



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: February 6, 2020

To: Humboldt County Zoning Administrator

From: John H. Ford, Director of Planning and Building Department

Subject: **Epstein Coastal Development Permit, Special Permit and Variance**
Case Number PLN-2019-15743
Assessor Parcel Number: 111-231-057
895 Lower Pacific Drive, Shelter Cove Area

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Please contact Alyssa Suarez, Planner, at (707) 268-3703, or by email at asuarez@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
February 6, 2020	Coastal Development Permit, Special Permit, and Variance	Alyssa Suarez

Project Description: A Coastal Development Permit to authorize the construction of a three (3) bedroom, two and a half (2.5) bath single-family residence with an attached 269 square foot single car garage. The first floor of the residence will be no greater than 1,079 square feet, and the second floor no greater than 475 square feet. A 72 square foot uncovered deck is proposed on the front of the residence, and a 345 square foot deck is proposed on the rear of the residence. A Special Permit is required for Design Review within the Coastal Zone pursuant to Section 313-19.1 of the Humboldt County Code. The height of the proposed residence is 23 feet. A Variance to reduce the front yard setback from 20 feet to 10 feet pursuant to Section 312-3.2 is requested to allow development outside of the VE Flood Hazard Zone. A Special Permit for a parking exception to reduce the required four parking spaces to three spaces due to site specific constraints pursuant to Section 109.1.2.12. A parking lane will be constructed along the frontage of the lot to accommodate two parking spaces. The vacant parcel is served community water and sewer provided by the Shelter Cove Resort Improvement District #1.

Project Location: The project is located in the Shelter Cove area, on the south side of Lower Pacific Drive, approximately 440 feet west from the intersection of Lower Pacific Drive and Gull Point, on the property known as 895 Lower Pacific Drive.

Present Plan Land Use Designations: Residential Low Density (RL), Density: Range is 1 to 7 units per acre, South Coast Area Plan (SCAP), 2017 General Plan, Slope Stability: High Instability (3).

Present Zoning: Residential Single Family, 5,000 square feet minimum parcel size, Development Standard 7: Setbacks 20' Front, 30' Rear, 5' Side, Qualified, Design Review (RS-5-S7-Q/D).

Case Number: PLN-2019-15743

Assessor's Parcel Number: 111-231-057

Applicant

Bradley Epstein
9255 Touchstone Court
Granite Bay, CA 95746

Owner

Same

Agent

Friesen Design Build
C/O Russell Friesen
PO Box 813
Fortuna, CA 95540

Environmental Review: Project is categorically exempt from environmental review per Section 15303(a) - New Construction or Conversion of Small Structures of the CEQA Guidelines.

State Appeal Status: Project is appealable to the California Coastal Commission.

Major Issues: Coastal Bluff Retreat; Sea Level Rise Hazards

EPSTEIN COASTAL DEVELOPMENT PERMIT, SPECIAL PERMIT, AND VARIANCE

Case Number: PLN-2019-15743

Assessor Parcel Number: 111-231-057-000

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the applications as a part of the consent agenda:

Find the proposed project consistent with Section 15303 (Categorical Exemption) of the CEQA Guidelines and make all of the required findings for approval of the Coastal Development Permit Special Permit, and Variance based on evidence in the staff report and any public testimony, and adopt the Resolution approving the project subject to the recommended conditions.

Executive Summary: The project consists of Coastal Development Permit to authorize the construction of a three (3) bedroom, two and a half (2.5) bath single-family residence with an attached 269 square foot single car garage. The first floor of the residence will be no greater than 1,079 square feet, and the second floor no greater than 475 square feet. A 72 square foot deck is proposed on the front of the residence, and a 345 square foot deck on the rear of the residence. A Special Permit is required for Design Review within the Coastal Zone pursuant to Section 313-19.1 of the Humboldt County Code. The height of the proposed residence is 23 feet. To address site constraints the project seeks to modify setback and parking standards. A Variance will reduce the front yard setback from 20 feet to 10 feet allowing the structure to be sited closer to the street. Because building placement will limit area for off-street parking a Special Permit is sought for a parking exception to reduce the required four parking spaces to three spaces due to site specific constraints pursuant to Section 109.1.2.12. A parking lane will be constructed along the frontage of the lot to accommodate two parking spaces. The parcel is served community water and sewer provided by the Shelter Cove Resort Improvement District #1.

The 0.13-acre parcel is located on the west side of Lower Pacific Road in the Shelter Cove area. Topographically, the site is essentially flat lying, located between Lower Pacific Road and the coastal bluff. The elevation of the project site is approximately 30 to 31 feet above sea level. The site is currently covered by grass, and ice plant is established 30 feet from the bluff edge. Aerial photographs from 1967 to 2019 show no significant change in the developable area of the lot. Observations of the bluff edge show negligible bluff retreat between the 1967 air photo dataset and present-day observations. Adjacent parcels share similar zoning classifications and lot size, and are host to residential development. The parcel is located within the Appeals Jurisdiction of the California Coastal Commission and therefore requires a public hearing. The parcel is zoned Residential Single Family (RS), and the proposed residence is a principally permitted use. The parcel has a Design Review (D) combining zone, and the project is consistent with Design Review standards.

The proposed Variance will allow for the residence to be built 10 feet from the front property line rather than the required 20 feet. This reduced setback will better accommodate the residence, reduce the amount of grading required, and allow the residence to be developed fully outside of the VE Flood Hazard Zone. Instead, the residence will be located in the D Zone – Areas of Undetermined Flood Hazard. Additionally, this parcel shares characteristics and lot size similar to other residentially zoned parcels in the surrounding vicinity that have a ten (10) foot and two (2) foot front yard setback, and are subject to regulations for the D flood zone.

Per the written justification submitted, the Variance is necessitated by circumstances arising from the recent VE Flood Hazard Zone designation on parcels along the coastal bluff. Under Section 312-3.2 of the Humboldt County Code, variances may be granted in special circumstances applicable to the property by providing a measure of flexibility where certain physical constraints or conditions specific to a property exist, such as size, shape and location or surroundings. The Code requires that any relief provided through an exception to standards not constitute a "grant of special privilege" and allows the Hearing Officer to impose such conditions as it finds necessary to maintain parity with other property owners under like zoning.

The VE flood zone presents physical limitations affecting the height of development compared with other lots of similar zoning classifications that have a reduced front yard setback. The required zoning setback for the front yard is 20 feet. Applying the required zoning setbacks creates a building area located in the VE Flood zone and subject to the Base Flood Elevation (BFE), which is 11 feet. Additionally, any development must accommodate sea level rise projections, adding an additional 4.2 feet in height to any structure that is proposed on the parcel. The lot is located in a designated Coastal View Area with a maximum building height requirement of 20 feet, this leaves a building height of approximately 5 feet to accommodate a structure. The surrounding area is developed with single family residences, many of which have a reduced setback of 2 feet due to the size of the lots and the buildable areas. Additionally, a reduced setback would allow the applicant to be subject to the D Flood Hazard Area, which is not subject to BFE requirements.

Following circulation of referrals to various agencies, comments were received from staff at the Coastal Commission. A concern raised by the Coastal Commission was the suitability of the building site considering the potential for sea level rise, particularly wave run-up and flooding hazards. Based on these comments, a Sea Level Rise (SLR) Analysis was conducted to supplement the R-1 Geologic Hazard Evaluation and Geotechnical Engineering Report and address the concerns of wave run-up and flooding that may be triggered by sea level projections. The report uses a medium risk aversion scenario with a 5% probability that SLR meets or exceeds the projections identified by the State. Using the 5% probability, along with a 75-year design life, the projected SLR for the project is 4.2 feet. Based on these projections, the applicant proposes the residence to be built at 4.5 feet above the existing grade to mitigate the hazards associated with sea level rise hazards.

All of the reviewing agencies have either recommended approval or conditional approval of the project. Accordingly, the Department has determined that the project, as proposed and conditioned, will not have a significant effect on the environment.

The project is consistent with the Humboldt County General Plan, the South Coast Area Plan, and the H.C.C. for the following reasons: 1) the proposed residence is allowed in the Residential Low Density (RL) land use designation and is a principally permitted use in the Residential Single Family (RS) Zone; 2) findings for the variance may be made based on the submitted evidence and with the grant of this exception the proposed development complies with applicable development standards of the zone, 3) All referral agencies have recommended approval or conditional approval of the project, and 4) There is no evidence that the proposed development will negatively impact the environment. The Department believes that the project may be found Categorically Exempt from environmental review pursuant to Section 15303 [New Construction or Conversion of Small Structures] of the California Environmental Quality Act (CEQA), because the project is for the new construction of a single-family residence in a residential zone.

Based upon the on-site inspection, 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 approving the Coastal Development Permit, Special Permit, and Variance.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if the applicant is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Case Number: PLN-2019-15743
Assessor Parcel Number: 111-231-057**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Epstein Coastal Development Permit, Special Permit, and Variance

WHEREAS, Bradley Epstein submitted an application and evidence in support of approving a Coastal Development Permit, Special Permit, and Variance for a single-family residence; and **WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is categorically exempt from environmental review pursuant to Section 15303(a), New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit, Special Permit, and Variance (Case Number PLN-2019-15743); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on February 6, 2020.

