

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
VOICE (707) 445-7833  
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# F5a

DATE: September 26, 2008

TO: Coastal Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director  
Robert Merrill, North Coast District Manager

SUBJECT: **DEL NORTE COUNTY LCP MAJOR AMENDMENT NO. DNC-DM-1-8 TO THE IMPLEMENTATION PLAN (Hooshnam B-Combining District Rezone) Executive Director's determination that the amendment is de minimis, to be reported to the California Coastal Commission at its October 17, 2008 meeting at the Ventura County Board of Supervisors Chambers, 800 South Victoria Avenue, Ventura**

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**Proposed Amendment:**

On April 21, 2008, the Commission received Del Norte County LCP Amendment No DNC-DM-1-8 (Hooshnam B-Combining District Rezone) for certification.

As submitted by the County, Del Norte County LCP Amendment No DNC-DM-1-8 (Hooshnam B-Combining District Rezone) would amend the certified Implementation Plan of the Del Norte County LCP. The amendment would amend the current B Combining District zoning district designation as it affects five legal contiguous parcels (Assessors Parcel Nos. 120-036-04, 05, 06, 08, and 09) covering .948-acres of land bounded by Keller Ave., Spruce St., and Willow Ave., off of Pebble Beach Drive approximately 3/4ths of a mile northwest of Crescent City. The amendment would change the B Combining zoning district from a Zone 2 designation to a Zone 1 designation. The affected area currently has a zoning designation of R1-B6-Zone 2 (Single Family Residential – B Combining District – 6,000 square feet minimum lot size with required yard setbacks of 25 feet (front), 5 feet (side interior), 12-1/2 feet (side street) and 10 feet (rear). The amendment would rezone the affected area to R1-B6-Zone 1 (Single Family Residential – B Combining District – 6,000 square feet minimum lot

size with required yard setbacks of 20 feet (front), 5 feet (side interior), 10 feet (side street) and 10 feet (rear). The result of the amendment would be to reduce the required front yard setback for each of the subject properties from 25 to 20 feet. and the side yard setback from streets for each of the subject properties from 12.5 feet. to 10 feet

At the local level, the rezoning was requested by Malihe and Ali Hooshnam, owners of the five parcels affected by the LCP amendment. The applicants requested the rezoning to facilitate the completion of two residences under construction that include cantilevered extensions of the second story that currently extend into the existing front yard setback by two feet each. The affected area includes the parcels containing the two residences under construction and three other vacant parcels owned by the applicants.

### **De Minimis LCP Amendment Review Procedures**

The Executive Director has determined that the proposed LCP amendment is de minimis and will report this determination, any comments received regarding the determination, to the Coastal Commission at its October 17, 2008 meeting at the at the Ventura County Board of Supervisors Chambers, 800 South Victoria Avenue, in Ventura. If three or more Commissioners object to the de minimis determination, the amendment shall be set for public hearing; if three or more commissioners do not object to the de minimis determination, the amendment will be deemed approved, and will become a certified part of the LCP 10 days after the date of the Commission meeting, in this case on October 27, 2008.

For additional information regarding the proposed amendment or the method under which it is being processed, please contact Bob Merrill at the North Coast District Office in Eureka. Written comments on the proposed de minimis amendment determination should be submitted by October 7, 2008 to the Coastal Commission's North Coast District Office in Eureka, at 710 E Street, Suite 200, Eureka, CA 95501 to ensure they can be transmitted to the Commission meeting.

### **De Minimis LCP Amendment Determination**

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis." In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3 of the Coastal Act;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-

site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and

3. The amendment does not propose any change in use of land or water or allowable use of property.

The conformance of the proposed LCP Amendment to each of the de minimis criteria is discussed briefly below:

**1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:**

The primary effect of the proposed amendment is to slightly reduce the required front yard and side yard setbacks of future houses and houses under construction on five separate parcels located in the area bounded by Keller Ave., Spruce St., Murphy Ave., and Willow St., off of Pebble Beach Drive near Crescent City. The proposed amendment will reduce the required front yard setback from 25 to 20 feet, and the required side street setback from 12-1/2 feet to 10 feet. These proposed changes in setback requirements will not result in any increase in residential density, as the same number of developable parcels exist under the existing and proposed zoning designations applicable to the subject property. Regardless of the size of the yard setbacks, the .948-acre project area, which consists of five lots, cannot be further divided to increase residential density and conform to the 6,000-square-foot minimum lot size zoning standard applicable to the property. In addition, the amendment does not change the 60% maximum lot coverage standard applicable to the property. Thus, the proposed amendment will not enable larger homes to be built on the subject lots than could be built currently. Therefore, the amendment will not result in any increase in residential density. As the amendment will not result in increased numbers of residential units or residents, the amendment will not result in any increase in demand for sewer or water services or increased demand for public access to the shoreline. Therefore, the development is consistent with the requirements of Section 30250 of the Coastal Act that new residential development shall be located within existing developed areas able to accommodate it and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The reduction in front and side street setbacks will not affect the visual character of the area as many of the existing homes in the surrounding area have been built with much smaller front yard setbacks than even the 20-foot setback proposed. For example, two residences built directly across Murphy Avenue from the subject property have setbacks of 9 and 12 feet. In addition, the affected parcels are located inland of the first public road parallel to the sea in this vicinity, Pebble Beach Drive, which is the main street serving the area. Thus, the amendment will not affect ocean views from public vantage points either by blocking views or adversely affecting the character of the shoreline area. Therefore, the amendment is consistent with the requirements of Section 30251 of the Coastal Act that development be sited and designed to protect views to and along the

ocean and scenic coastal areas and be visually compatible with the character of the surrounding area.

The subject parcels affected by the amendment are located inland of the first through public road parallel to the shoreline and the amendment will not increase density and introduce more residents to the area who would increase the demand for public access facilities. Therefore, the development facilitated by the amendment will not adversely affect public access and is consistent with the public access policies of the Coastal Act.

The subject parcels do not contain any known environmentally sensitive habitat areas (ESHA). In addition, the proposed reduction in yard setbacks resulting from changing the B Combining Zone does not alter in any way separate requirements of the certified land use plan applicable to future development of the subject property that development proposed adjacent to any ESHA be sited and designed to prevent impacts which would significantly degrade such areas. Thus, future development of the subject property can be required to be setback as far as necessary from any ESHA on adjoining lands to ensure that the ESHA is adequately buffered and protected from development impacts that would degrade the ESHA, regardless of whether the B-Combining Zone front yard or side street setback is 10, 12-1/2, 20, or 25 feet. To be approved, development must comply with both the ESHA protection policies and the applicable front yard and side street setback standards, as well as all other certified LCP policies and standards. Therefore, no development facilitated by the proposed amendment will be sited within an environmentally sensitive habitat area, and future development facilitated by the amendment must be sited and designed to prevent impacts which would significantly degrade any adjacent environmentally sensitive habitat areas that might exist, consistent with the requirements of Section 30240 of the Coastal Act.

Therefore, the proposed amendment will not have an impact on coastal resources and is consistent with the policies of Chapter 3 of the Coastal Act.

