



COUNTY OF HUMBOLDT

For the meeting of: 11/6/2025

File #: 25-1311

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Daniels Coastal Development Permit, Special Permit, and Variance
Assessor Parcel Number: 111-121-037
Record Number: PLN-2023-18280
Shelter Cove area

A Coastal Development Permit (CDP) for the construction of a new single-family residence with a footprint of approximately 1,100 square feet. The structure is a 1,630 square foot, two story residence on a coastal bluff overlooking the Pacific Ocean with a two-tiered deck, a one-car garage, two on-site parking stalls, and one offsite parking location on Sea Court which will be in a Public Works-approved parking lane. The site is served by the Shelter Cove Resort Improvement District and is powered by PG&E. A Special Permit is required for the removal of a large Monterey cypress and for design review, and a Variance is requested to reduce the front yard setback from 20 feet to 6 feet, 3 inches to increase to setback from the bluff edge. Less than 50 cubic yards of grading will occur to prepare the site for development.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution, (Attachment 1) which does the following:
 - a. Finds the Planning Commission has considered the project's exemption from environmental review under CEQA section 15303 (a) (New Construction or Conversion of Small Structures), which applies to the construction of one single family residence; and
 - b. Finds the proposed project complies with the South Coast Area Plan and Zoning Ordinance; and
 - c. Approves the Coastal Development Permit, Special Permit and Variance subject to the

recommended conditions of approval (Attachments 1A).

DISCUSSION:

Project Location: The project is located in the Shelter Cove area, on the West side of Sea Court, approximately at the intersection of Lower Pacific Drive and Sea Court, on the property known as 495 Sea Court.

Present Plan Land Use Designations: Residential Low Density South Coast Coastal Plan; Density: 3 to 7 dwelling units per acre; Slope Stability: High Instability (3)

Present Zoning: Residential Single Family, Development Standard, Qualified, Archaeological Resource Area in Shelter Cove, and Design Review (RS-5-S7-Q/A,D)

Environmental Review: The project is exempt under CEQA Section 15303(a)(New Construction or Conversion of Small Structures), which applies to the construction of one single family residence.

State Appeal Status: Project is located within the Appeals jurisdiction of the Coastal Zone and is therefore appealable to the California Coastal Commission.

Major Issues: Sea level rise and wave runup.

Executive Summary: A Coastal Development Permit (CDP) for the construction of one 1,630 square foot, two-story single-family residence, a Special Permit (SP) for major vegetation removal, and a variance reducing the front yard setback. The site is currently unoccupied and undeveloped, and this parcel is included in the 2019 adopted Housing Element inventory so the development of a single-family residence is principally permitted. The residence will be 20 feet in height and served with community water and sewer from the Resort Improvement District.

Variance: A Variance is being requested to reduce the front yard setback from 20 feet to 6 feet, three inches. The request comes because the site characteristics impose practical difficulties which deprive the landowner from constructing a single-family residence, a principally permitted use in the RS zone, while meeting the front yard setback and providing an appropriate bluff setback. The configuration of Sea Court bulges off of Lower Pacific Drive and reduces the size of the project parcel while the bluff edge encroaches into the parcel significantly beyond the rear yard setback. These constraints reduce the buildability of the site as, between the bluff setback necessary to ensure protection from sea-level rise and wave runup and the front yard setback requirement of 20 feet, only a 12 by 44 ft area would be available for construction. Furthermore, these regulations would cause any development to be inconsistent with the 20 by 20 ft minimum footprint required in Shelter Cove, create development challenges unique to the parcel, and potentially expose the structure to environmental hazards. The proposed 6-foot, 3-inch setback is a protective measure against potential hazards from wave uprush and bluff erosion, which is anticipated to be increasing with sea level rise

over the next 75 years. This setback allows for the front stairs to the residence to transition to grade at the front property line. Stairs and decks less than 30 inches off the ground are not required to meet setbacks and the front wall/entrance of the residence will be 6 feet, three inches from the front property line. More discussion regarding the bluff and wave uprush can be found below under the Hazards heading.

Granting the variance would not grant special privileges to the landowner and would rather provide privileges granted to neighbors by enabling the applicant to build a principally permitted structure. All of the neighboring properties have been developed with single family residences but few of the properties have been restricted as heavily by bluff setback requirements and have more standard lot shapes. The bulge of Sea Court uniquely affects the project parcel because the other structures on Sea Court were not required to adhere to any bluff setback and were able to adhere to the 20-foot front yard setback. If a line were to be drawn between the closest front corner of the two adjacent residences, the proposed structure would be almost 15 feet behind them if constructed without a variance.

Major Vegetation Removal: The removal of one Monterey cypress is proposed and is occurring in a Coastal Scenic Area. Evidence has been provided that the visual effects of the vegetation removal will be subordinate to the character of its setting. The Monterey cypress to be removed is a naturalized species and was likely planted as a landscaping feature. The tree's removal is subordinate to the character of the setting because the tree is not a key characteristic of the local landscape and because there is a more dominant Monterey cypress that will remain onsite. Additionally, the removal of the tree will provide better views of the ocean from the public road by creating an unobstructed visual corridor between the residence and the side property line.

Hazards: The proposed project is set on a coastal bluff and the seismic safety of the parcel is "Highly Unstable". The proposed project was assessed by SHN Consulting and Skelly Engineering to determine whether the project site was suitable for longer-term stability and geologic stability in the face of risk factors like bluff erosion, wave run-up, and failure of slope stability. They found that for the life of the project (75 years) minimal to no alterations of the landforms on site would be required to maintain structural integrity. Furthermore, the Architect designed the foundation so it would be able to withstand the highest projected wave runup and storm surge events and had it engineered so it will be able to withstand any erosion over the 75-year life of the project.