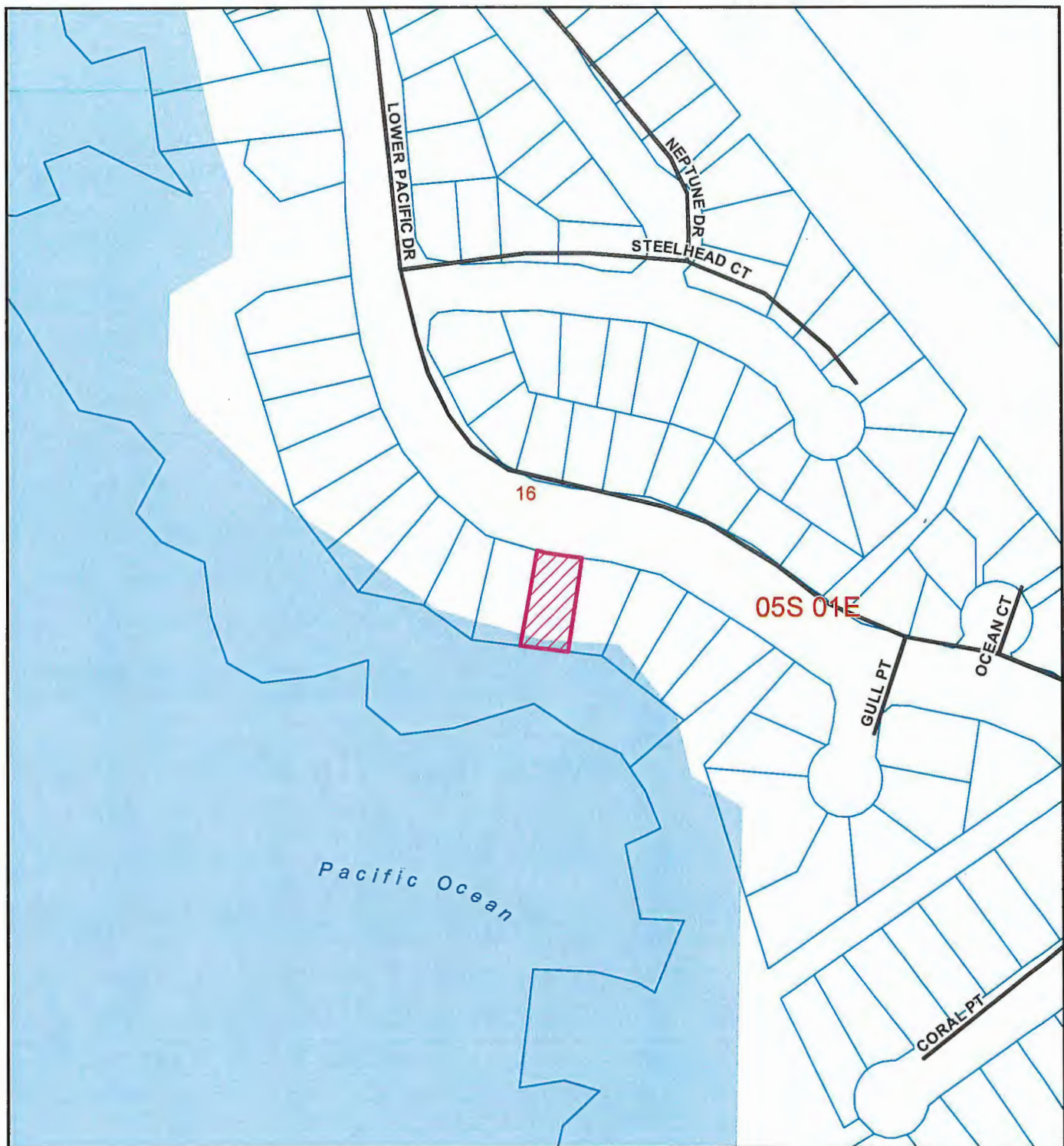
NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator:

1. Finds that the application is categorically exempt from environmental review pursuant to Section 15303(a), of the CEQA Guidelines; and
2. Makes the findings in Attachment 2 of the Planning Division staff report for Case Number PLN-2019-15743 based on the submitted evidence; and
3. Approves the Coastal Development Permit, Special permit, and Variance applied for as recommended and conditioned for Case Number PLN-2019-15743

Adopted after review and consideration of all the evidence on February 6, 2020.

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John H. Ford
Zoning Administrator
Planning and Building Department



LOCATION MAP

PROPOSED EPSTEIN
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
SHELTER COVE AREA

PLN-2019-15743

APN: 111-231-057

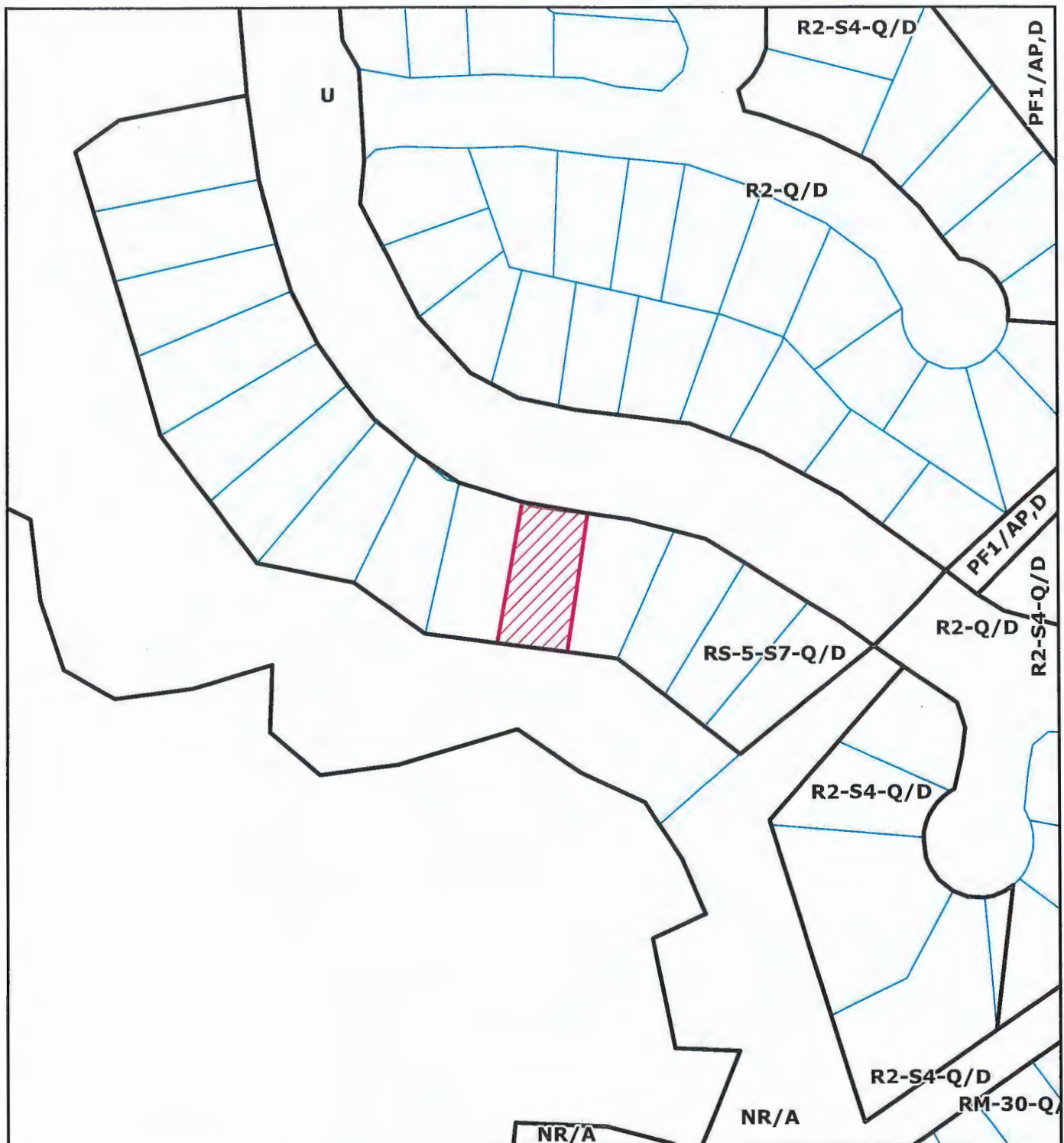
T05S R01E S16 HB&M (Shelter Cove)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 50 100 150 200 Feet




ZONING MAP

**PROPOSED EPSTEIN
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
SHELTER COVE AREA
PLN-2019-15743
APN: 111-231-057
T05S R01E S16 HB&M (Shelter Cove)**

Project Area = 

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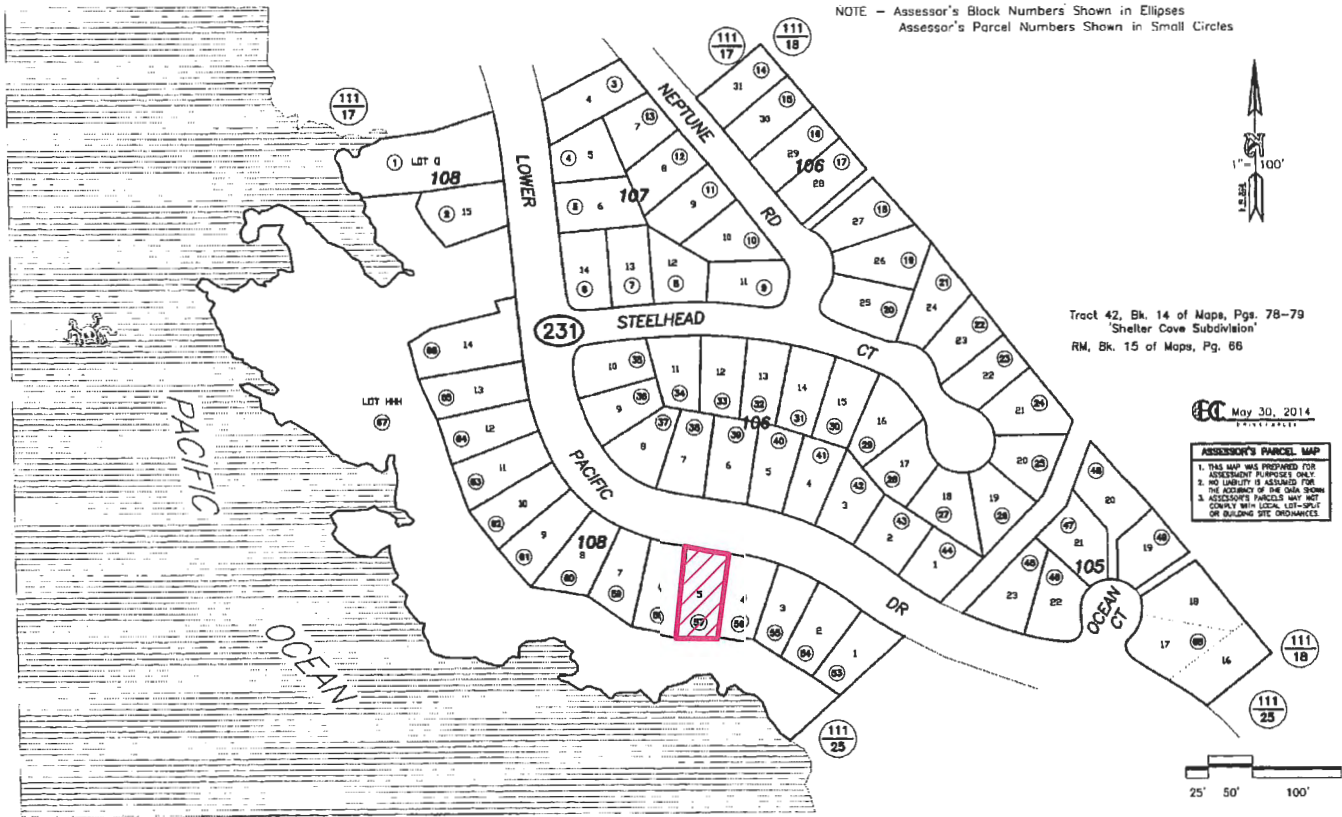
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 Feet

Assessor's Map Bk. 111, Pg. 23
County of Humboldt, CA.

