

CALIFORNIA COASTAL COMMISSION

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DATE: Prepared March 29, 2012 for the April 11, 2012 hearing

TO: Coastal Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
Robert Merrill, North Coast District Manager
Melissa Kraemer, Coastal Planner

SUBJECT: **Appeal No. A-1-HUM-12-006** (Brian Smith, local permit #CDP-11-18)

Appeal by Jody Poulcott of the decision by Humboldt County to grant a coastal development permit with conditions to Brian Smith for the development of a new two-story, approximately 29-foot-high, ~2,090-square-foot single family residence, attached garage, greenhouse, on-site sewage disposal system, and removal of 13 conifer trees at 183 Westgate Drive in the Trinidad area of Humboldt County (APN 517-231-73).

Appeal filed: March 7, 2012
49th day: April 25, 2012

I. STAFF RECOMMENDATION

Staff recommends that the Commission determine that **NO substantial issue** exists with respect to the grounds on which Appeal No. A-1-HUM-12-006 was filed.

Staff recommends a **YES** vote on the following motion & resolution:

Motion & Resolution: I move that the Commission determine and resolve that Appeal Number A-1-HUM-12-006 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

Passage of this motion and resolution will result in a finding of no substantial issue and adoption of the following findings. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

II. APPEAL PROCEDURES

Pursuant to Coastal Act Section 30603, this approval is appealable to the Commission because the approved development is located within 300 feet of the top of the seaward face of a coastal bluff. The grounds for an appeal are limited to an allegation that the approved development does not conform to the standards set forth in the certified local coastal program (LCP) and, if the development is located between the first public road and the sea (in this case it is not), the public access policies set forth in the Coastal Act.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.¹ Commission staff has analyzed the County's Final Local Action Notice for the development (Exhibit No. 9), the appellant's claims (Exhibit No. 10), and the relevant requirements of the certified LCP (see Appendix A) and is recommending that the Commission find that the appeal raises no substantial issue with respect to the grounds on which the appeal has been filed.

In this case, because staff is recommending no substantial issue, the Commission will hear arguments and vote on the substantial issue question. Proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

If the Commission determines that the appeal does raise a substantial issue, the Commission would continue the *de novo* portion of the appeal hearing to a subsequent meeting.

III. FINDINGS

A. Project Description

The Humboldt County Planning Commission approved the subject coastal development permit (County CDP No. 07-37) on February 2, 2012 for the development of a new two-story, approximately 29-foot-high, ~2,090-square-foot single family residence, attached garage, greenhouse, on-site sewage disposal system, and removal of 13 conifer trees on an approximately one-third-acre lot located at 183 Westgate Drive in the Trinidad area of

¹ The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (1) the degree of factual and legal support for the local government's decision; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretations of its LCP; and (5) whether the appeal raises only local issues or those of regional or statewide significance.

Humboldt County (APN 517-231-73) (Exhibit Nos. 1-3). The subject site is located in an area that is planned and zoned for rural residential uses under the County's certified LCP (Rural Residential Agriculture – No Further Subdivision Allowed, with a Design Review Combining Zone [RA-X/D]). Single-family residential development is a principally permitted use in the RA zone.

The County granted its approval of the CDP subject to various special conditions (see Exhibit No. 9), including, but not limited to, conditions requiring "Best Management Practices" and other standards for tree removal activities, protection of potential bird nesting habitat during the nesting/breeding season, implementation of erosion control measures during tree harvesting and construction operations, adherence to recommendations set forth in the geologic hazard and engineering soils report, landscaping standards and restrictions to minimize both visual impacts and fire hazards, adherence to the County's fire safe regulations for fuel maintenance and construction mitigations, and exterior lighting restrictions.

B. Environmental Setting

The subject site is located on the east (inland) side of Patricks Point Drive, which is the first through public road paralleling the sea in this area, at an elevation of approximately 300 feet above mean sea level. According to the Commission's geologist and the applicant's geologic consultant, the bluff edge in this area is located west (seaward) of Patricks Point Drive, and the subject property is within 300 feet of the top of the seaward face of this coastal bluff (hence the project's appealability). Although the rear portion of the property extends to within approximately 70 feet of Patricks Point Drive, virtually none of the approved development would be visible from this public roadway due to the property's elevation approximately 70 feet above the road. The approved development would be visible from Westgate Drive, a non-through public road that branches off of the east side of Patricks Point Drive to serve the Seawood Estates residential subdivision, which was created in the 1960s and early 1970s (Exhibit No. 7). According to the appellant, the subject property is the last remaining lot to be developed in the subdivision neighborhood.

The Patricks Point Drive area north of Trinidad is comprised of rural residential and commercial recreational parcels on forested bluffs between approximately 200 and 300 feet above sea level. Most of the parcels along this stretch of roadway average approximately 2 acres in size, except for those in and around the Seawood Estates subdivision, including the subject site, where the area is planned for a half-acre density under the certified LCP. The subject lot is approximately one third of an acre in size.

Views through gaps in forest vegetation to the ocean and off-shore rocks are available from many public vantage points along Patricks Point Drive. Only a limited blue-water view is available to the public through the applicant's property from Westgate Drive due to the presence of existing residential development immediately north and south of the subject lot and mature evergreen coniferous vegetation growing on and around the property.

The subject site is located within an area designated as a “Coastal Scenic Area” under the certified LCP. The Coastal Scenic Area extends virtually the entire ~4-mile length of Patricks Point Drive between the City of Trinidad and Patricks Point State Park. The LCP contains numerous policies and standards for Coastal Scenic Areas (see Appendix A) to ensure that new development in these areas is subordinate to the character of the area. The site is not located within an area designated as a “Coastal View Area” under the certified LCP, but there is a designated “Coastal View Area” approximately 800 feet north of the subject site beginning at the intersection of Seawood Drive and Patricks Point Drive and extending north for approximately one mile (Exhibit No. 4).

According to geologic maps published for the area and a site-specific investigation of the property by the applicant’s geologist, the subject site is considered mostly stable (“low slope instability”), except for the portion of the lot near the break in slope above Patricks Point Drive, which is considered “moderate slope instability.” The land becomes increasingly unstable towards the break in slope above the road and towards the bluff edge west of the roadway. The geologic investigation conducted for the proposed project recommended a setback of 20 feet from the break in slope delineated west of the property, between the subject property and of Patricks Point Drive (Exhibit No. 8).

According to County mapping, the site is located in an area of “moderate fire hazard severity” based on the site’s State Responsibility Area (SRA) classification. The SRA classification system defines land for which the state assumes primary financial responsibility for preventing and suppressing fires.

C. Filing of Appeal

One appeal was filed by Jody Poulcott (Exhibit No. 10). The appeal was filed with the Commission in a timely manner on March 7, 2012, within 10 working days of receipt by the Commission of the County's Notice of Final Action on February 22 (Exhibit No. 9).

D. Analysis of Appellant’s Contentions

As set forth in Section 30603 of the Coastal Act, after certification of its LCP, an appeal of a local government-approved CDP is limited to allegations made on the grounds that the approved development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

The appellant, Jody Poulcott, lists various reasons for this appeal, which can be grouped into eight primary categories: (1) substandard size of the subject lot; (2) property line and public road setbacks; (3) visual compatibility; (4) compliance with Coastal View Area requirements; (5) height limitations; (6) coastal scenic area findings; (7) geologic hazards; and (8) fire hazards. These contentions are raised both on the appeal form itself and in a copy of the PowerPoint slideshow that was presented to the County Planning Commission at the CDP hearing, an electronic copy of which was submitted with the appeal. Each contention is analyzed in more detail below.

As discussed below, the Commission finds that all of the contentions raised by the appellant are valid grounds for appeal. The Commission further finds that the contentions

raised by the appellant raise no substantial issue with respect to the grounds on which the appeal was filed.

(1) Substandard Size of Lot Inconsistent with the Density Prescribed for the Area under the Certified Land Use Plan

The appeal alleges that the approved project is inconsistent with Trinidad Area Plan (TAP) Section 3.21(B)(2)(a), which describes the planned density of development in the Westgate Drive area as one half-acre, whereas the subject lot is just ~0.35-acre in size. The appellant also contends that the subject parcel historically has been documented as having a “high instability” rating and was never intended to be developed.

The subject parcel is designated Residential Exurban (RX) 0-2 units per acre under the TAP, and Rural Residential Agriculture with No Further Subdivision Allowed (RA-X) under the coastal zoning regulations. Both the RX and RA designations allow for single-family residential development as a principally permitted use. TAP Section 3.21(B)(2) describes planned densities for rural areas designated for residential use and lists the Westgate Drive area as planned for a one half acre density. The RA-X zone does not specify a minimum lot size and permits one dwelling unit per lawfully created lot. Furthermore, Section 313-107.2.1 of the coastal zoning regulations allows for development of substandard lots if (1) the substandard lot in question was lawfully created; and (2) the substandard lot has not been merged with adjoining property.

Although the subject lot is only approximately 0.35-acre in size (and therefore “substandard” for the half-acre planned RX designation), the County has determined that the lot was legally created in approximately 1970 and was most recently involved in a lot line adjustment approved in 2003 (County LLA-02-25, which did not require an associated CDP since lot line adjustments at the subject site are a category of development covered under Categorical Exclusion Order No. E-86-4 approved by the Commission on June 11, 1986 and effectively certified on August 18, 1986). Finally, the adjoining property is not owned by the applicant and therefore cannot be merged with the substandard lot. Thus, approval of a principally permitted single family residence on the legally created substandard lot does not raise a substantial issue of consistency of the approved project with the LCP.

Regarding the appellant’s claim that the subject parcel historically has been documented as having a “high instability” rating, this statement is incorrect. Appendix C of the TAP presents a Hazards/Land Use Risk Rating Matrix and associated maps for the planning area that are dated March 1990. The subject site is depicted in a map on page 2 of Appendix C as “D1” – 1 being the numerical slope stability indicator for “low instability.” Furthermore, County mapping (at <http://gis.co.humboldt.ca.us/Freeance/Client/PublicAccess1/index.html?appconfig=podgis4>) also classifies the site as having a “low instability” rating. Moreover, the applicant’s geologic consultant, in a February 8, 2011 report, describes the portions of the property at least 20 feet back from the break in slope above Patricks Point Drive as having a low slope stability hazard. Geologic hazard issues are discussed in more detail below in section (7).

