

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 25-

Record Number: PLN-2023-18280

Assessor's Parcel Number: 111-121-037

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Daniels Coastal Development Permit, Variance, and Special Permit.

WHEREAS, Don Daniels submitted an application and evidence in support of approving a Coastal Development Permit, Variance, and Special Permit; 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 Planning Division as the Lead Agency has found that the project qualifies for exemptions found in Section 15303(a) (New Construction or Conversions of Small Structures) of the CEQA Guidelines; and

WHEREAS, Attachment 3 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit, Variance, and Special Permit (Record Number PLN-2023-18280); and

WHEREAS, the Humboldt County Planning Commission a duly-noticed public hearing on October 2, 2025, and reviewed, considered, and discussed the application for the Coastal Development Permit, Variance, and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

1. FINDING:

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

setback from the bluff edge. Less than 50 cubic yards of grading will occur to prepare the site for development.

EVIDENCE: a) Project File: PLN-2023-18280

2. FINDING: **CEQA:** The project complies with the requirements of the California Environmental Quality Act (CEQA).

EVIDENCE: a) As Lead Agency, the County of Humboldt determined the project is exempt per section 15303 (a) (New Construction or Conversion of Small Structures), which applies to the construction of one single family residence. Furthermore, none of the exceptions to a Categorical Exemption pursuant to Section 15300.2 apply to the project.

3. FINDING: The proposed development is in conformance with the South Coast Area Plan.

EVIDENCE: a) The property is designated Residential Low Density (RL) in the Humboldt Bay Area Plan. Principal uses include detached single-family residences to allow the development of homeowner residential uses making conservative use of urban land where adequate services are available.

b) **3.28 Hazards:** The new development conforms with the Hazards policies in the South Coast Area Plan. The section requires new development to meet two standards:

1. Minimize risks to life and property in areas of high geological, 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.

The application complies with the Hazards Review requirement as the applicant submitted a Soils Report and a Wave Uprush Analysis investigating the risks associated with the project's proximity to coastal bluffs and construction on highly unstable ground and the applicant's architect designed the foundation of the structure to both place it above the maximum calculated height of a wave

run-up and allow for water to flow under the house in the case the bluff was overtopped. The documents and plans made the necessary considerations, as described below, to support the development of the project.

1. SHN's Soils Engineering Report (**Attachment 3A and 3Ai**) investigated geotechnical site conditions and geologic hazards to the proposed project. The report assures the project's stability and structural integrity in the face of potential erosion and other geologic hazards, provides recommendations to minimize risks to life and property which have been incorporated into the structure's design, and determined that there would be no required protective devices. Specific recommendations include a setback of no less than five feet from the top of the bluff, specific site preparation and grading methods (Page 9), surface drainage control, drilled pier foundations, engineered fill, and details on the garage slab on grade. These elements are not conditioned in the project because the architect has already incorporated the recommendations in the design.
2. Skelly Engineering's Wave Uprush Analysis (**Attachment 3F**) assessed shoreline and bluff erosion, sea level rise, and wave runup potential. The report found that the time period from 1957 to 2022 showed no overall shoreline or bluff top erosion. Furthermore, historic imagery shows a very erosion-resistant bedrock intertidal platform in front of the site. Skelly Engineering determined that the structure is an effective wave energy dissipater that provides protection from wave runup. The report stated, "New shore protection will not be required to protect the proposed development over the next 75 years. The proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area."

The analysis used an assumed sea level rise of 5.5 feet over the course of the design life of the development, which is 75 years.

Considering site conditions and the estimated sea level rise, wave runup at the site was calculated using the USACOE Automated Coastal Engineering

System (ACES). The analysis goes into deep detail describing the methods to calculate the vulnerability of the site on pages 9 and 10, and concludes that with 5.5 feet of sea level rise in the next 75 years, the maximum wave runup elevation is ~+35 feet.

The project architect assumed a maximum run-up of +37 feet and added a sea level rise factor of 5.5 feet to develop a theoretical maximum of +42.5 feet. The structure was designed to mitigate any potential hazards from a 42.5 foot wave uprush by designing the foundation and raising the living portion of the residence to allow a potential wave inundation event to flow around and underneath the structure. See page A7 and A8 of the Building Plans (**Attachment 3D**).