**2. Provision of Public Notice:**

The County mailed public notice to interested parties in advance of both the Planning Commission hearing (held on January 2, 2008) and the Board of Supervisors hearing (held on March 25, 2008). In addition, for the Planning Commission hearing, a newspaper publication notice was printed on December 22, 2007, and the applicants submitted an affidavit stating that the applicants or their agent delivered notice of the Planning Commission hearing to all dwelling units within 100 feet of the property line of the subject property on December 28, 2007. Similarly, for the Board hearing, a newspaper publication notice was also printed on March 1, 2008. The amendment was subsequently received by Commission staff on April 21, 2008, thus satisfying the 21-day requirement.

**3. No change in use of land or allowable use of property:**

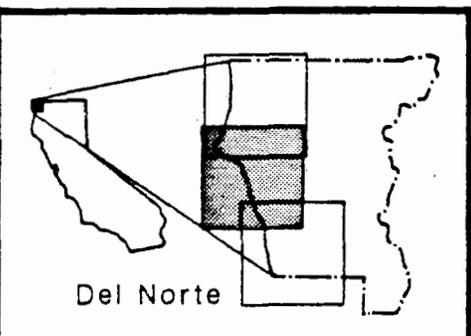
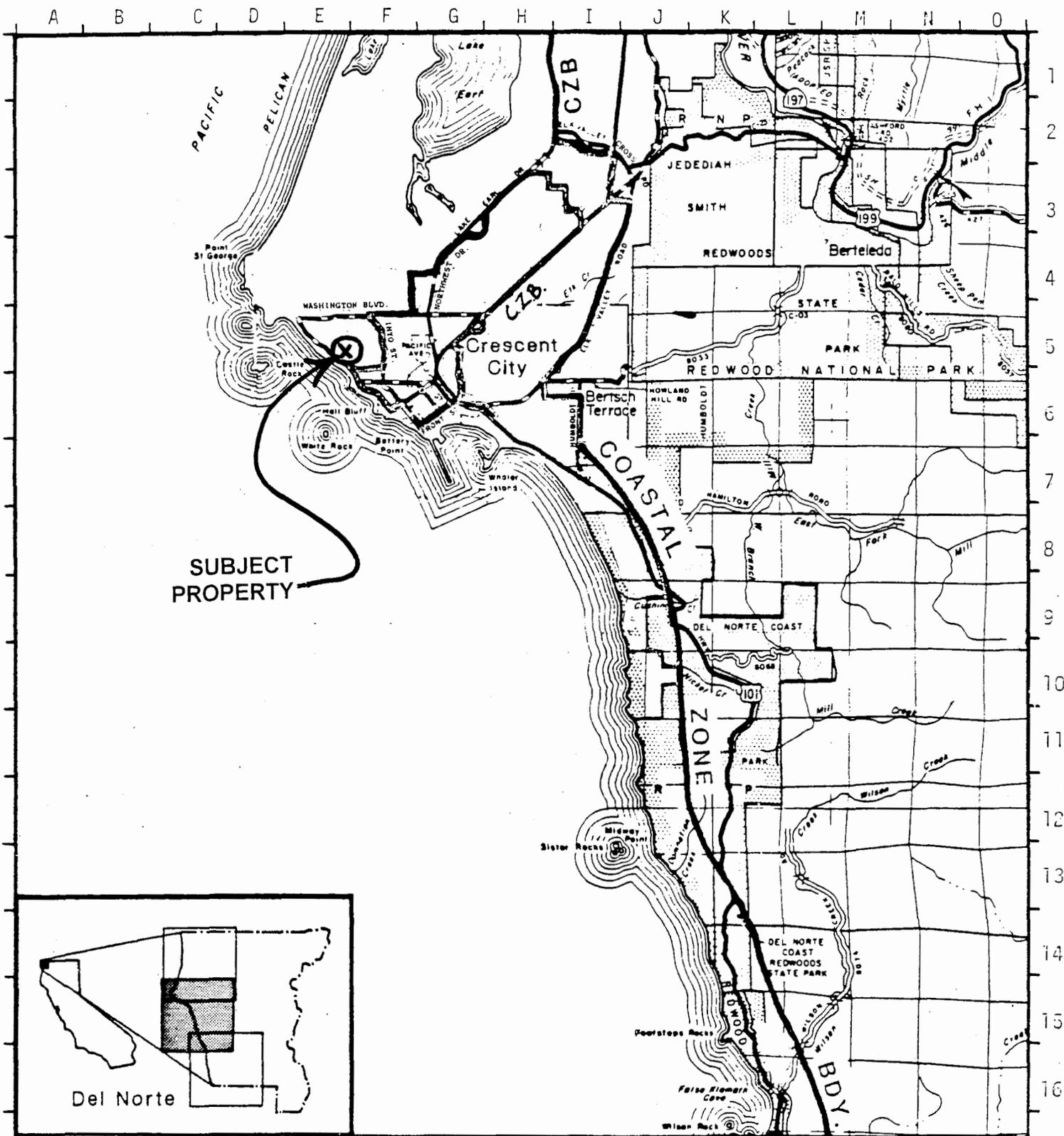
No change in use or allowable use of property is proposed by this amendment. The change in combining zones proposed by the amendment from B6-Zone 2 to B6-Zone 1 only affects the yard setback requirements and not the allowable uses. The base zoning designation of R1 (Single Family Residential) which specifies the range of allowable uses for the property will not be changed by the amendment.

**Deadline for Commission Action**

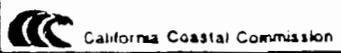
On June 12, 2008, the Commission extended the time limit for Commission action on the LCP amendment for a period of one year from July 4, 2008 to July 4, 2009.

**Exhibits**

1. Regional Location
2. Location of Area Affected by LCP Amendment
3. County Resolution of Transmittal and Ordinance
4. Public Comments Received by Del Norte County
5. Correspondence Received by the Commission