POR. OF SEC. 16, T5S R1E, H.B.& M.

111-23

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



ASSESSOR PARCEL MAP

**PROPOSED EPSTEIN
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
SHELTER COVE AREA
PLN-2019-15743
APN: 111-231-057
T05S R01E S16 HB&M (Shelter Cove)**

Project Area = 

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MAP NOT TO SCALE




AERIAL MAP

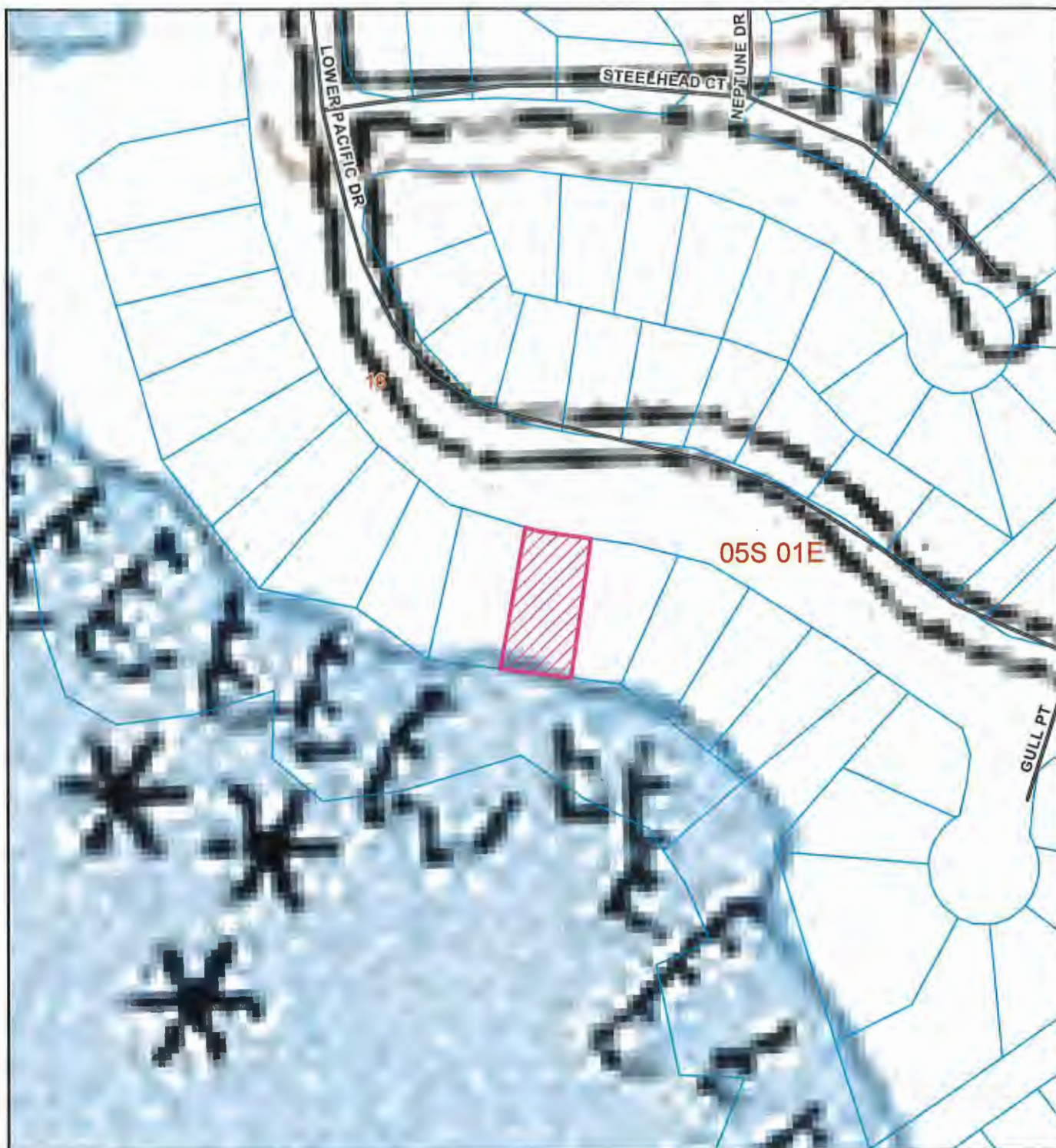
**PROPOSED EPSTEIN
COASTAL DEVELOPMENT PERMIT &
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SHELTER COVE AREA
PLN-2019-15743
APN: 111-231-057
T05S R01E S16 HB&M (Shelter Cove)**

Project Area = 

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0 25 50 75 100
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TOPO MAP

PROPOSED EPSTEIN COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT SHELTER COVE AREA

PLN-2019-15743
APN: 111-231-057

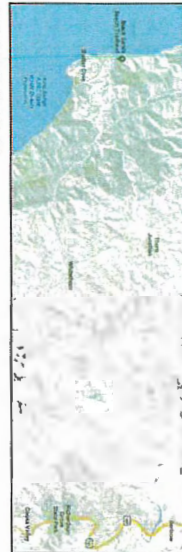
T05S R01E S16 HB&M (Shelter Cove)

Project Area = 

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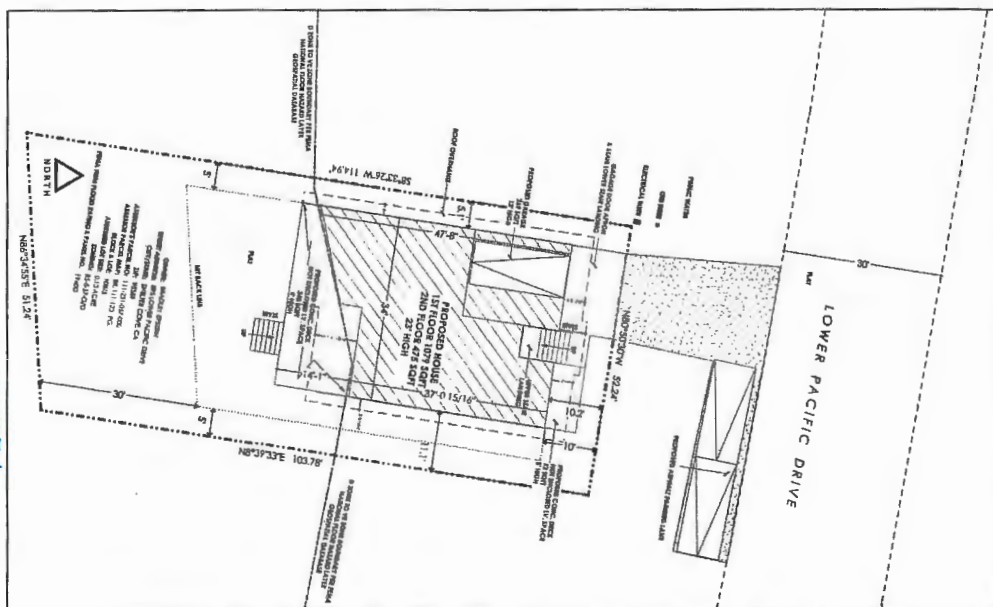
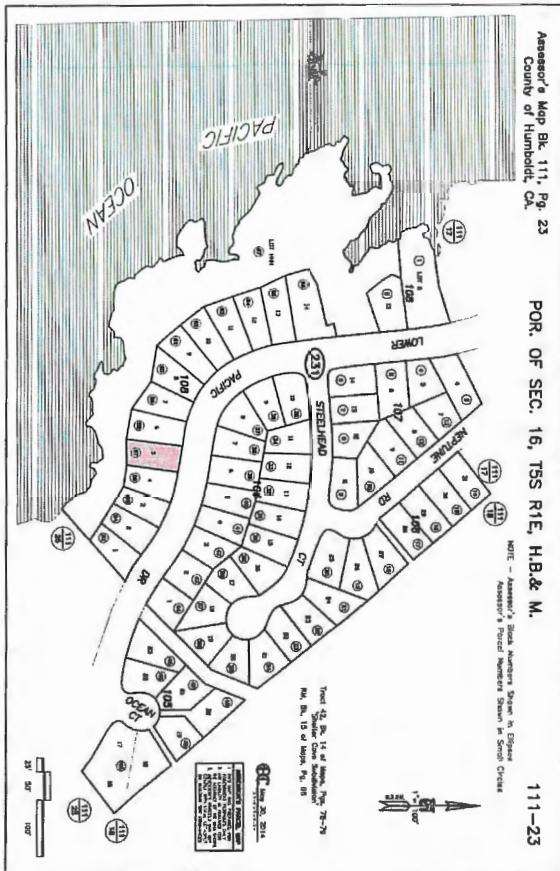
0 25 50 75 100 125
Feet



VICINITY MAP #1



VICINITY MAP #2



SITE PLAN
SCALE: 1" = 10'-0"

50854

1a	Cherry tree
1b	Red pine
1c	Red pine
1d	Red pine
1e	Red pine
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26m	Red pine
26n	Red pine



Friesen Design Build, LLC
Ph: (707) 725-1999
Fax: (707) 725-1991
info@friesendb.com
115 Main Street
Fortuna, CA 95540

A PROJECT OF NALDI

Epstein Residence
 [First Name and Last Name]
 [Main contact number]
 [Site street address]
 [City], [ST] [Zip]
 APN: [Parcel Number]

NOTES:

This site plan is based on SHN Topographic Survey dated May, 2019.