The project architect, working with the California Coastal Commission's engineers, assumed a maximum run-up of +37 feet and added a sea level rise factor of 5.5 feet to develop a theoretical maximum run-up of +42.5 feet above sea level. For the bluff setback, the Coastal Commission recommended a precautionary interpretation of the historical erosion rate plus an additional buffer against increased erosion as a result of sea level rise, concluding a minimum 10-foot setback from the bluff. The structure was designed to mitigate any potential hazards from a 42.5 foot wave uprush by designing the foundation and raising the living portion of the residence to allow a potential wave

inundation event to flow around and underneath the structure. See page A7 and A8 of the Building Plans (**Attachment 3D**). These restrictions, without the proposed Variance, would leave only a 12 x 44 ft area available for construction.

Visual Resource Protection/ Required Findings for Designated Coastal Scenic and Coastal View Areas

The finding required for the Designated Coastal Scenic and Coastal View Areas expect, to the maximum extent feasible, the project is sited so as not to interfere with public views to and along the ocean from public roads and recreation areas. According to the South Coast Area Plan, west of Lower Pacific Drive between Abalone Court and the drainage immediately north of Gull Point, no structure shall be over 20 feet in height unless expanded side yard view corridors are provided, as set forth by ordinance. The proposed structure is 20 feet tall.

Q-Zone Design Standards

The modifications imposed by the Q-Zone zone reclassification, referencing the official zoning map, changed the development standards such that the minimum yard setbacks are 20 feet in the front, 5 feet on the side, and 30 feet in the rear, with a 20-foot max building height. To meet development standards, a variance is included in the project to change the front setback from 20 feet to 6 feet, three inches.

Response to Public Comment:

The Planning Department received two comment letters from neighbors, as well as one response to comments from the project architect and one letter from the project applicant. The comments from the neighbors generally oppose the project and identified eight issues. The architect's letter was a response to the neighbor's opposition letter and provided a timeline and a narrative testifying to the thoroughness of the studies submitted as evidence to support the project, the engagement between the applicant and concerned agencies, and a rebuttal to the neighbor's arguments. The letter from the applicant described their enthusiasm for the development and the region and described some of their experiences with the neighbors. Overall, the public comments have not raised substantial evidence which would make it impossible to support the findings required to approve the permit; a summary of their comment follows.

First, the neighbors raised their concerns about the removal of the one Monterey cypress on the property. Their concern was not about its aesthetic value but rather they argue that it was a structural anchor for the bluff and property at 501 Sea Court. The submitted Soils Engineering Report addressed this issue in the recommendations, stating on page 9, "Where the removal of large trees is required, it will be necessary to remove all major root systems, then backfill the excavations with properly placed fill compacted to at least 90 percent relative compaction." As the project is conditioned to adhere to recommendations in the soils report, the removal of the tree will be done in accordance with engineering recommendations to ensure the structural integrity of the bluff and the property are maintained.

The second issue raised by the public states that the parcel sits amongst grandfathered property lines and encroaching upon these areas would conflict with historic lot usage, however the property lines are well established as identified in the grant deed and the record of subdivision map. The third issue raised is a claim that an underground stream is on the site, however this is not supported by the soils report nor the biological assessments prepared for the parcel. The fourth issue raised is an argument that removal of the cypress tree would leave the bluff and neighboring properties unprotected against storm surge and coastal flooding, however the wave uprush and bluff erosion hazards have been thoroughly addressed by the applicants contracted engineers and corroborated by the Coastal Commission, and there is no evidence to suggest that neighboring properties would be adversely affected by development of this parcel. The fifth issue is a statement that no soils report appears in the record, however the applicant has submitted a soils report as required by the Humboldt County Code. Sixth, the commenter claims that the approval of a single-family residence would contribute significantly to geologic instability and therefore the project should be denied, however the submitted geologic report and engineered foundation addresses and mitigates this risk. The seventh issue raised is regarding parking and right-of-way concerns, however the proposed parking arrangement is consistent with Humboldt County Code.

Finally, the commentor notified the County that the neighbors intend to appeal any decision to approve the project, which is within their right if they submit a formal application to the County Planning Department within ten working days of said action. This project could also be appealed to the California Coastal Commission.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 4)

RECOMMENDATIONS:

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning Staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Coastal Development Permit, Special Permits, and Variance. Staff recommends that the Planning Commission consider the findings of exemption and concur with the exemption from environmental impact review.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. Modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Planning Commission is unable to make all of the required findings. Planning Division Staff has stated that the required findings in support of the proposal have been made. Consequently, Planning Staff does not recommend further consideration of either alternative.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
2. Site Plan
3. Evidence in Support of Required Findings
 - A. 1. Soils Report
 2. Soils Report Addendum
 - B. Biological Assessment
 - C. Botanical Report
 - D. Daniels Residence Plans
 - E. Variance Request
 - F. Wave Uprush Report
4. Referral Agency Comments
 - A. Coastal Commission Comments
 - B. Additional Coastal Commission Comments
 - C. CDFW Comments
 - D. Public Works Comments
5. Public Comments
 - A. Applicant Letter
 - B. Neighbor Comment 1
 - C. Neighbor Comment 2
 - D. Architect Letter
 - E. Rebuttal

Applicant

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Please contact Collin Slavey, Assistant Planner, at 707-445-7245 or by email at cslavey@co.humboldt.ca.us, if you have any questions about the scheduled item.