on a separate parcel. The existing 1,710± sq. ft. residence on proposed Parcel 1 will undergo partial demolition/remodeling, reducing the square footage to 1,435± sq. ft., prior to parcel map recordation. This is necessary in order to allow adequate area for a 5,000± sq. ft. Parcel 2. No other development is proposed. No trees are proposed to be removed. Note: Since the parcel is in the California Coastal Commission's jurisdiction, an application for a coastal development permit is simultaneously being processed through their Eureka office.
2. Each proposed parcel is currently served by community water and sewer, provided by Humboldt Community Services District. PG&E supplies electricity and gas, BBC provides telephone services, and Cox provides cable television services. The nearest fire hydrant is located approximately 370 feet to the north at the southwest corner of the intersection of

3. The property is zoned Residential Single Family specifying a minimum lot size of 5,000 square feet (RS-1) and has a general plan designation of Residential Low Density (RL) in the Humboldt Bay Area Plan. Adjacent properties have similar zoning and general plan designations.
4. The property is not shown on official maps to be subject to flooding (FIRM Community Panel No. 080060 0950 C). No hazardous areas, historic buildings, or archeological sites are known to exist on or adjacent to the property.
5. Parcel creation: Lot 9 and a portion of Lot 10 in Block 4 of the Second Addition to Fields Landing as per Map recorded in Book 7, Page 11 of Maps in the Office of the County Recorder of Humboldt, and as per "Creation Document" Book 239 Deeds, pg. 499, recorded June 9, 1939.
6. Structures on adjacent properties are shown.
7. The parcel is located at an elevation of less than 10 feet. No contours were available. The property slopes at less than 1%. (See Vicinity Map above for spot elevations derived from Mid-Humboldt County Topographic Mapping by Clair A. Hill & Assoc. - Consulting Engineers. Compiled from aerial photography dated 1989.)
8. Information for map preparation is from the Humboldt County Planning Division data base, a/s/v/s/t, and the applicant. All information shown is approximate and shall be field verified.

DATE	Oct. 2004
SCALE	1" = 40' NTS
DRAWN BY	M. J. Ashton
HUMBOLDT COUNTY PLANNING DIVISION	
JOB NO.	PF-04-05
SHEET	1

