



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: November 2, 2017

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Gabriela McCord Parcel Map Subdivision, Planned Development Permit Extension**
Application Number 13561
Case Numbers PMS-08-009X, PDP-08-001X
Assessor Parcel Number (APN) 016-021-020
2214 Myrtle Avenue, Myrtle town area

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Please contact Trevor Estlow at (707) 268-3740, or by email at testlow@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 2, 2017	Parcel Map Subdivision and Planned Development Permit Extension	Trevor Estlow

Project: A two-year extension, in addition to several automatic extensions authorized by several Assembly Bills, of a Parcel Map Subdivision and Planned Development Permit originally approved April 16, 2009. The project consisted of the conversion of four existing apartment units into condominiums for individual ownership. No new units are proposed. The approximately 7,840 square foot parcel was developed with these rental units in the late 1970s. The project includes landscaped open space and recreational areas for the benefit of the residents. The parcel is and will continue to be served by community water and sewer. **No change to the original project is proposed. This is the first extension requested and if approved, the extension will expire on April 28, 2019.**

Project Location: The project site is located in the Myrtletown area, on the west side of Myrtle Avenue, at the intersection of Myrtle Avenue and Siler Lane, on the property known as 2214 Myrtle Avenue.

Present Plan Land Use Designation: Residential Medium Density (RM); Eureka Community Plan (ECP). Density: 7 – 30 units per acre.

Present Zoning: Apartment Professional with a 6,000 square foot minimum parcel size (R-4*).

Case Numbers: PMS-08-009X, PDP-08-001X

Application number: 13561

Assessor Parcel Number: 016-021-020

Applicant

Gabriela McCord
PO Box 5453
Eureka, CA 95502

Owner

same as applicant

Agent

Points West Surveying Co.
Michael Pulley
5201 Carlson Park Dr., Ste. 3
Arcata, CA 95521

Environmental Review: Project requires environmental review.

Major Issues: None

State Appeal Status: Project is not appealable to the California Coastal Commission.

McCord Parcel Map Subdivision and Planned Development Permit Extension

Case Numbers PMS-08-009X, PDP-08-001X

Assessor Parcel Number 016-021-020

RECOMMENDED COMMISSION ACTION:

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

"I move to make all of the required findings, based on evidence in the staff report, and approve the application(s) on the Consent Agenda subject to the recommended conditions of approval."

Staff Analysis of the Evidence Supporting the Required Findings

Sections 66452.6(e) and 66463.5(c) of the California Government Code (Subdivision Map Act) and Sections 326-21 and 326-31 (Filing of Final and Parcel Maps) of the Humboldt County Code Zoning Regulations establishes the authority to grant time extensions for approved or conditionally approved tentative maps when it can be found that the findings and conditions of the original project have not changed significantly. In addition, recent legislation (AB 116, AB 208, AB 333) added sections to the Subdivision Map Act that granted automatic extensions to a tentative subdivision or parcel map which met certain criteria.

Recommendation:

The findings and conditions of the original project have not changed significantly based on the following analysis.

Staff Analysis:

A two-year extension of a Parcel Map Subdivision and Planned Development Permit (PMS-08-009X, PDP-08-001X) originally approved April 16, 2009. The project consisted of the conversion of four existing apartment units into condominiums for individual ownership. No new units are proposed. The approximately 7,840 square foot parcel was developed with these rental units in the late 1970s. The project includes landscaped open space and recreational areas for the benefit of the residents. The parcel is and will continue to be served by community water and sewer. **No change to the original project is proposed.**

The applicant states that the conditions of the property have not changed since the original application/approval of PMS-08-009, PDP-08-001. This is the first applicant requested extension and, if approved, the tentative map will expire on April 28, 2019.

The Planning Department has circulated requests for input relative to the extension petition and has received no comments against the petition being granted. It is staff's opinion that **the findings and conditions of the original project, effective April 28, 2009, have not changed significantly based on the following staff analysis, and are applicable to the proposed extension because:**

1. The parcel's zoning, Apartment Professional (R-4*), for which a conformance finding was made, has not changed.
2. The General Plan Land Use designation, Residential, Medium Density (RM), for which a consistency finding was made, has not changed.

3. The applicable development standards, for which the original project was evaluated, have not changed.
4. The applicable design standards, for which the project was evaluated, have not changed.
5. All other standards and requirements to which the project is subject and as administered by other departments or agencies have not changed.
6. The original project was exempt from environmental review pursuant to Section 15301(k) of the CEQA guidelines. The County has received no evidence indicating that additional review under CEQA is necessary.

Referral agencies have recommended approval of the extension.