Del Norte



# LOCATION MAP



County of Del Norte

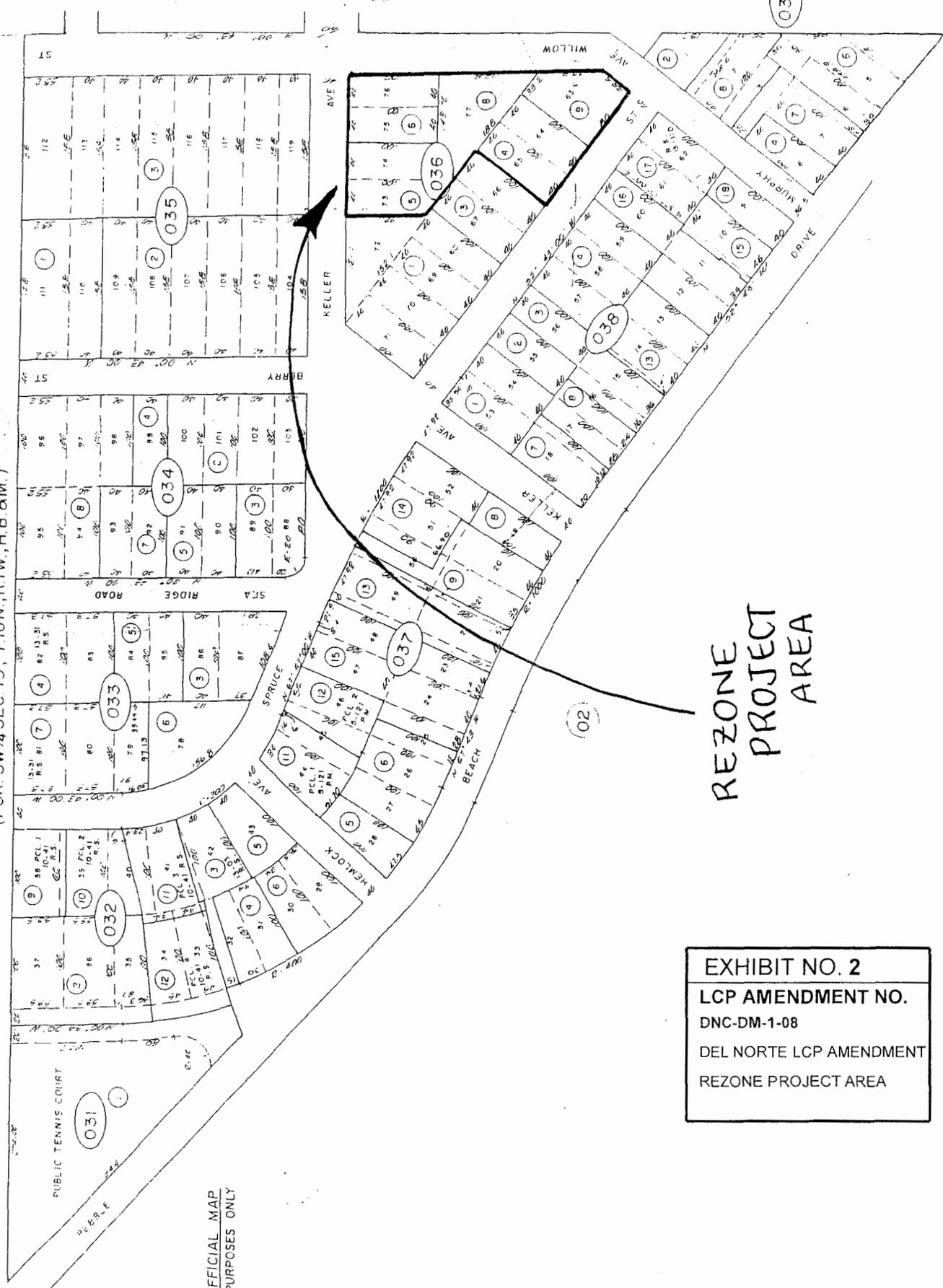
**EXHIBIT NO. 1**  
**LCP AMENDMENT NO.**  
 DNC-DM-1-08  
 DEL NORTE LCP AMENDMENT  
 REGIONAL LOCATION

POR. PEBBLE BEACH TRACT UNIT 1  
BK 2 PG 43  
(POR. SW 1/4 SEC 19, T.16N., R.1W., H.B.&M.)

120-03

N 100'

- 0223
- 1224
- 0978
- 1201
- 1012
- 1112
- 0545
- 0556



REZONE  
PROJECT  
AREA

EXHIBIT NO. 2  
LCP AMENDMENT NO.  
DNC-DM-1-08  
DEL NORTE LCP AMENDMENT  
REZONE PROJECT AREA

OFFICIAL MAP  
PURPOSES ONLY

**BOARD OF SUPERVISORS  
COUNTY OF DEL NORTE  
STATE OF CALIFORNIA**

**RESOLUTION NO. 2008 - 015**

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS  
SUBMITTING AN ORDINANCE AMENDING ORDINANCE NO. 83-03 AND  
COUNTY CODE TITLE 21 BY ADOPTING NEW COASTAL ZONING MAP B-9  
(Hooshnam) TO THE COASTAL COMMISSION AS AN LCP AMENDMENT**

**WHEREAS**, the County of Del Norte has adopted an ordinance amending the local Coastal Plan and Title 21 Coastal Zoning Ordinance; and

**WHEREAS**, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Plan and Title 21 (Coastal Zoning); and

**WHEREAS**, an environmental determination (Class 5 Categorical Exemption) was prepared for the rezone in compliance with the California Environmental Quality Act; and

**WHEREAS**, this ordinance is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Plan; and

**WHEREAS**, this amendment shall take effect and be enforced thirty (30) days after the date of the passage of the companion ordinance, and after approval of the amendment by the Coastal Commission, whichever is later.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Del Norte, State of California do hereby approve the changes as outlined by the attached Ordinance; and

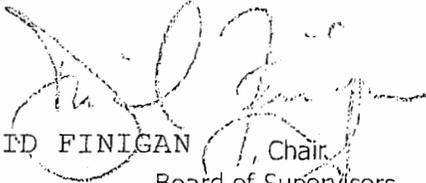
**BE IT FURTHER RESOLVED**, that by submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendments be identified as requiring rapid and expeditious action.

**PASSED AND ADOPTED** this 11th day of March 2008, by the following polled vote:

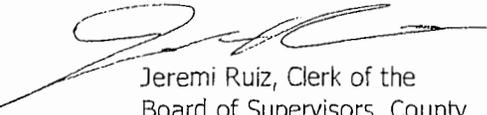
AYES: Supervisors HEMMINGSEN, MCNAMER, SULLIVAN, MCCLURE, FINIGAN

NOES: NONE

ABSENT: NONE

  
DAVID FINIGAN, Chair  
Board of Supervisors

ATTEST:

  
Jeremi Ruiz, Clerk of the  
Board of Supervisors, County  
of Del Norte, State of California

Date: 3-25-08

I hereby certify that according to the  
provisions of Government Code  
Section 25103, delivery of this  
document has been made.

Clerk of the Board

By: 

**EXHIBIT NO. 3**

**LCP AMENDMENT NO.**

**DNC-DM-1-08**

**DEL NORTE LCP AMENDMENT**

**COUNTY RESOLUTION AND  
ORDINANCE (1 of 4)**

BOARD OF SUPERVISORS  
COUNTY OF DEL NORTE, STATE OF CALIFORNIA

ORDINANCE NO. 2008- 003

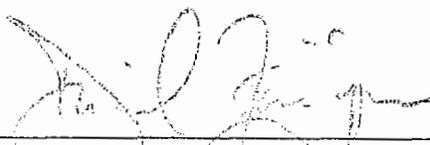
AN ORDINANCE REPLACING COASTAL ZONING MAP B-9 PURSUANT TO  
CHAPTER 21.50B OF THE DEL NORTE COUNTY CODE.

