

## ATTACHMENT 1A

### Conditions of Approval

Approval of a Coastal Development Permit and Special Permit is conditioned upon the following terms and requirements which must be fulfilled before a Building Permit may be issued or initiated.

1. All development shall be in accordance with approved plot plan, project description, and elevations. Changes to the approved design may be approved if in conformance with Section 312-11, Minor Deviations.
2. Applicant shall adhere to the terms of the State Fire Safe Regulations, including maintenance of all fuel modification and construction mitigations for the life of the project.
3. Applicant shall adhere to the Recommendations provided by A.M. Baird in the Engineering Geologic Soils Report dated June 23, 2022. The recommended measures include:
  - a. Foundations for any residence should be reinforced and be contained in firm, undisturbed native soil. The foundation should be extended a minimum of 12” *past any topsoil or fill* and into natural undisturbed ground for single-story structures and a minimum of 18” for two-story structures. Spread footings and foundation walls should be reinforced and be at minimum 15" wide for single-story structures and 18" wide for two-story structures. Foundation walls should be a minimum of 7.5" thick for single-story structures and a minimum of 8" for two-story structures. Foundation footings shall be setback a minimum distance of 4 feet from bottom of footing as measured horizontally to daylight from slopes dropping over 30%. Foundation footing setbacks to slope breaks shall comply with specifications in Section 1808.7 and Figure 1808.7.1 of the 2019 CBC.
  - b. All surface runoff from developed or paved areas of the lot should be controlled to flow and drain away or be routed in such a manner as to not affect slope stability or the integrity of foundation soil. Erosion control dissipation devices shall be installed at all locations where water is discharged over slopes greater than 20%.
  - c. All excavation shall be completed in conformance with Section 1804 of the 2019 CBC. Additionally, earthwork grading/excavation shall be conducted during the dry season, unless constructed in conformance with a grading and erosion control plan, Humboldt County codes, and the recommendations in this report.
  - d. All existing and proposed fill and cut slopes are to be re-vegetated to prevent erosion. This is to be done to the satisfaction of local building officials. Existing vegetation beyond the construction area should be left undisturbed if feasible.

- e. If cutting or grading is to be done at a depth greater than 5 feet, it is recommended that this office be contacted for specific comments and recommendations. Cut and fill under 5 feet should be limited to 2: 1 max slope.
  - f. Gutters are to extend along all rooflines and lead to down spouts. In turn, down spouts should lead to pipes carrying roof runoff away from the building site, as well as any fill or foundations that may adversely affect the site soil or adjacent slopes.
  - g. Floor slabs should be reinforced by #3 reinforcing bars at 18" o.c. or #4 reinforcing bars at 24" o.c. each way and be underlain by at least 4" of class 2 aggregate bases with limited fines to act as a capillary moisture break and a vapor barrier. The vapor barrier shall be in direct contact with concrete. Contractor and owner are responsible for determining the extent of waterproofing methods necessary and implementing the appropriate measures as described in recommendation # 10 and shall be aware of the current recommendations and guidelines for slabs below grade according to the American Concrete Institute.
  - h. All foundation design and construction shall be in conformance with Chapter 18 of the 2019 CBC. All footings are to meet local requirements for seismic criteria, as required by the 2019 CBC. Seismic design parameters included in this report are based on latitude and longitude values for the subject parcel's centroid taken from the Humboldt County Web GIS website (County of Humboldt, 2021).
  - i. Due to the close proximity of this parcel to the Special Studies Earthquake Zone, it is recommended that this office be contacted for footing and framing review.
  - j. Any floor space at or below existing grade level that will be used as inhabitable areas or for storage shall be appropriately damp proofed or waterproofed as described in Section 1805 of the 2019 CBC. These appropriate measures at minimum will constitute installation of 6-mil vapor barrier or equivalent against the foundation or retaining wall, along with drain rock a minimum of 12" thick to the bottom of the footing and made to drain by 4" perforated pipe tight-lines to daylight away from the foundation soils. It is recommended that slabs below grade used for living space be underlain with a minimum of 6" of open graded aggregate instead of 4" as described in recommendation #7 for an increased protection from capillary water infiltration. Additional or superior measures may include installation of sub-slab drainage pipes or geo-textile membranes and should be installed according to current standards of practice.
- 4. Applicant shall adhere to recommendations made by California Department of Fish & Wildlife (CDFW) to maintain the construction site after initial vegetation removal to reduce potential nesting habitat; occasional mowing or line trimming is recommended.
  - 5. Applicant must comply with the recommendations made by the Division of Public Works memo dated 10/19/2022 prior to the issuance of a building permit. These conditions include:

- a. Applicant must apply for and obtain an encroachment permit for the construction of two residential driveways on Du Luard Drive and Upper Pacific Drive, respectively.
- b. The permit will require the driveway entrances to be surfaced with asphalt concrete or Portland cement concrete. The paved area shall extend a minimum of 20 feet back from the edge of the existing roadway pavement and be flared a minimum of 30 feet at the intersection with the County road. The driveway shall intersect the County road at a 90° angle. The driveway grade shall not exceed 2% in the first 20 feet. [reference: County Code sections 313-109.1.3.2.5 and 411-51 (b)(3)]
- c. The County road is not constructed to allow on-street parking. All parking must be developed on-site, or applicant must construct a parking lane along the County road in a manner approved by this Department. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: County Code section 313-109.1 et seq.]
- d. Site visibility must be maintained at the driveway entrances and the County maintained road. [reference: County Code section 341-1 et seq.]
- e. All retaining walls shall be constructed on the property. NO retaining walls shall be constructed in the County right of way.
- f. After the building pad and driveway have been rough graded, the applicant shall contact the Public Works inspector to ensure that the proposed driveway grades are in conformance with County Code, prior to construction of the building foundation and/or driveway. [reference: County Code section 411-15]
- g. Applicant shall be responsible to correct any involved drainage problems within the County road right of way to the satisfaction of this Department.
- h. Low Impact Development (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property is required to comply with MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission (or Zoning Administrator). [Reference: National Pollutant Discharge Elimination System (NPDES) General Permit For Waste Discharge Requirements (WDRS) for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (MS4S), Order No. 2013-0001-DWQ, NPDES No. CAS000004 adopted 02/05/2013, Section E.12; Humboldt Low Impact Development Stormwater Manual version 3.0 (08/18/2021), Part A, (Table 1), Part2, and Part 3 (Section 1.4)] Development of property is also required to comply with provisions for point source discharges of stormwater and non-point source waste discharges as specified in the General Exception to the California Ocean Plan for select Discharges into Areas of Special Biological Significance (ASBS), Including Special Protections for Beneficial Uses, Sections I.A and LB (State Water Resources Control Board Resolution 2012-0031 as amended 6/19/2012).

- i. **FENCES/GATES:** Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along ( or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205. It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance. Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department- Building Division at 707.445.7245 prior to constructing any fences or gates.

The County Zoning Ordinance, Section 327.5-14 of the Humboldt County Code (Conditions for Continued Merger) specifies the findings that are required to grant a Notice of Merger:

6. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal document review fees, notary fees and recording fees, as applicable.
7. Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger to satisfy this condition.

Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by merger but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

8. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors as required by the County Assessor shall be paid to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.

**Ongoing Requirements/Development Restrictions which Must be Satisfied for the Life of the Project:**

1. The project shall be conducted in accordance with the project description and approved project site plan.
2. All new outdoor lighting shall be directed within the property boundaries.
3. New utilities shall be installed underground, when feasible.
4. Alteration to natural landforms shall be minimized

**Informational Notes:**

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Precontact materials which could be encountered include obsidian and chert debitage or formal tools, grinding implements, (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic archaeological discoveries may include nineteenth century or early twentieth century farming machinery, building foundations, structural remains, or concentrations of artifacts made of glass, ceramics, metal or other materials found in buried pits, wells or privies.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

**The applicant is ultimately responsible for ensuring compliance with this condition.**

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such

anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

4. This merger does not guarantee that developable lots will result. Issuance of a building permit will require demonstration of all applicable development standards at the time a permit is requested.
5. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, if applicable.
6. The term of this approval shall be thirty-six (36) months from the date of the Planning Director's action on this request.