Therefore, there is a high degree of factual and legal support for the local government's decision to allow development on the subject parcel. The Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

(2) Property Line and Public Road Setbacks

The appellant claims that the approved project violates TAP Section 3.40(B)(3)(c)(3), which requires that setbacks from property lines in significantly developed areas be the average of the setbacks of existing structures, and although the County identifies the average setback from property lines in the area to be 55 feet and the average setback from public roads in the area to be 44 feet, the project approved by the County allows for setbacks of 6 feet and 42 feet from property lines and 15 feet from a public road.

TAP Section 3.40(B)(3)(c)(3) states as follows (emphasis added):

- (3) *Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 230 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.*

TAP Section 3.40(B)(3)(c)(3) defines “significantly developed” area as “50% or greater,” and the subject site is located within the Seawood Estates subdivision where virtually all of the existing 30+ lots have been developed. Additional rural residential development occurs north and south of the area along Patricks Point Drive. Therefore, in its findings for approval of the subject CDP, the County determined that the subject site is within a “significantly developed” area, where setbacks “*shall be the average of the setbacks of existing structures.*” The County determined the average setback of existing structures to be 44 feet from public roads and 55 feet from property lines.

According to the County staff report, the approved project would have setbacks of 85 feet from Westgate Drive and 15 feet from Patricks Point Drive and a 6-foot side yard setback from the south property line and a 42-foot side yard setback from the north property line. Thus, the approved project's setback from Patricks Point Drive (a public road) and its property line setbacks are less than the average setbacks of existing structures (44 feet from public roads and 55 feet from property lines), inconsistent with TAP Section 3.40(B)(3)(c)(3) cited above. However, TAP Section 3.40(B)(3)(d) allows for deviation from the prescriptive standard where the development is “*in conformance and compatible with the goals and objectives of this section and the Area Plan...[and]...submitted to the Design Committee for review and approval.*” TAP Section 3.40(B)(5) sets forth various findings that must be made for new development in Coastal Scenic Areas and/or Coastal View Areas that cannot satisfy the prescriptive standards listed in TAP Sections 3.40(B)(3) and (4). These include, in applicable part, the following (emphasis added):

5. *Design Assistance Committee*

New development proposed within Coastal Scenic and/or Coastal View Areas which cannot satisfy the prescriptive standards listed in Section 3.40 B. 3 & 4, respectively shall be referred to the Design Assistance Committee. The Design Assistance Committee, as defined in the implementation phase of the Local Coastal Program, shall ensure that the proposed development is compatible with the goals

and objectives of this plan. Findings for approval shall include: (Amended by Res. No. 82-100, 7/27/82)

...
c. *That setbacks from roads and property lines are appropriate to protection the scenic and visual qualities of the site;*

...
i. *Where views from public roads to the coast or coastal waterways are of concern, the height, width, and setbacks from roads and parcel lines shall be considered to retain as much of the existing view as is possible.*

...
In the subject case, the County-approved setbacks of as little as 15 feet from a public road and 6 feet and 42 feet from property lines do not detract from the scenic and visual qualities of the site, because there is very little if any public view to the ocean from Westgate Drive through the approximately one third of an acre subject parcel due to the presence of existing residential development immediately north and south of the lot and mature evergreen forest vegetation growing on and around the property. Additionally, Westgate Drive is a non-through road that mainly serves subdivision residents. Thus, in this particular location, public views through the property to the coast are not of significant concern. Due to the parcel's limited size and restrictions related to (a) the on-site sewage disposal system, (b) an existing easement along the southern parcel boundary, and (c) geologic setbacks, the options for building pad locations on the lot are very limited. The house location as approved by the County would not be visible from Patricks Point Drive due to the property's elevation approximately 70 feet above the road. Furthermore, the County's determination that the approved structure would be only 15 feet from Patricks Point Drive actually is somewhat misleading. Commission staff has calculated that the development approved by the County would be 15 feet from the outer boundary of the County's right-of-way associated with Patricks Point Drive, but at least 50 feet (in plan view) from the roadway itself. Moreover, although the new residence would be located as close as 6 feet and 42 feet from property lines, these setback distances still comply with the minimum side yard setbacks prescribed for the RA zone under Section 313-6.4 of the coastal zoning regulations (i.e., 5 feet). Additionally, these yard setbacks, while less than the average setback of existing structures from property lines in the surrounding area (i.e., 55 feet), will not create visual qualities significantly out of character with the surrounding area, since the subject residence would be staggered 85 feet back from Westgate Drive while surrounding residences to the north and south are much closer to Westgate Drive, and the existing residences on the lots immediately south and north of the subject site both have sub-average interior side yard setbacks of 5 feet or less.

Thus, the significance of the coastal resources affected by the County's decision to approve the project is limited, and the appeal claim raises only local issues rather than issues of regional or statewide significance. Furthermore, the County has presented factual and legal support for its decision. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

(3) **Visual Compatibility**

The appellant claims that the approved project is inconsistent with TAP Section 3.40(B)(1)(a)(2)(a), which specifies compatibility standards for new development in terms of physical scale and neighborhood character. The appellant also indicates that he believes a view easement was established across the property (more or less parallel and adjacent to Westgate Drive) that had been shown on certain APN maps filed at the County before being erased from those maps (during the processing of the subject CDP) and was not addressed by the County in its findings of approval for the subject development.

TAP Section 3.40(B)(1)(a)(2)(a) reads as follows:

1. *Physical Scale and Visual Compatibility*

No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall be determinative in establishing the compatibility of the proposed development:

a. *For proposed development that is not in the principal permitted use, or that is outside an Urban Limit and for other than detached residential, agricultural uses, or forestry activities regulated by CDF, that the proposed development is compatible with the principal permitted use, and, in addition is either:*

- (1) No greater in height or bulk than is permitted for the principal use, and is otherwise compatible with the styles and visible material so existing development or landforms in the immediate neighborhood, where such development is visible from the nearest public road.*
- (2) Where the project cannot feasibly conform to paragraph 1, and no other more feasible location exists, that the exterior design, and landscaping be subject to a public hearing, and shall be approved only when:*
 - (a) There is no less environmentally damaging feasible alternative location.*
 - (b) The proposed exterior design and landscaping are sufficient to assure compatibility with the physical scale established by surrounding development.*

The Commission finds that no substantial issue is raised as to whether the project as approved by the County is compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel for several reasons.

First, as discussed above, the parcel is designated Residential Exurban (RX) 0-2 units per acre under the TAP, and Rural Residential Agriculture with No Further Subdivision Allowed (RA-X) under the coastal zoning regulations. Both the RX and RA designations allow for single-family residential development as a principally permitted use. TAP Section 3.21(B)(2) describes planned densities for rural areas designated for residential use and lists the Westgate Avenue area as planned for a one half acre density. The RA-X zone does not specify a minimum lot size and permits one dwelling unit per lawfully created lot.

Furthermore, Section 313-107.2.1 of the coastal zoning regulations allows for development of substandard lots if (1) the substandard lot in question was lawfully created; and (2) the substandard lot has not been merged with adjoining property. Although the subject lot is only approximately 0.35-acre in size (and therefore “substandard” for the half-acre planned RX designation), the County has determined that the lot was legally created in approximately 1970 and was most recently involved in a lot line adjustment approved in 2003. As also stated above, the adjoining property is not owned by the applicant and therefore cannot be merged with the substandard lot.

Secondly, the physical scale of the approved development is similar in scale to development in the surrounding area. According to the approved project plans, the approved residence would have 1,613 square feet of living space and an additional 644 square feet of garage, greenhouse, and basement spaces. The approved residence would cover approximately 8% of the lot area in a zone that allows up to 35% coverage. According to County findings for approval of the subject CDP and information in the local record, including a neighborhood design survey completed in January 2012 comparing height, bulk, style, and exterior design standards of 10 surrounding residences in the neighborhood, the surrounding residences average over 2,100 square feet of living space, and most are two-story structures (two are listed as “2+” story structures) (Exhibit No. 6).

Thirdly, the specific section of the TAP cited in the appeal (and above) for inconsistency with the approved project (TAP Section 3.40(B)(1)(a)(2)(a)) is actually not applicable to the approved project but instead refers to development that is *...outside an Urban Limit and for other than detached residential, agricultural uses, or forestry activities regulated by CDF...*. The project approved by the County, although located outside of the urban limit line, is for a new detached single-family residence, which, as discussed above, is a principal permitted use in the RA-X zone.

Finally, no public view easement across the property is designated in the certified LCP and there is no evidence documenting the existence of a public view easement.

Thus, there is a high degree of factual and legal support for the County’s determination that the approved project is compatible with the scale of the development allowed by the LUP and zoning for the site. Therefore, the Commission finds that these appeal claims do not raise a substantial issue of conformance of the project as approved with the certified LCP.

(4) Coastal View Area Requirements

The appellant questions whether the project site is located in an area designated as a “Coastal View Area” or “Coastal Scenic Area” under the certified LCP. Based on Commission staff’s review of the certified LCP maps, the subject site is located within a designated Coastal Scenic Area but it is not located within a designated Coastal View Area. The nearest Coastal View Area begins approximately 800 feet north of the subject site (at the intersection of Seawood Drive and Patricks Point Drive) and extends along Patricks Points Drive for approximately one mile (Exhibit No. 4). Thus, the appellant’s allegation that the approved project is inconsistent with TAP Section 3.40(B)(4)(b)(1),

which protects public views to the coast by prohibiting new structures or building sites from being visible from public roads or from blocking any part of the public view to the beach/ocean, does not raise a substantial issue of conformance of the project as approved with the certified LCP, since the standards and restrictions on new development in Coastal View Areas specified in TAP Section 3.40(B)(4) do not apply to the subject project. Even if the referenced section of the TAP did apply, however, as stated above, there is very little if any existing view to the ocean available to the public from Westgate Drive through the subject parcel due to the presence of existing residential development immediately north and south of the lot and mature evergreen forest vegetation growing on and around the property.

Thus, the significance of the coastal resources affected by the County's decision to approve the project is limited, and there is a high degree of factual and legal support that the site is not within a Coastal View area that is subject to the cited view protection policies. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

(5) Height Limitations

The appellant claims that the approved project violates TAP Section 3.40(B)(3)(c)(2), which prescribes maximum height standards for the highest point of a structure as follows:

- (2) *The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 40 feet from the lowest point of the foundation.*

Under the certified LCP, maximum structure heights are not to exceed 35 feet in the RA zone. Further height limitations are imposed by TAP Section 3.40(B)(3)(c)(2) as cited above.

