

## 314-19 “D” COMBINING ZONE DESIGNATIONS

### 314-19.1 D - DESIGN CONTROL

It is the purpose of the Design Control Combining Zone to be combined with any principal zone to provide controls and safeguards to preserve and enhance areas of historical, scenic, civic or cultural values of the County. The D Zone is also combined with principal zones to preserve and enhance architectural and recreational aspects of designated areas of the County. Such appearance and design of buildings, sites, structures and signs should form a substantial contribution to the desirability of the zone for uses permitted therein. (Former Section INL#315-5)

**19.1.1 Findings to Establish D Zone Regulations.** The following criteria shall be used in establishing D zone regulations. To qualify as a D Zone, the areas within the County should meet one (1) or more of the following categories: (Former Section INL#315-5(a))

19.1.1.1 Areas of special or unique natural beauty and aesthetic interest forming a basic resource in the economy of the County, the preservation of which would enhance the tourism industry. (Former Section INL#315-5(a)(1))

19.1.1.2 Sites, buildings, structures, or uses which have special historical interest. (Former Section INL#315-5(a)(2))

19.1.1.3 Maintenance of architectural and recreational aspects of designated areas. (Former Section INL#315-5(a)(3))

**19.1.2 Reviewing Authority.** The member of the Board of Supervisors in whose district a D Zone is established may select any person(s) or organization who, in the opinion of the Board member, is qualified to act as the reviewing Authority of a D zone. Such person(s) or organization must be devoid of any and all financial interest in the application under consideration. The representatives of any D Zone shall not exceed five (5) persons. Local representation (i.e., property owners and residents within the D Zone) shall be given first priority to serve on the Reviewing Authority. In the absence of any Board member’s approved representatives, the Director shall be the Reviewing Authority. (Former Section INL#315-5(b); Amended by Ord. 1443, Sec. 1, 1/13/81)

**19.1.3 Architectural Standards.** In order that buildings, sites structures, signs, landscaping, etc., will be in keeping with the findings stipulated in subsection 314-19.1.1, the Reviewing Authority shall take the following items under consideration in approving plans within a D Zone: (Former Section INL#315-5(c)(1-9))

19.1.3.1 The height, bulk and area of buildings.

19.1.3.2 All setbacks from property lines.

19.1.3.3 The color, textures and materials of exterior walls.

19.1.3.4 The type, pitch and material of roofs.

- 19.1.3.5 The type, size and location of signs.
- 19.1.3.6 Landscaping and parking lot layout.
- 19.1.3.7 The relationship to other buildings and/or uses in the area.
- 19.1.3.8 The architectural treatment as related to any historical buildings or structures.
- 19.1.3.9 The location and treatment of the site as related to its natural setting including grading, cut and fills and preservation of trees and natural ground cover.

#### 19.1.4 **Additional Standards Applicable to Shelter Cove Only.**

##### 19.1.4.1 Building Structural Design Standards.

- 19.1.4.1.1 Residences must be constructed to a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences. (Former Section INL#315-5(d)(1)(a); Ord. 1913, Sec. 1, 10/30/90)
- 19.1.4.1.2 Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to the slopes or site conditions shall be exempt from this provision. (Former Section INL#315-5(d)(1)(b); Ord. 1913, Sec. 1, 10/30/90)
- 19.1.4.1.3 A minimum roof overhang of twelve (12) inches (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structure. Gable ends may be excluded when approved as part of the design review process. (Former Section INL#315-5(d)(1)(c); Ord. 1913, Sec. 1, 10/30/90)
- 19.1.4.1.4 Exterior walls and roofing material of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer's warranty certifying a minimum life of fifteen (15) years. Flammable roofing material such as wood shakes or shingles are not recommended. (Former Section INL#315-5(d)(1)(d); Ord. 1913, Sec. 1, 10/30/90)

#### 19.1.5 **Procedure.**

- 19.1.5.1 When property is to be developed in a D zone, the applicant shall submit the required data in accordance with subsection 314-19.1.3 to the Planning Division. The application shall be accompanied by a fee in the amount as established by Ordinance or Resolution of the Board of Supervisors. (Former Section INL#315-5(e))

19.1.5.2 The Reviewing Authority is empowered to approve and conditionally approve projects. Denials of any project by the Authority shall be referred to the Planning Commission for action. (Former Section INL#315-5(e))

19.1.5.3 If the applicant is not satisfied with the Reviewing Authority's action on any conditional approval, the application shall be referred to the Planning Commission for decision. The decision of the Planning Commission may be appealed to the Board of Supervisors as provided for in this section. (Former Section INL#315-5(e); Amended by Ord. 1280, Sec. 2, 10/10/78)

