

August 14, 2026

Tyler Montgomery, Principal Regional Planner
Coastal Development Services

SUBJECT: REQUEST FOR INFORMATION FOR PROJECT NUMBER PRJ2020-000267-(3), MINOR COASTAL DEVELOPMENT PERMIT RPPL2020000457, VARIANCE RPPL2020000459

Dear Mr. Montgomery,

Project Number PRJ2020-000267-(3) is scheduled for public hearing on August 25, 2026. After reviewing the Hearing Officer package for the item, I have the following comments. Please be prepared to address these comments at the hearing. I ask that you forward this memo to the applicant/owner and ensure this memo is posted on the public website for the item. Additional questions may follow depending on responses at the hearing.

- **Variance Findings.** Section 22.44.1150.H.1 requires the Hearing Officer to substantiate the following five findings before approving a Variance:
 - a. Because of special circumstances or exceptional characteristics applicable to the property, strict application of the Code deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
 - b. The adjustment authorized will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and zone;
 - c. Strict application of the zoning regulations will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards;
 - d. The adjustment will not be materially detrimental to the public health, safety, or general welfare, or to the use, enjoyment, or valuation of property of other persons in the vicinity; and
 - e. Granting the Variance will not be materially detrimental to coastal resources.

Draft Findings #31 through #34 generally correspond to the four items contained in the applicant's burden of proof under Section 22.44.1150.D. However, the draft findings do not expressly address the findings required by Section 22.44.1150.H.1(b) regarding special privilege or Section 22.44.1150.H.1(c) regarding practical difficulties or unnecessary hardships. In addition, Finding #31 identifies special circumstances or exceptional characteristics but does not expressly make the complete finding required by Section 22.44.1150.H.1(a) regarding deprivation of privileges resulting from strict application of the Code.

Please revise the Variance findings to expressly address all findings required by Section 22.44.1150.H.1.

- **Significant Ridgeline Findings.** Section 22.44.2040.B.4 requires additional findings when a structure cannot meet the required 50-foot vertical and horizontal separation from a Significant Ridgeline. These include findings regarding consideration and elimination of alternative sites and whether the proposed development maintains the maximum view of the Significant Ridgeline through appropriate siting and design measures.

The staff analysis discusses locating the residence closer to Henry Ridge Motorway to reduce grading and avoid greater impacts to H1 and H2 Habitat and native trees, and also discusses the proposed 18-foot height and stepped design. However, Finding #27 does not expressly address each of the additional findings required by Section 22.44.2040.B.4.

Please revise the findings to expressly address the requirements of Section 22.44.2040.B.4. In addition, please clarify what alternative building sites were considered and the basis for eliminating each alternative.

- **H1 Habitat Buffer and H1 Quiet Zone.** The staff report states that approximately 0.17 acre of direct development would occur within the H1 Habitat Buffer Zone and that approximately 0.20 acre of direct development would occur within the H1 Quiet Zone. The report further states that the entirety of the proposed residence and ancillary development would be located within either the H1 Habitat Buffer Zone or H1 Quiet Zone.

Section 22.44.1890 allows otherwise prohibited development within these areas only when specified requirements are met, including that the development is the minimum necessary to provide the landowner a reasonable economic use of the property, there is no feasible alternative building site that avoids the protected area, the maximum feasible buffer or Quiet Zone width is provided, and the development is sited and designed to prevent significant degradation of H1 Habitat.

The proposed Project includes a 3,827-square-foot residence, 1,067-square-foot three-car garage, 576-square-foot pool house, swimming pool, patios, and an OWTS. The staff analysis states that the residence is relatively small compared with residences in the surrounding area and concludes that development within the H1 Habitat Buffer and Quiet Zone has been kept to the minimum necessary.

Please provide additional analysis explaining how the proposed development, including the garage, pool house, swimming pool, patios, and other ancillary development, satisfies the applicable "minimum necessary to provide the landowner a reasonable economic use" criterion and the other applicable criteria of Section 22.44.1890.