In its findings for approval of the subject development, the County noted that the residence is proposed to be sited on sloped terrain, and it therefore calculated the average height of the structure using an average of all four elevations. Based on staff report findings and calculations found in the local record, the County calculated the average height of the residence to be 29 feet, the highest point of the structure from the highest point of the foundation to be 22 feet, and the highest point of the structure from the lowest point of the foundation to be 37 feet. Thus, the County found the project consistent with TAP Section 3.40(B)(3)(c)(2).

Commission staff has reviewed the file and determined the following: Based on topographic mapping of the subject property, the property generally slopes from north to south, and its highest points are at the northeast and northwest property corners (at approximately 323-329 feet above mean sea level (msl) in elevation), and its lowest points are at its southeast and southwest property corners (at approximately 300-311 feet above msl). The approved building site for the new residence is located on the southwestern side of the lot, at an average elevation of approximately 310 feet above msl. For reference, Westgate Drive is located approximately 85 feet east of the approved building site at an average elevation of 316 feet above msl, and Patricks Point Drive is located approximately

100 feet (horizontal distance) west of the approved building site at an average elevation of approximately 250 feet above msl.

According to information and measurements taken from elevations of the approved project by Commission staff (Exhibit No. 5), the Commission finds that the highest point of the approved structure is 22 feet as measured vertically from the highest point of the foundation (see northwest elevation, Exhibit No. 5), and the highest point of the approved structure is 37 feet as measured from the lowest point of the foundation (see southeast elevation, Exhibit No. 5). The Commission further finds that the average of the eight height measurements taken from the four elevations pictured in Exhibit No. 5 (upslope and downslope measurements of the structure for each elevation) is approximately 28 feet, which is consistent with the County's overall average height calculation of 29 feet. Thus, there is a high degree of factual support for the County's determination, and the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with TAP Section 3.40(B)(3)(c)(2) and the height limitations prescribed for the RA zone in the certified coastal zoning regulations.

(6) Coastal Scenic Area Findings

Section 312-39.3.1 of the Humboldt County coastal zoning regulations requires that new development in designated Coastal Scenic Areas be sited and designed to be subordinate to the character of the setting. The appellant claims that the siting of the development as approved by the County gives "precedence to the project, not to the neighborhood setting."

As discussed above, the new residence as approved by the County would be set back approximately 85 feet from Westgate Drive, which is as far back on the lot as the structure could be sited and still be in compliance with the necessary geologic setback from the break in slope above Patricks Point Drive (discussed in more detail below). This 85-foot setback from Westgate Drive would make the structure less visually prominent from the public roadway than it otherwise would be if it were to be sited closer to the road, as are many of the existing residences in the neighborhood, including the residences immediately north and south of the subject site (see Exhibit Nos. 5-6).

In its analysis of the proposed project's compatibility with the surrounding area, the County required the applicant to complete a neighborhood design survey comparing height, bulk, architectural style, number of stories, and exterior design standards of 10 surrounding residences in the neighborhood. Photographs of each also were required for visual comparison. Through this analysis and additional information from the County Assessor's office, the development as approved by the County, which includes a residence with 1,613 square feet of living space and 644 square feet of garage, greenhouse, and basement space, is approximately 400 feet smaller in living space area than the average living space area of the 10 surrounding structures, which range from 1,484 to 2,720 square feet of living space and average 2,060 square feet of living space. In addition, the development as approved by the County is similar in approximate average height (~29 feet) to the neighborhood average (which is 25 feet, ranging from 17-36 feet), in number of stories (five of the neighborhood residences are 2 stories; one is listed as "1-2" story, two

are listed as “2+” stories, one is listed as “1+”, and one is 1-story), and in exterior style, design, and materials.

Finally, as discussed above, there is very little if any view to the ocean available to the public from Westgate Drive through the approximately relatively small subject parcel due to the presence of existing residential development immediately north and south of the lot and mature evergreen forest vegetation growing on and around the property. Additionally, Westgate Drive is a non-through road that mainly serves subdivision residents. Thus, in this particular location, views through the property from public roads to the coast are not of significant concern.

Thus, the significance of the coastal resources affected by the County’s decision to approve the project is limited. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

(7) Geologic Hazards

With respect to the hazards issues, the appellant raises various contentions, including claims that: (a) it has not been demonstrated that the break in slope area above Patricks Point Drive adjacent to the rear of the subject property is stable enough to support the proposed development; (b) the geologic study completed for the project lacked the scientific detail and depth recommended by the Commission’s geologist, Dr. Mark Johnsson, in his 2003 guidelines developed for Commission staff regarding establishing development setbacks from coastal bluffs; (c) the project analyzed in the geologic report differed in scope from the project approved by the County, so the conclusions and recommendations given in the geologic report therefore are questionable; (d) the development as approved by the County does not conform to the geologic setback recommendation in the geologic report; (e) the removal of trees near the bluff edge as approved by the County could further exacerbate erosion and geologic instability on or adjacent to the subject site, and because this tree removal was not included in the project scope at the time of the geologic investigation, the adequacy of the recommended geologic setback is questionable; (f) the cumulative impacts of the approved new septic system and the downslope effects of increased runoff on geologic stability and existing building foundations were not considered; and (g) the Planning Commissioners who approved the subject CDP were not provided access to the geologic and hazards report completed for the project application with sufficient time to review the report prior to their voting on the CDP application.

Coastal Act Section 30253, codified in TAP Section 3.16, requires in part that new development (1) minimize risks to life and property in areas of high geologic, flood and fire hazard, and (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 applicant’s geologic consultant, SHN Consulting Engineers & Geologists Inc., completed a geologic hazard assessment and geotechnical investigation for a proposed new

residence at the subject site in January of 2011. The geologic study, completed by a registered professional geologist and senior geotechnical engineer, included a subsurface investigation at the project site, a description and analysis of the project area soils (e.g., moisture content, dry density, expansive index), and a visual slope assessment that “focused on assessment of rock competency, orientation and character of fracturing, weathering, and mechanisms of erosion.” The geologic consultants also completed an addendum to the geologic study (included in the local record) on March 9, 2012, which was after the CDP was approved and after this appeal was filed. The Commission's staff geologist, Dr. Mark Johnsson, has reviewed both reports relied on by the County and agrees with their conclusions and recommendations.

The appellant claims that it has not been demonstrated that the break in slope area above Patricks Point Drive adjacent to the rear of the subject property is stable enough to support the proposed development. The Commission's geologist, Dr. Mark Johnsson, has reviewed the project plans and the geologic reports and believes that the report relied on by the County adequately investigated geologic hazard issues at the site and that the recommendations given in the geologic report that the County required adherence to as a condition of project approval will be adequate to ensure that the approved new development minimizes risks to life and property, assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding areas. His opinion is based on the demonstrated well-indurated Franciscan Complex sandstone making up the lower two thirds of the slope. Thin shear zones within this bedrock dip into the slope, a generally favorably orientation. The upper third of the slope consists of more weathered bedrock capped by alluvium. Although rock falls and topples are possible on the lower slope, and shallow slumping of the upper slope is possible, the proposed building site, set back 20 feet from the edge of the slope, will, in his opinion, be unaffected by such instability for its useful economic life. Thus, there is a high degree of factual support for the County's determination that the building site will be stable, and the development will minimize geologic risks. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

A second contention raised by the appellant is that the geologic study completed for the project lacked the scientific detail and depth recommended by the Commission's geologist, Dr. Mark Johnsson, in his 2003 guidelines developed for Commission staff regarding establishing development setbacks from coastal bluffs. The guidelines developed by Dr. Johnsson cited by the appellant are not part of the County's certified LCP and are not the standard of review governing the approval of CDPs. As described above, the applicant's geologic consultant completed site-specific studies for the proposed project and recommended various measures to ensure that the development minimizes geologic hazards. The County required adherence to the geologic recommendations as a condition of CDP approval. Dr. Johnsson reviewed the approved project and the adequacy of the geologic investigation and determined that the approved new development will minimize risks to life and property, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or

surrounding areas. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

At the time of the geologic study, the applicant was contemplating the construction of a single-story wood-framed two-bedroom house located in the southwest portion of the property at the building site ultimately approved by the County under the subject CDP. The appellant claims that since the project analyzed in the geologic report differed from the project ultimately approved by the County (a two-story plus a daylight basement/garage, two-bedroom house), the conclusions and recommendations given in the geologic report are questionable.

The March 9, 2012 geologic report addendum addresses this question directly (Exhibit No. 8). The addendum states “In our opinion, the change from a single-story to a two-story structure as configured on the above-referenced drawings does not impact the conclusions and recommendations in our February 8, 2011 report.” Dr. Johnsson agrees with the addendum’s conclusion. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

A fourth contention related to geologic hazards raised in the appeal is that the development as approved by the County does not conform to the geologic setback recommendation in the geologic report. This contention by the appellant is incorrect. The geologic study report recommends, in Section 6.3, a setback of 20 feet from the break in slope (Exhibit No. 8). The site plan as approved by the County (Exhibit No. 5) depicts the “cliff edge” delineation and the delineated 20-foot setback from this break in slope, with all approved development sited outside of the geologic setback area. In addition, as stated above, Dr. Johnsson believes the recommended 20-foot geologic setback will be adequate to minimize risks to life and property, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas. Although rock falls and topples are possible on the lower slope, and shallow slumping of the upper slope is possible, deep-seated slides that could affect the building envelop are not likely due to the well-indurated nature of the bedrock at the site. Thus, there is a high degree of factual support for the County’s determination that the building site will stable, and the development will minimize geologic risks. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

Fifthly, the appellant contends that the removal of trees near the bluff edge as approved by the County could further exacerbate erosion and geologic instability on or adjacent to the subject site, and because this tree removal was not included in the project scope at the time of the geologic investigation, the adequacy of the recommended geologic setback is questionable. The March 9, 2012 addendum to the geologic study mentioned above also addresses the issue of whether or not the removal of two 24-inch fir trees near the break in slope would affect the site stability or the recommended geologic setback given in the February 2011 geologic report. The addendum specifically states that whether or not the trees are removed, the recommended 20-foot setback remains appropriate. Therefore, the

Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

The appellant contends that the cumulative impacts of the approved new septic system and the downslope effects of increased runoff on geologic stability and existing building foundations were not considered by the County. As noted above, Dr. Johnsson believes that the development as approved minimizes risks to life and property, assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding areas. Dr. Johnsson believes that any increased runoff due to the increase in impermeable surfaces can be handled with adequate drainage improvements, including directing runoff away from the break in slope and existing foundations. He further believes that any increase in ground water levels will be minor, incremental, and should have little effect on the relatively impermeable Franciscan Complex bedrock underlying the site. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

Finally, the appellant contends that the Planning Commissioners who approved the subject CDP were not provided access to the geologic and hazards report completed for the project application with sufficient time to review the report prior to their voting on the CDP application. The contention relates to the adequacy of the review process by the County Planning Commission rather than to the conformance of the resulting project as approved with the policies of the certified LCP. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

In conclusion, based on the geologic investigation that has been performed and its review by the Commission's staff geologist, there is a high degree of factual support for the County's determination that the building site will be stable and the development approved by the County will minimize geologic risks, consistent with the requirements of the certified LCP. Therefore, the Commission finds that none of the contentions related to geology raise a substantial issue of conformity of the project as approved with the certified LCP.