19.1.6 **Building Permit Issuance.** In no event shall building permits be issued in a D Zone until such plans have been approved or conditionally approved by the Reviewing Authority, Planning Commission, or Board of Supervisors. Designated local authorities shall notify the Director on action taken on projects. The Director shall take appropriate action to release building permits or refer to the Planning Commission. (Former Section INL#315-5(f))

19.1.7 **Destruction or Alteration Designated Historical Buildings.** No historical buildings as officially designated by the Board of Supervisors or their authorized County representatives in any D Zone shall be demolished, altered, improved, or otherwise changed in exterior appearance except as hereinafter provided: (Former Section INL#315-5(g))

19.1.7.1 If any historical building is damaged by a natural disaster (including but not limited to earthquake or fire), the owner thereof may repair such building if he secures a permit from the Reviewing Authority. (Former Section INL#315-5(g)(1))

19.1.7.2 Any owner making any exterior alterations to a historical building shall submit plans and secure approval from the Reviewing Authority prior to construction. (Former Section INL#315-5(g)(2))

19.1.7.3 Any owner planning to demolish any historical building (as officially designated) shall provide notice of intention to the Board sixty (60) days in advance of any work on the project. Within the sixty (60) day period the Board shall determine whether Federal, State or local agencies or organizations can acquire the building and site or make other suitable arrangements with the owner. (Former Section INL#315-5(g)(3))

19.1.8 **Annual Report.** Designated Reviewing Authorities shall prepare an annual report to the County Planning Commission indicating the number of applications acted upon and a general description of the projects. The annual report should be submitted to the Director during the month of January. (Former Section INL#315-5(h); Ord. 1058, Sec. 1, 12/16/75; Amended Ord. 1913, Sec. 1, 10/30/90)

## 19.1.9 **Additional Standards and Procedure Applicable to Scotia Only.**

### 19.1.9.1 **Special Permit Required.**

19.1.9.1.1 A Special Permit is required for all development in Scotia subject to these regulations

19.1.9.1.2 The application for the permit shall be accompanied by a fee in the amount established by ordinance or resolution of the Board of Supervisors.

19.1.9.2 **Appointment and Composition of the Design Review Committee(s).** The Board of Supervisors may select any person(s) or organization who, in the opinion of the Board, is qualified to serve on the committee. Such person(s) must be devoid of any and all financial interest in the development application under consideration. The representatives of the Design Review Committee(s) shall not exceed five (5) persons. In the absence of any Board of Supervisors' approved representatives, the Director shall be the reviewing authority.

19.1.9.3 There is hereby created a **Scotia Design Review Committee**, which shall consist of the following members:  
*Five* members, who shall be appointed by the Board of Supervisors. These members shall have demonstrated experience in historic preservation or *cultural resource* land use issues or other qualifications satisfactory to the Board.  
The terms of the appointed members shall begin upon Board approval and shall be for five (5) years and may be renewed.

19.1.9.3.1 Authority and Responsibilities of the Scotia Design Review Committee (Scotia DRC)

- A. The Scotia Design Review Committee shall:
  1. Review applications to alter or demolish all or part of any structure identified as a contributing historic structure in the Scotia General Plan Amendment Environmental Impact Report.
  2. Adopt maximum times for its historic preservation review to be completed, which if exceeded, may be treated as no comment on a project.
- B. The Scotia DRC shall, to the extent it deems appropriate, have the authority to:
  1. Make recommendations to the Humboldt County Planning Commission for discretionary projects or to the Planning Director for ministerial projects involving contributing historical structures for approval of or conditional approval of projects under review. These recommendations may include restrictions on the use of such property or requirements to retain historical characteristics. These recommendations shall be based on the application of the *Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]* - [http://www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm) , Department of Interior's *Standards of Rehabilitation*, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, and the Scotia Design Guidelines (Exhibit D).
  2. Assist studies or programs designed to identify and evaluate structures, other physical features, sites, and areas which are worthy of preservation.

3. Review projects for development of new structures for consistency with Scotia Design Guidelines and for compatibility with existing contributing historic structures.
4. Inspect and investigate structures, other physical features, sites, and areas which are worthy of preservation.
5. Consider methods other than those described above for encouraging and achieving preservation of worthy structures, other physical features, sites, and areas, including exploring means of financing the restoration or maintenance thereof.
6. Make appropriate recommendations on the general subject of preservation to the Planning Commission, Board of Supervisors, other public and private agencies and bodies, and the general public.