ALTERNATIVES: The Planning Commission could elect not to approve the extension. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Sections 326-21 or 326-31. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

Note: If the extension is denied, a fifteen calendar day appeal begins the next business day. Appeals must be filed with both the Planning Division and the Clerk of the Board of Supervisors. There is no appeal period for approved map extensions.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 17-

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE McCORD PARCEL MAP SUBDIVISION AND PLANNED DEVELOPMENT PERMIT EXTENSION APPLICATION.

**Case Numbers PMS-08-009X, PDP-08-001X
Assessor Parcel Number 016-021-020-000**

WHEREAS, Michael Pulley, on behalf of the owner, submitted an application and evidence in support of approving the Parcel Map Subdivision and Planned Development Permit Extension; and **WHEREAS**, the County Planning Division reviewed the submitted application and evidence and referred the application and evidence to reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, at their April 16, 2009 hearing, the County Planning Commission found the project exempt from environmental review pursuant to Section 15301(k) of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision and Planned Development Permit Extension request;

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The proposed Parcel Map Subdivision and Planned Development Permit Extension is categorically exempt from environmental review pursuant to Section 15301(k) of the CEQA Guidelines; and
2. The findings in H.C.C. [§ 326-21] in the Planning Division staff report for Case Numbers: PMS-08-009X, PDP-08-001X support approval of the project based on the submitted evidence.
3. Approves the proposed project as recommended and conditioned in the Planning Division staff report for Case Numbers: PMS-08-009X, PDP-08-001X.

Adopted after review and consideration of all the evidence on November 2, 2017

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

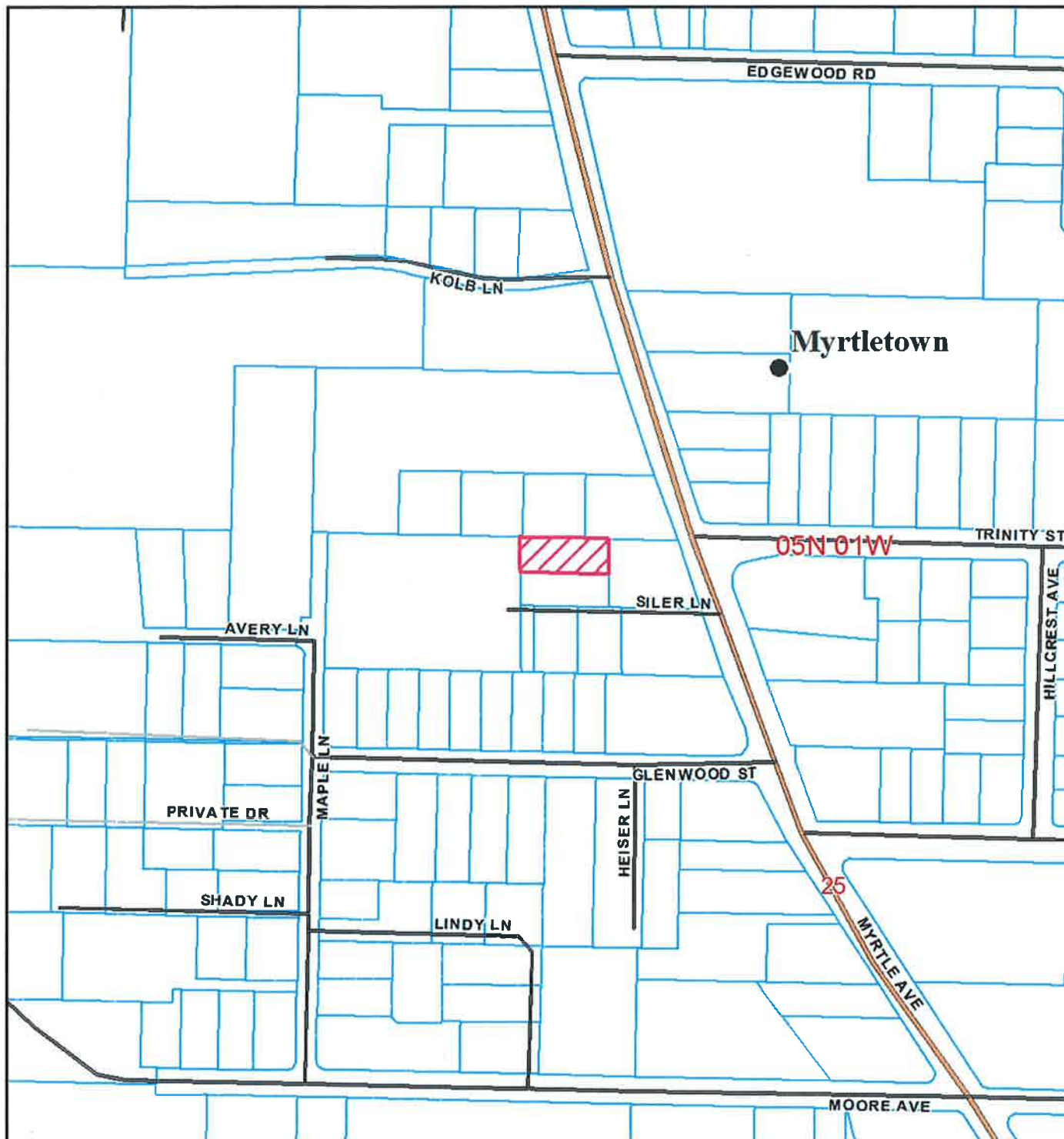
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford
Director, Planning and Building Department