Building layout is based on Friesen Construction plans.

D ZONE TO VE ZONE BOUNDARY PER FEMA NATIONAL FLOOD HAZARD LAYER (NFHL) ON LINE VIEWER COUNTY GIS DATA DOWNLOAD. LAYER: S_FLD_HAZ_LN TRANSLATED FROM LAT/LONG TO CALIFORNIA COORDINATES WITHIN CIVIL 3D. LINE APPEARS TO MOSTLY FOLLOW ELEVATION 31.7 FEET NAVD88.

ANTHONY & MARY FRIEBERG
887 LOWER PACIFIC DRIVE
APN 111-231-058
BLOCK 108 LOT 6

Site Plan

Scale 1" = 10'



LOWER PACIFIC DRIVE

PROPOSED CONCRETE
DECK, NOT ENCLOSED
LIVING SPACE.

PROPOSED CONCRETE
DECK, NOT ENCLOSED
LIVING SPACE.

MONICA HOUSE
905 LOWER PACIFIC DRIVE
APN 111-231-056
BLOCK 108 LOT 4

BRADLEY EPSTEIN
895 LOWER PACIFIC DRIVE
APN 111-231-057
BLOCK 108 LOT 5

O&A
ONTIVEROS & ASSOCIATES
CIVIL ENGINEERS AND ARCHITECTS

400 N. Harbor Blvd. - Fullerton, CA 92640
Phone (714) 770-4110 - Fax (714) 770-4111
California License No. 101,014



**BRAD EPSTEIN -
FRIESEN
CONSTRUCTION**

895 Lower Pacific Drive
Shelter Cove, CA 95589

**FRIESEN - EPSTEIN
RESIDENCE**

APN: 111-231-057

**FEMA D ZONE
TO VE ZONE
BOUNDARY**

MARK	DESCRIPTION	DATE

PLOT INFORMATION
DRAWING FILE: P:\15743 EPSTEIN - 895 LOWER PACIFIC
DRIVE\15743 EPSTEIN - 895 LOWER PACIFIC
DRAWING: 15743-01.DWG
PLOT DATE: 12/04/2019 11:01 AM
NAME: BKO

SUBMITTAL STATUS
PERMIT SUBMITTAL

PROJECT NO: 15-080
DATE: 12/05/2019
DRAWN BY: BKO
CHECK BY: BKO

C1

SHEET 1 OF 1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The conditions on the Public Works referral dated December 20, 2019 Revised included herein as Exhibit A shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
2. The project shall comply with all recommendations outlined in the R-1 Geologic Hazard Evaluation and Geotechnical Engineering Report, dated July 2019, by SHN Consulting Geologist and Engineers.
3. Irrigation seaward of the residence should be limited, and drainage is required to be directed toward Lower Pacific Drive to minimize concentrated drainage at the face of the bluff. Prior to final issuance of a Building Permit, the applicant shall submit a drainage plan that incorporates these requirements into the grading plans provided to the Building Inspection Division, and submitted for review by the Planning Division.
4. The applicant shall incorporate Best Management Practices (BMPs) for erosion and sediment control as set forth in the County's Grading Ordinance (HCC Section 331-12.H.6(c)), including the following measures:
 - a. Use dust control techniques when excavating to minimize dust problems on adjacent parcels;
 - b. Reseed disturbed areas prior to winter rain; and
 - c. Take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties. This may require the application of gravel or other acceptable surface treatment to construction access and turnaround areas to the satisfaction of the Building Official.
5. The applicant shall submit three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be a minimum of 11 inches by 17 inches (11" x 17"). The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include the following site development details:
 - A. Mapping
 - (1) Property Boundaries, footprint of residence, garage, and related improvements / all buildings and structures and areas targeted for development, including driveway areas.
 - (2) The edge of the bluff and minimum 30-foot bluff setback defined in the July 2019 R-1 Geologic Hazard Evaluation and Geotechnical Engineering Report prepared by SHN Consulting Geologist and Engineers.
 - (3) All lot setbacks, including the modified side yard setback of 11.1 feet with a notation that this setback shall be maintained for the life of the project to conform to the building height exception.

B. Notation

- (1) "The site of the grading is not located within an area where known cultural resources have been located. As there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover). Pursuant to California Health and Safety Code Section 7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.

- (2) "Re-seed and mulch all disturbed areas following construction activities. All exposed areas must be seeded and mulched prior to October 1st.
 - (3) "NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139 of the Humboldt County Code (H.C.C.) shall require a coastal development permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations."
 - (4) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
 - (5) "The minimum 30-foot bluff setback shall remain in open space / undeveloped."
 - (6) "No bluff or shoreline protective devices shall be constructed to protect the development on the parcel."
 - (7) "Irrigation seaward of the residence shall be limited and directed toward Lower Pacific Drive."
 - (8) "In order to address drainage and potential erosion, the R-1 Report identifies mitigation measures that must be adhered to for the life of the project, including, but not limited to:
 - a) Maintaining existing ice plant that acts as erosion control
 - b) Designing the finished grade to allow sheet runoff rather than concentrated runoff
 - c) Perform site work and vegetation establishment during seasons not subject to repeated or prolonged rainfall."
6. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$135.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
 7. The applicant shall dedicate an overflight easement to Resort Improvement District #1 or secure a waiver from this easement requirement from that agency. Written confirmation of the dedication or the issuance of a waiver from the RID will satisfy this condition.

Ongoing Requirements/Development Restrictions which Govern the Life of the Project:

1. The project shall be conducted in accordance with the project description and approved project site plan.
2. The applicant shall adhere to the terms of the State Responsibility Area (SRA) Standard Exception for small parcels as approved by the California Department of Forestry and Fire Protection, including maintenance of all fuel modification and construction mitigation measures for the life of the project.
3. All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
4. New utilities shall be installed underground, when feasible.
5. The proposed deck on the frontage of the residence shall not encroach more than six (6) feet into the front yard setback, and shall remain uncovered.
6. By acceptance of this permit, Case No. PLN-2019-15743, the applicant agrees, on behalf of himself/herself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to this Permit including, but not limited to, the single family residence, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicant hereby waives, on behalf of herself and all successors and assigns, any rights to construct such devices that may exist under applicable law.
 - A. By acceptance of this Permit, the applicant further agrees, on behalf of himself/herself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, if the County or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the single family residence are currently and permanently unsafe for occupancy or use due to coastal hazards, and that there are no measures that could make the structures suitable for occupancy or use without the use of bluff or shoreline protective devices. If any portion of the development authorized by this permit at any time encroaches onto public property, the permittee shall either remove the encroaching portion of the development or apply to retain it. Any application to retain it must include proof of permission from the owner of the public property. The permittee shall obtain a CDP for removal of approved development, unless the Planning Director provides a written determination that no CDP is legally required.
 - B. In the event that the edge of the bluff-top recedes to a point where any portion of the structure becomes threatened, but no government agency has ordered that the structures not be occupied or used, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist, retained by the permittee, that addresses whether any portions of the authorized development are threatened by coastal hazards. The report shall identify all those immediate or potential future measures that could stabilize the development without bluff or shoreline protective device(s), including, but not limited to, removal or relocation of portions of the residence. The report shall be submitted to the Planning Division and the appropriate local government officials. If the geotechnical investigation concludes that any portion of the residence is unsafe for operation or use, the permittee shall, within 90 days of

submitting the investigation, apply for a coastal development permit amendment to remedy the hazard.

- C. Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Planning Division for the review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a CDP or permit modification.
7. Prior to issuance of Building Permits, the applicant shall submit to the Planning Division for review and approval documentation demonstrating that the applicants have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Director: (a) indicating that, pursuant to this permit, the County has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (b) imposing the Conditions of Approval of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
8. New Development Requires a Permit. Any new development as defined by Section 313-139.6 of the Humboldt County Code (H.C.C.) shall require a Coastal Development Permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.

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 Tribal Historic Preservation Officer at The Bear River band of the Rohnerville Rancheria 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.

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, groundstone 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. According to the site plan submitted by the applicant, a portion of the neighboring residence located on APN 111-231-056 encroaches onto the subject lot. The subject lot has not been surveyed by a professional land surveyor, thus the lines depicted on the site plan may not reflect true property boundaries. The development described in this permit does not authorize the structure that encroaches onto the lot as part of the development described herein.
3. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
4. The Coastal Development Permit shall expire and become null and void at the expiration of one (1) year 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.
5. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover processing of the project shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 1 – EXHIBIT A
PUBLIC WORKS REQUIREMENTS



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE
WEB: CO.HUMBOLDT.CA.US

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	287-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Alyssa Suarez, Planner, Planning & Building Department

FROM: Kenneth Freed, Assistant Engineering *[Signature]*

DATE: 12/20/2019

RE: **EPSTEIN; APN 111-231-057, APPS# PLN-2019-15743-CDP**

ROAD: Lower Pacific Drive (4A040) is paved approximately 20 feet wide within a 60 foot wide public right of way along the front frontage of the lot. The topography of the right of way will allow for the development of an asphalt concrete parking lane.

SITE PLAN: The Department has received a site plot plan that does not show or dimension the width of the County road right of way. To meet the County visibility ordinance the garage face shall be a minimum of ten feet (10') back from the property line.

MS4 AREA: 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 2.0 (06/30/2016), Part A, Table 1]

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 I.B (State Water Resources Control Board Resolution 2012-0031 as amended 6/19/2012).