19.1.9.3.2 In the Absence of an appointed Scotia Design Review Committee

- A. Historic Assessment Report required: In the absence of an appointed Scotia Design Review Committee, the Director will require a preliminary assessment report (Historic Assessment Study). This report shall be based on a visual examination of the property and historic research conducted by a professional historic resource consultant who then prepares a written report that contains their findings and recommendations. The report will also describe any further actions that might be needed to avoid or lessen development related impacts to any historical resources encountered.
- B. Historic Assessment Study Contents: The historic assessment study should, at the minimum, contain:
  - (1) Evidence of a full background literature search through the local depositories such as Humboldt County Historical Society, Humboldt State University Library, Humboldt County Library, etc.
  - (2) A brief description of the project parcel(s) and the expectations of the consultant at the onset of the inventory report;
  - (3) A clear description of the methods and results of the field inventory including rationale for surface coverage and a brief discussion of any historic resources encountered. This treatment should be patterned after the *Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]* - [http://www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm) ;
  - (4) A generally accurate map (7.5' USGS topographic, parcel map or engineers map) in a scale sufficient to show the intensity and coverage of the field inventory as well as the location of any resources encountered;
  - (5) A description and evaluation of any structures and a determination of whether or not they qualify as historical resources.
  - (6) If the resource is historic, provide recommended means to avoid or lessen development related impacts to any historical resources encountered on the parcel(s);
  - (7) The names of any local persons consulted during the preparation of the report;

- (8) Statement of Qualifications (education, employment, field experience, previous reports and publications in historic resources). Qualification requirements used shall be the requirements used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61.

C. Performance Standard. Applicants should avoid impacts to historical resources where feasible. When this is not feasible, mitigation measures shall be incorporated into the project to lessen the impact of the project on these resources. Mitigation shall be in accordance with the *Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]* - [http://www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm) , Department of Interior's *Standards of Rehabilitation*, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, the Scotia Design Guidelines and Appendix K of the State CEQA Guidelines.

D. Process. The recommendations of the Historic Assessment Report will serve as a substitute for recommendations from the Scotia Design Review Committee and will be used to address historic resource impacts in discretionary permit decisions and for CEQA compliance.

#### 19.1.9.3.3 Standards for Alterations and Demolitions

19.1.9.3.3.1 No contributing structure shall be demolished unless the County makes one of the following findings, following notice and hearings to the extent required under existing regulations.

- 1.) The property is unsafe or a hazard to the public as a result of an unforeseen event such as a fire or earthquake; or
- 2.) Taking into account the potential value to the owner of the property of all available County accommodations and incentives (including without limitation transferable development rights, zoning ordinance modifications, alternative building code standards or provisions, loans, grants, reimbursements and tax reductions) either:
  - (a) The current or most recent use of the property is not permitted under the current planning code (except as a nonconforming use) and adaptive reuse is not economically feasible;
  - (b) The adverse impact on the owner of the property is unreasonably large in comparison to the public benefit from denying demolition; or
  - (c) Denying permission to demolish would result in a taking or would violate state or federal law; or
- 3.) Demolition must be allowed pursuant to the State Housing Law (Cal. Health and Safety Code Sections 17900 et seq.) or other applicable state or federal law.

19.1.9.3.3.2 Conditions may be imposed on demolition to the extent authorized by any other applicable law or this chapter including without limitation the following:

- a. Documentation may be required of any structure to be demolished and/or for the property;
- b. Historic Preservation Review and Planning Commission approval may be required for any subsequent development of the property;

- c. Demolition may be delayed for up to 90 days to allow time to identify a prospective buyer for the property, to identify a third party interested in relocating the affected structure or to allow the County to determine whether to begin eminent domain procedures, and for up to an additional 90 days to allow completion of the purchase or relocation or commencement of a judicial condemnation acting, if, within the initial 90 days a buyer or third party is identified of the County determines to begin eminent domain procedures. In the case of purchase or relocation by a third party, demolition may be denied where a third party is willing and able to purchase the property or relocate the structure within the time established by this subdivision is identified and makes a bona fide offer to purchase the property or structure at fair market value, as determined by appraisal.
- d. With respect to demolition of a structure within the Scotia town site, the County shall take into account the importance of an affected structure to the integrity of other existing historic resources, and may: limit the size of new development to that of the existing structure; require that the scale of new development be harmonious with other structures which contribute to historic character; require retention or reconstruction of one or more facades; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to the integrity of the existing historic structure.

19.1.9.3.3.3 No contributing historic structure shall be altered unless the alteration is approved by the County pursuant to this chapter. The Scotia Design Review Committee shall follow the *Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]* - [http://www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm) , Department of Interior's *Standards of Rehabilitation*, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, and the Scotia Design Guidelines (Exhibit D) for alterations and review of alteration applications, applicable specifically to designated properties. Except to the extent such guidelines provide differently, a proposed alteration shall be considered in light of its effect on the existing character of the affected structure as it relates to the streetscape.