The following ordinance, consisting of four sections, was duly and regularly  
passed and adopted by the Board of Supervisors of the County of Del Norte,  
State of California, at a regular meeting of the Board of Supervisors held on the  
25 day of MARCH, 2008, by the following vote:

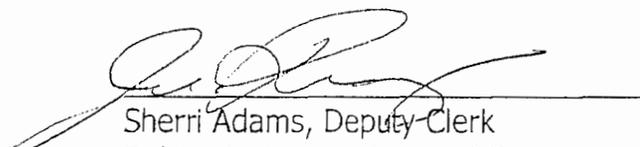
AYES: SUPERVISORS SULLIVAN, MCCLURE, MCNAMER, HEMMINGSEN, FINIGAN

NOES: NONE

ABSENT: NONE

  
\_\_\_\_\_  
David Finigan, Chair  
Del Norte County Board of Supervisors  
State of California

ATTEST:

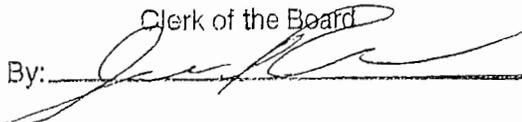
  
\_\_\_\_\_  
Sherri Adams, Deputy Clerk  
Del Norte County Board of Supervisors

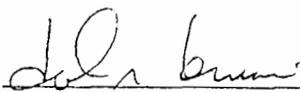
APPROVED AS TO FORM:

Date: 3-25-08

I hereby certify that according to the  
provisions of Government Code  
Section 25103, delivery of this  
document has been made.

Clerk of the Board

By: 

  
\_\_\_\_\_  
DOHN HENION  
Del Norte County Counsel

2 of 4

The Board of Supervisors of the County of Del Norte, State of California, ordains as follows:

**SECTION ONE. Effective date:** This ordinance shall take effect and be in force thirty (30) days from the date of its passage or approval of the rezone by the Coastal Commission, whichever is the latter. A summary shall be published fifteen (15) days after the passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Del Norte, State of California.

**SECTION TWO. Authorization:** Chapter 21.50B of the Del Norte County Code authorizes amendments to establish detailed zoning districts, to change district boundaries or to change any other provisions thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure set forth in this chapter.

**SECTION THREE. New Coastal Zoning Map B-9:** Coastal Zoning Map B-9 is hereby replaced with a new Coastal Zoning Area Map B-9 as specified in attached Exhibit "A."

**SECTION FOUR. Severability:** If any section, subsection, sentence, clause, phrase or specific fee of this ordinance is for any reason held to be invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or specific fee thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or specific fees be declared invalid or unenforceable.





Phone  
(707) 464-7204

## COUNTY OF DEL NORTE BOARD OF SUPERVISORS

981 "H" Street, Suite 200  
Crescent City, California 95531  
[bos@co.del-norte.ca.us](mailto:bos@co.del-norte.ca.us)

*"And How are the Children?"*

EXHIBIT NO. 4

LCP AMENDMENT NO.

DNC-DM-1-08

DEL NORTE LCP AMENDMENT

PUBLIC COMMENTS RECEIVED  
BY COUNTY (1 of 11)

Fax  
(707) 464-1165

### BOARD OF SUPERVISORS COUNTY OF DEL NORTE STATE OF CALIFORNIA

#### BOARD ORDER

**David Finigan**  
Chair  
Supervisor, District 5

**Leslie McNamer**  
Vice-Chair  
Supervisor, District 1

**Martha McClure**  
Supervisor, District 2

**Mike Sullivan**  
Supervisor, District 3

**Gerry Hemmingsen**  
Supervisor, District 4

**Jeannine Galatioto**  
County Administrative  
Officer

The following is a certified copy of a portion of proceedings of the Regular Session meeting, of the Del Norte County Board of Supervisors, held on March 25, 2008.

**ITEM #7:** Conduct a Public Hearing to consider an application for Rezone, Ali and Malihe Hooshnam (R0802C) and Appeal of Rezone, Ali and Malihe Hooshnam (R0802C) as requested by the Senior Planner.

**Action:** DNCO Ordinance 2008-003      DNCO Resolution 2008-015

A presentation by Heidi Kunstal was given concerning the staff report of the rezone and appeal of rezone.

Chair Finigan opened the Public Hearing and Public Comment was heard.

Dave Buchanan commented that every house meets the setback and to change it does not make sense. He commented on the builder that had an approved set of plans with a 25 foot setback and survey corners to go by and chose to build into the setback. The builder then showed the county false information to get it approved. He does not think that a rezone is intended for this purpose.

Linda LaMarr commented that she has been a member of the community for 30 years. She is not against development and thinks that it is a necessity for a healthy economy. She believes that we live in a beautiful area with uniqueness and thinks it's important to continue growth and development in a healthy way and believes the building codes and standards need to be complied with. According to a staff report dated 12/26/07, the applicants own 5 lots within the rezone area and all the parcels are sufficiently sized to meet the existing setback within the existing zone district. In the notice of the Public Hearing, it was stated that the applicants have requested the Rezone to facilitate the completion of the second story cantilevered living area on two residences currently under construction encroaching into the required front yard setback. She

made reference to the Environmental Review Committee (ERC) and says that the applicants are using the Rezone as a tool to make the error right at the expense of our county's Zoning Ordinance. She also says that spot rezoning and this rezone set precedent and could deter future development. Encourages the board to be mindful and maintain its integrity for the development and planning in our community.

Bill Guervera commented that the foundation for solid economic development is having strong legal infrastructure, zoning, building codes, and leadership. The Rezone does not benefit anyone except an out-of-town developer who is in hot water. He asks why staff is so strong in approving it and commented that the county did approve the mistake that was made previously with the builder. He asks that the Board make the right decision and not grant the Rezone.

Malihe Hooshnam commented that the contractor made the mistake and that there is nothing that she can do about it. She's already spent \$400,000 on these homes and they have been red-tagged for a year and that she has suffered enough. She stated that the neighbors are prejudice against them because they are foreign and own a couple properties. She says that two people bought these homes, and they have signed agreements but they could potentially back out.

Chair Finigan closed Public Hearing and brought the issue back to the Board.

Comments from Board Members:

Supervisor Sullivan asked whether this is a unique situation.

Heid Kunstal replied that the only other situation that was similar was near the Bertch Track, Beesler and Cregor, where it was a "B" Combining Rezone to adjust a rear yard setback that affected more parcels than Hooshnam. The Planning Department has used a "B" combining Rezone on another occasion. She identified the members of the ERC to be appointed members from the County Health Department, Building Department, Engineering Department, Planning Department, Ag Department, a public sector member, and Native American sector member.

Supervisor McClure asked if Heidi had any recent memory of when staff did not take direction of the ERC.

Heidi answered no and that she could only recall two occasions where there was a difference of opinion. She stated that the other alternatives to correct this situation would be to either remove the portion of the structure that is not in conformance or to amend the zoning text to allow the second story cantilever to extend into required front yards but this would be a countywide application versus just a neighborhood.

In answer to a question from Supervisor McNamer, Heidi stated that increasing or reducing a front yard setback in this area would still be in conformance with the general plan.

Supervisor Finigan stated that he was not in agreement with the ERC and that the Rezone makes sense of its own merit.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Board of Supervisors this 9<sup>th</sup> day of April 2008.

A handwritten signature in black ink, appearing to read 'Jeremi Ruiz', written in a cursive style.

JEREMI RUIZ  
Clerk of the Board of Supervisors  
County of Del Norte  
State of California

## Planning Commission Meeting Minutes

- 4) GAREY SLAUGHTER – General Plan Amendment and Minor Subdivision of a 57.5 +/- acre parcel into four parcels and a remainder – GPA0702/MS0719 – APN 122-040-38 located at 5260 North Bank Road, Hiouchi.