AIRPORT: While the airport is maintained by the Resort Improvement District, the Department of Public Works assist the Airport Land Use Commission in determining if a project is compatible with the Airport Land Use Compatibility Plan (ALUCP). In Humboldt County, the Airport Land Use Commission consists of the Board of Supervisors (see Board of Supervisors Agenda item for 05/19/1981 *Airport Land Use Commission; Approved Recommendations*). The ALUCP for the

Revised response

Shelter Cove Airport was last modified by the ALUC on 08/19/1997 which enlarged the Zone B1. The Department typically reviews three items for compliance with the ALUCP:

1. **ALUCP compatibility.** The subject property is located entirely within Zone B1 Land Use Compatibility Plan for the Shelter Cove Airport.

Airspace Cert. shows compliance with Section 333-1. & ALUCP.

2. **Aviation/Overflight/Deed Notice Requirements.** Pursuant to the Compatibility Plan, an overflight easement is typically required to be ded: Improvement District.

RID not issuing over-deeds flight easements at this time
(Phone call w/ Justin 1/6/20 & Sue)

3. **Compliance with County Code section 333-1 et seq. Airport Approach Zone Building Height Limitations.** The subject property is located within the area covered by County Code section 333-1 et seq. No information has been provided by the applicant that indicates that the project complies with County Code Section 333-4. If required, the applicant may request a variance pursuant to County code Section 333-8.

The following conditions are recommended: Our review of this project is limited to what is shown on the submitted plot plan. If other facilities not shown on the plot plan will be constructed, contact this Department immediately for approval before construction. This Department has regulations regarding facilities such as retaining walls, fence site visibility, drainage culverts, and parking lanes within the County right of way. This Department has included general statements for facilities that may not be included on the plot plan.

(1) Applicant must apply for and obtain an encroachment permit for the construction of a residential driveway and parking lane on Lower Pacific Drive. [reference: County Code section 411-11 (a)(b)]

(2) The permit will require the driveway entrance 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)]

(3) 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. Parking lane shall be constructed along the length of the lot frontage with tapers at both ends. 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.]

(4) Site visibility must be maintained at the driveway entrance. [reference: County Code section 341-1 et seq.]

(5) 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]

(6) Applicant shall be responsible to correct any involved drainage problems within the County road right of way to the satisfaction of this Department.

(7) 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 2.0 (06/30/2016), Part A, Table 1]

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 I.B (State Water Resources Control Board Resolution 2012-0031 as amended 6/19/2012).

(8) Demonstrate compliance with County Code Section 333-1 et seq. by:

a) Prior to issuance of a building permit, the applicant shall submit an elevation plan to the Planning & Building Department. The elevation plan shall include the proposed structure, show the proposed pad elevation, show the elevation for the high point for the building; and the approach surface, the horizontal surface, the conical surface or the transitional surfaces as defined in County Code 331-1 et seq. The elevation shall be taken perpendicular to the runway centerline and through the highest point of the proposed structure. The elevation plan shall be tied to the datum of the runway endpoint elevation.

The building permit shall not be issued until it is demonstrated that the proposed building will not exceed the height limitations in County Code Section 333-1 et seq.

b) If the height of the proposed structure is within 10 feet of the height restrictions set forth in County Code 333-1, then prior to the foundation form inspection, the applicants' engineer (or surveyor) shall submit a certification indicating that the pad has been graded to the elevation shown on the elevation plan.

c) If the height of the proposed structure is within 10 feet of the height restrictions set forth in County Code 333-1, then prior to the building permit final inspection, the Applicants' engineer (or surveyor) shall provide "as-built" cross sections and certify that the building does not penetrate any air surfaces pursuant to County Code Section 333-1 et seq.

Informational Notes (not a requirement):

- (1) The location of the garage as shown on the site plan results in a driveway that will be too short to park a vehicle completely out of the County right of way. The State of California Vehicle Code prohibits perpendicular parking within the County right of way on Lower Pacific Drive. This means that the driveway could not be used for the parking of most vehicles due to a portion of the vehicle being parked perpendicular in the right of way.

// END //

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

The Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit, Special Permit and Variance:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:
 - 1) the reduction is consistent with the adopted general plan including the housing element; and
 - 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and
 - 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a) is categorically or statutorily exempt; or
 - b) will not have a significant effect on the environment and a negative declaration has been prepared; or
 - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.
7. The County Zoning Ordinance, Section 312-17.2 of the Humboldt County Code specifies the findings that must be made to grant a Variance:
 - a) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same zone in the vicinity;

- b) The strict or literal interpretation and enforcement of specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- c) The granting of the variance will not constitute a grant of special privilege inconsistent with the limitation on other properties classified in the same zoning district;
- d) The granting of the variance or its modification will not materially detrimental to the public health, safety, or welfare; and
- e) If the project is in the Coastal Zone, the development for which the variance is proposed will be in conformity with the Coastal Land Use Plan.

1. General Plan Consistency. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the South Coast Area Plan (SCAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence which Supports Making the General Plan Conformance Finding
Land Use: §5.20 (SCAP)	Residential Low Density (RL): Detached single family residences are a principal use. Density: 3-7 units per acre.	The proposed project is for the construction of a single-family residence in a residential area and does not exceed density standards. The project is in conformance with the RL designation.
Urban Limits: §3.21 (SCAP)	New development shall be located within existing developed areas or in areas with adequate public services.	The property is served community water, sewer, and electricity by the Shelter Cove Resort Improvement District #1.
Housing: §3.26 (SCAP)	Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.	The parcel was included in the 2014 RHNA Housing Survey and the proposed project would add one residential unit to the County's housing inventory. The project is consistent with the Housing Element of the General Plan.

<p>Hazards: §3.28 (SCAP)</p>	<p>New Development shall:</p> <ol style="list-style-type: none"> 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 areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. 	<p>The parcel is within a high slope instability area (3) due to the location on the coastal bluff, and has an average slope of less than 2 percent. The applicant has submitted an R-1 Geologic Hazard Evaluation and Geotechnical Engineering Report, dated July 2019, prepared by SHN Consulting Geologists and Engineers. The R-1 report explains that no evidence of slope instability was observed, and a low risk of slope instability was concluded provided that adequate setbacks from the coastal setback are established. The recommended coastal bluff setback is a minimum of 30 feet, although it is noted this setback may not adequately address storm surf or tsunami hazards. The proposed variance would allow development to be sited further away from the coastal bluff, at approximately 40 feet. In order to address drainage and potential erosion, the R-1 Report identifies mitigation measures that must be adhered to for the life of the project, including, but not limited to:</p> <ol style="list-style-type: none"> 1. Maintaining existing ice plant that acts as erosion control 2. Designing the finished grade to allow sheet runoff rather than concentrated runoff 3. Perform site work and vegetation establishment during seasons not subject to repeated or prolonged rainfall <p>As requested by Coastal Commission staff, the applicant has submitted a Sea Level Rise Analysis to supplement the R-1 report to address flood hazards associated with SLR. Per Flood Insurance Rate Map (FIRM) #06023C1940, the parcel is in an area of high flood hazard (VE) and areas of unknown flood risk (D). The applicant is requesting a variance to reduce the front yard setback from 20 feet to 10 feet to avoid construction within the VE Flood Zone. Development would take place in Zone D. The residence will be constructed 4 feet and 5-6 inches above the existing grade to accommodate sea level rise projections (5% probability SLR meets or exceeds projections). The SLR analysis conducted for the project has been reviewed by the Coastal Commission, who have determined that designing the structure based on the 5% probability alone was not sufficient for safeguarding the development against hazards. Therefore,</p>
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		<p>enforceable conditions have been required for project approval. These include restrictions of shoreline protective devices/structures; requirements that the structures should be removed if government agencies find them unsafe for occupancy; requirements for a geotechnical investigation report in the event the bluff recedes and any portion of the structure becomes threatened; and in the event that removal of any threatened structures must be removed, a plan of removal should be submitted and reviewed for County approval. The applicant is also required to record a restriction against the property to ensure these conditions run with the land and so future property owners are aware of these restrictions. In order to assure stability and structural integrity of the building site, the project has also been conditioned to limit seaward irrigation toward the coastal bluff. The applicant must incorporate this as part of a drainage plan prior to final issuance of a Building Permit.</p> <p>The parcel is within a high wildland fire area, the State Response Area (SRA) for wildland response, and within the Shelter Cove volunteer Fire Protection District for structural fires. The parcel qualifies for exemption from SRA setbacks, due to the parcel size of less than one acre.</p>
Biological Resources: §3.41 (SCAP)	Protect designated sensitive and critical resource habitats.	<p>According to the California Natural Diversity Database, the parcel is within the habitat range of the Whitney's farewell-to-spring (<i>Clarkia amoena</i> ssp. <i>Whitneyi</i>) and the obscure bumble bee (<i>Bombus caliginosus</i>). The parcel consists of landscaping vegetation, and non-native ice plant (<i>Carpobrotus edulis</i>), which provides effective erosion control along the bluff crest. Maintaining this resource is an ongoing requirement for the life of the project. Responding referral agencies did not cite any issues regarding biological resources, except sea level rise concerns and geologic stability, which has been addressed above.</p>

Cultural Resources: §3.29 (SCAP)	Protect cultural, archeological and paleontological resources.	The proposed project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria. According to Bear River, no cultural resources are associated with the parcel. The standard inadvertent discovery protocol has been added as a condition of approval.
Visual Resources: §3.42 (SCAP)	Protect and conserve scenic and visual qualities of coastal areas.	The subject parcel is located in a designated coastal, view area. Design Review was conducted for the project and the project meets all requirements. Section 3.42 (D) of the SCAP states "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." Extended side yard views have been provided to allow for a structure height over 20 feet. The proposed residence is not expected to impact scenic and visual qualities, as it is similar to existing development along the coastal bluff.
Access: §3.50 (SCAP)	Development shall not interfere with the public's right of access to the sea.	According to the SCAP, there is an underdeveloped trail beginning at Lower Pacific Drive. Parking is available but limited to the street. Access is presently through "greenbelt" areas designated for public access. The proposed residence will not interfere with right of access to the sea, as there is not a safe access point on the subject parcel, and it is not identified as a designated bluff top trail per Section 4.30 #76 of the SCAP.