LOCATION MAP

PROPOSED McCORD EXTENSION OF PARCEL MAP SUBDIVISION & PLANNED DEVELOPMENT PERMIT MYRTLETOWN AREA

PMS-08-009X/PDP-08-001X

APN: 016-021-020

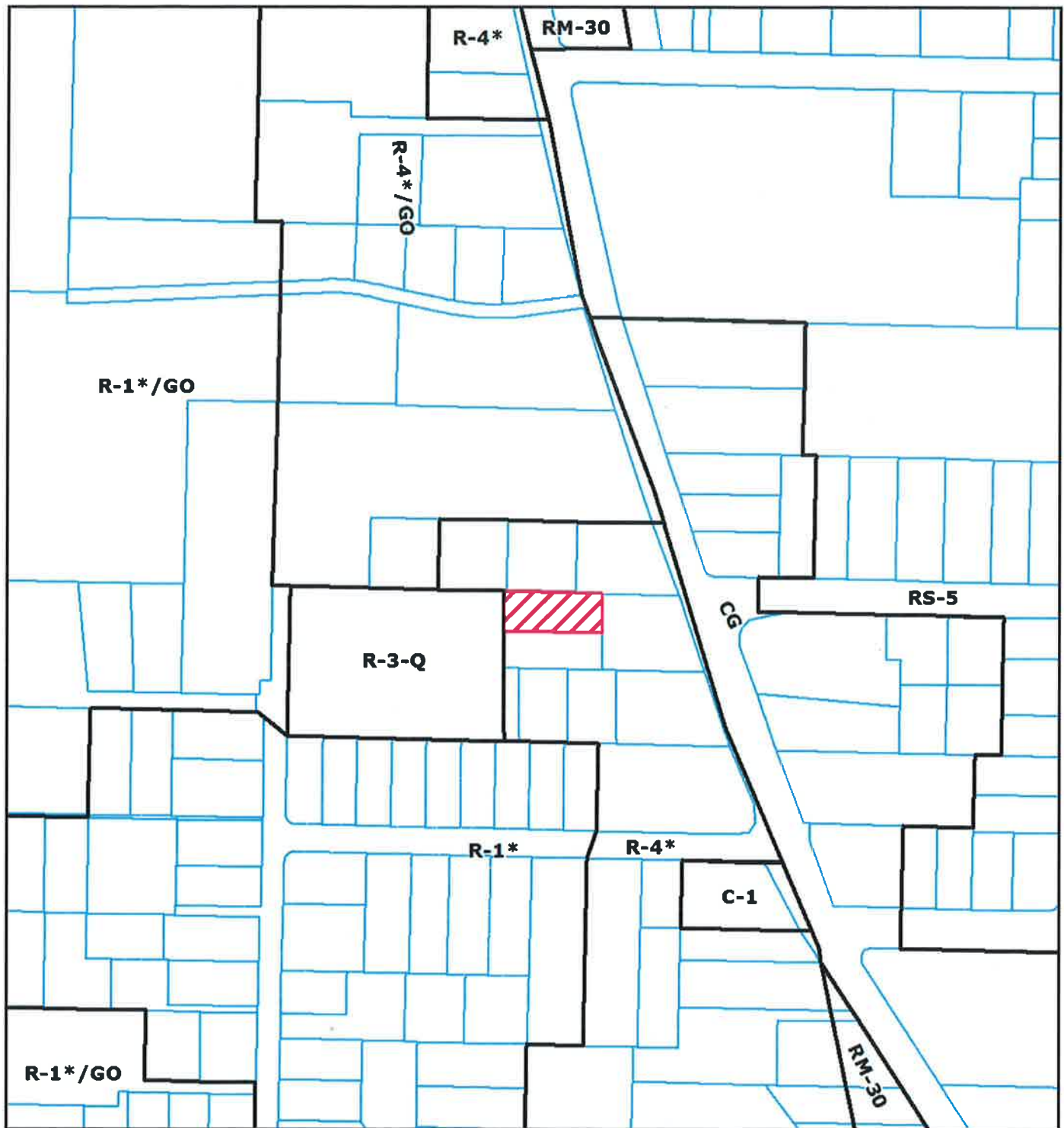
T05N R01W S25 HB&M (Eureka)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 Feet