Staff gave a summary of the project. Chair Brown opened the public hearing. Kenneth Cole, who is one of the owners for the property, addressed the Commission. Mr. Cole stated that he and his partner have been good stewards of the property since 1980 and he intends to continue to be a good steward and to comply with any of the Commissions conditions and requests. Mr. Cole stated that both he and Garey Slaughter are both looking forward to joining the community. Mr. Cole thanked the Commission and resumed his seat. Chuck Shrewsberry, of Trey Lane, addressed the Commission. Mr. Shrewsberry stated that the only concern he has and he would like clarified is regarding access off of Trey Lane. Trey Lane comes off of Low Divide and splits going further down Trey Lane to a dead end and then at the top of the hill it splits off. Mr. Shrewsberry asked for clarification as to which direction it does go. Staff stated that the County Engineer did review the deeds and it shows on the maps. Staff stated that Mr. Reeve the County Engineer can show him on the mapping where the access is. Mr. Shrewsberry thanked the Commission and resumed his seat. Erik Weber, agent for the applicants, addressed the Commission. Mr. Weber stated that he wanted to respond to Mr. Shrewsberry's question about the access off of Trey Lane, which will not be utilized at the lower portion of the property. The tentative map does indicate an easement there but it is not the intent to use that easement. Access will be from some of the newly created parcels. Mr. Weber thanked the Commission and resumed his seat. Chair Brown asked if there were any other questions or comments. Hearing none the public hearing was closed. Mr. Perry stated that as part of this project, if the Commission looks at page 305 of the Agenda; there are setbacks from the streams that exceed Fish and Game standards and exceed County standards. Those are being imposed because the applicant and Fish and Game had agreed to those. Those are not new standards for the County. Commissioner Howard moved to approve the project with the listed findings and conditions and forward the recommendation to the Board of Supervisors. Commissioner Restad seconded the motion, which passed on a polled vote of 5 ayes and 0 noes.

- 5) MALIHE HOOSHNAM – “B” Combining District Rezone from R1B6 – Zone 2 to R1B6 – Zone 1 – R0802 – APN 120-036-03, 04 09, 08, 05 and 06 located on Spruce Street, Keller Avenue and Willow Avenue, Crescent City.

Staff gave a summary of the project. Staff stated at the December meeting for the Environmental Review Committee (ERC) the committee members voted to deny the project. The reason why relates to their perception that the rezone is being used as a tool to correct an error that was made on their part at the expense of the County Zoning Ordinance. There was one vote in favor of the rezone. Staff stated if the Commission chooses to deny the project this evening, there are findings of denial. If the Commission chooses to approve the project there are also findings of approval.

Del Norte County Planning Commission Minutes

January 2, 2008

26

Commissioner Reese asked if the only difference between zone 1 and zone 2 is the set back. Staff stated that was correct and it would only be the front yard set back by 5 feet. Staff stated that an example of a neighborhood that is zone 1 is south of Pacific Avenue, along Pebble Beach, Grand, Del Monte and that area. Zone 1 is not uncommon. There was also an analysis done on properties in the area, establishing somewhat of a land use pattern, where there are front yard set backs that may be less than 25 feet, which is included in the Staff Report. Commissioner Reese asked if any action that the Commission makes tonight was going to affect what has been done earlier this evening. Staff stated no. Commissioner Reese stated that he tends to agree with ERC, that it is a tool to make right what was messed up to start with. Staff stated that there was also a petition that was submitted by neighbors in the area as well as an Assessors Parcel Map, which shades their location. Staff stated that two additional neighbors have signed the petition since the original petition was turned in. Commissioner Reese asked if the Commission denies the project and the Board also denies the project; what happens to the houses that are already built with the overhang. Mr. Perry stated that this project will exhaust all the options that the property owner has. Should this be denied by the Board and the Coastal Commission then we'd be back where we were 6-7 months ago, which would be either removing the 2 feet extension or converting it to a porch or open galleria. Chair Brown opened the public hearing. Malihe Hooshnam, the applicant, addressed the Commission. Mrs. Hooshnam stated that she was really sorry for creating a problem for the neighbors and for the Planning Division, but it wasn't her fault. Mrs. Hooshnam stated that the contractor made a mistake. The contractor made the mistake and the County approved it. The homes are already sold and it would be misrepresentation if the appearance of the building was changed. Mrs. Hooshnam stated that they looked at moving the buildings but they can't be moved. They've looked at buying property from the neighbor across the street. Mrs. Hooshnam stated that there is no other choice and it wouldn't be much of a change in the neighborhood. Mrs. Hooshnam stated that she would really appreciate if it was approved. She would do anything to remedy this problem but there is no other solution. Mrs. Hooshnam resumed her seat. Dave Buchanan, a neighboring property owner, addressed the Commission. Mr. Buchanan stated that he put the petition together. Mr. Buchanan stated that the lots with the houses already built on them, are 8,000 sq.ft. lots and there's no reason why the house couldn't be built within the existing set backs without changing the zoning. Mr. Buchanan stated mistake or no mistake, it was wrong and he doesn't think you should correct a mistake by changing the rules. Mr. Buchanan thanked the Commission and resumed his seat. William Guevara, a neighboring property owner, addressed the Commission. Mr. Guevara stated that he has been a contractor for over 30 years and also a real estate broker. As a general contractor he has made mistakes before and he has had to fix them and correct them on his own. Mr. Guevara stated that he has a home office and he was able to watch the construction process take place. Mr. Guevara stated that he made the phone call that alerted the Building Department the first time when the contractor had to re-dig the footings and move them back before they could pour the foundation. That was when Dick Davis came out to the property, surveyed the property and found out where the property lines were. Mr. Guevara stated that he does think the project tonight is a tool to make their mistake right at the expense of the Commission's time, the County's time and

everyone's time. Mr. Guevara stated that it sends out a perception that you can do what you want to do and then they go through Planning Commission to make it right. He does think that this does need to be denied and there needs to be steps put into motion so that there is actually and end to this and it doesn't continue to go on and on. Mr. Guevara stated that from his home office, after the last Planning Commission meeting when the variance project was denied, work kept on happening. The whole front of the building was filled in and the whole house looks completed. It's almost like they are saying that they are going to get by with this and they are going to find a way to change the set backs. Mr. Guevara strongly recommended that the Commission deny the project. Mr. Guevara thanked the Commission and resumed his seat. John Vaughn, the contractor for the housing project, addressed the Commission. Mr. Vaughn stated that he wanted to clarify something on this "error". Mr. Vaughn stated that he was not aware of this rule for the cantilever. There were property corners marked when he set the strings and put the foundations in. The County came out, inspected that line that was on the property markers and gave him approval to build the foundation. The print had the cantilever on the amended plans before construction even started. Mr. Vaughn stated that a corner had to be cut off on one of the houses so they met the 12.5 foot set back. Mr. Vaughn stated that he was unaware of any situation on set backs until it was brought up by the County because some of the neighbors were complaining. The County has signed approvals for these set backs from survey markers. The Board of Supervisors didn't want to get into making people do surveys. Someway or another they wanted to leave the building where it was. So, they set two markers out two feet and tried to negotiate with property owners on the other side of Spruce Street to buy their property and show them where the corners were. Apparently, that was the line that was strung out when the second measurement was done. Mr. Vaughn stated that he didn't know anything about this until the whole building was up. Mr. Vaughn stated that he thought they were being treated unfairly and taking the fall for what ended up ultimately as his error but it was also an error that was approved by the County, but it didn't come to pass. Mr. Vaughn stated that it didn't look like this project was going to come to fruition because all the neighbors are either prejudice or they think that they are trying to correct something. Mr. Vaughn thanked the Commission and resumed his seat. Mrs. Hooshnam stated that even God forgives people for making mistakes and right now she has no other way to do this. Mrs. Hooshnam stated that she even released the contractor because she thought she could solve this problem. Mrs. Hooshnam stated that she needed forgiveness. Mrs. Hooshnam resumed her seat. Chair Brown asked if there were any other questions or comments. Hearing none the public hearing was closed. Commissioner Reese asked if these kinds of things were seen during the plan check process. Staff stated that the original submittal showed the house having bay windows and not the full cantilever and they did show that they had the full 25 feet on the plot plan. Mr. Perry stated that the testimony that was given at the variance hearing still stands and if necessary can be incorporated into any package that goes to the Board. Commissioner Reese stated that it was an unfortunate situation. Chair Brown agreed. Commissioner Howard moved to approve the project with the listed findings and forward a recommendation for approval to the Board of Supervisors. Staff stated that it was Planning staff who cast the vote in favor of the project at the

