

COUNTY OF HUMBOLDT Planning and Building Department Current Planning Division

3015 H Street, Eureka CA 95501 Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date:	October 21, 2021	
To:	Humboldt County Zoning Administrator	
From:	Kathleen Franklin, Contract Planner	
Subject:	Ascenso Coastal Development Permit, Special Permit and Notice of Lot Merger Record Number PLN-2021-17288 Assessor's Parcel Numbers 111-133-034 and 111-133-035 117 and 125 Shaker Road, Shelter Cove area	
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Please contact Kathleen Franklin, Contract Planner, at 916-642-5505 or by email at <u>kathleen@landlogistics.com</u> if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 21, 2021	Ascenso Coastal Development	Kathleen Franklin,
	Permit, Special Permit and Notice	Contract Planner
	of Lot Merger	

Project Description: A Coastal Development Permit and Special Permit for Design Review for the construction of a two-story residence with attached garage. The proposed development footprint spans two lots from the existing subdivision, which are proposed to be merged as part of the project. The proposed residence is approximately 1,200 square feet in size and includes an approximately 360 square foot patio and approximately 360 square feet of attached second-story decking. The proposed garage is approximately 512 square feet in size. Minimal grading is expected (< 50 cubic yards,) and all trees proposed for removal are less than 12 inches in diameter. The height of the proposed structure is approximately 24 feet. Water and sewer services will be provided by the Resort Improvement District.

Project Location: The project is located in Humboldt County, in the Shelter Cove area, on the Northeast side of Shaker Road, approximately 580 feet from the intersection of Seafoam Road and Shaker Road, on the properties known as 117 and 125 Shaker Drive.

Present Plan Land Use Designation: Residential/Low Density (RL). South Coast Area Plan, 2017 General Plan. Density: 1-7 units per acre. Slope Stability: High Instability (3).

Present Zoning: Residential Single Family (RS-5) - Development Standard (S1), Qualified (Q), Design Review (D)

Assessor Parcel Numbers: 111-133-034 and 111-133-035

Record Number: PLN-2021-17288

Applicant	Owners	Agent
BDMC	Rafael & Rosa Ascenso	N/A
P.O. Box 323	324 Del Ray Ct	
San Jose, CA 95111	San Jose, CA 95111	

Environmental Review: Categorically Exempt per CEQA Guidelines Section 15303 (a) -New Construction or Conversion of Small Structures.

Major Issues: None.

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

Ascenso Coastal Development Permit, Special Permit and Notice of Lot Merger Record Number: PLN-2021-17288 Assessor's Parcel Number: 111-133-034 and 111-133-035

Recommended 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 application as part of the consent agenda:

Find that the Zoning Administrator has found the project categorically exempt under Section 15303 (a) of the State CEQA Guidelines; make the required findings for approval of the Coastal Development Permit and Special Permit; and approve the Ascenso Coastal Development Permit, Special Permit and Notice of Lot Merger as recommended by staff and subject to the recommended conditions.

Executive Summary:

The applicant is requesting a Coastal Development Permit and Special Permit for Design Review for the construction of a two-story residence with attached garage. The proposed development footprint spans two lots from the existing subdivision, which are proposed to be merged as part of the project. The proposed residence is approximately 1,200 square feet in size and includes an approximately 360 square foot patio and approximately 360 square feet of attached second-story decking. The proposed garage is approximately 512 square feet in size. Minimal grading is expected (< 50 cubic yards), and all trees proposed for removal are less than 12 inches in diameter. The height of the proposed structure is approximately 24 feet. Water and sewer services, provided by the Resort Improvement District, have been applied for and approved.

DEVELOPMENT STANDARDS					
	Development Code	Project			
Minimum Lot Size	5,000 sf	10,454 sf combined lot size			
Minimum Lot Width	50 feet	180 feet combined lot			
Setbacks	Front – 20 feet	Front – 40 feet +/-			
	Interior Side – 5 Feet	Interior Side – 15 feet +/-			
	Rear - 10	Rear – 14 feet, 9 inches			
Max Ground Coverage	35%	17%			
Max Height	35 feet	23.5 feet			

The project meets all requirements of the Development Code:

Held in common ownership, the applicant proposes to merge parcels 111-133-034 and 111-133-035. The applicant must submit an Assessor's Parcel Change Request and complete the lot merger prior to issuance of building permits.

Alternative: The Zoning Administrator could recommend denial of the proposed Coastal Development Permit, Special Permit and Notice of Lot Merger if the Administrator finds that the submitted evidence does not support making all of the required findings. However, based on this staff report, planning staff believes the submitted evidence does support making all of the required findings and does not recommend further consideration of this alternative.

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number PLN-2021-17288 Assessor Parcel Numbers: 111-133-034 and 111-133-035

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Ascenso Coastal Development Permit, Special Permit and Notice of Lot Merger.

WHEREAS, Ben McMahon (BDMC) submitted an application and evidence in support of approving a Coastal Development Permit and Special Permit to allow for the construction of a of a two-story 1,200 square foot residence with an attached 512 square foot garage. Including a 360 square foot patio and 360 square feet of second-story decking, on two lots, which are proposed to be merged as part of the project; and a Notice of Lot Merger for APNs 111-133-034 and 111-133-035; and

WHEREAS, the County Planning Division has determined the project is categorically exempt per CEQA Guidelines Section 15303 (a) - New Construction or Conversion of Small Structures; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on **October 21, 2021**; reviewed, considered, and discussed the application for a Coastal Development Permit, Special Permit, and Notice of Lot Merger; and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. FINDING: Project Description: A Coastal Development Permit and Special Permit for Design Review for the construction of a twostory residence with attached garage. The proposed development footprint spans two lots from the existing subdivision, which are proposed to be merged as part of the project. The proposed residence is approximately 1,200 square feet in size and includes an approximately 360 square foot patio and approximately 360 square feet of attached secondstory decking. The proposed garage is approximately 512 square feet in size. Minimal grading is expected (< 50 cubic yards), and all trees proposed for removal are less than 12 inches in diameter. The height of the proposed structure is approximately 24 feet. Water and sewer services will be provided by the Resort Improvement District.