3. Additionally, the submitted reports assured the stability and structural integrity of the project for its expected economic life and determined the project was not in the 100-year tsunami run-up elevation. Finally, the project is not located on a 100-year flood plain.
 4. The project footprint has been moved as far to the east as allowable, maintaining the greatest possible distance from the bluff. The primary foundation supporting the residence is now no closer than 8 feet from the bluff. Additionally, the perimeter concrete curb is at 43.75 feet above sea level so that, should wave inundation occur up to or in excess of the maximum wave run-up anticipated, no materials other than concrete will be impacted.
 5. The California Coastal Commission identified the project parcel as an inherently hazardous location and has recommended measures to reduce potential risk to life and to the proposed development. The specific items are transcribed in Conditions of Approval A7 - A10.
- c) **3.29 Archaeological and Paleontological Resources:** The Applicant submitted an Archaeological Resources Survey prepared by the Archaeological Resource and Supply Company, and the survey discovered some archaeological resources. Due to the sensitivity of the parcel and the lack of visibility, a tribal and/or archaeological monitor shall be

present during initial ground-disturbing activities during project implementation (**Condition of Approval A4**).

- d) **3.41 Environmentally Sensitive Habitats:** The applicant supplied satisfactory documentation assessing the potential impacts to Environmentally Sensitive Habitat Areas in the project area.

The applicant submitted a Biological Assessment which investigated the presence of ESHA and special-status plants, animals, and communities within the project area. The assessment determined that there is no potential for special status species within the project area and, therefore, determined there are no expected direct impacts on special status species. Nonetheless, CDFW recommended tree removal is done outside of nesting bird season (March 15-August 15) (**Condition of Approval A11**).

Furthermore, a Botanical Assessment was submitted. The assessment concluded that due to the low quality of habitat from prior land use practices and high coverage of invasive species, no sensitive plant species, communities, or habitats were encountered during the botanical field survey.

Finally, the biologist provided recommendations to reduce any potential future impact on special status communities. Best management practices were recommended to prevent sediment, fuels, or contaminated from entering the surrounding habitat and invasive species removal was recommended within the project site. To that end, the biologist recommended replacing the removed species with a diverse selection of native plants (**Condition of Approval A6**).

- e) **3.42 Visual Resource Protection:** The proposed project is consistent with the Visual Resource Protection section of the South Coast Area Plan.

The principal goal of the Visual Resource Protection policies is to ensure new development is subordinate to the character of its setting by requiring the proposed development to be compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel. The parcels on either side of the proposed project are currently developed with single family residences, defining the character of the setting.

The physical scale of the Daniels residence conforms with the standards as designated in the Area Plan and the zoning, meeting height standards, lot coverage, side yard setbacks and minimum building footprint of the RS-5-S7-Q/A,D zone.

The proposed project will be built on a coastal bluff and the developer will be permitted to alter the natural landforms during construction. In conformance with South Coast Area Plan, the applicant is required to revegetate the disturbed landforms with attractive vegetation common to the region (**Condition of Approval A5**).

- f) **3.50 Access:** There is no accessway on the parcel and the development of the proposed project will not impede public access to coastal resources.
- g) **4.23 Proposed Land Uses:** Whereas the Land Use Plan for the Shelter Cove Sea Park subdivision and other urban areas was largely left the way it was proposed in 1965, and whereas the proposed development conforms with the designated land use, the proposed project is consistent with this section of the South Coast Area Plan.

4. FINDING:

Proposed development conforms with the allowable uses in the RS-5 zone, as the residential single-family house is a principally permitted use (HCC §313-6.1). The project involves constructing one 1,630 square foot house.

EVIDENCE:

- a) The project meets minimum parcel size, lot width, yard setbacks, and maximum lot depth requirements.
- b) **S7-Q: DEVELOPMENT STANDARD COMBINING ZONE REGULATIONS RECLASSIFICATION FROM Q ZONE:**
 - The modifications imposed by the Q-Zone zone reclassification, referencing the official zoning map, changed the development standards such that the minimum yard setbacks are 20 feet in the front, 5 feet on the side, and 30 feet in the rear, with a 20-foot max building height. To meet development standards, a variance is included in the project to change the front setback from 20 feet to 6 feet, three inches.
- c) **SPECIAL ARCHAEOLOGICAL RESOURCE AREA REGULATIONS FOR SHELTER COVE:**
 - The project complies with the “A” combining zone

requirement that the County shall condition the Coastal Development Permit to include an agreement to stop work in the event of discovery of any archaeological resources during construction. A cultural monitor is required on site during any ground disturbing activities (**Condition of Approval A4**).

- Planned improvements avoid impacts on archaeological sites as it was determined in the Archaeological Assessment (Confidential File) no *significant* cultural resources are on site. The presence of a cultural monitor will further reduce potential impacts to cultural resources.
- The removal or transfer of culturally significant material by professional archaeologists is permitted if any are discovered (**Informational Note 1**).

d) **DESIGN REVIEW**

In the absence of any Board of Supervisors' approved representatives, the Director is the reviewing authority. The project complies with all of the following standards and regulations contained in the Design Review Combining Zone.