- **Development within H2 Habitat.** The staff report states that approximately 0.01 acre of direct development within H2 Habitat would result from a portion of the proposed swimming pool. Sections 22.44.1910 and 22.44.1950 require new development to avoid H2 Habitat where feasible and, where all H2 impacts cannot be eliminated, require selection of the alternative resulting in the fewest or least significant impacts to H2 Habitat.

The staff analysis states that locating the pool to the north within H3 Habitat would require additional grading because of steeper slopes. The analysis also references a shadow study indicating that the alternative location would subject the pool to shadows during much of the day and notes that most other residences in the vicinity have swimming pools.

Please clarify how the proposed pool location satisfies the requirements of Sections 22.44.1910 and 22.44.1950, including why the proposed location represents the feasible alternative with the fewest or least significant impacts to H2 Habitat. Please also clarify the relevance of the shadow study to the feasibility determination under these sections.

- **Building Site Area.** Finding #24 states that the 9,890-square-foot building site area ("BSA") complies with Section 22.44.1910.I because it is less than the maximum 10,000-square-foot BSA. Section 22.44.1910.I also provides that a BSA smaller than the maximum may be required where a smaller BSA would avoid impacts to priority habitat areas, substantially minimize grading, reduce manufactured slopes, or reduce retaining features visible from scenic areas, public trails, and public lands.

Given the proposed 9,890-square-foot BSA, 4,900 cubic yards of grading, location within a Scenic Resource Area and proximity to a Significant Ridgeline, as well as development within the H1 Habitat Buffer/Quiet Zone and H2 Habitat, please clarify whether a smaller BSA was evaluated and, if so, why the proposed BSA was determined to be appropriate.

- **Grading Quantity.** The Project is described as involving 4,900 cubic yards of grading, consisting of 2,500 cubic yards of cut, 500 cubic yards of fill, and 1,900 cubic yards of overexcavation and recompaction, with 2,000 cubic yards of export. However, the grading plan identifies approximately 2,500 cubic yards of cut and 500 cubic yards of fill and includes a note stating that the earthwork quantities do not account for certain factors, including overexcavation and recompaction and shrinkage and expansion of soil.

Since the amount of grading determines the applicable Coastal Development Permit review procedure under Section 22.44.1260, please confirm how the total 4,900-cubic-yard grading quantity was calculated and that all grading required for the Project that must be counted pursuant to Section 22.44.1260 has been included.

The Public Works clearance letter dated July 11, 2024, describes the Project as involving 3,000 cubic yards of grading. Please confirm that Public Works has reviewed the current

4,900-cubic-yard grading proposal and that its recommendation remains applicable to the Project as currently proposed.

In addition, Draft Condition #28 states that grading associated with site improvements shall be limited to 5,000 cubic yards, while the Project being analyzed and proposed for approval consists of 4,900 cubic yards of grading. Please clarify the basis for the 5,000-cubic-yard limit in Condition #28 and revise the condition, if appropriate, to correspond to the grading quantity analyzed and approved for the Project.

- **Exhibit A Project Information.** The Exhibit A cover sheet appears to contain project information that is inconsistent with the staff report and draft findings. Among other things, the cover sheet identifies A-1-1 zoning, a 10-acre lot area, and a maximum project height of 35 feet, while the staff report identifies the property as R-C-20, approximately 5.2 acres, and subject to an 18-foot height limitation associated with the Scenic Resource Area/Significant Ridgeline requirements.

The cover sheet also identifies an 18-foot maximum allowable height for the accessory structure, while listing the proposed accessory structure height as greater than 18 feet and the number of stories as two. The staff report identifies the accessory structure as the 576-square-foot detached pool house.

Please review Exhibit A and revise all outdated or inconsistent project information to ensure consistency with the staff report, findings, and conditions of approval. Please also clarify and correct the accessory structure information, as appropriate, to accurately reflect the proposed pool house.