ZONING MAP

PROPOSED McCORD EXTENSION OF PARCEL MAP SUBDIVISION & PLANNED DEVELOPMENT PERMIT MYRTLETOWN AREA

PMS-08-009X/PDP-08-001X

APN: 016-021-020

T05N R01W S25 HB&M (Eureka)

Project Area = 

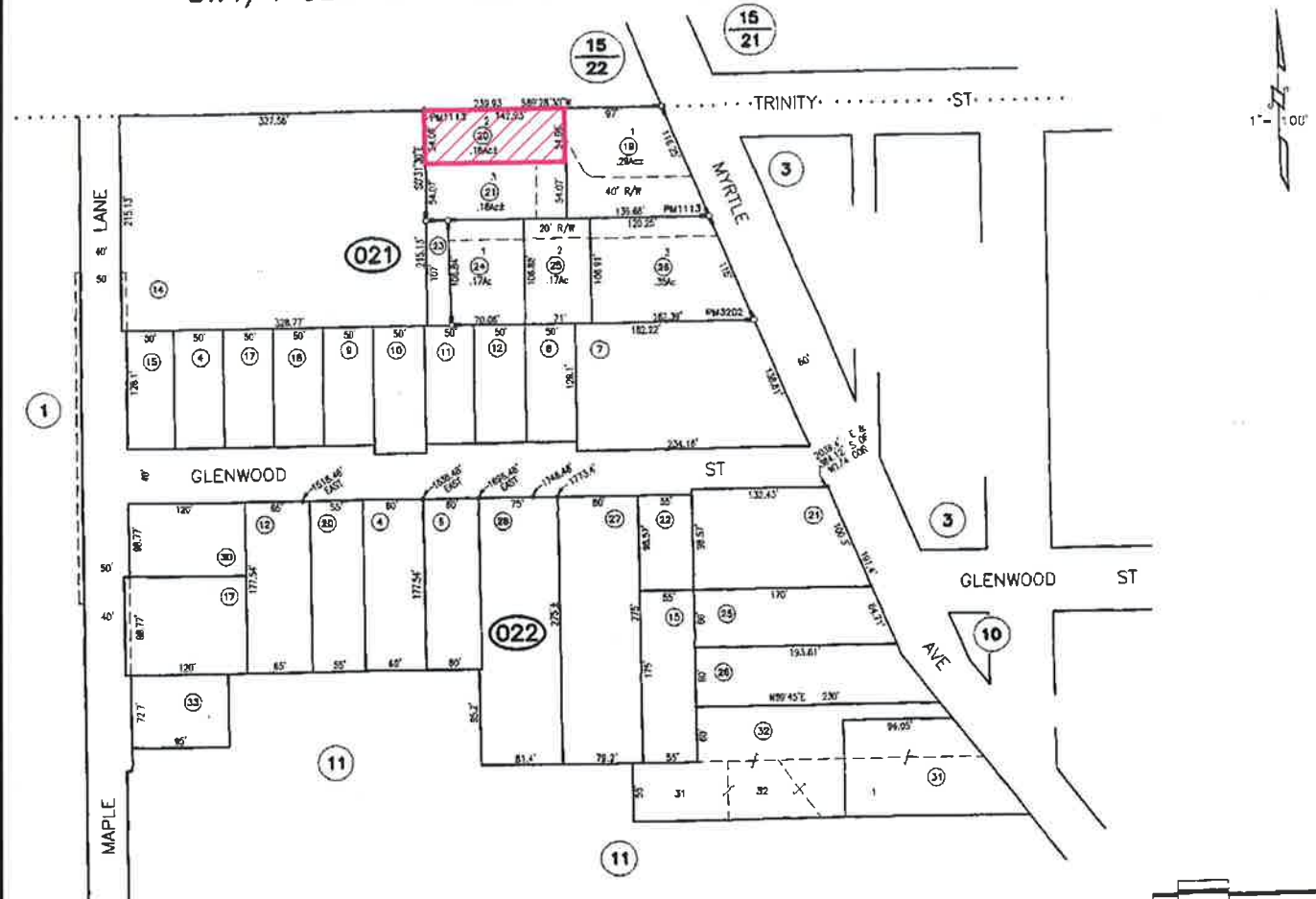
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 Feet

SW1/4 SEC 25 T5N R1W H.B.& M.