(8) Fire Hazards

As cited above, Coastal Act Section 30253, codified in TAP Section 3.16, requires in part that new development minimize risks to life and property in areas of high fire hazard. The appellant contends that the approved project does not include a requirement to conform to the State's fire safe regulations, and Cal-Fire was not properly briefed on the project as ultimately approved by the County.

According to County maps, the site is located in an area of "moderate fire hazard severity" based on the site's State Responsibility Area (SRA) classification. The SRA classification system defines land for which the state assumes primary financial responsibility for preventing and suppressing fires.

As a condition of approval of the subject CDP, the County attached a special condition in the category of “On-going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project” (condition #4), which reads: “Applicant shall adhere to the terms of the Humboldt County Code relating to Fire Safe Regulations, including maintenance of all fuel modification and construction mitigations for the life of the project.” The appellant claims that an earlier version of the staff recommendation included a condition requiring adherence to the “SRA Standard Exceptions for Small Parcels,” but that condition was not included in the final adopted findings for the project.

The County has conditioned this project to achieve consistency with Coastal Act Section 30253 (TAP Section 3.16) by requiring adherence to the Humboldt County Code relating to Fire Safe Regulations pursuant to on-going condition #4 described above. The County’s Fire Safe Regulations (Ordinance No. 1952 adopted in 1991), which are known as the “SRA Fire Safe Regulations” (hereafter “FSR”), are broader in scope than the “SRA Standard Exceptions for Small Parcels” form (hereafter “SRA form”) cited by the appellant. The FSR is a 20-page, 6-chapter document that establishes the minimum wildfire protection standards for building construction and development in SRAs. The SRA form is a simple 1-page checklist of fuel modification and building construction mitigation measures and a 1-page reference list of “highly flammable plants.” In other words, the SRA form is essentially a diluted summary of the FSR, and inclusion of a condition requiring adherence to the SRA form in addition to requiring adherence to the FSR as the County’s conditions of approval require would be redundant and unnecessary. Nevertheless, according to County planning staff, the County building department typically requires applicants to sign and agree to abide by the SRA form as a condition of building permit approval.

In addition to conditioning the project to mitigate potential fire hazards, the County also referred the project to Cal Fire for comment. Based on documents in the local record, Cal Fire staff commented on the project in October and November of 2011, specifying that that it had no comment regarding any fire safety issue and that no permit from Cal Fire would be required for the proposed removal of 13 conifer trees.

Thus, there is a high degree of factual support for the County’s determination that the building site will minimize risks from fire. Therefore, the Commission finds that this appeal claim does not raise a substantial issue of conformance of the project as approved with the certified LCP.

Conclusion

For the reasons stated above, the Commission finds that there is adequate factual and legal evidence in the record to support the County’s approval of a CDP for this project when it found that the project is consistent with the relevant LCP policies. Approval of this CDP will not create an adverse precedent for future interpretations of the LCP, and the project will not adversely impact coastal resources. The Commission therefore finds that the appeal raises no substantial issue with respect to the grounds on which it was filed.

APPENDICES

Appendix A: Excerpts of LCP policies and standards

EXHIBITS

1. Regional Location Map
2. Assessor's Parcel Map
3. Aerial Photo/Vicinity Map
4. Topo map showing nearby Coastal View Area
5. Approved Project Plan & Elevations
6. Neighborhood Design Survey & Photos
7. View from Westgate Drive
8. Geology report (excerpt) plus 3/9/12 addendum
9. Notice of Final Local Action & County Findings for Approval
10. Appeal

APPENDIX A

HUMBOLDT COUNTY LCP POLICIES AND STANDARDS

Applicable policies and standards of the certified land use plan (Trinidad Area Plan) related to the issues of (1) hazards, and (2) visual resources:

I. Hazards

3.16 HAZARDS

*** 30253. *New development shall:*

- (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.*

A. PLANNED USES

The hazard policies, as applicable, apply to all new development and have been primarily extracted from Humboldt County's adopted Seismic Safety Element. A predominate potential hazard in the Trinidad Planning Area includes slope and cliff instability. Appendix C, as referenced in the policies below, presents a portion of the Seismic Safety Element specific to slope stability including Hazards/Land Use Risk Rating Matrix and Trinidad area maps. The numerical index on these maps indicate relative slope stability and are to be used with the risk rating matrix. This information then indicates those areas where a site investigation would be required prior to the issuance of a development permit, as required in policy Section B2 below.

B. DEVELOPMENT POLICIES

1. *New development shall be consistent with the adopted Humboldt County Safety and Seismic Safety Element of the General Plan. Of particular interest, when siting new development, the Natural Hazards/Land Use Risk rating Matrix on Fig. 3-5, Section 3300 in Chapter 3 of Vol. I should be used in conjunction with Plates III. Plate III is a map delineating seismic zones relating to earthquake shaking as well as land stability and other natural hazard conformation.*
2. *The County shall amend Chapter 70, Section 7006, of the Uniform Building Code to require soil engineering and geological engineering investigations, prepared by a registered geologist or by a professional civil engineer with experience in soil mechanics or foundation engineering, or by a certified engineering geologist, for classes of development and hazard areas as shown in Table 1 and Plate III (See Appendix C).*

... ..

5. *Fire hazard--The County shall request that the fire service agencies recommend to the planning staff new ordinances or amendments to existing ordinances that will promote the orderly implementation of recognized fire protection practices in the Trinidad Area Plan. These recommendations shall be evaluated by the Board of Supervisors for inclusion in Phase III of the Local Coastal Plan for the Trinidad Area.*

... ..

II. Visual Resources

3.40 VISUAL RESOURCE PROTECTION

- *** 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

... ..

A. PLANNED USES

Within the Trinidad Planning Area, from Moonstone Beach to Patrick's Point, the scenic and visual qualities are indisputably exceptional. The majority of residents in this area take great pride in protecting and preserving these resources actively through such local mechanisms as the Humboldt North Coast Land Trust. South of Trinidad along Scenic Drive, a vehicle already exists for regulating visual quality: the area is in a D - Design Review - combining zone requiring review of new development for design review. However, the existing standards are too vague and indefinite to assure achievement of Coastal Act objectives. In addition, it is important to remember in terms of visual resources, that new development, following certification of the area plan and zoning, may be appealed to the State Coastal Commission if the development:

...

Because appeals add time and uncertainty to new development, they are generally undesirable for both the applicant and the County. The prescriptive standards which are applied to Coastal Scenic Areas and Coastal View Areas are therefore very specific. However, as pointed out at the area workshops, standards of this type are inherently less than optimal in achieving visual resource protection in that they tend to generalize and ignore such pertinent information as topographical or design features.

To address this potential problem, proposed new development which cannot meet the coastal scenic or visual standards may be referred to a Design Assistance Committee similar to the one that currently operates along Scenic Drive. The criteria for design review, however, are much more specific than currently exist.

The Maps 7, 8, and 9 delineate Coastal Scenic and View Areas.

B. DEVELOPMENT POLICIES

1. *Physical Scale and Visual Compatibility*

No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall be determinative in establishing the compatibility of the proposed development:

a. For proposed development that is not in the principal permitted use, or that is outside an Urban Limit and for other than detached residential, agricultural uses, or forestry activities regulated by CDF, that the proposed development is compatible with the principal permitted use, and, in addition is either:

(1) No greater in height or bulk than is permitted for the principal use, and is otherwise compatible with the styles and visible material so existing development or landforms in the immediate neighborhood, where such development is visible from the nearest public road.

(2) Where the project cannot feasibly conform to paragraph 1, and no other more feasible location exists, that the exterior design, and landscaping be subject to a public hearing, and shall be approved only when:

(a) There is no less environmentally damaging feasible alternative location.

(b) The proposed exterior design and landscaping are sufficient to assure compatibility with the physical scale established by surrounding development.

2. Protection of Natural Landforms and Features

Natural contours, including slope, visible contours of hilltops and treelines, bluffs and rock outcroppings, shall suffer the minimum feasible disturbance compatible with development of any permitted use...

...

3. Coastal Scenic Areas

In Coastal Scenic Areas as designated on the Area Plan Maps, and applied to portions of parcels immediately adjacent to and visible from the designated area, it is the intent of these regulations that all development be subordinate to the character of the designated area, and to the scenic use and enjoyment of public recreational lands within these areas. The following uniform standards and conditions shall apply to all development within said area, in addition to other applicable policies of this Plan:

...

c. All permitted development shall be subject to the following standards for siting design...

- (1) *Siding and roofing materials shall not be of reflective materials, excepting glass and corrugated roofing.*
 - (2) *The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 40 feet from the lowest point of the foundation.*
 - (3) *Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 230 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.*
 - (4) *Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the property.*
 - (5) *New homesites shall be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and location of existing parcels requires development on hillside sites, new construction or grading shall follow the natural contours of the landscape, fitting the site rather than altering the landform to accommodate buildings designed for level sites and concentrating development near existing major vegetation.*
 - (6) *New development on ridgelines shall be sited adjacent to existing major vegetation, prohibiting removal of tree masses which destroy the ridgeline silhouette, and limiting the height of structures so that they maintain present ridgeline silhouettes.*
 - (7) *Timber harvests and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas.*
- d. *Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Committee for review and approval.*

4. *Coastal View Areas*

In Coastal View Areas as designated in the Area Plan, it is the intent of these regulations that no development shall block coastal views to the detriment of the public; and the following uniform standards and conditions shall apply to all developments other than agricultural development and timberland management subject to CDF regulations for special treatment areas in said acres, and to specified developments in Coastal Scenic Areas, in addition to standards identified in the Area Plans: (Amended by Res. No. 82-100, 7/27/82)

...