Design Review Standards: Buildings, sites, structures, signs, landscaping, and similar development are consistent with the policies of the General Plan and the Zoning Code, and the Review Authority finds the following items are addressed in the submitted development plans:

1. The project is consistent and compatible with applicable elements of the General Plan
2. The project protects natural landforms by minimizing alterations caused by cutting, filling, grading or clearing, except to comply with fire hazard reduction laws.
3. Exterior lighting will be compatible with the surrounding setting and will not be directed beyond the boundaries of the parcel.
4. Screening or softening the visual impact of new development through the use of vegetative plantings (**Condition of Approval A5**). It is

appropriate for species common to the area to be used. Known fire resistive plants should be considered where appropriate.

5. Where feasible, new utilities should be underground. When above-ground facilities are the only feasible alternative, they will be sited as unobtrusively as possible.
6. The applicant has requested a variance to Setbacks from roads and property lines. Additional details can be found in the "Required Findings for Variances" sections below. The proposed variance does not affect the scenic and visual qualities of the site and area.
7. No off-premises signs are proposed.

Restrictions Applicable Within Designated Coastal View Areas: Within Coastal View Areas, as designated by the General Plan, new off-site signs are prohibited. The proposed project includes no off-site signs. The project complies with this requirement as no off-site signs are proposed.

Required Findings for Designated Coastal Scenic and Coastal View Areas: A Coastal Development Permit for development located within a designated Coastal Scenic or Coastal View Area shall only be approved if the applicable Resource Protection Impact Findings of Chapter 2, Procedures, Supplemental Findings, are made. These findings are made below in Finding 7.

Additional Standards Applicable to Shelter Cove Portions of South Coast Area Plan - Building Structural Design Standards:

1. Residence has a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall.
2. Foundations is designed to meet the Uniform Building Code requirements of seismic zone IV. As a continuous perimeter foundation is not feasible due to site conditions, the project foundation is on engineered piers and is exempt from the requirement of a continuous perimeter foundation.
3. The project meets the minimum roof overhang of

twelve (12) inches. The overhang is an integral part of the structure.

4. There are no exterior walls and roofing materials of unfinished metal or galvanized metal. The exterior finish of any metal material has a manufacturer's warranty certifying a minimum life of fifteen years (15yr). Flammable roofing material such as wood shakes or shingles are not proposed.

5. **FINDING:** The proposed development conforms with all applicable standards and requirements of these regulations;

EVIDENCE: a) Geologic Hazards Regulations (313-121) – High Instability: The applicant submitted a Soil Engineering Report (**Attachment 3A and 3Ai**) satisfying the R2 Report Requirements. The report included assessments from a licensed engineer and a project geologist, who provided a site hazard assessment and recommendations for the proposed development. The project architect incorporated the recommendations into the design of the project. Additional information can be found in Finding 3c and Finding 9.

- b) Major Vegetation Removal: The project includes the removal of one tree with a circumference of 38 inches or more measured at four and one-half feet vertically above the ground. Because the major vegetation removal is occurring in a Coastal Scenic Area, the vegetation removal needs to be subordinate to the character of its setting. The Monterey cypress to be removed is a naturalized species and was likely planted as a landscaping feature. The tree's removal is subordinate to the character of the setting, as the tree is not a key characteristic of the local landscape. Additionally, because the tree to be removed is behind a larger tree in the foreground, the character of the setting won't be disturbed by the tree's removal.

CDFW recommended tree removal is done outside of nesting bird season (March 15-August 15) (**Condition of Approval A11**).

- c) Off-Street Parking (109.1.4) Parking Spaces Required: For the proposed residential structure, two parking spaces are required because the dwelling contains more than one bedroom. To conform with the applicable standards, the

site will have two on-site parking stalls, and one off-site parking location on Sea Court which will be in a Public Works-approved parking lane. Furthermore, the parking provided meets the general requirements in section 109.1.3 of the Humboldt County Code.

6. 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:

- a) The construction of a single-family residence will not be detrimental to public health safety or welfare.
- b) All reviewing referral agencies that responded to the County have approved or conditionally approved the proposed project. The application is complete. Parcels to be developed are found to comply with the Subdivision Map Act. The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances.

7. FINDING: **Residential Density:** 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's share of the regional housing need pursuant to Section 65584 of the Government Code, and
3. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

EVIDENCE: a) The parcel is zoned for residential use, and the parcel is included in the 2019 Adopted Housing Element Inventory. Residential density is increased and consistent with the General Plan. The project contributes to the County's share of the regional housing need.

8. FINDING: **Coastal View Areas (312-39.5):** To the maximum extent feasible, the project is sited so as not to interfere with public views to and along the ocean from public roads and recreation areas.

EVIDENCE: a) According to the South Coast Area Plan, west of Lower Pacific Drive between Abalone Court and the drainage immediately north of Gull Point, no structure shall be over 20 feet in height unless expanded side yard view corridors are provided, as set forth by ordinance. The proposed structure is 20 feet tall.

