

**CALIFORNIA COASTAL COMMISSION**

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# W10a

**DATE:** March 23, 2018

**TO:** Coastal Commissioners and Interested Persons

**FROM:** John Ainsworth, Executive Director  
Alison Dettmer, Deputy Director  
Robert S. Merrill, North Coast District Manager  
Cristin Kenyon, Supervising Analyst

**SUBJECT: De Minimis Amendment Determination for County of Del Norte LCP  
Amendment No. LCP-1-DNC-18-0025-1 (Residential Building Height)**

For the Commission meeting of April 11, 2018 in Redondo Beach

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**DEL NORTE COUNTY’S PROPOSED AMENDMENT**

The County of Del Norte proposes to amend the Implementation Plan (IP) portion of the certified County Local Coastal Program (LCP) to increase the maximum building height for residences in a number of residential zoning districts from 25 feet to 30 feet. The affected zoning districts include the Rural Residential (RR-1), Rural Residential Agriculture (RRA), One-Family Residence (R-1), and the Low Density Multiple-Family Residence (R-2) Districts.

The proposed IP amendment would also add a “Visual Resource Analysis” section to the certified IP that would include additional development standards and application review requirements for specified residential structures to ensure visual resource protection. The new standards would require all approved residential structures that exceed 25 feet in height to (1) be visually compatible with the character of the surrounding area; (2) be sited and designed to protect views to and along the ocean and scenic coastal areas; and (3) minimize the alteration of natural landforms. The new standards also would require that Coastal Development Permit (CDP) applications for proposed new residential structures that exceed 25-feet in height within portions of the residential zone districts visible from view corridors and viewpoints designated in the certified Land Use Plan’s Visual Resource Inventory include (1) an analysis of the relative compatibility of the proposed project with similar development in the surrounding area, comparing and contrasting building heights, square footages, floor-area, and lot coverage; and (2) an analysis of whether the height, width, and siting of structures, including setbacks from roads and parcel lines retain as much of the existing view as possible, with complete avoidance of impacts to visual resources preferred where feasible. See Exhibit No. 3 for the full text of the amendment.

**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;
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 offsite 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.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. 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 part of the certified LCP 10 days after the date of the Commission meeting (in this case, on April 11, 2018).

**The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is de minimis.** 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 proposed amendment increases the maximum allowable residential building height from 25-feet to 30-feet in the RR-1, RRA, R-1, and R-2 zoning districts, and requires additional visual resource standards and analysis for CDP applications for residential buildings over 25 feet in height. See Exhibit No. 3 for the full text of the amendment.

Maximum height standards are a regulatory tool used by local governments to protect public views and visual character consistent with Section 30251 of the Coastal Act. However, the use of a standard numerical building height maximum as a stand-alone proxy for protection of views and visual character is not the only method to protect visually sensitive areas. Impacts to views and visual character are not just a result of the height of a structure, but also a result of other design elements (e.g. structural bulk) and the structure’s siting on the lot (e.g. setback from the road and location relative to public viewpoints and view corridors). For example, there are situations where a taller structure may be a less visually impactful alternative, such as when the increased height results in reduced bulk and/or a concentration of development to allow for larger uninterrupted views of the ocean or scenic coastal areas between buildings. The proposed amendment therefore allows for flexibility in building design.

While currently the County's findings for approval of residential structures only note the application's compliance with the zoning district's numerical building height, lot coverage, and setback standards, the proposed amendment would require the County to also evaluate the building's potential effects on public views, landforms, and the character of the surrounding area. By adding a visual resource impact analysis into the coastal development permit application review process for new residential development that would exceed 25 feet in height, the proposed amendment fully addresses the minimization of visual resource impacts consistent with the visual resource protection standards of Coastal Act §30251.

The proposed amendment is also 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 proposed change in height limit for single-family residences in the RR-1, RRA, R-1, and R-2 zoning districts would not result in a change in allowable residential density by facilitating the construction of an extra building story because there are currently no limitations on the number of stories that can be built in the residential districts and below-grade construction (basements) that could accommodate additional stories is not restricted. In addition, the proposed amendment only affects allowable building height and would not change the minimum lot area and width, maximum lot coverage, or front-, side-, and rear-yard setback standards of the subject residential districts. Furthermore, the certified LCP restricts parcel size based on the availability of water and septic,<sup>1</sup> and only allows new development after it has been adequately proven that the location of the proposed development would accommodate the development, including evidence of sewage disposal, water supply, and street system capacity.<sup>2</sup>

Other than changing maximum building height standards in four of the County's twenty-three zoning districts, the amendment would not change any of the other substantive review policies of the currently certified LCP. Development as defined in Section 30106 of the Coastal Act that is proposed within the affected zoning districts would continue to require a coastal development permit and be subject to all applicable LCP requirements regarding coastal resource protection as part of the County's coastal development permit process, including the provision and protection of coastal access, avoidance and minimization of risks of exposure of persons and property to hazards, and protection of marine resources and environmentally sensitive habitat areas.

Therefore, the proposed amendment will not have an impact either individually or cumulatively 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 November 1, 2017) and the

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<sup>1</sup> Del Norte County Coastal Zoning Enabling Ordinance, Chapter 21.46, Section 21.46.080.

<sup>2</sup> Del Norte County Coastal Element, Housing/New Development Chapter, Part II, Policy 2.

Board of Supervisors hearing (held on December 12, 2017) on the proposed amendment. In addition, newspaper publication notices were printed on October 21, 2017 for the Planning Commission hearing and November 25, 2017 for the Board of Supervisors hearing. The amendment was subsequently received by Commission staff on February 8, 2018, thus satisfying the 21-day requirement.

- 3. No change in use of land or allowable use of property:** The amendment does not propose a change in the use of land or allowable use of property. The proposed amendment only affects maximum residential building heights in the RR-1, RRA, R-1, and R-2 Districts and not allowable uses. No new uses would be allowed within the affected residential zoning districts. All new development proposed in the affected residential zoning districts would be limited to the currently certified principally permitted and conditionally permitted uses of those districts.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Though no specific environmental review document or notice of exemption was adopted by the County, the Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

### **DEADLINE FOR COMMISSION ACTION**

This proposed LCP amendment was received by the Commission on February 8, 2018 and was filed as complete on February 16, 2018. The amendment modifies only the LCP's IP and the 60-day deadline for Commission action is April 17, 2018. Thus, unless the Commission votes to extend the action deadline (it may be extended by up to one year), the Commission must take final action on this LCP amendment at the April 2018 Commission meeting.

### **ADDITIONAL INFORMATION AND SUBMITTAL OF COMMENTS**

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its April 11, 2018 meeting in Redondo Beach. For additional information about the LCP amendment, please contact Cristin Kenyon at the North Coast District Office at (707) 826-8950. Please mail correspondence to the Commission at the letterhead address. Written comments on the proposed de minimis amendment determination should be submitted by April 6, 2018 to ensure they can be transmitted to the Commission meeting.

### **EXHIBITS**

- Exhibit 1: Regional Location
- Exhibit 2: County Resolution of Transmittal of IP Amendment
- Exhibit 3: County Ordinance of Adoption of IP Amendment