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms to all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel has been determined to be one legal parcel, described as Lot 5, Tract 48 of the Shelter Cove Subdivision; Book 14 of Recorded Maps, Page 78, executed January 1965.
§ 313-6.1 Residential Single Family (RS)	Single-family homes are the principally permitted use.	The proposed project is for the development of a single-family residence in an area where urban level services are available. The proposed residence is in conformance with the RS Zone.
Minimum Lot Size	5,000 square feet	0.13 acres (~ 5663 square feet)

Minimum lot Width	50 feet	Approximately 51 feet
Maximum Lot Depth	3 x lot width = 153 feet	±110 feet
Maximum Density	One dwelling unit per lawfully created lot	One (1) dwelling unit is proposed
Minimum Yard Setbacks:	Front: 20 feet Rear: 10 feet Sides: 5 feet	<p>Front: 10 feet Rear: Approximately 40 feet Sides: 5.1 feet (south); 11.1 feet (north)*</p> <p>*Setback modified - see discussion of maximum structure height below)</p> <p>Note: A portion of the neighboring property owner's residence encroaches onto the subject parcel, and within the rear setback. The permit does not authorize this structure. Additionally, a deck will extend into the front setback, and a deck and stairway will extend into the rear setback of the lot, pursuant to Section 313-99.1.1.3.2 of the Humboldt County Code.</p>
Maximum Ground Coverage	Thirty-five Percent (35%)	±28%
Maximum Structure Height	20 feet	The height of the proposed residence is a maximum 23 feet. Design Review Standards (Section 19.1.5.1.3) allow for building heights to be increased one foot for each two feet of total additional side yard that is provided in excess of the required five feet side yards, to a maximum allowable height of 24 feet. The applicant has proposed a north side setback of 11 feet to allow for the increase in building height over 20 feet.

<p>§313-109.1 Off-street Parking</p> <p>§109.1.2.12 Exceptions by Petition</p>	<p>Four (4) off-street parking spaces are required.</p> <p>Exceptions may be granted by the hearing Officer based upon the following factors: (1) geographic location of site; (2) site specific topographic constraints.</p>	<p>The applicant has requested a Parking Exception due to the limited lot size. Additionally, there are site specific topographic constraints that limit the developable area of the lot, including the VE flood zone, and required setbacks from the coastal bluff. The applicant has requested that a minimum of three (3) parking spaces suffice. Three (3) spaces are depicted on the site plan with one (1) in the garage, and an additional two (2) spaces with the construction of one (1) parking lane along the frontage of the lot within the road right-of-way as permitted by Section 313-109.1.4.1.1.3. The Department of Public Works has conditionally approved the project, and the applicant is subject to the conditions described in Exhibit A of the Conditions of Approval.</p>
Combining Zones		
<p>§313-32 "Q" Qualified</p>	<p>Prohibits second units, detached accessory structures constructed prior to the completion of the primary residence, and exterior storage.</p>	<p>The project is for the construction of a two-story single-family residence and an attached garage. No secondary units, detached accessory structures or outside storage facilities are proposed.</p>
<p>§313-19.1 "D" Design Review</p> <p>5.1 Consistency with the applicable elements of the General Plan.</p>	<p>The project is consistent and compatible with the visual resource element of the General Plan. The project shall be compatible with existing development in the immediate neighborhood.</p>	<p>The Neighborhood Design Survey submitted by the applicant surveyed six (6) residences in the vicinity, and indicates that the neighboring residences are a mix of architectural styles and exterior treatments that are single, double, and triple-story, ranging from 16' to 30' in height. The proposed residence is considered consistent with the neighborhood as it would be a double-story contemporary style, approximately 23 feet in height with stucco exterior walls, and commercial vinyl roofing.</p>
<p>5.2 Protection of Natural Landforms</p>	<p>To minimize alterations due to cutting, grading filling and clearing, except to comply with fire, hazard regulations.</p>	<p>Grading would be required for the project. The applicant is required to implement Best Management Practices for erosion control, as well as recommendations for drainage and erosion control detailed in the R-1 report which have been incorporated as Conditions of Approval.</p>

5.3 Exterior Lighting	All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.	This has been included as a Condition of Approval as an on-going development restriction.
5.4 Landscaping	Screening or softening the visual impact of new structures through landscaping; preferably with native vegetation.	Tree removal is not proposed as part of the project. The architectural style and height of the proposed residence is within range of the neighboring residences and the visual impact on neighboring parcels would be insignificant.
5.5 Underground Utilities	Where feasible, new utilities shall be underground or sited unobtrusively if aboveground.	Underground utilities for the proposed project include water and sewer connections.
5.6 Setbacks	Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area.	A variance has been requested to reduce the front yard setback from 20 feet to 10 feet. The applicant has submitted the proper evidence in support of the variance. The proposed setback will not impact scenic and visual resources, as mentioned in the General Plan Consistency discussion above. All other setbacks meet or exceed zoning requirements.
5.7 Off-Premise Signs	Off-premise signs shall be designed attractively and in a style compatible with the neighborhood setting.	No off-premise signs are proposed as part of this project.

§313-19.1.8 Additional Standards Applicable to Shelter Cove	
1. Residences must be constructed to a minimum width of 20'.	The proposed residence is greater than 20 feet wide.
2. Foundations must meet UBC requirements for seismic zone IV.	This is a requirement of the Building Permit.
3. Eaves shall overhang a minimum of 12".	The proposed eaves are to overhang 24".
4. Exterior walls and roofing materials shall not be constructed of reflective, unfinished metal or galvanized metal.	The exterior walls will be stucco and the roofing materials will be commercial vinyl.

4. Public Health, Safety and Welfare, and 5. Environmental Impact. The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	All reviewing referral agencies have approved or conditionally approved the proposed development. No detrimental effects to public health, safety and welfare were identified. The proposed development is not expected be detrimental to property values in the vicinity nor pose any kind of public health hazard.
CEQA Guidelines	Categorically exempt from State environmental review.	The proposed project is categorically exempt from environmental review per Section 15303(a) - New Construction or Conversion of Small Structures of the CEQA Guidelines. None of the exceptions to the exemptions per Section 15300.2 of the CEQA Guidelines apply.

6. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed project is for the construction of a single-family residence on a vacant parcel. The parcel was included in the Housing Inventory used by the Department of Housing and Community Development in determining compliance with Housing Element law. The proposed project will add one residential unit to the County's housing in conformance with the standards in the Housing Element.

7. Variance Findings: The following table identifies evidence which supports finding that the proposed variance may be granted.

§312-17.2 Required Findings for variances	Summary of Applicant's Evidence	Staff's Response
17.2.1. Exceptional or Extraordinary Circumstances	<p>With the combination of a recent VE zone placed on the property by FEMA, and projected sea level rise (SLR) mitigation required by the California Coastal Commission, the buildable area on the lot has been dramatically reduced, beyond what neighboring lots/homes have been subject to.</p>	<p>Staff agrees. Due to the recent VE designation applied to the parcel by FEMA in 2017, the approximately 5,663 square foot lot is subject to extraordinary building standards that limit the height of any proposed structure to approximately 5 feet. Neighboring lots were not subject to these regulations.</p> <p>Staff believes the application of VE Zone Base Flood Elevations create an unusual and exceptional circumstance that staff believes justifies the proposal to allow for a 10-foot front setback.</p>

<p>§312-17.2 Required Findings for variances</p>	<p>Summary of Applicant's Evidence</p>	<p>Staff's Response</p>
<p>17.2.2. Practical Difficulty or Unnecessary Physical Hardship</p>	<p>The BFE in the VE zone is 11'. The SLR is 4'6". This places the first floor height of the proposed residence at 15'6. This makes building in the VE zone all but impossible with the 20 foot height standard for structures in the designated Coastal View Area. Neighboring lots/homes, are built within the VE zone, and most floor heights are at 1'-3'. This lot is being deprived of privileges enjoyed by neighboring owners.</p>	<p>Staff agrees. The risk to flood hazard is virtually the same as neighboring lots who are developed in the VE flood zone, but were subject the requirements of the Flood D Zone.</p> <p>If a variance is granted, the proposed residence will be constructed closer to the road, and further away from the coastal bluff. The approved setbacks for the residence will be 10 feet from the front property line, and the project will be sited directly outside of the VE flood zone, and would not be subject to Base Flood Elevation requirements.</p> <p>Granting the variance would prevent any hardship to the current owner and to any future owners so long as the proposed setback was adhered to for all future development of the parcel.</p>

§312-17.2 Required Findings for variances	Summary of Applicant's Evidence	Staff's Response
12.2.3. Special Privilege	<p>There are many properties in the Shelter Cove area that have 10', even 2' set backs due to lot constraints. This property is also being constrained due to its location. The 10' set back still leaves the home approximately 25 feet from the edge of the travel way on Lower Pacific Drive, and meets Public Works requirements. It is not a special privilege.</p>	<p>Staff agrees. The size and characteristics of the lot are similar to others in the surrounding vicinity that have a front yard setback of only 10 and 2 feet, and are not subject to BFE standards. Staff believes the variance is necessary in order to allow the property owner to build a residence similar to what exists on neighboring parcels. This project fits in well with the surrounding community. The applicant is requesting a 10-foot front yard setback to build inside of the D flood zone, as neighboring lots did to develop similar homes. This is not a special privilege.</p> <p>Staff can support the argument that the setback reduction because it is not a grant of privilege if the variance is necessary in order to allow the property owner to develop the property consistent with adjacent properties.</p>