ERC meeting. Commissioner Restad seconded the motion, which passed on a polled vote of 3 ayes and Commissioner Reese and Chair Brown voting against the project.

### REPORTS

- 1) Staff presented the minutes of the Environmental Review Committee meeting of December 13, 2007, to the Commissioners for their information regarding upcoming projects.
- 2) There were no questions or comments from the Commission.
- 3) There were no questions or comments from the public.
- 4) Mr. Perry stated that the Commission may be getting a rather large document to read which is the Environmental Impact Report regarding the Wal-Mart expansion project. Art Reeve, the County Engineer, addressed the Commission. Mr. Reeve stated that the Hopkins subdivision, on Pine Grove Road, was appealed by the applicant for the road conditions.

There being no further business, the meeting was adjourned at 10:21 p.m.

---

Lindsey Wheelon, Secretary

DEL NORTE COUNTY  
LAND USE APPEAL APPLICATION

Received

JAN 11 2008

Board of Supervisors  
County of Del Norte

DATE SUBMITTED	11 JANUARY 2008
NAME OF APPELLANT	WILLIAM GUEVARA
MAILING ADDRESS	1955 MURPHY AVE, CRESCENT CITY, CA 95531
PHONE NUMBERS	707-465-5330 707-951-0100
SIGNATURE	Will Guevara
PROJECT NUMBER AND NAME	HOOSH NAM - R0802C
APPLICANT	HOOSH NAM
FEE PAID	\$150.00 Receipt # 249510

RECEIVED

JAN 15 2008

DN COUNTY BUILDING INSPECTION

APPEAL

I AM APPEALING THE FOLLOWING

CONDITION(S) OF APPROVAL (LIST CONDITION BELOW)

(SPECIFIC REQUIREMENT OF THE PLANNING COMMISSION)

LIST CONDITION NUMBER (INCLUDE ALL CONDITIONS BEING APPEALED)

APPROVAL OF REZONE

REASON FOR APPEAL

Please include a written explanation below and attach any additional information, documentation and photos if necessary.\*\*

PLEASE SEE ATTACHMENTS

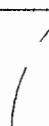
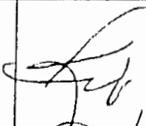
Background: In Oct. 2007 the Planning Commission denied a variance to setback on buildings under construction on two of the five parcels identified in this rezone application. The buildings on those two parcels violated the required setback and had been red tagged by the Del Norte County Building Department. (see attachments A & B). The developer appealed the decision to the Board of Supervisors who also denied the setback variance. The Planning Department had offered feasible solutions for the contractor and developer to remedy the situation, however, they chose to request a Rezone of the entire property in order to correct the setback violations.

Reasons for appealing PC decision to grant Rezone App#R082C:

1. I'm appealing this decision because I'm in agreement with the findings of the Environmental Review Committee (ERC). The ERC reviewed the request and recommended to deny the rezone because it was the consensus at the meeting that the applicants were using the rezone as a TOOL to make an "error" on their part right at the expense of the County's Zone Ordinance.
2. The rezone should be denied because the Planning Commission should have recognized the intent of the Rezone and maintained the integrity of their first decision and not allow this to become a separate issue. It is my opinion that they are passing the responsibility on to the Board of Supervisors.
3. There is no real need for this **rezone** when in the staff report (dated 12/26/07 page 374) it states "**the applicants own 5 lots within the rezone area. All of these parcels are sufficiently sized to meet the existing zone district.**" R1-B6 Zone 2 (see attachment C)
4. The majority of the neighbors are not in favor of this rezone. (see attachment D).

**Conclusion:** Like many neighborhoods in Del Norte County, new development is occurring. And I'm in favor of the needed economic development within our rural community. In the past, the Board of Supervisors have recommended to our neighborhood that we need to be alert and proactive in responding to development in our immediate area.

Petition to deny proposed rezone and setback changes described in attachment. APN #: 120-036, 04, 05, 06, 08, 09 *Full Rezone A0302*

Linda LaMarr	 Signature on File <i>ML</i>
Bill Guevara	 Signature on File
Ruby Spurgur	 Signature on File <i>RS</i>
Don Lysgaard	 Signature on File <i>DL</i>
Dave Buchanan	 Signature on File <i>DB</i>
Kimberly Buchanan	 Signature on File <i>KB</i>
Wayne Seamans	 Signature on File <i>WS</i>
Jim Snow	 Signature on File <i>JS</i>
Martha Harper	 Signature on File <i>MH</i>
Marilyn Shaw	 Signature on File <i>MS</i>
Joan Williams	

**RECEIVED**

DEC 31 2007

PLANNING

	<i>me</i> Signature on File <i>l</i>
	<i>C</i> Signature on File <i>u</i>
	<i>/</i> Signature on File

**RECEIVED**

DEC 31 2007

PLANNING  
COUNTY OF DEL. NORTH

Agenda Item # DNC-MAJ-1-08  
Item # Th20a

RECEIVED

JUN 20 2008

CALIFORNIA  
COASTAL COMMISSION

Linda LaMarr  
1830 Murphy Ave.  
Crescent City, CA 95531

Opposed to the project.

I have observed this five-lot development project from the beginning and have concerns due to the fact that my own property was encroached upon and natural vegetation destroyed with no regard to property lines. And now an illegal encroachment into the setback on Spruce Street is being treated as a rezone to correct another breach of code regulations. The initial staff report concluded that the current zoning was sufficient for the building plans submitted by the contractor. Additionally, I'm very concerned that this entire development is lacking in grading reports for this sensitive wetland area, as well as sufficient planning for fire safety.

I would like to request the LCP be granted an extension of time to further review in depth this entire development for the good of our community as a whole. I'm not opposed to development, however, I feel strongly that all codes and regulations should be adhered to by all parties involved in any community development.

Thank you for your consideration in the matter,

Signature on File *LMR*

LINDA LAMARR

June 10, 2008

EXHIBIT NO. 5

LCP AMENDMENT NO.