- b. *Where the principal permitted use is residential a development may be approved subject to the standards of this document only on the following conditions:*
 - (1) *New structures or building sites are not visible from public roads or would not block any part of the view (which exists at the time of the application) to the beach/ocean, or*
 - (2) *The project would be a planned unit development which clusters building sites or structures in areas which minimize impacts on views (which exists at the time of the application) of the beach/ocean from public roads and which include permanent protection of open space on the remainder of the site through deed restrictions, dedications of open space or conservation easements, or through similar measures.*
 - ...
- e. *Where feasible, new and existing utilities should be underground.*
- f. *Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan may be submitted to the Design Assistance Committee for review and recommendation to the Planning Commission.*

5. *Design Assistance Committee*

New development proposed within Coastal Scenic and/or Coastal View Areas which cannot satisfy the prescriptive standards listed in Section 3.40 B. 3 & 4, respectively shall be referred to the Design Assistance Committee. The Design Assistance Committee, as defined in the implementation phase of the Local Coastal Program, shall ensure that the proposed development is compatible with the goals and objectives of this plan. Findings for approval shall include: (Amended by Res. No. 82-100, 7/27/82)

- a. *Consistency and compatibility with applicable elements of the County's General Plan;*
- b. *Alteration of natural landforms caused by cutting, filling, grading or clearing necessary for a building site is minimized and, as appropriate, integrated with the project.*
- c. *That setbacks from roads and property lines are appropriate to protection the scenic and visual qualities of the site;*
- d. *Exterior lighting is compatible with the surroundings and is not directed beyond the boundaries of the parcel;*
- e. *Vegetation common to the area should be used to integrate the manmade with the natural environment, to screen and soften the visual impact;*

- f. *Where feasible, new and existing utilities should be underground. When above-ground facilities are the only alternative, they should be as unobtrusive as possible;*
- g. *Off-premise signs, which are needed to direct visitors to commercial recreation as permitted in the Area Plan, shall be attractively designed in keeping with the surroundings and clustered at appropriate locations. Such clustered signs should have a single design theme;*
- h. *Timber harvest and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas.*
- i. *Where views from public roads to the coast or coastal waterways are of concern, the height, width, and setbacks from roads and parcel lines shall be considered to retain as much of the existing view as is possible.*
- j. *Views from public trails, beaches, or public recreation areas into the development site shall also be considered; and*
- k. *Solar collectors for on-site use shall be exempt from this review.*

Applicable policies and standards of the certified coastal zoning regulations:

312-17.3 SUPPLEMENTAL FINDINGS

In addition to the required findings for all permits and variances, the Hearing Officer may approve or conditionally approve an application for a Special Permit, use Permit, Coastal Development Permit, or Planned Unit Development Permit only if the supplemental findings, as applicable, are made. (See Sections 312-18 through 312-49)

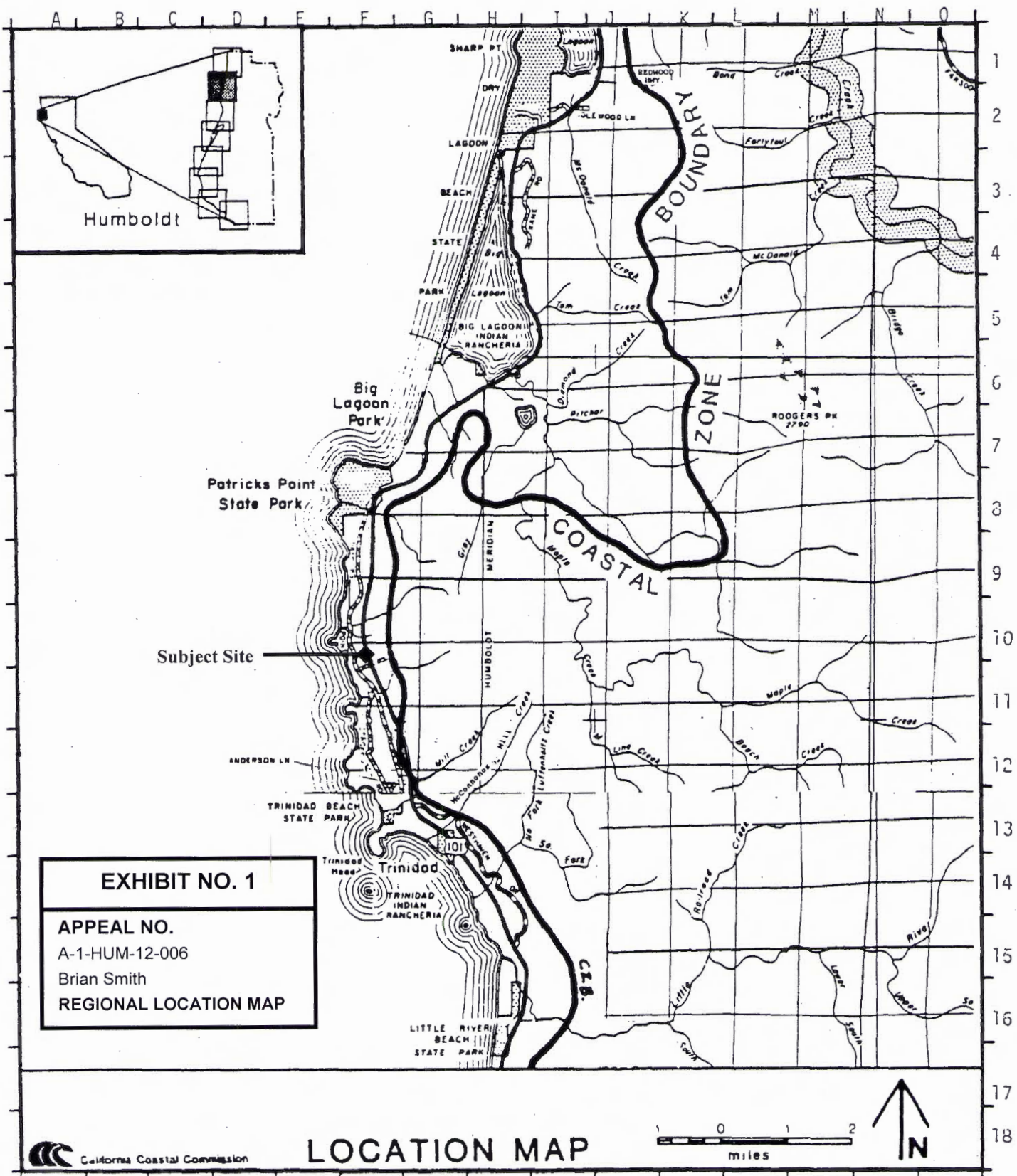
... ..

312-39 SUPPLEMENTAL COASTAL RESOURCE PROTECTION IMPACT FINDINGS

... ..

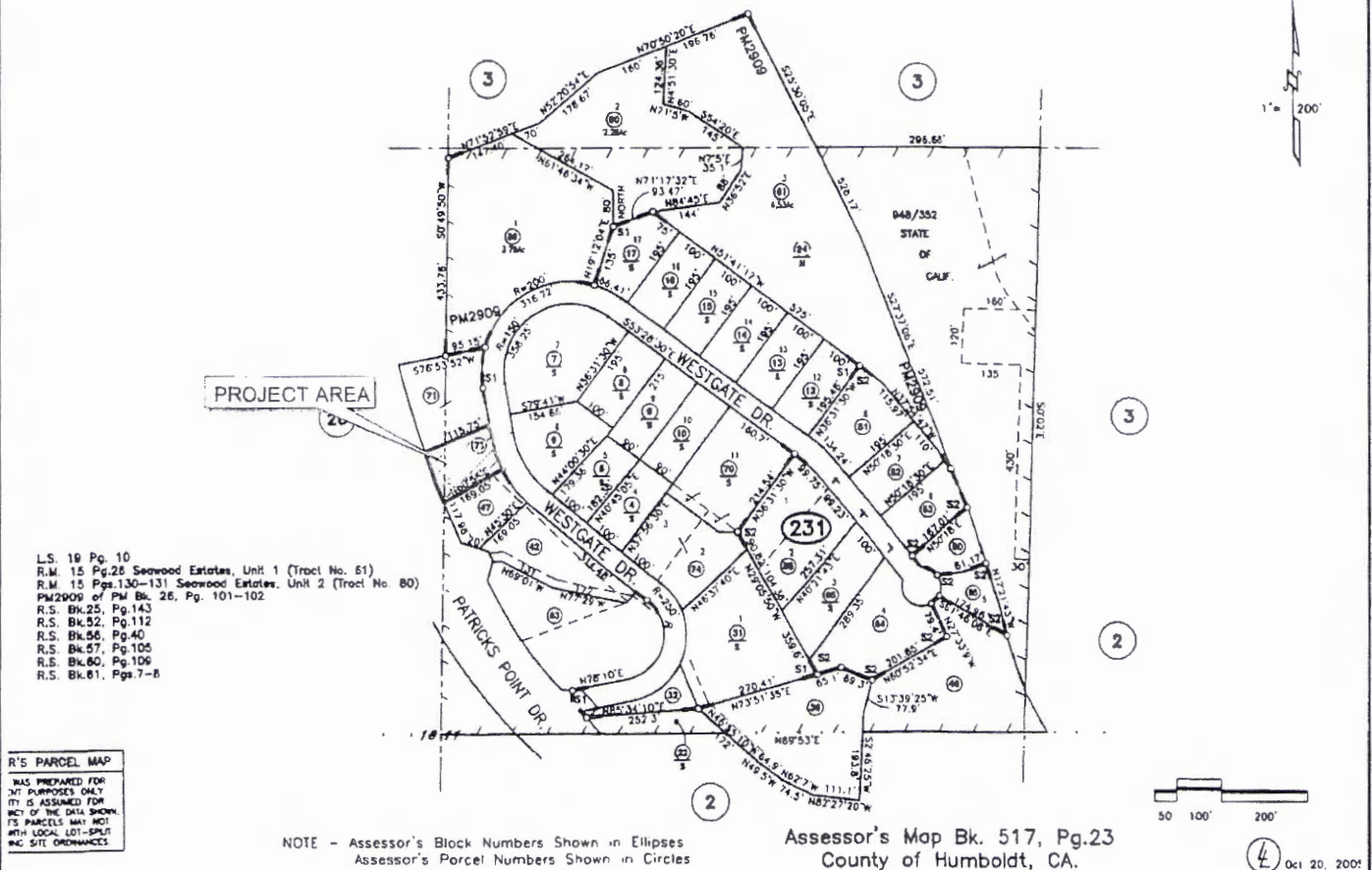
39.3 Coastal Scenic Areas

39.3.1 The project is sited and designed to be subordinate to the character of the setting. (Former Section CZ#A315-16(I)(3)(a))



SW1/4 OF NW1/4, SEC.11, T8N, R1W H.B. & M.