- **Height.** Finding #17 states that the maximum height of the proposed residence is "below 18 feet," while Exhibit A identifies the proposed height as 18 feet. Finding #27 similarly states that the proposed residence would be less than 18 feet in height. Please reconcile these statements with Exhibit A and revise the findings as necessary. If the proposed height is exactly 18 feet, the findings may more accurately state that the structure "does not exceed 18 feet."
- **CEQA Categorical Exemptions.** The staff report recommends Class 3 and Class 4 Categorical Exemptions pursuant to State CEQA Guidelines Sections 15303 and 15304 and concludes that the exceptions to categorical exemptions under Section 15300.2 do not apply. In discussing the location exception under Section 15300.2(a), the staff report states that "no other specifically mapped sensitive resources would be affected." However, elsewhere the staff report identifies the Project Site as containing mapped H1, H2, and H3 Habitat and identifies direct development, fuel modification, and potential off-site brush clearance within H2 Habitat, as well as development within the H1 Habitat Buffer and Quiet Zone. Please clarify how these identified impacts were considered in determining that the location exception

under Section 15300.2(a) does not apply, including whether the affected mapped habitat constitutes an environmental resource of hazardous or critical concern that is designated, precisely mapped, and officially adopted pursuant to law for purposes of this section.

Please also provide additional analysis regarding the unusual circumstances exception under Section 15300.2(c), including whether the Project's characteristics—including its location adjacent to a Significant Ridgeline, development within mapped habitat areas and the H1 Habitat Buffer/Quiet Zone, and proposed 4,900 cubic yards of grading—individually or in combination distinguish the Project from projects ordinarily covered by the Class 3 and Class 4 Categorical Exemptions and therefore constitute unusual circumstances for purposes of this section and, if so, whether there is a reasonable possibility of a significant environmental effect due to those circumstances.

In addition, Finding #35 states that the Class 4 Categorical Exemption specifically applies to the grading and required fuel modification proposed as part of the Project. The staff report's description of Section 15304(i) appears to state that Class 4 allows removal of healthy, mature, scenic trees for fuel management purposes; please review and revise this description as necessary to accurately reflect Section 15304. State CEQA Guidelines Section 15304(i) applies to fuel management activities within 30 feet of structures and extends that exemption to activities within 100 feet of a structure where the public agency having fire protection responsibility determines that 100 feet of fuel clearance is required due to extra hazardous fire conditions. The Project documents identify potential brush clearance extending up to 200 feet from the residence, including off-site brush clearance within H2 Habitat. Please clarify the basis for applying Section 15304(i) to the proposed fuel modification and brush clearance beyond 100 feet.

- **Corrections and Internal Consistency.** Please review and correct the following apparent errors and inconsistencies throughout the staff report, draft findings, conditions, and exhibits:
 - Finding #15 references Section **22.44.1620** for grading. The correct grading section is **22.44.1260**.
 - The correct Variance number is **RPPL2020000459**. The staff package contains several inconsistent references, including RPPL2023000459 and RPPL2022000459. Please correct all references, including the final approval language in the draft findings.
 - Finding #22 references development in the **R-C-40 Zone**. The Project Site is zoned **R-C-20**.
 - The staff report identifies the ERB meeting date as **December 18, 2023**, which is also the date of the attached ERB minutes. Portions of Exhibit C identify the ERB meeting date as **November 20, 2023**. Please correct the date for consistency.
 - Exhibit C states in one location that removal of one Southern California black walnut tree would be mitigated at a 10:1 replacement ratio with **five** replacement trees.

Other portions of the staff report and Draft Condition #38 correctly identify **ten** replacement trees. Please correct this inconsistency.

- The findings contain inconsistent directional references to the location of H1 Habitat relative to the proposed residence. Please verify and correct the references to ensure consistency with the biological resource maps and approved plans.
- Draft Condition #24 states, "Should on-site or on-site habitat restoration prove infeasible...." Please clarify and correct this language as appropriate.
- The Proposed Environmental Determination identifies RPPL2020000457 as a "Minor Conditional Use Permit." The entitlement is a Minor Coastal Development Permit. Please correct the entitlement name in the environmental determination.
- The staff report, Project Summary, and draft conditions identify the Project Site as 1034 Henry Ridge Motorway, while Finding #3 and certain exhibits and agency correspondence reference 1035 Henry Ridge Motorway. Please verify the correct Project Site address and revise the operative documents as necessary for consistency.

Please ensure that any revisions made in response to these comments are carried through consistently in the staff analysis, findings, conditions of approval, and Exhibit A.

Sincerely,



Tina Fung
Hearing Officer