DNC-DM-1-08

DEL NORTE LCP AMENDMENT

PUBLIC COMMENTS RECEIVED  
BY COMMISSION (1 of 15)

California Coastal Commission

June 9, 2008

RE: **Del Norte County LCP Amendment No. DNC-MAJ-1-8 (Del Norte Co.) Time Extension.** Public hearing and action to extend time limit to act on request by Del Norte County to amend B Combining District from Zone 2 designation to Zone 1 designation as it affects five parcels bounded by Keller Ave., Spruce St., and Willow Ave., off of Pebble Beach Drive near Crescent City, resulting in reduction of required front yard setback from 25 to 20 ft. and the side yard setback from 12.5 ft. to 10 ft. (RSM-E)

Dear California Coastal Commission:

I, William Guevara (residing at 1955 Murphy Ave, Crescent City, CA), object to the rezone of the above mentioned property because the purpose of the rezone does not align with the purpose of zoning or rezoning. Please see below from the Del Norte County code:

Title:	20	Zoning
Chapter:	20.02	Enabling Plan
Sections:	20.02.030	Purpose

This zoning plan is adopted to provide for the promotion and protection of the public health, safety, peace, morals, comfort, convenience, and general welfare, for the following more particularly specified purposes:

- A. To assist in providing a definite plan of development for the county, and to guide, control and regulate the future growth of the county, in accordance with the zoning plan;
- B. To protect the character and the social and economic stability of agricultural, residential, commercial, industrial, and other areas within the county, and to assure the orderly and beneficial development of such areas. (Ord. 67-1C § 1.0101, 1967.)

The purpose for the rezone, according to a Del Norte County supervisor while is session, is to make an illegal building legal. There is something amiss with this entire process regarding this property and I encourage the commission, as part of your investigation, to review the Del Norte County Board of Supervisors video of the meeting (March 25, 2008) where this request for rezoning was passed 3-2 and the entire history of this request beginning with the request for a variance to the Del Norte Planning Commission.

There are other reasons why I oppose this request, as the entire neighborhood does, but other letters from the neighbors should address those concerns.

Sincerely,

Signature on File

William Guevara

RECEIVED

JUN 10 2008

CALIFORNIA  
COASTAL COMMISSION

RECEIVED

JUN 03 2008

CALIFORNIA  
COASTAL COMMISSION

5-31-08

ROBERT MERRILL, DIST. MGR

CALIFORNIA COASTAL COMMISSION

NORHCOCAST DIST. OFFICE

710 E ST. STE. 206

EUREKA, CA. 95501

RE: ITEM NO. TH204  
TO BE HEARD ON  
6-12-2008

DEAR MR MERRILL

PLEASE BE AWARE THAT I AM  
OPPOSED TO APPROVING AN AMENDMENT  
TO B COMBINING DISTRICT REGARDING  
FIVE PARCELS BOUNDED BY KELLER AVE  
SPRUCE ST & WILLOW AVE. OFF OF PEBBLE  
BEACH DR NEAR CRESCENT CITY. MY  
IMMEDIATE NEIGHBOR TO THE SOUTH, MR.  
BOB LYSGAARD HAS ALREADY PROVIDED  
YOUR OFFICE WITH WRITTEN MATERIAL REGARD-  
ING HIS OPPOSITION TO THE PROPOSED AMENDMENT  
AND I SHARE HIS CONCERNS.

MAILING ADDRESS:  
1022 ROSEMARY LN.  
LA VERNE, CA 91750-1858

YOURS TRULY

Signature on File

904 WILLIAMS  
550 NO. PEBBLE BEACH E.  
CRESCENT CITY

TH20A

BAYON  
OPPOSITION  
DNC-MAJ-1-08

California Coastal Commission

May 29, 2008

To Whom It May Concern:

I am a neighbor to the party requesting a zone change to reduce the required setback on the property identified by amendment no. DNC-MAJ-1-08 and listed as agenda item TH20A.

The said party has requested a variance that is two feet too close to the front property line and was thus turned down initially by the county board of supervisors. Later, however, the board approved a one-acre spot zone change, which was simply an end run around the original variance refusal. Typically, this county has not allowed spot zoning on parcels as small as this one, and this break with policy sets a bad precedent.

We, the affected neighbors, are concerned that this zone change means that the road into the parcels will not be wide enough to allow access to fire trucks or the necessary turnaround that they require.

In conclusion, we ask that you overturn the approval of the variance granted by the county board of supervisors.

Sincerely,

Signature on File

*W.*

William Bayon, Jr.  
474 N. Pebble Beach Dr.  
Crescent City, CA 95531

RECEIVED

JUN 03 2008

CALIFORNIA  
COASTAL COMMISSION

Agenda Item:TH 20a

Application: SPRUCE ST, DEL NORTE CO. LCP AMENDMENT NO. DNC-MAJ-1-08  
Time Extension

Robert Lysgaard OPPOSITION  
(owner:530 N. Pebble Beach Dr. 95531)  
(Back property borders Spruce St)

May 27, 2008

California Coastal Commission  
575 Administration Dr.  
Santa Rosa, CA

RECEIVED

JUN 02 2008

CALIFORNIA  
COASTAL COMMISSION

Dear Sirs:

As spokesman for opposing any changes in existing zone requirements, I submit that this same builder, requesting this outrageous reduction in yard setbacks, has already broken the regulations on Spruce St. His willful disregard for law and county regulations leaves two houses unfinished, with construction debris, and no prospect of sale or occupancy until regulations are met.

Since spot zoning is not allowed in Del Norte Co., it appears this request to "extend time limit to act on request by Del Norte Co to amend the B Combining District from a Zone 2 designation as it affects five parcels " is a ploy to avoid existing laws.

The resulting amendment allowing reduction of required front yard setbacks is dangerous for it would leave a street of only 40 feet, in a forested area, which would NOT allow fire truck access. The suggested reduction could prove lethal to the entire neighborhood.

Environmental concerns should include the fact that two separate pair of Osprey have nests in the immediate forested area. Last year each rare pair had babies that they raised and then trained to hunt fish westward.

of Pebble Beach. Destruction of the forest for the proposed five lots would put the osprey in peril.

An additional fact of concern is that Kellar Av. is not constructed or will it be allowed to intersect WillowAv. Kellar is in the wetlands, a protected California area and where buildings and road construction is NOT allowed.

Respectfully submitted by Robert Lysgaard, Trustee,  
Lyagaard Family Trust 9/16/04

Signed Ro Signature on File  
Robert A Lysgaard 

Enclosed: Attachment of 7 pages with 9 colored snaps of Concern.

Robert Lysgaard  
OPPOSED  
Th 202

#1 Pic 5/27/08



Blue garage @  
530 N. Pebble Beach  
is opposite 2 houses by same builder  
UNFINISHED because both do NOT meet 25 foot  
set-back requirement on SPRUCE.

Variance was issued by Del Norte Co. allowing  
2 foot window over hang of windows —

BUT HOUSES REMAIN UNFINISHED, UNOCCUPIED,  
UNSOLD FOR 8 MONTHS.

Picture taken toward East, toward CA STATE FOREST  
where 2 pair of osprey nest with young  
birds.