517-23



L.S. 10 Pg. 10
R.M. 15 Pg.28 Seewood Estates, Unit 1 (Tract No. 51)
R.M. 15 Pgs.130-131 Seewood Estates, Unit 2 (Tract No. 80)
PM2909 of PM Bk. 26, Pg. 101-102
R.S. Bk.25, Pg.143
R.S. Bk.52, Pg.112
R.S. Bk.56, Pg.40
R.S. Bk.57, Pg.105
R.S. Bk.60, Pg.109
R.S. Bk.61, Pgs.7-8

R'S PARCEL MAP
WAS PREPARED FOR
NAT PURPOSES ONLY
IT IS ASSUMED FOR
INFO OF THE DATA SHOWN
ITS PARCELS MAY NOT
MATCH LOCAL LOT-SPLIT
AND SITE ORDINANCES

PROJECT AREA =

ASSESSOR PARCEL MAP

PROPOSED SMITH
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
TRINIDAD AREA
CDP-11-18/SP-11-22
APNS: 517-231-073
T08N R01W S11 HB&M (Trinidad)

EXHIBIT NO. 2

APPEAL NO.

A-1-HUM-12-006

SMITH, BRIAN

ASSESSOR'S PARCEL MAP



MAP NOT TO SCALE



Subject Site

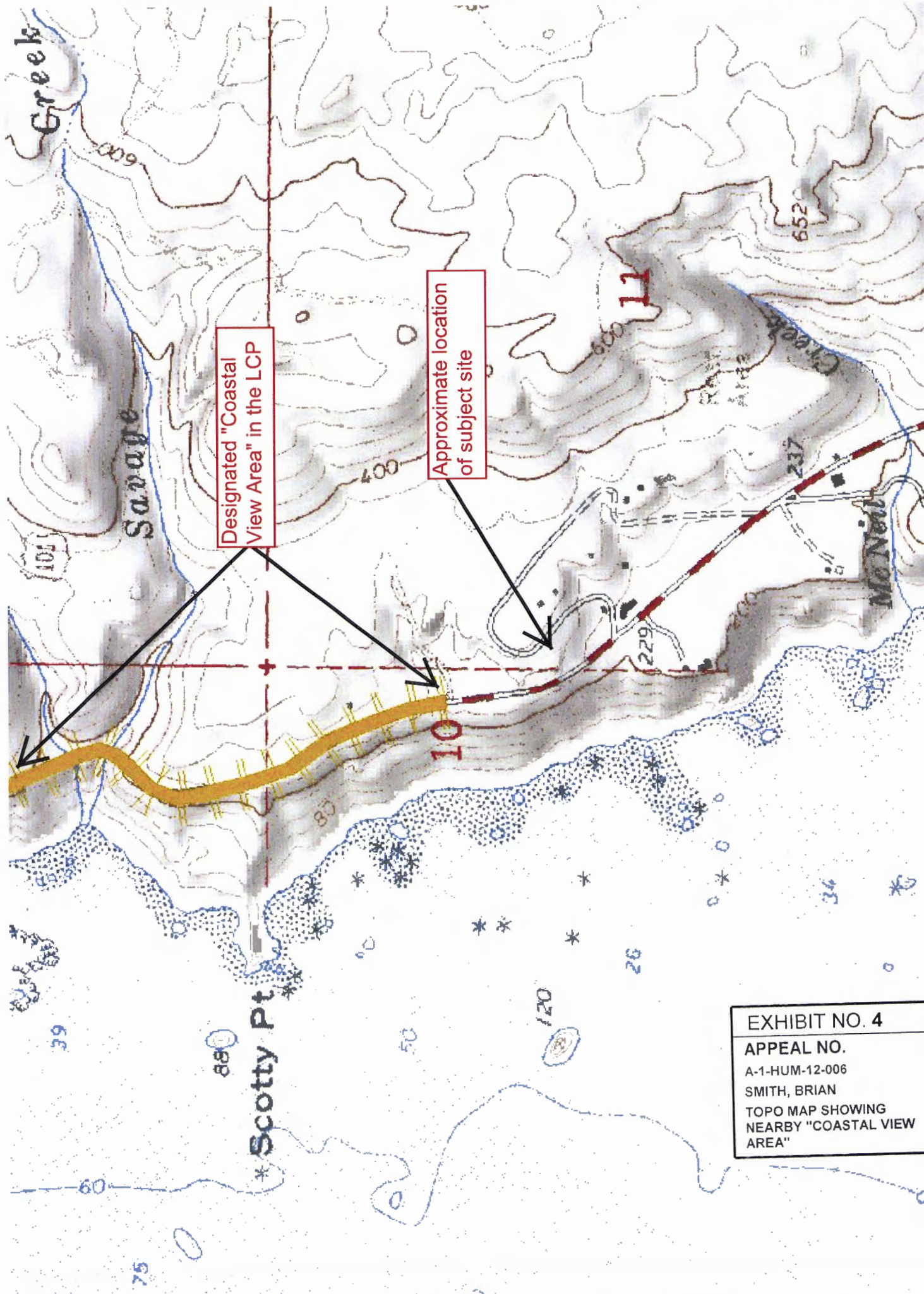
EXHIBIT NO. 3

APPEAL NO.

A-1-HUM-12-006

SMITH, BRIAN

AERIAL PHOTO / VICINITY
MAP



Designated "Coastal View Area" in the LCP

Approximate location of subject site

EXHIBIT NO. 4

APPEAL NO.

A-1-HUM-12-006

SMITH, BRIAN

TOPO MAP SHOWING
NEARBY "COASTAL VIEW
AREA"

PROJECT LOCATION 183 WESTGATE DRIVE TRINDAD, CA 95570	PROJECT OWNER BRIAN SMITH 948 GREENWOOD HEIGHTS KNEELAND, CA 95049	A.P.N.: JURISDICTION: ZONING PARCEL SIZE	517-231-073 HUMBOLDT COUNTY RA-XID 156007.5 S.F. (3583 ACRES)	20' 10' 5'	25' (35' MAX ALLOWABLE)	TYPE V	996 S.F. 490 S.F. 137 S.F. 166 S.F. (UNCONDITIONED) 342 S.F. (UNCONDITIONED) 136 S.F. (UNCONDITIONED) 69 S.F. (UNCONDITIONED)	*NOTE: GROSS FLOOR AREAS CALCULATED PER CBC CH. 10 DEFINITION	*PARKING PROVIDED: 4 SPACES (4 REQUIRED)	*PROJECT CUT & FILL ESTIMATE: CUT: +21.9 CUBIC YARDS FILL: +31.1 CUBIC YARDS
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NEW SINGLE FAMILY RESIDENCE WITH A NEW DRIVEWAY, PARKING SPACES AND SEPTIC SYSTEM. A NEW SHED WILL BE LOCATED AT THE ENTRANCE TO THE PROPERTY. ALL UTILITIES TO BE UNDERGROUNDED. WATER TO BE CONNECTED TO SUBDIVISION'S 50,000 GALLON COMMUNAL TANK.

1.1	COVER SHEET AND SITE PLAN
2.1	FLOOR PLANS
3.1	ELEVATIONS

150.12

DATE	Amount received
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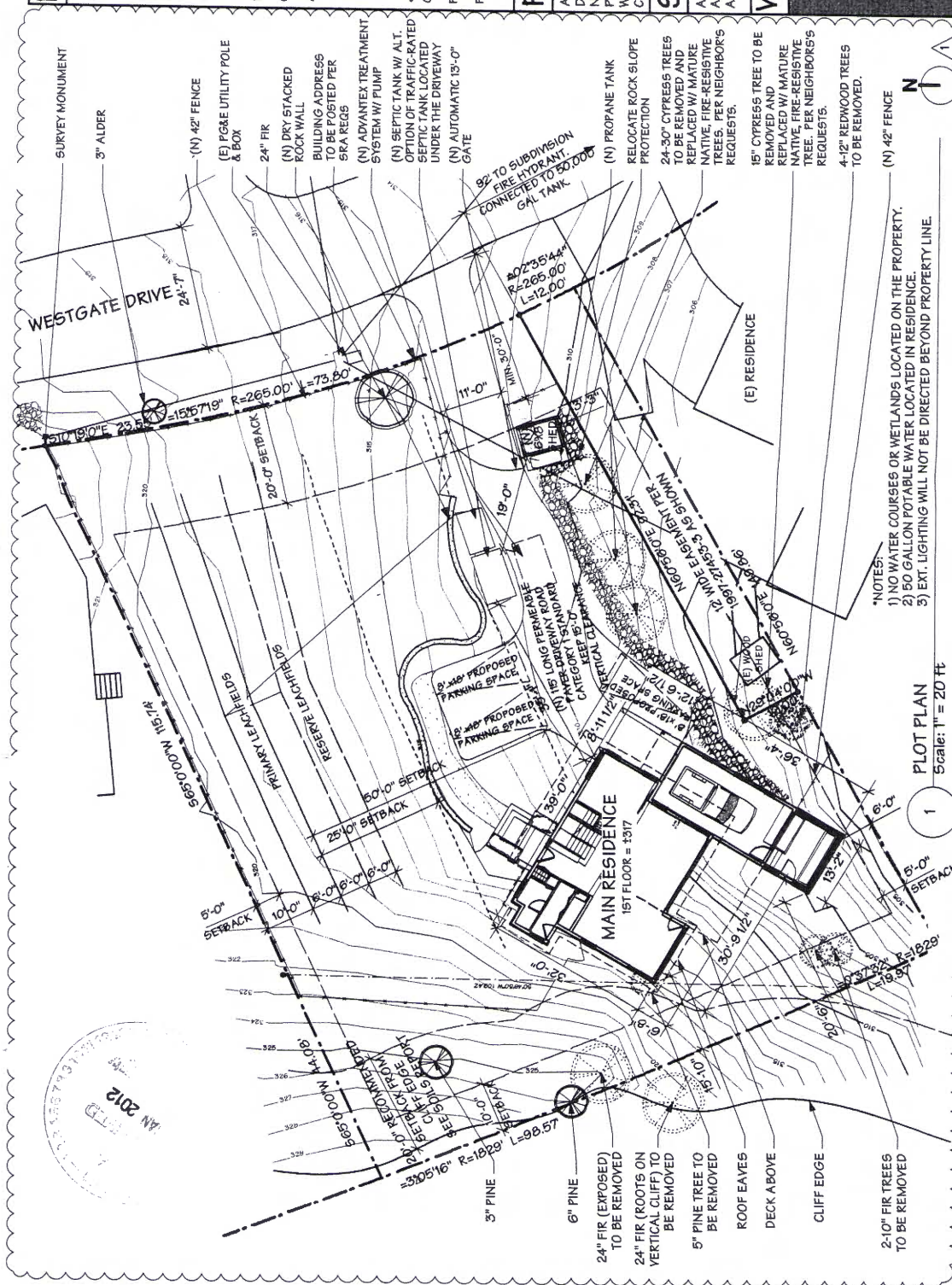
SEPTIC
PACIFIC WATERSHED ASSOCIATES
TOM BRUNDAGE
KATHY MOLEY
P.O. BOX 4433
ARCATA, CA 95515
707-839-5130