9. FINDING: **Coastal Natural Landforms (312-39.9):** Alterations to natural landforms will be minimized.

EVIDENCE: a) The project protects natural landforms by minimizing alterations caused by cutting, filling, grading or clearing, except to comply with fire hazard reduction laws and is conditioned to revegetate any altered landforms in conformance with South Coast Area Plan (**Condition of Approval A5**).

10. FINDING: **Coastal Geologic Hazards (312-38.1):**

1. The development will be sited and designed to assure stability and structural integrity for the expected economic life span while minimizing alteration of natural landforms;
2. Development on bluffs and cliffs (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, wastewater disposal and other activities and facilities accompanying such development) will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding

areas; and

3. Alteration of cliffs and bluff tops, faces, or bases by excavation or other means will be minimized. Cliff retaining walls shall be allowed only to stabilize slopes.

- EVIDENCE:**
- a) The proposed project was assessed by SHN Consulting and Skelly Engineering to determine whether the project site was suitable for longer-term stability and geologic stability in the face of risk factors like bluff erosion, wave run-up, and failure of slope stability. They found for the life of the project (75 years) minimal to no alterations of the landforms on site would be required to maintain structural integrity. Applicant will adhere to the recommendations in the Soils Engineering Report (**Attachment 3A and 3Ai**).
 - b) In conformance with the South Coast Area Plan, the applicant is required to revegetate the disturbed landforms with attractive vegetation common to the region (**Condition of Approval A11**), a requirement which also serves to stabilize the coastal landforms and reduce the risk of erosion. Additionally, the proposed construction methods and site design will not create or contribute significantly to problems of erosion or geologic instability. The potential erosion and instability hazards are mitigated by preventing the concentration of storm water, having an engineered foundation, and having appropriate setbacks from the bluff edge.
 - c) Besides grading and foundation installation on the bluff top, no excavation is proposed. No cliffs, bluff faces or bluff bases will be excavated or altered, and no retaining walls are proposed.

11. FINDING: Major Coastal Vegetation Removal Within Coastal Scenic Areas (312-39.13):

The visual effects of the vegetation removal will be subordinate to the character of its setting.

- EVIDENCE:**
- a) The Monterey cypress to be removed is a naturalized species and was likely planted as a landscaping feature. The tree's removal is subordinate to the character of the setting, as the tree is not a key characteristic of the local landscape. Additionally, the tree to be removed is behind a larger tree in the foreground, so character of the setting

won't be disturbed by the tree's removal.

REQUIRED FINDINGS FOR VARIANCES

12. FINDING: 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.

EVIDENCE: a) The configuration of Sea Court bulges off of Lower Pacific Drive and reduces the size of the project parcel. The configuration reduces the buildability of the site as, between the 160-foot setback from the shoreline and the 20-foot front yard setback, a 12' x 44' area would be the only area available for construction. These restrictions would cause any development to be inconsistent with development standards required on site – namely the minimum 20 x 20 building footprint required by the Shelter Cove Design Review standards.

This bulge is unique to the project parcel and does not occur on the neighboring sites. If a line were to be drawn between the closest front corner of the two adjacent residences, the proposed structure would be almost 15 feet behind the line if constructed without a variance. Allowing the proposed structure to encroach into the front yard setbacks is required to enable development on the parcel.

13. FINDING: The strict or literal interpretation and enforcement of the 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;

EVIDENCE: a) The established setback would reduce the buildable area such that the owner would be unable to develop a residence as enjoyed by the neighbors. Because the parcel is zoned Residential Single Family, the owner is entitled to a single-family residence and would be deprived of such an entitlement if the yard setback regulations were strictly interpreted.

14. FINDING: That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

EVIDENCE: a) Granting the variance would not offer any special privileges to the property owner which are not afforded to other properties in the same zoning district. The variance enables the developer to construct a residence which would otherwise be ineligible if the zoning regulations were strictly applied to the parcel. The Shelter Cove 20 x 20 minimum structure size is the main limitation which cannot be met without the variance.

15. FINDING: That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare.

EVIDENCE: a) The construction of the single-family residence will not affect the public health, safety or welfare.

16. FINDING: In addition to the findings of this section, requests for variances in the Coastal Zone shall be approved only if the following additional finding is made:

The development for which the variance is proposed will be in conformity with the Coastal Land Use Plan.

EVIDENCE: a) Construction of the Single-Family Residence has been reviewed and found to be in conformance with the South Coast Area Plan. Please see Finding 3 above.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Approve the Coastal Development Permit, Special Permit, and Variance (PLN-2023-18280) for Don Daniels subject to the Conditions of Approval attached hereto as Attachment 1A; and
- Adopted after review and consideration of all the evidence on **October 2, 2025**.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John H. Ford, Secretary to the Planning Commission 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 Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department