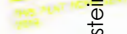
§312-17.2 Required Findings for variances	Summary of Applicant's Evidence	Staff's Response
17.2.4. Public Health, Safety, and Welfare	<p>The granting of this variance will not be detrimental to public health, safety or welfare because it will not limit visibility, be incompatible with existing development nor impact potential development on adjacent parcels.</p>	<p>Staff agrees. The applicant has made efforts to ensure that the design, proposed use or activity and operation of the project will be compatible with and not adversely affect the adjacent parcels or general locality. The proposed building will be similar in size and style to surrounding residential development.</p> <p>The applicant will provide three parking spaces, one on-site and two located within an improved parking lane. The parking and access layout proposed should provide for a safe level of parking and access to and from Lower Pacific Drive for the development.</p> <p>There is no evidence that this project will be detrimental to public health, safety and welfare. All responding referral agencies recommended approval of the project, and there have been no issues raised from the public.</p>
17.2.5. The development will be in conformity with the Coastal Land Use Plan	<p>The proposed project is consistent with the South Coast Area Plan.</p>	<p>Staff agrees. The parcel has a Land Use designation of Residential Low Density pursuant to the South Coast Area Plan. The proposed residence will not exceed the land use densities for the land use designation, and is in conformance with the SCAP.</p>

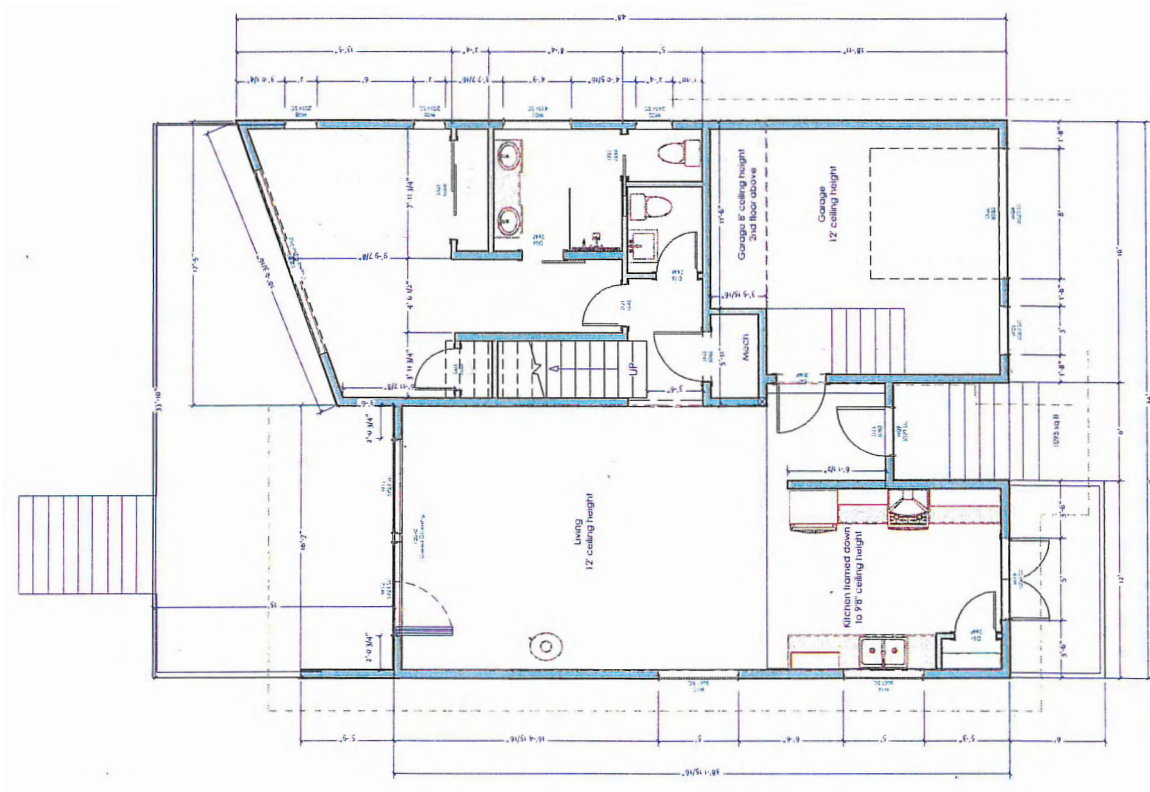
ATTACHMENT 3

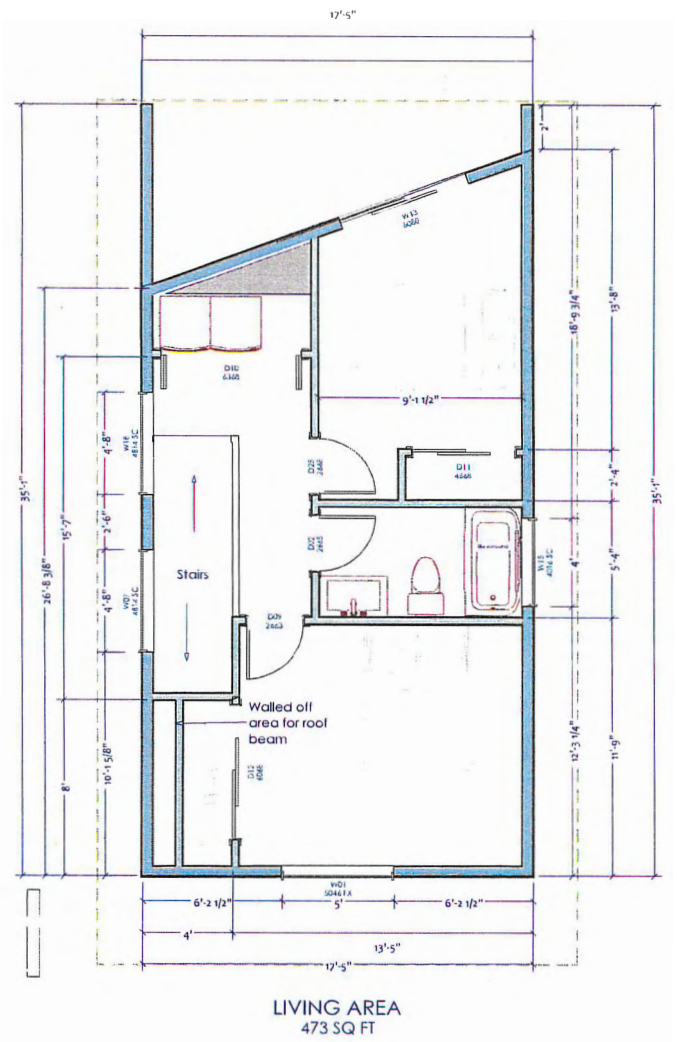
APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

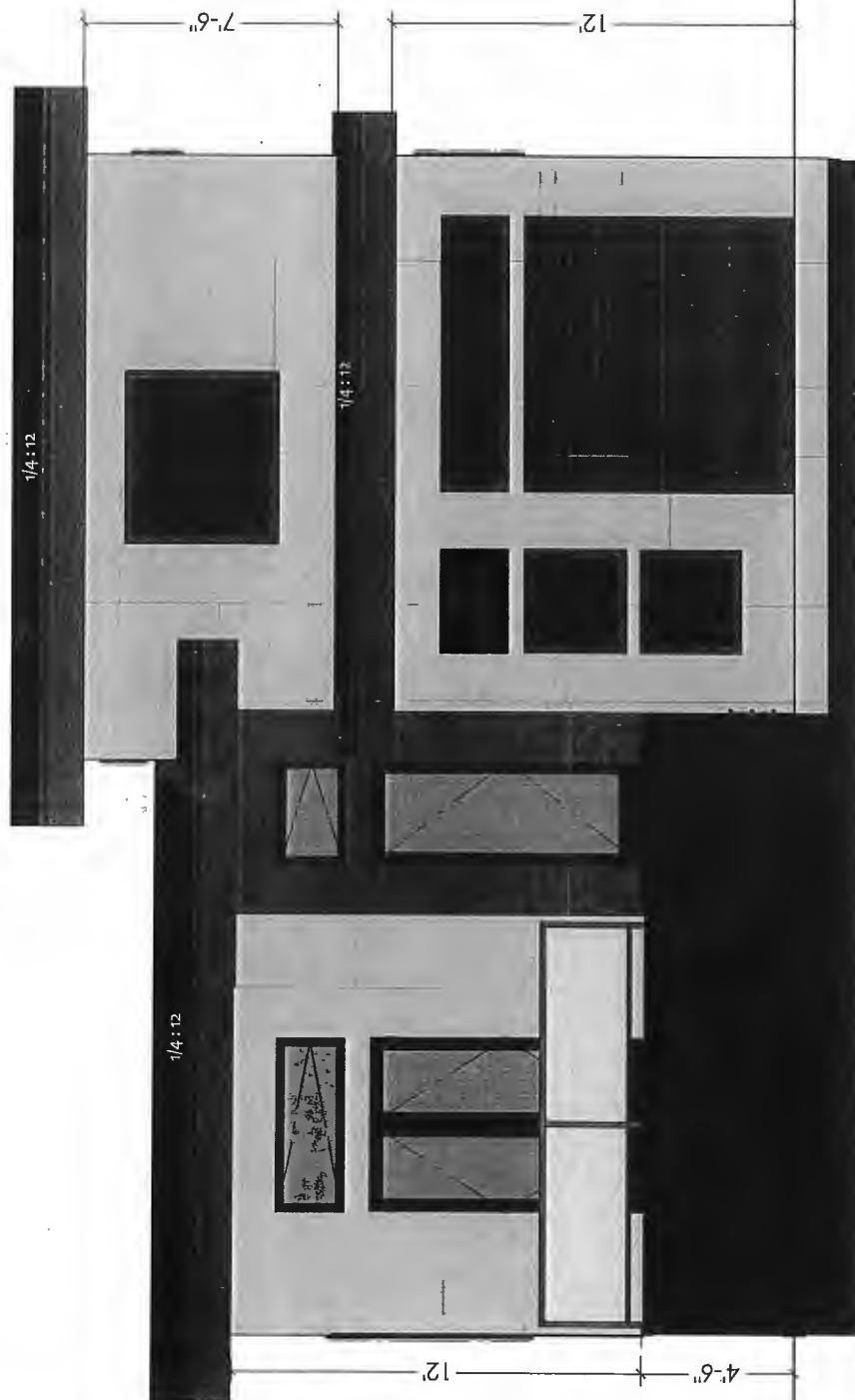
Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