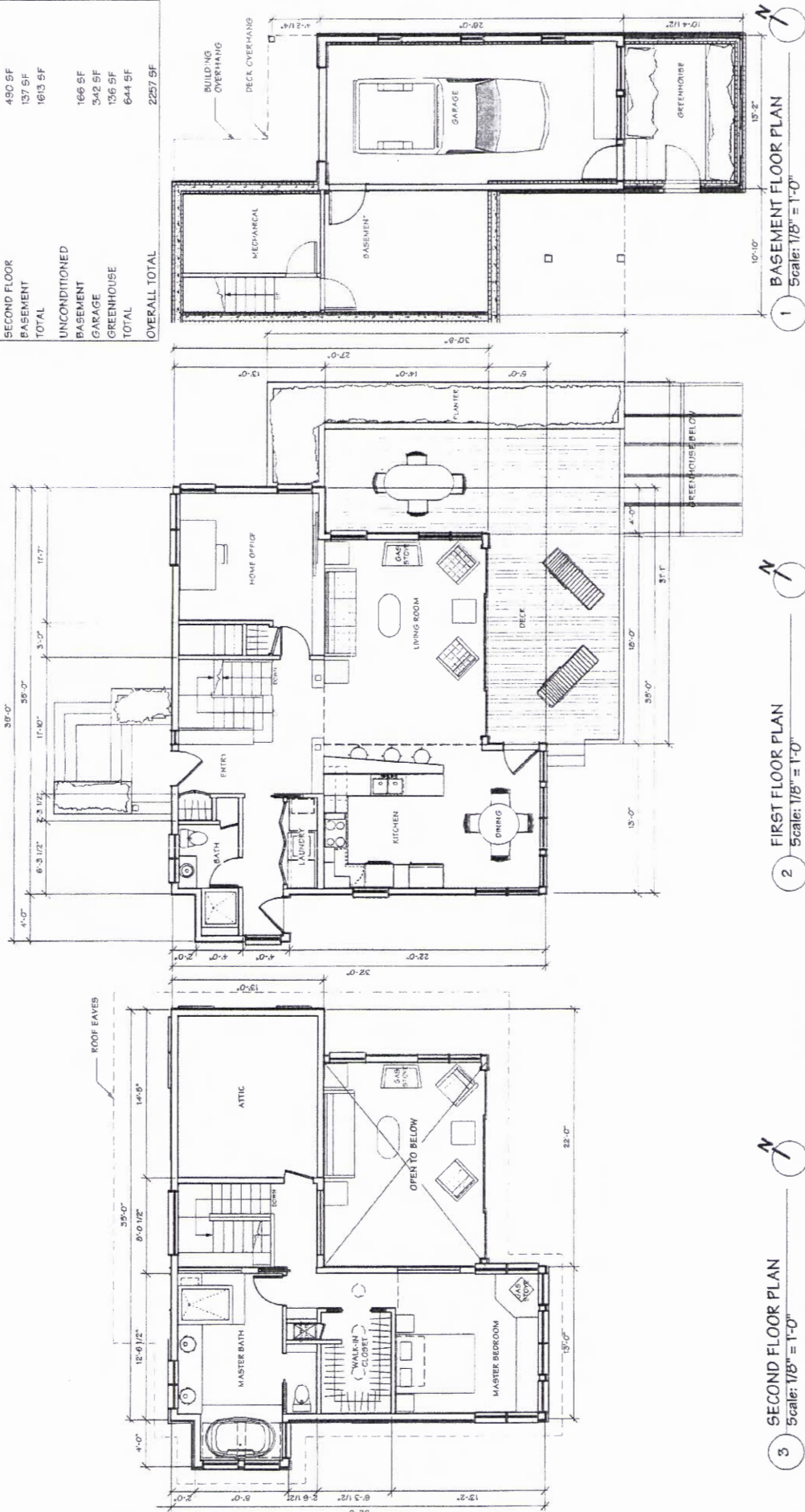
SOILS ENGINEER
SHN CONSULTING ENGINEERS
& GEOLOGISTS, INC.
JASON P. BUCK, P.C.
812 W. WABASH
EUREKA, CA 95501
707-441-8855

**SURVEYOR
GUTIERREZ LAND SURVEYING
PHIL GUTIERREZ JR. PLS.
826 MADRONE AVENUE
EUREKA, CA 95503
707-444-8735**

APPROVED PROJECT PLANS
& ELEVATIONS (1 of 4)

405 Gro1
Arcata,
T: 415-6



OVERALL TOTAL

3 SECOND FLOOR PLAN
Scale: 1/8" = 1'-0"

2 FIRST FLOOR PLAN
Scale: 1/8" = 1'-0"

15'-2"
10'-10"
BASEMENT FLOOR PLAN
Scale: 1/8" = 1'-0"

CAIRNS ARCHITECTURE

105 Grotzman Lane
Arcata, CA 95521
T: 415-694-0383

SURVEYOR

SURVEYOR
GUTIERREZ LAND SURVEYING
PHIL GUTIERREZ JR. PLS.
826 MADRONE AVENUE
EUREKA, CA 95505
707-444-8733

SOILS ENGINEER

SOILS ENGINEER
9HN CONSULTING ENGINEERS
& GEOLOGISTS, INC.
JASON P. BUCK, P.C.
812 W. WABASH
EUREKA, CA 95501

SEPTIC

SEPTIC
PACIFIC WATERSHED ASSOCIATES
TOM BRUNDAGE
KATHY MOLEY
P.O. BOX 4439
ARCATA, CA 95519

SMITH RESIDENCE

183 WESTGATE DRIVE
TRINIDAD, CA 95570
A B N 517 231 073

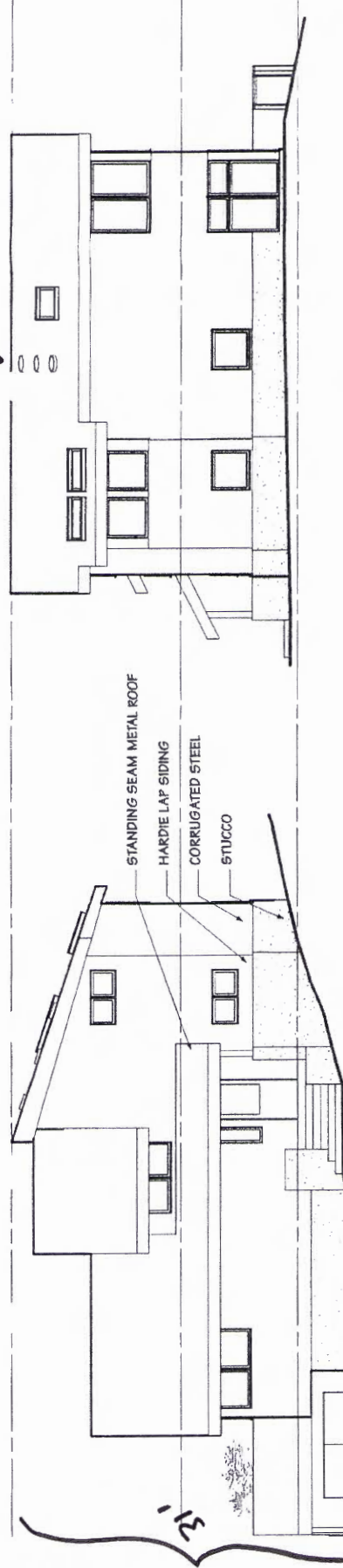
FLOOR PLANS

A2.1

12.13.11

3 of 4

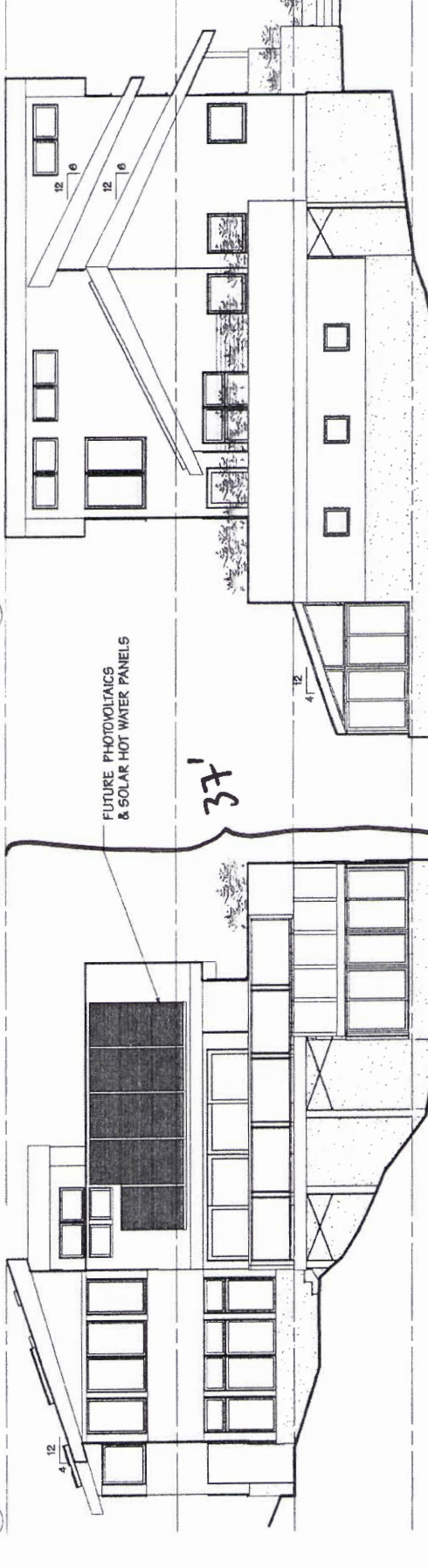
T.O. ROOF 22'-0"
SECOND FLOOR 9'-0"
FIRST FLOOR 0'-0"