- **EVIDENCE:** a) Project File: PLN-2021-17288
- 2. FINDING: CEQA: The project is categorically exempt per CEQA Guidelines Section 15303 (a) - New Construction or Conversion of Small Structures.
 - **EVIDENCE:** a) The project involves the construction of a new single-family residence of approximately 1,200 square feet in size with an attached garage of 512 square feet and an approximately 360 square foot patio with 360 square feet of attached second-story decking on an established lot in compliance with the General Plan land use and zoning designation of Residential Low Density (RL). No significant environmental impacts were identified.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT

- 3. FINDING: The proposed development is in conformance with the County General Plan, including the Shelter Cove and South Coast Community Plans.
 - **EVIDENCE:** a) The General Plan designation is Residential Low Density (RL). The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types including townhouses and common-wall clustered units. The Shelter Cove and South Coast Community Plans also designate the parcels as Residential Low Density. The project proposes a two story, single-family, three-bedroom residence. The water and sewer service will be provided through the Resort Improvement District.
 - b) The project complies with the County's Housing Element as the parcel was designated Residential Low Density in the 2017 General Plan and was considered for residential development in the County Housing Inventory
 - c) No known biological resources have been identified on the Project site.
- 4. FINDING: The proposed development is consistent with the purposes of the existing zone in which the site is located and the proposed development conforms to all applicable standards and requirements of these regulations.

- **EVIDENCE:** a) The project is located on land zoned Residential Single-Family (RS-5), Qualified (Q), and Design Review (D).
 - b) The project complies with all development standards of the zone including lot size, setbacks and building height.
 - c) The property is within the Design Review (D) combining zone. Special Building Structural Design Standards for Shelter Cove include the requirement for a minimum building width dimension of 20 feet, a minimum 12-inch roof overhang, foundations designed for Seismic Zone IV, and no use of unfinished or galvanized siding or roofing materials. The proposed building is an1,200 square foot, 2-story, residence. The proposed materials consist of Hardie Shingle and Plank siding painted tan, with brown stained trim. Conditions of Approval placed on the project ensure compliance with the design review requirements for Shelter Cove. A Neighborhood Design Survey was completed and the proposed residence is compatible with the design of other buildings in the surrounding area.
 - d) The project is subject to the regulations of a (Q) zone as amended by Humboldt County Ordinance 1914. The purpose of Q Zone restrictions and regulations is to:

1) Protect neighboring property from inappropriate recreational or residential development; and

2) Protect the existing water system and public roads from becoming over-burdened by the development of secondary dwelling units on existing lots in a subdivision that was originally planned for development of no more than one dwelling unit per lot.

The project proposes a single-family, 2 story, 3-bedroom residence and therefore is in compliance with the Q zoning designation.

- 5. FINDING: 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.
 - **EVIDENCE:** The project site has a Relative Slope Stability of "high instability" and is located in an area with the probability for "high shaking" from earthquakes. The project is required to have foundations designed for Seismic Zone IV, as well as meet all applicable California Building Code requirements. The parcel is not located within a 100-year floodplain. The project will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
- 6. FINDING: 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.

EVIDENCE: a) The project site was designated as Residential Low Density in the adopted 2017 Humboldt County General Plan. The construction of a single-family residence was anticipated at the time of General Plan adoption.

FINDINGS FOR LOT MERGER

- 7. FINDING: At least one of the parcels is a legally created parcel,
 - **EVIDENCE:** Both parcels were legally created: LTS 10 & 11 in Block 135, of Tract No. 42. Sheller Cove Subdivision as per Map recorded in Book 14, Pages 73 to 138 Inclusive of Maps, in the Office of the County Recorder of said County, as amended by the Amending Map recorded In Book 15, Pages 64 to 116 Inclusive, of Maps, In the Office of the County Recorder or said County.
- 8. FINDING: The merger does not create a nonconformity or cause an existing non-conformity to become more out of compliance,
 - **EVIDENCE:** The lots, as they currently exist, are in compliance with the current General Plan and Zoning requirements. The merged lots will be in compliance with regards to Residential Single Family (RS-5) development standards.
- **9. FINDING:** The merger does not cause any building, health or safety conditions.
 - **EVIDENCE:** The merger of two (2) legally created lots will not cause any building, health or safety conditions.

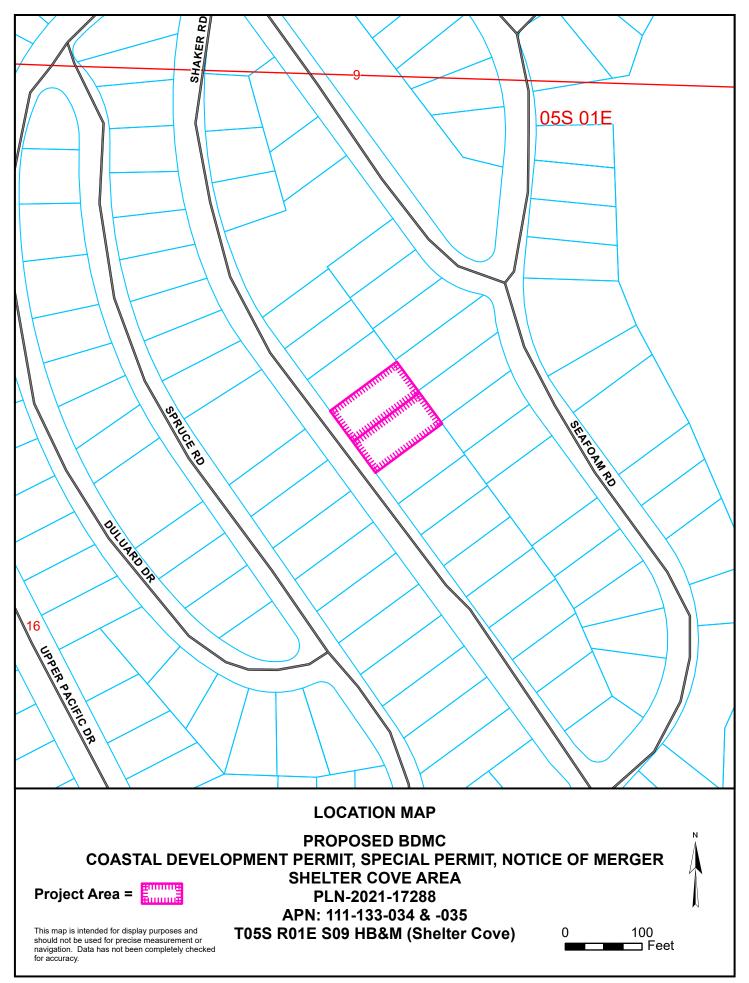
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