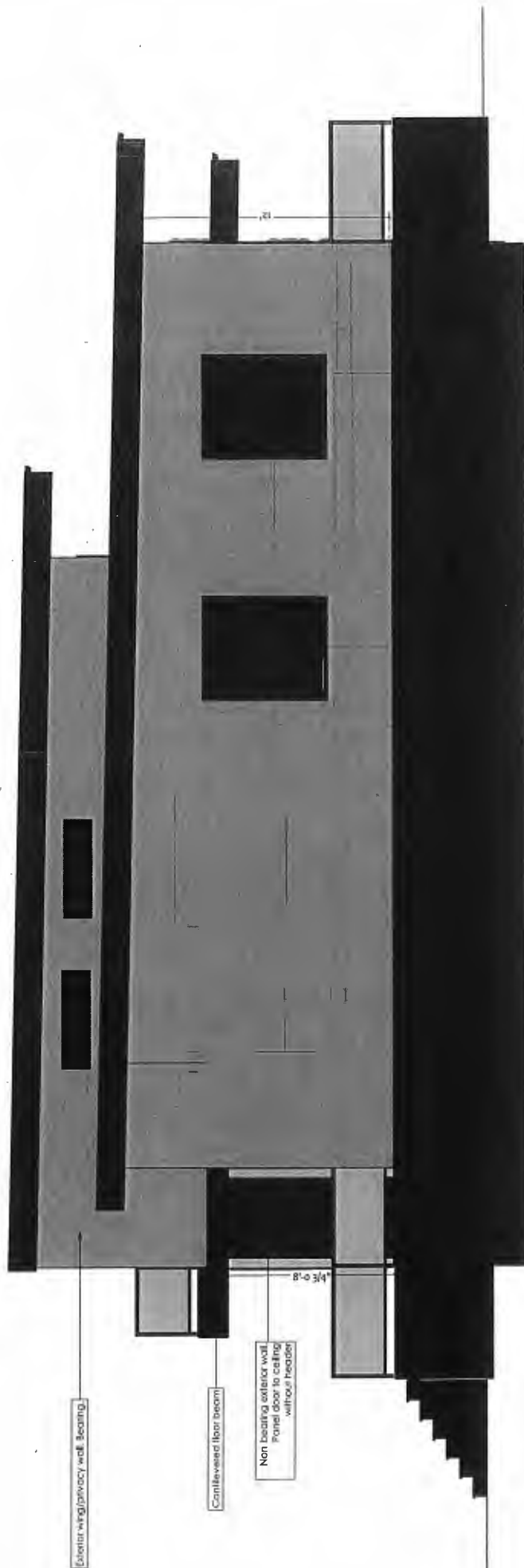
- Application Form (In file)
- Plot Plan (Attached)
- Architectural Elevations and Floor Plans (Attached)
- Current Deed (in file)
- Variance Request (In file)
- Parking Exception Request (In file)
- Neighborhood Design Survey (In file)
- R-1 Geologic Hazard Evaluation and Geotechnical Engineering Report prepared by SHN Consulting Engineers & Geologists dated July 2019 (In file)
- Sea Level Rise Analysis prepared by Ontiveros & Associates Inc. Consulting Engineers and Surveyors dated December 6, 2019 (In file)
- Public Works Revised Referral dated December 20, 2019 (Attached)
- Coastal Commission referral comments (in file)

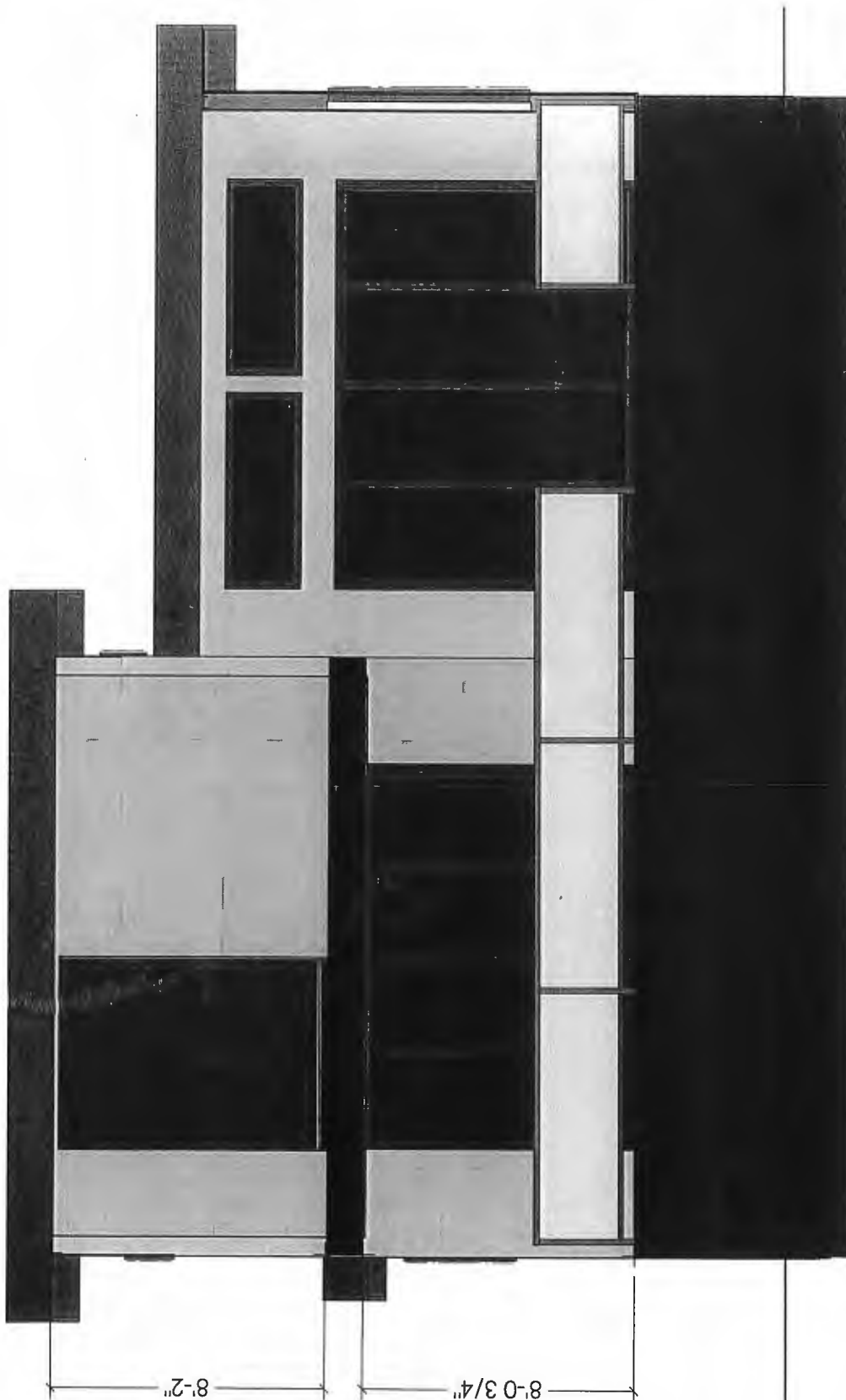


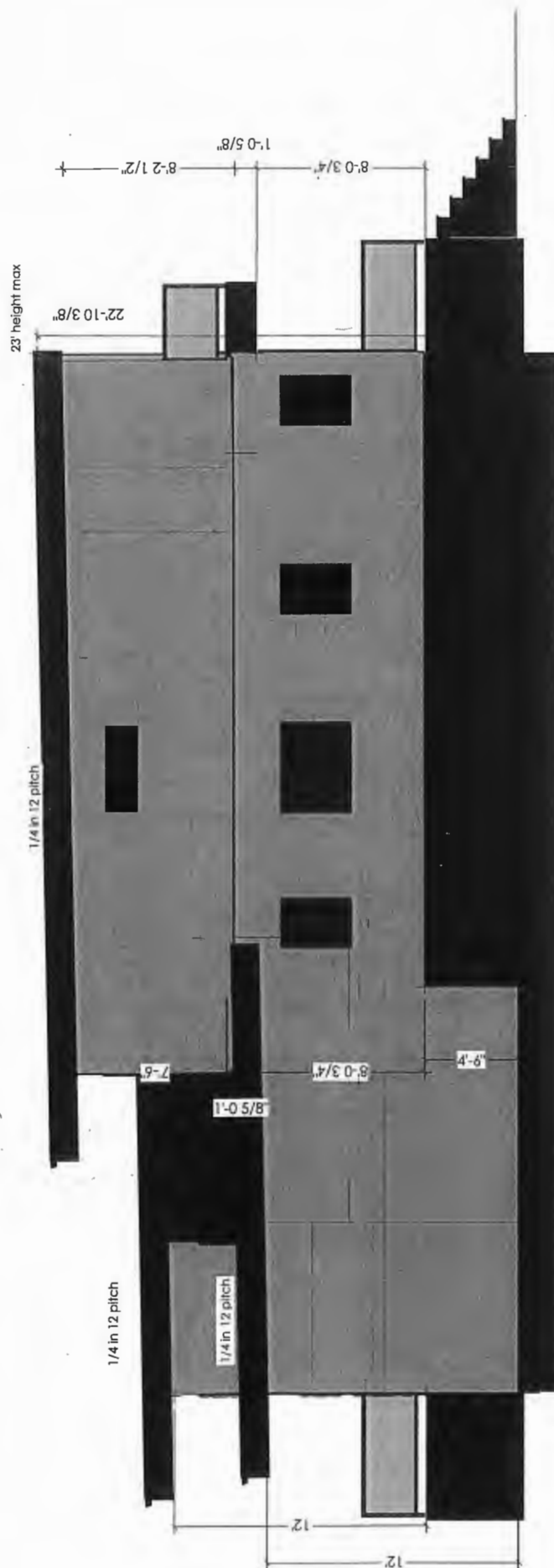












ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	On File
County Building Inspection Division	✓	Approval	✓
County Counsel			
Public Works Land Use Division	✓	Conditional Approval	✓
Division of Environmental Health	✓	Approval	✓
California Coastal Commission	✓	Conditional Approval	✓
Bear River Rancheria	✓	Conditional Approval	✓
NWIC	✓	Conditional Approval	✓
Resort Improvement District #1			