2 NORTHWEST ELEVATION
Scale: 1/8" = 1'-0"

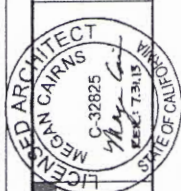
1 NORTHEAST ELEVATION
Scale: 1/8" = 1'-0"

T.O. SLAB 0'-0"
T.O. ROOF 18'-0"
SECOND FLOOR 9'-0"
FIRST FLOOR 0'-0"
T.O. SLAB 0'-0"



4 SOUTHEAST ELEVATION
Scale: 1/8" = 1'-0"

3 SOUTHWEST ELEVATION
Scale: 1/8" = 1'-0"



CAIRNS ARCHITECTURE
405 Grotsman Lane
Arcata, CA 95521
T: 415-694-0353

SURVEYOR
GUTIERREZ LAND SURVEYING
2000 GARDEN AVENUE
EUREKA, CA 95503
707-444-6733

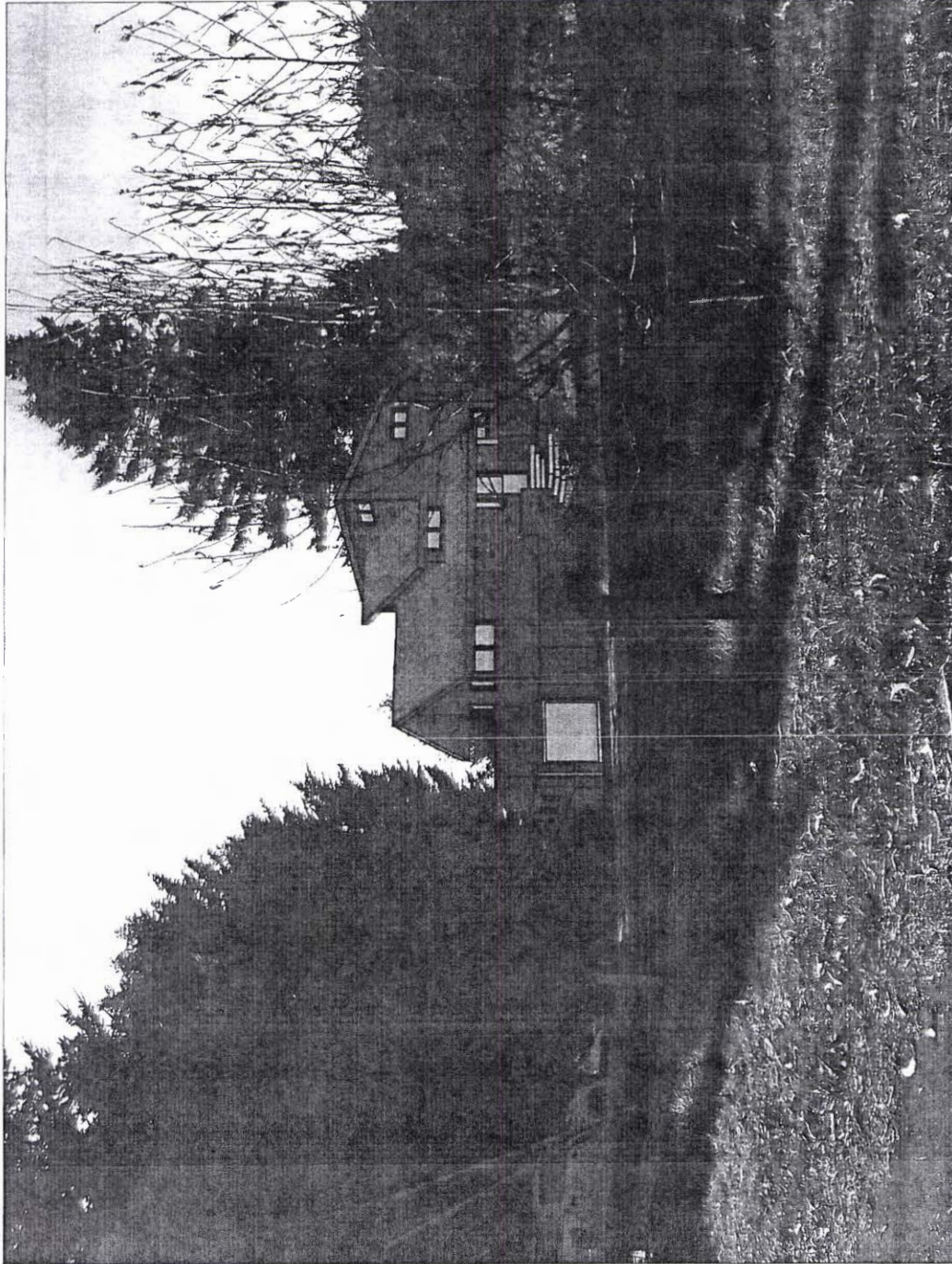
SOILS ENGINEER
BIN CONSULTING ENGINEERS
JASON P. BUSH, INC.
812 W. WABASH
EUREKA, CA 95501
707-441-8955

SEPTIC
PACIFIC WATERSHED ASSOCIATES
1000 W. WABASH
P.O. BOX 4433
ARCATA, CA 95521
707-439-9150

SMITH RESIDENCE
123 WESTGATE DRIVE
TRINIDAD, CA 95570
A.P.N. 517-231-073

ELEVATIONS

A3.1
Sheet number



4 of 4

CATRNS ARCHITECTURE
 408 Grotzman Lane
 Arcata, CA 95521
 T: 415-684-0383

SURVEYOR
 GUTIERREZ LAND SURVEYING
 PHIL GUTIERREZ JR. PLS
 828 MADISON AVENUE
 EUREKA, CA 95501
 707-444-9733

SOILS ENGINEER
 SHN CONSULTING ENGINEERS
 & GEOLOGISTS, INC.
 JASON F. BUCK, P.E.
 1000 W. 10TH AVE.
 EUREKA, CA 95501
 707-441-9555

SEPTIC
 PACIFIC WATERSHED ASSOCIATES
 TOM BRUNDAGE
 KATHY MOLEY
 1000 W. 10TH AVE.
 EUREKA, CA 95501
 707-838-9130

SMITH RESIDENCE
 183 WESTGATE DRIVE
 TRINIDAD, CA 95570
 A.P.N. 517-231-073

PROPOSED PERSPECTIVE

A0.1
 Date: 12.20.01
 Scale:

6. Assessor Parcel No. or Address of survey site: 517-231-06
Use of Building³: R Number of Stories: 1 Approx. Height: 17'
Exterior Building Material: Siding: T1-11 Roofing: Asphalt shingles
Architectural Style⁴: Ranch Style
7. Assessor Parcel No. or Address of survey site: 517-231-07
Use of Building: R Number of Stories: 2 Approx. Height: 30'
Exterior Building Material: Siding: T1-11 Roofing: Asphalt shingles
Architectural Style: Post-war
8. Assessor Parcel No. or Address of survey site: 517-231-59
Use of Building: R Number of Stories: 1+ Approx. Height: 20'
Exterior Building Material: Siding: Wood shingles & T&G Roofing: Asphalt shingles
Architectural Style: Cottage, Craftsman
9. Assessor Parcel No. or Address of survey site: 517-231-17
Use of Building: R Number of Stories: 2 Approx. Height: 20'
Exterior Building Material: Siding: T1-11 Roofing: Asphalt shingles
Architectural Style: Post-war, Ranch
10. Assessor Parcel No. or Address of survey site: 517-231-16
Use of Building: R Number of Stories: 2 Approx. Height: 28'
Exterior Building Material: Siding: T1-11 Roofing: Asphalt shingles
Architectural Style: Post-war

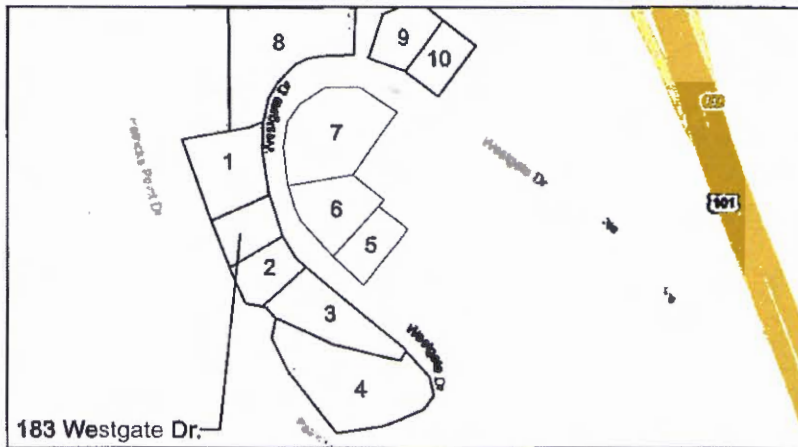
Note: Photographs of the above developments will be accepted, but are not a substitute for this survey.

Attach additional sheets if necessary.

³ Project Use Codes: (R) = residential; (C) = commercial; (I) = Industrial; (O) = other _____

⁴ What is the architectural impression of the building, for example: Cape Cod, Spanish, bungalow, cabin, Victorian, contemporary, etc.

NEIGHBORHOOD DESIGN REVIEW - 183 WESTGATE DRIVE



1

197 Westgate Drive - APN 517-231-71



2

161 Westgate Drive - APN 517-231-47

183 Westgate Drive

DESIGN REVIEW

1

396



3

101 Westgate Drive - APN 517-231-42



4

57 Westgate Drive - APN 517-231-63



5

138 Westgate Drive - APN 517-231-05

183 Westgate Drive

DESIGN REVIEW

2

4 of 6



6

170 Westgate Drive - APN 517-231-06



7

208 Westgate Drive - APN 517-231-07



8

251 Westgate Drive - APN 517-231-59

183 Westgate Drive

DESIGN REVIEW

3

5 of 6



9

279 Westgate Drive - APN 517-231-17



10

295 Westgate Drive - APN 517-231-16