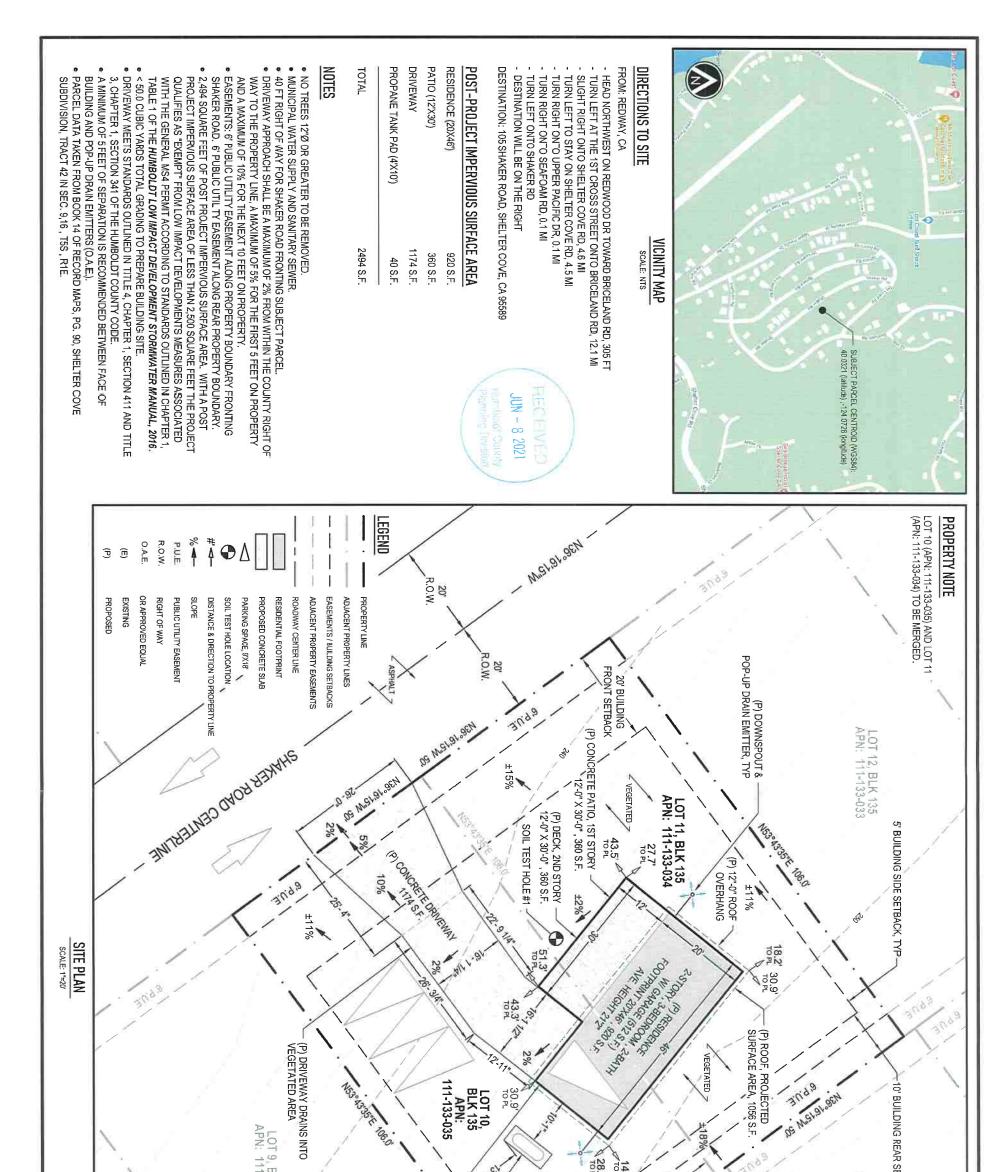
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Ascenso Coastal Development Permit, Special Permit and Notice of Lot Merger based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

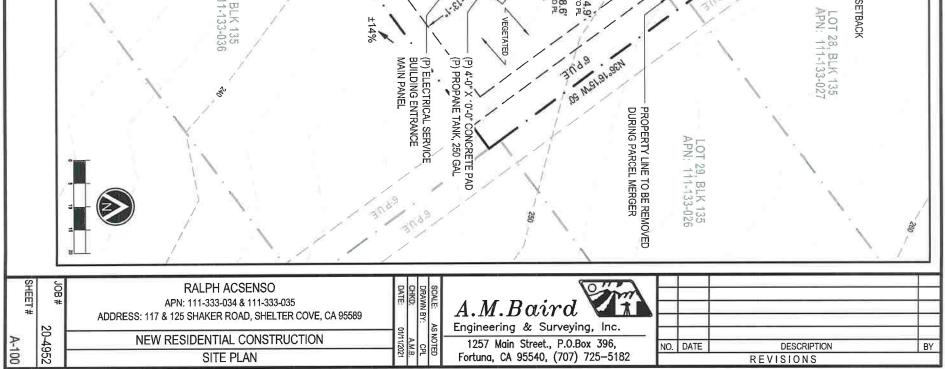
Adopted after review and consideration of all the evidence on October 21, 2021.

I, John H. 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







ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Conditions of Approval for the Ascenso Coastal Development Permit, Special Permit, and Notice of Lot Merger

APPROVAL OF THE PERMITS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS

Conditions of Approval:

- 1. The work shall be conducted in accordance with the Project Description and Construction Documents submitted on June 8, 2021.
- 2. Changes in the project other than Minor Deviations from the Plot Plan as provided in HCC Section 312-11.1 shall require a modification of this permit.
- 3. Applicant shall obtain a Building Permit that includes an engineered grading, erosion and sediment control plan.
- 4. 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. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
- 5. Within five (5) days of the effective date of the approval of this permit, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00 for the filing of the Notice of Exemption.
- 6. Prior to issuance of building permits, the applicant shall submit an Assessor's Parcel Change Request and complete the merger of Assessors Parcels 111-133-035 and 111-133-035.
- 7. Applicant must apply for and obtain an encroachment permit for the construction of driveway on Shaker Drive. [reference: County Code section 411-11 (a)(b)]
- 8. 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.]
- 9. 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)]

- 10. Site Visibility must be maintained at the driveway entrance. [reference: County Code section 341-1 et seq.]
- 11. 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]
- 12. Applicant shall be responsible to correct any involved drainage problems within the County road right of way to the satisfaction of this Department.
- 13. 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.AS000004 adopted 02/05/2013, Section E.12; Humboldt Low Impact Development Stormwater annual version 2.0 (06/30/2016), Part A, Table 1]
- 14. 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 of the California Ocean Plan for select Discharges into Areas of Special Biological Significance (ASBS), Including Special Protections for Beneficial Uses, Sections I.A and 1.B (State Water Resources Control Board Resolution 2012-0031 as amended 6/19/2012).
- 15. The project shall comply with the following Shelter Cove design review standards:
 - a. A minimum building width dimension of 20 feet;
 - b. A minimum 12-inch roof overhang;
 - c. Foundations designed for Seismic Zone IV;
 - d. No use of unfinished or galvanized siding or roofing materials.