#2 pic 5/17/08

Robert Lysgaard  
OPPOSED  
item: Th 20e



SPRUCE ST - UNSOLD, UNOCCUPIED,  
UNCARED FOR: ONE of two built.

#3  
5-27-09

Robert Lysgaard  
OPPOSED  
itenth 20w



2 houses SPRUCE ST.  
adjacent to proposed  
Willow St. Note debris and weeds  
left 10 MONTHS.

#4 Pic  
5/27/04

Robert L YSGAARD  
OPPOSED  
Item Th 20A



SPRUCE ST = 2 UNFINISHED  
WOULD back proposed "time extension"  
development. Please note debris  
and messy appearance left  
after construction

5

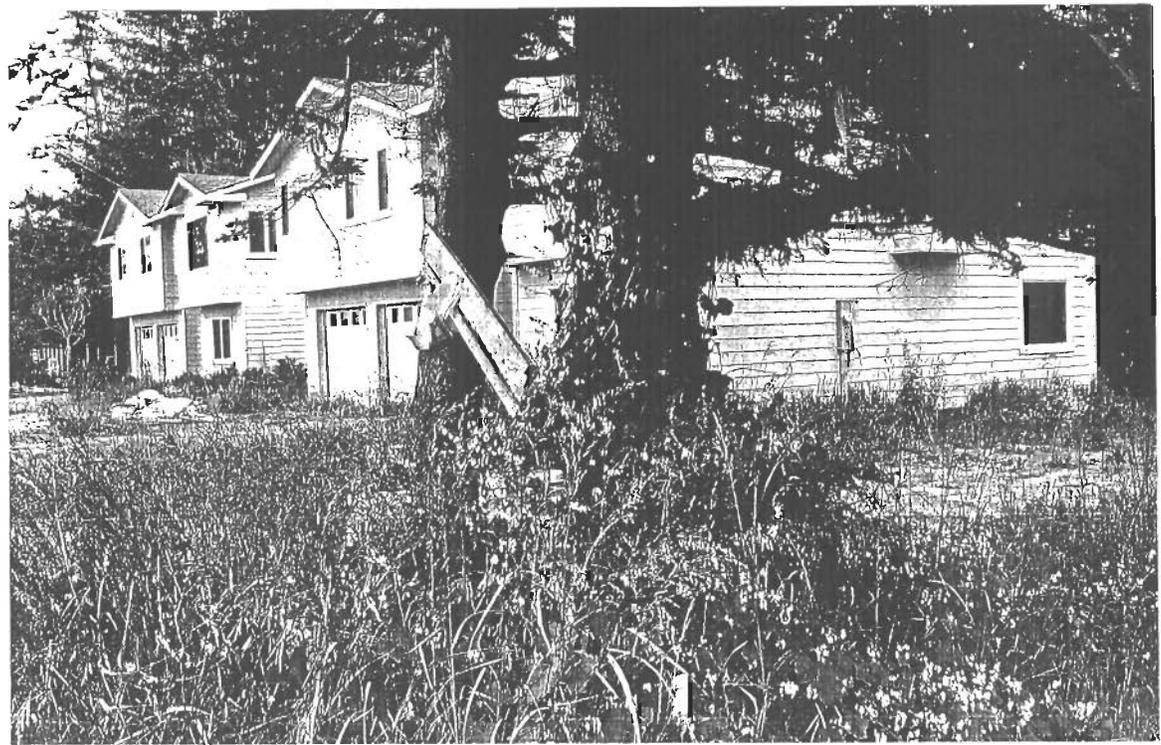
Robert Lysgaard  
OPPOSED  
item TH 20(a)

#5 photo



SOUTH Side yard of 2 UNFINISHED  
ON SPRUCE, Adjacent to Willow St.  
PROPOSAL

#6



Robert Lysgaard  
 OPPOSED  
 it in THRO(A)



Proposed Willow St. heads East  
 on UNMOWED section adjacent to afore mentioned  
 unfinished cism house. Rt or south property  
 neatly cared for by owner Linda LaMare

IF WILLOW ST IS ALLOWED it would  
 intersect KELLAR Av EXCEPT KELLAR Av  
 IS UNCONSTRUCTED (NEVER will be because  
 line is THROUGH prohibited  
 WETLANDS.)

Job: LYSSEARD  
OPPOSED  
Item TH 20(A)

Pic #8  
(5-27-05)



Houses on SPRUCE & Proposed Willow. This shows  
cut-off CORNER where builder is ~~TRYING~~ to adhere  
to code Zone regulations previously ignored

↓

Pic #9  
5-27-05



MAY 27, 08

~~\*~~ I AM  
OPPOSED

From: JAMES SNOW  
601 SPRUCE ST.  
CRESCENT CITY, CA. 95531

Item No. TH20A

Cell Phone # 707-954-6023

RECEIVED

AGENDA #

MAY 29 2008

DNC-MAY-1-08

CALIFORNIA  
COASTAL COMMISSION

THIS REDUCTION ALL CAME ABOUT BECAUSE OF THE TWO EXISTING RESIDENCES FRONTING SPRUCE ST. NOT HAVING THE PROPER 25' SET-BACK. BEFORE THIS "END-RUN" OF ZONING CHANGE IT HAD BEEN UNANIMOUSLY TURNED DOWN BY BOTH THE COUNTY PLANNING COMMISSION AND THE APPEAL BY OUR COUNTY SUPERVISORS. THE IRONY OF THIS PROPOSED REDUCTION OF SET-BACKS IS THAT THE TWO EXISTING RESIDENCES WON'T MATERIALLY BE AFFECTED BUT THE PROPOSED NEXT RESIDENCES THAT WILL BE FACING KEUER STREET WILL POTENTIALLY HAVE PORTIONS OF VEHICLES PARKED IN DRIVEWAY PROTRUDING INTO KEUER STREET. ALSO THE TERRAIN OF KEUER STREET WILL NEED MAJOR ENGINEERING TO SHORE-UP THE STEEP SLOPE LEADING DIRECTLY INTO MARSH/ETTER WETLANDS. THIS ZONE CHANGE IS A SHORT SIGHTED FIX THAT ONLY COMPOUNDS A WILLFUL ACT OF THE PREVIOUS CONTRACTOR THAT WILL RESULT IN A POTENTIAL ENVIRONMENTAL AND SAFETY HAZARD. DID ANYONE BOTHER TO ACTUALLY WALK-DOWN THIS AREA?

California Coastal Commission  
North Coast District Office

RECEIVED

MAY 30 2008

CALIFORNIA  
COASTAL COMMISSION

Regarding Hearing Item No. Th20a  
Spruce Street, Del Norte County  
LCP Amendment No. DNC-MAJ-1-08

We are writing due to concerns about the reduction of the required set back on the five parcels  
Mentioned.

- 1.) The decrease of buffer area around buildings to absorb any environmental contaminants  
These five parcels are very near (adjoin) fragile wet lands.
- 2.) The precedent of changing zoning in the area. Resulting in opening the door for other  
requests  
For decrease in requirements of set backs on other underdeveloped lots. Leading to a  
patchwork of zones and requirements throughout the neighborhood.

Sincerely,  
Don and Angela Lysgaard

*Don* Signature on File *ard*

*An* Signature on File *ard*

484 N. Pebble Beach Drive  
Crescent City, Ca. 95531