Informational Notes:

 If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the County Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

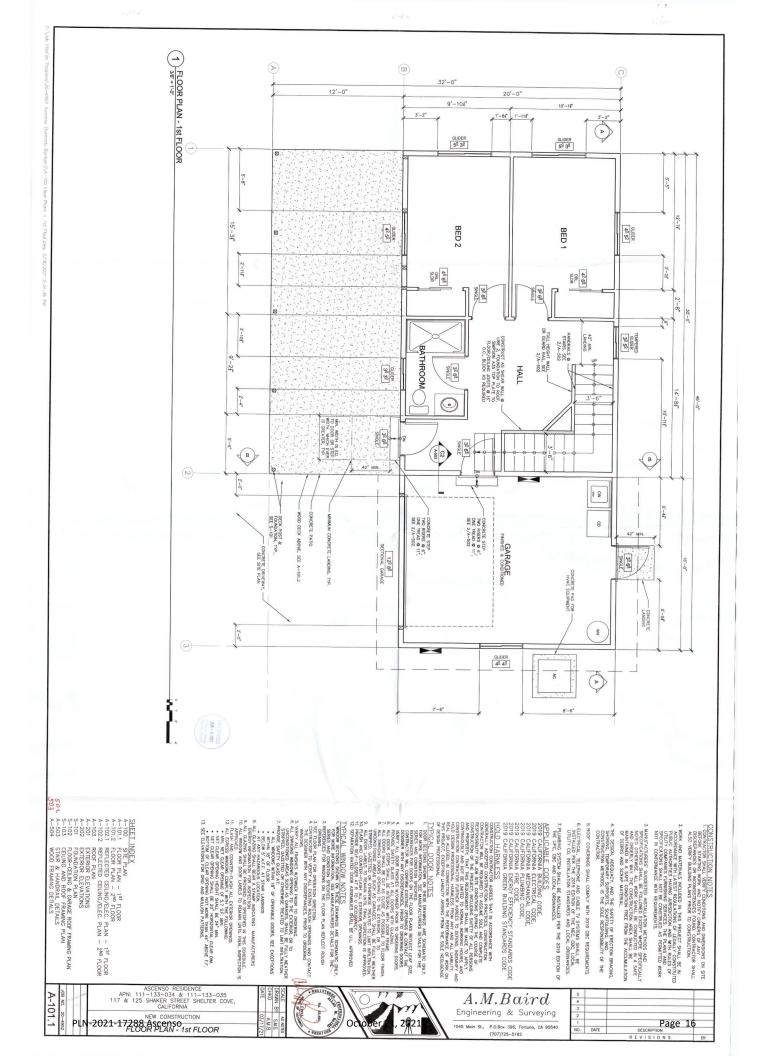
- 2. The applicant is responsible for receiving all necessary permits and/or approvals from other federal, state and local agencies.
- 3. The Coastal Development Permit and Special Permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see "Effective Date"); except where use in reliance on the permit has commenced prior to such anniversary date. The period within which use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

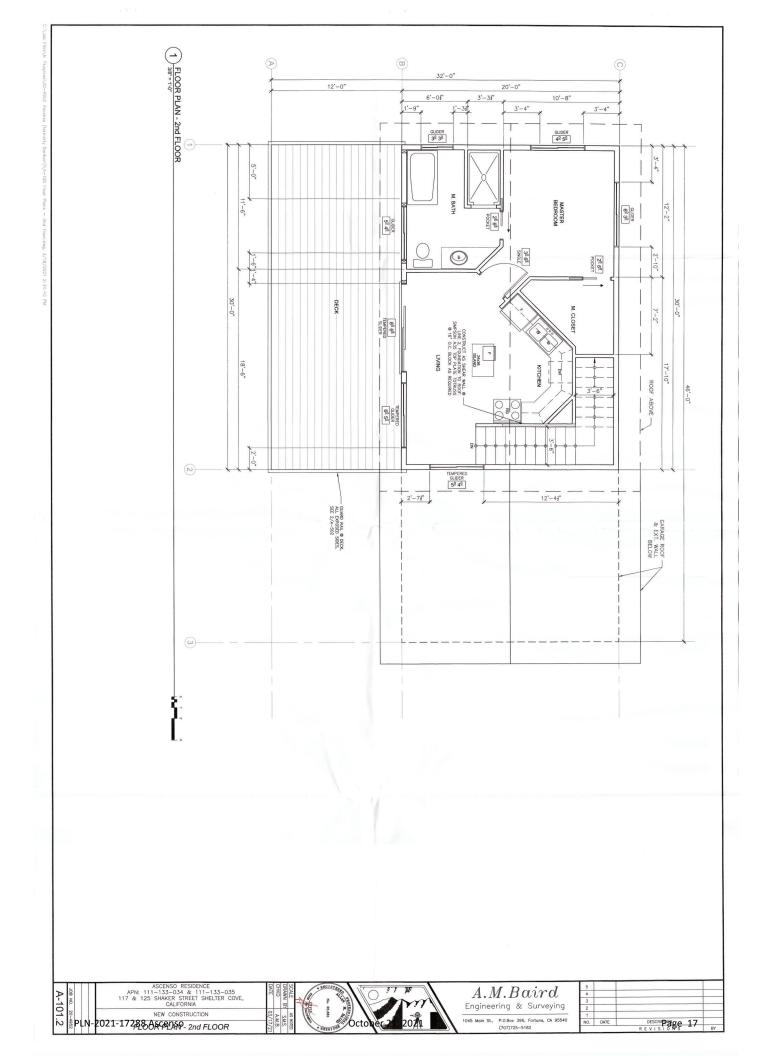
ATTACHMENT 2

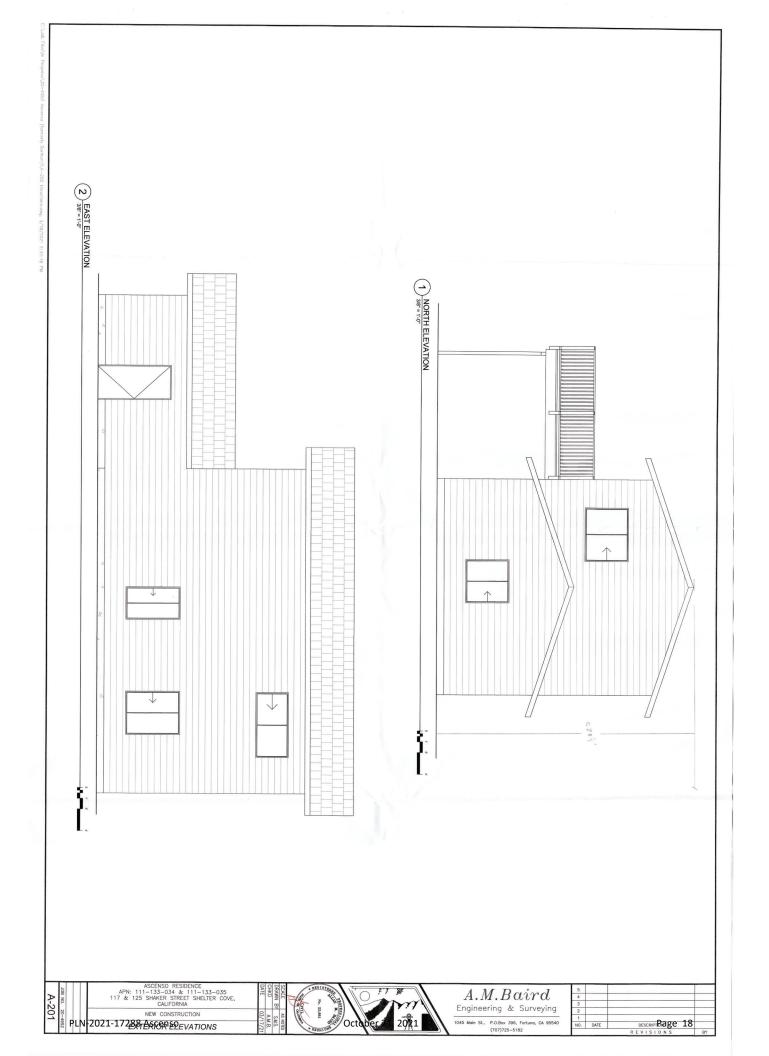
Applicant's Evidence in Support of the Required Findings

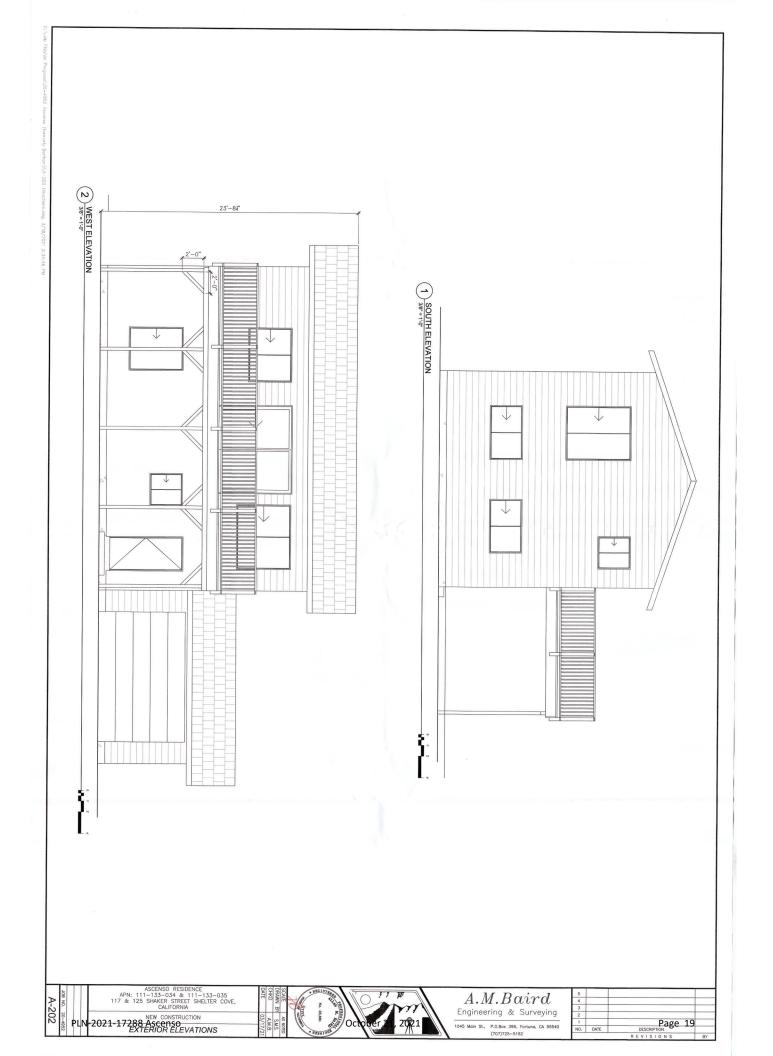
Attachment 2 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

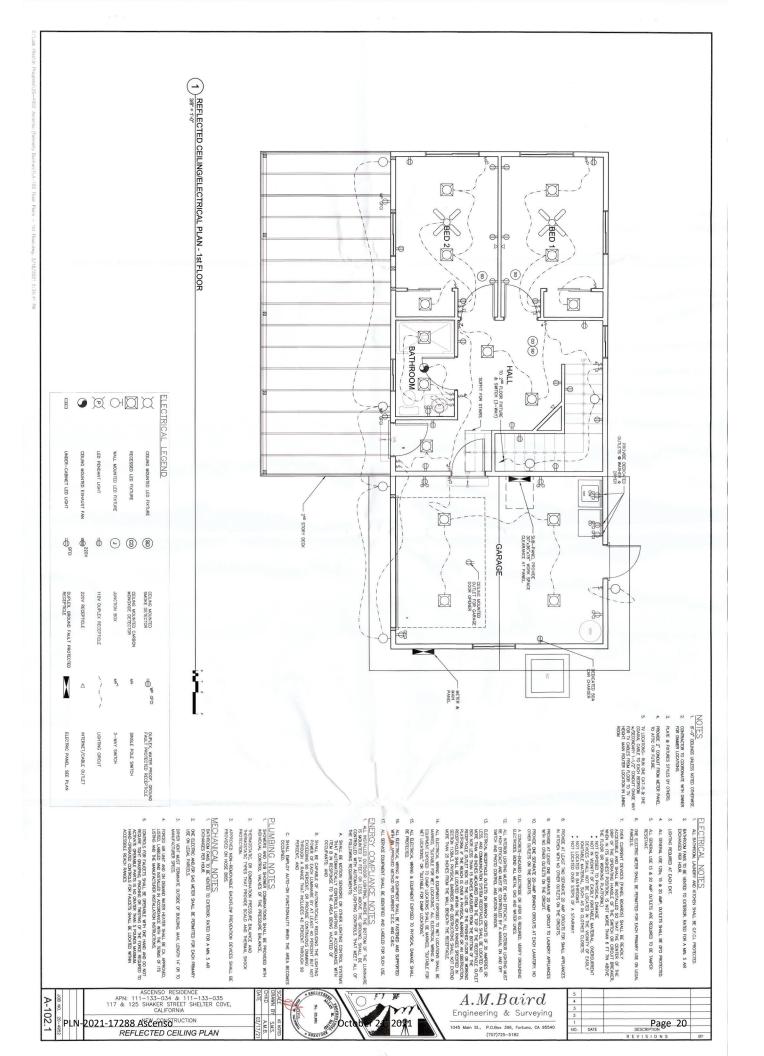
- Application Form (in file)
- Site Plan (attached)
- Construction Plans (attached)
- Current Deed (in file)
- Title Report (In file)
- Erosion Control Plan (in file)
- Geological Report (in file)

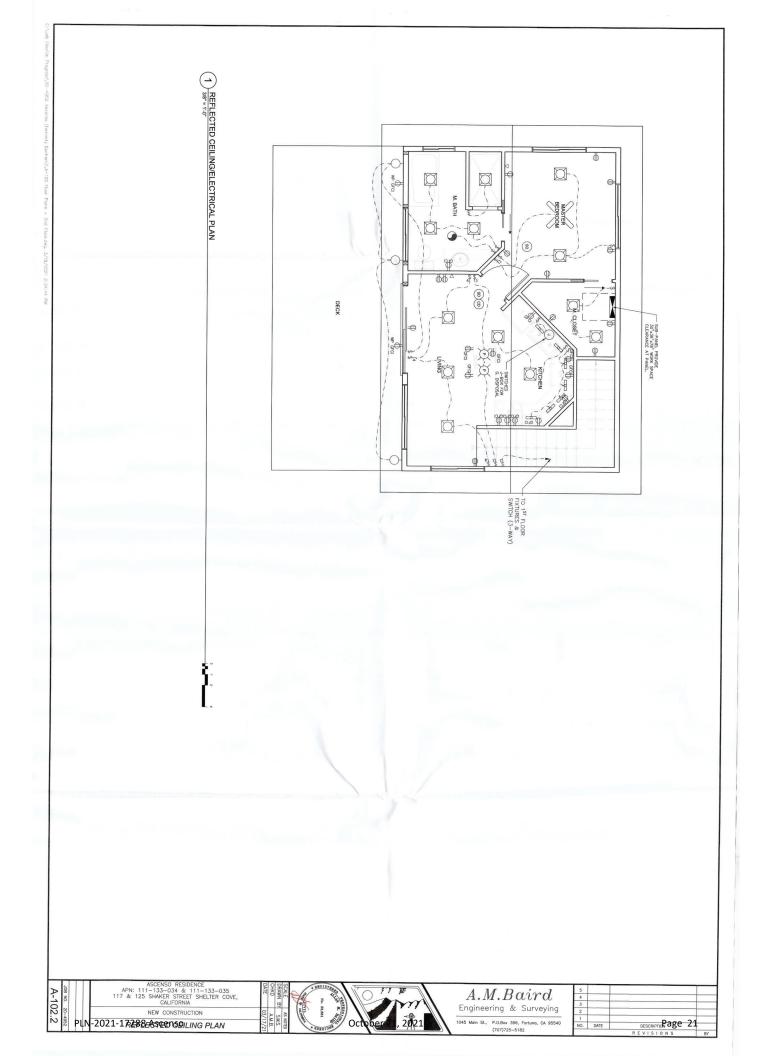


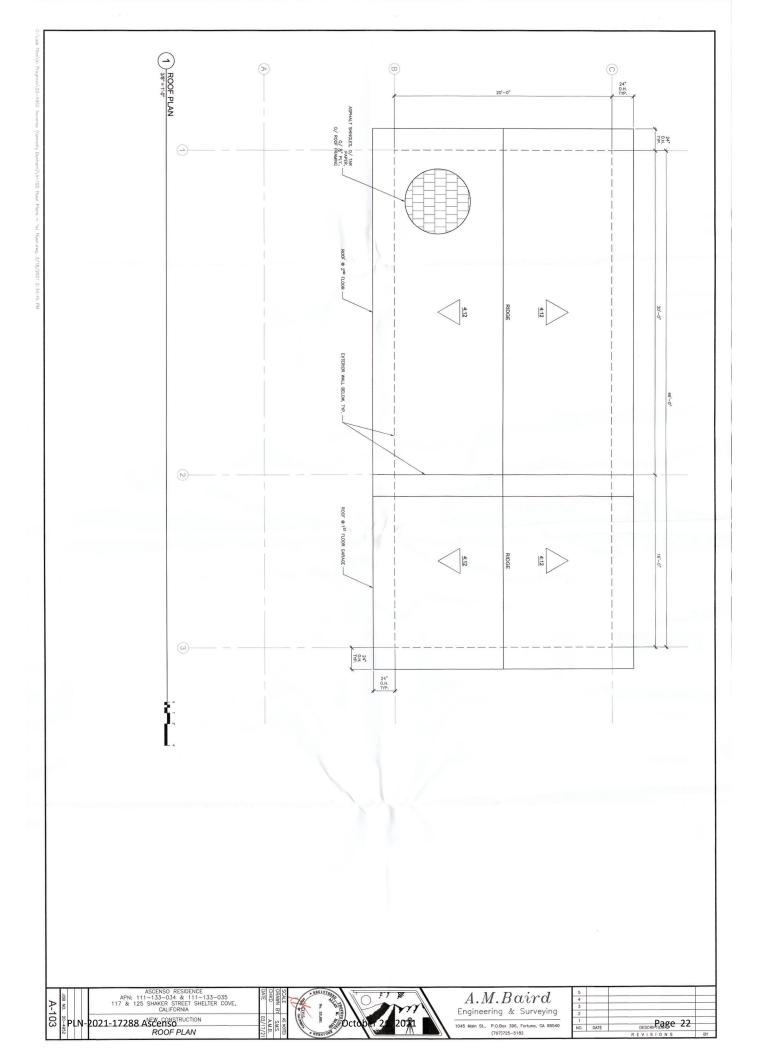


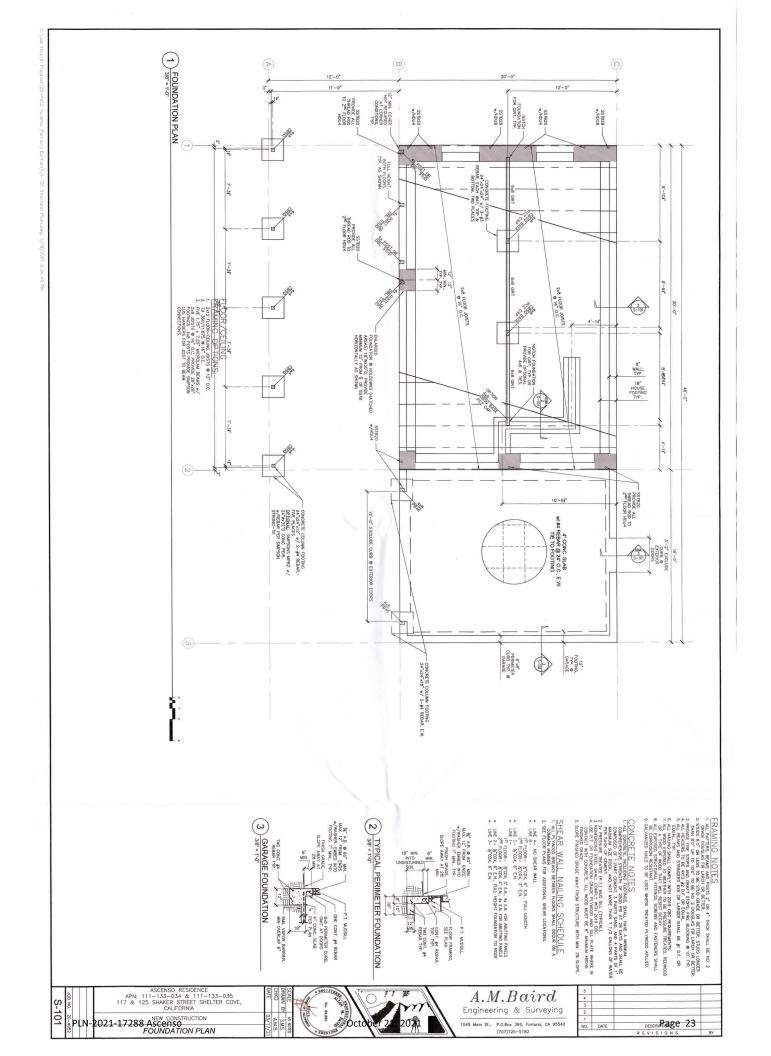


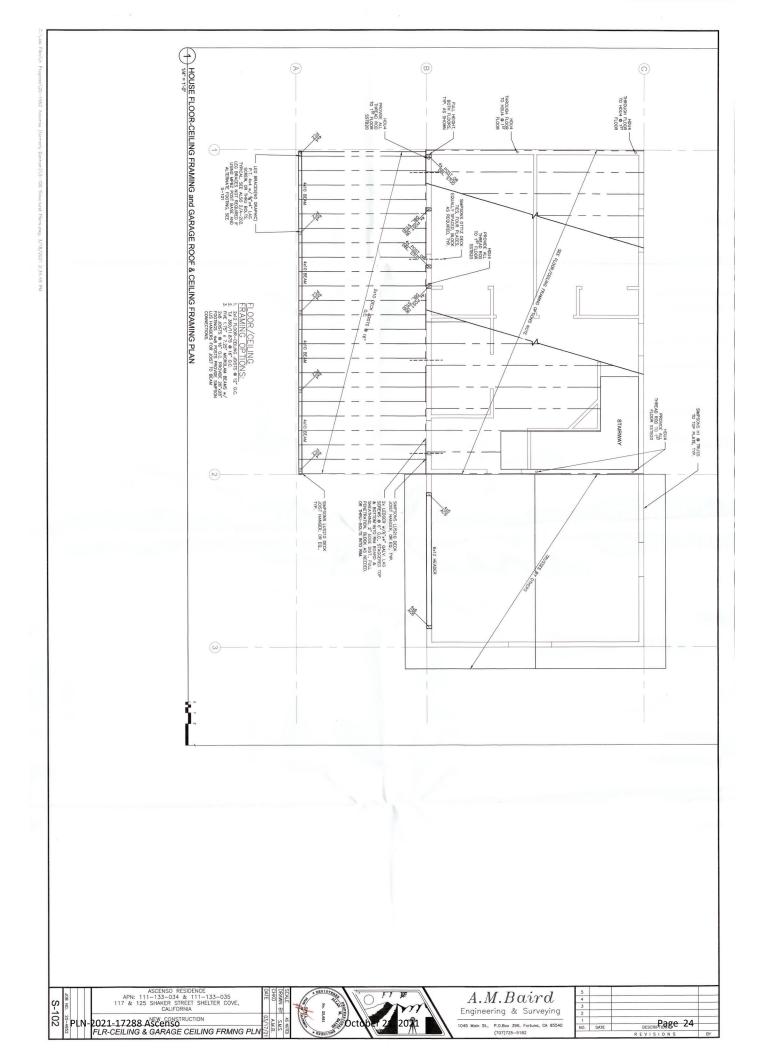


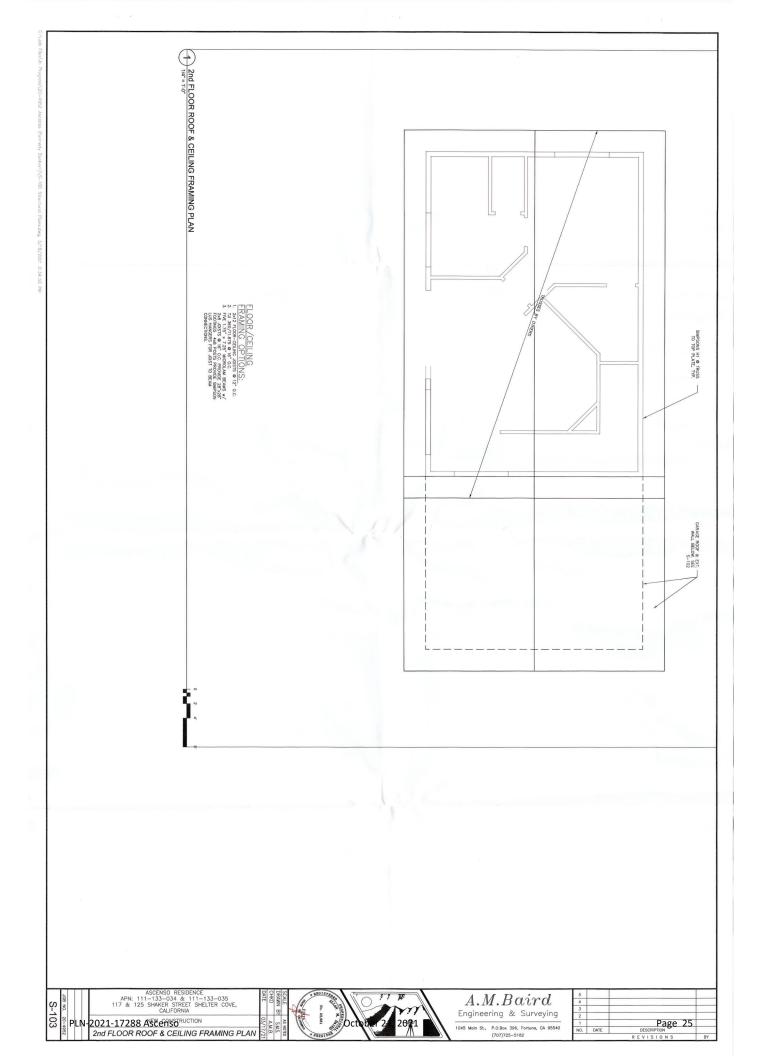


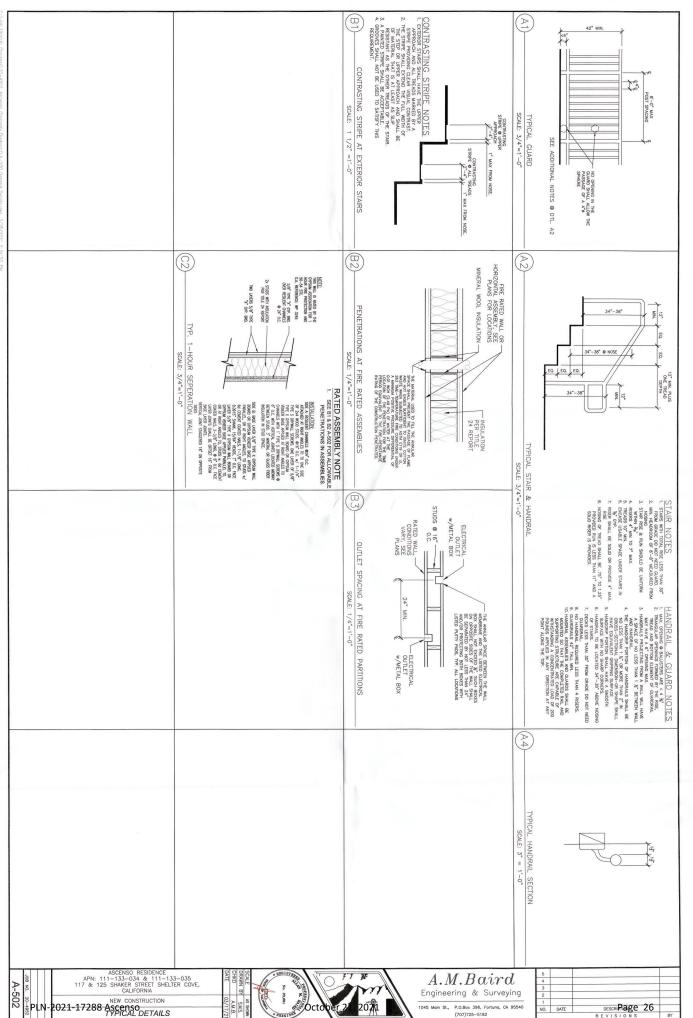




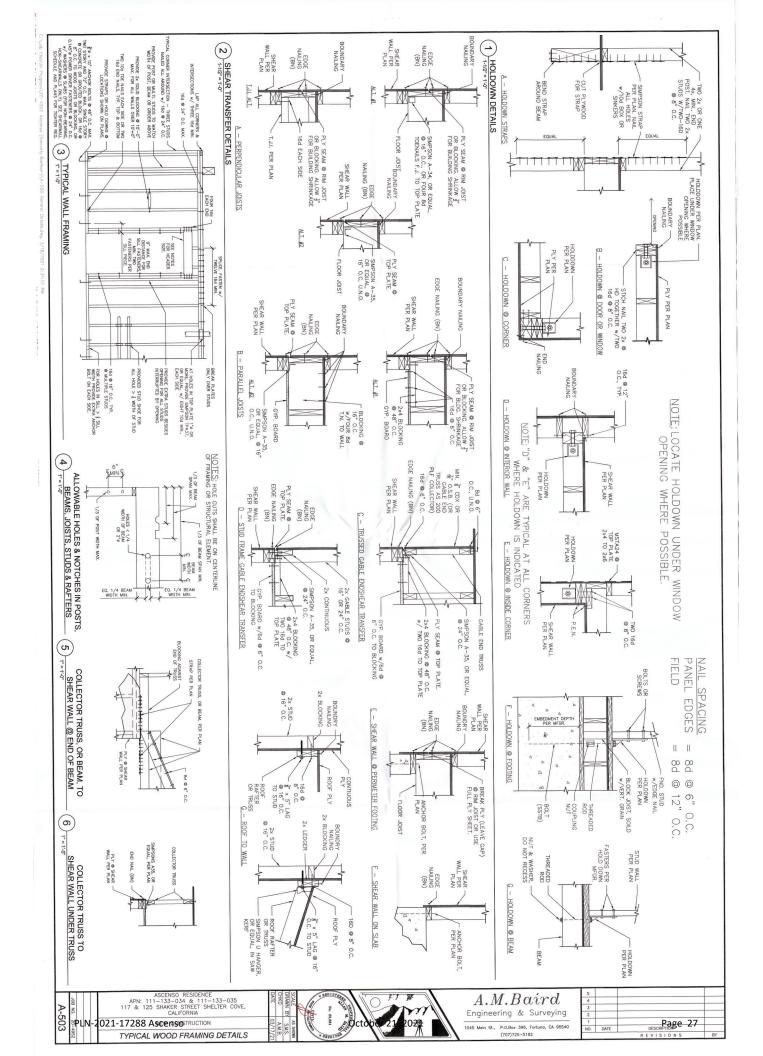








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Attachment 3

Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	On File	Attached
Humboldt County Assessor	✓	Approval	✓	
California Coastal Commission		No Response		
California Department of Fish		No Response		
and Wildlife				
CalFire	\checkmark	No Comment	\checkmark	
Shelter Cove Resort		No Response		
Improvement Services District				
County Building Inspection	\checkmark	Recommend	\checkmark	
Division		Approval/No		
		Comment		
Code Enforcement		No Response		
County Counsel		No Response		
County P/W, Land Use Division	\checkmark	Comments	\checkmark	
Division of Environmental Health		No Response		
Shelter Cove Resort Fire		No Response		
Protection District				
Intertribal Sinkyone Wilderness		No Response		
Council				
Bear River Band		No Response		
Shelter Cove Resort	✓	Water hookup	✓	
Improvement Services District		confirmed		
Shelter Cove VFPD		No Response		
Northwest Information Center	✓	Comments	✓	
Aviation		No Response		