016-02



1 of MAPS, Pg 64
D PARK
of PM Bk 10, Pg 1
of PM Bk 30, Pgs 29-30

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 16, Pg.02
County of Humboldt, CA.

25' 50' 100'
4 Oct 22, 2008

ASSESSOR PARCEL MAP

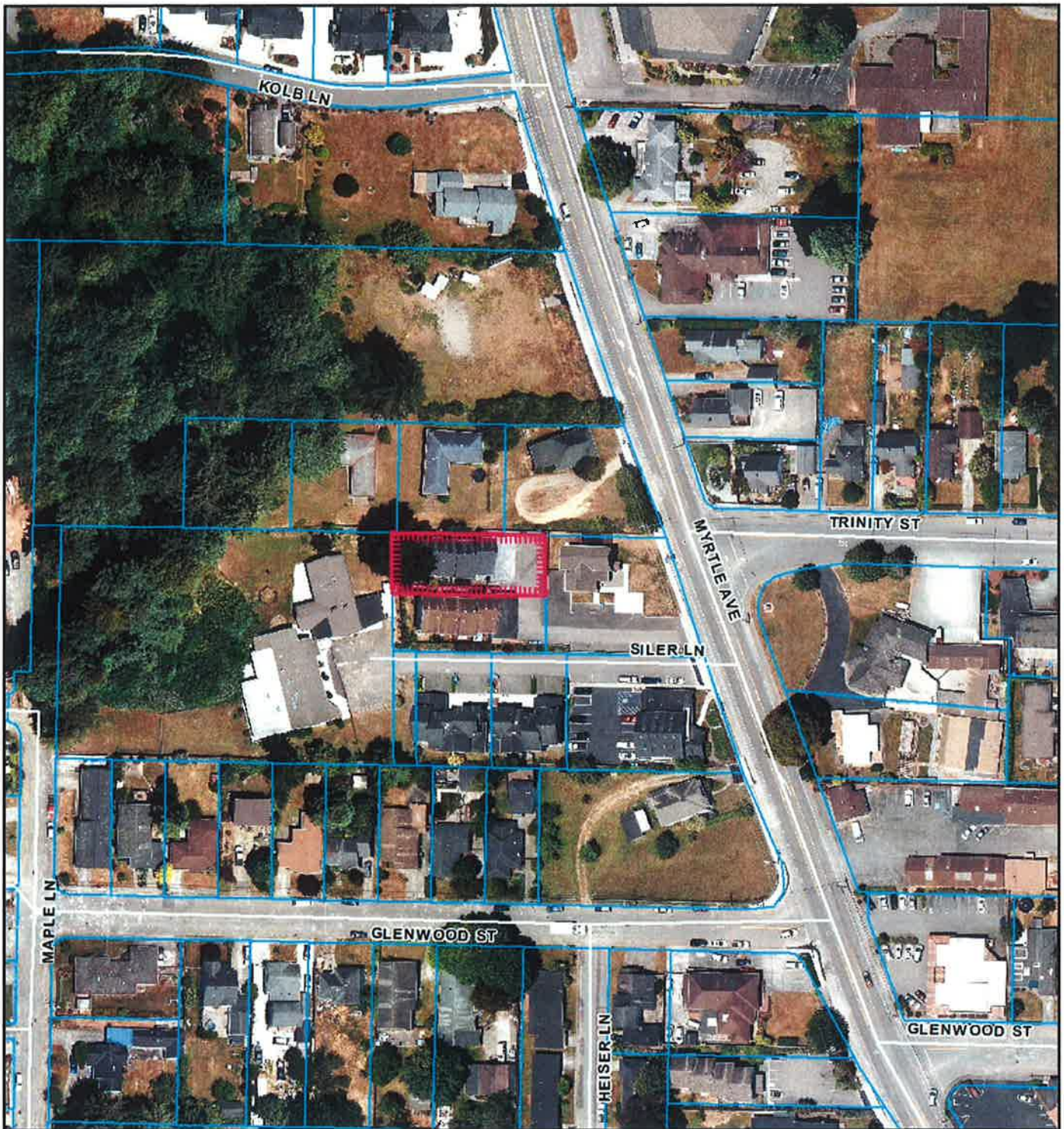
PROPOSED McCORD EXTENSION OF PARCEL MAP SUBDIVISION & PLANNED DEVELOPMENT PERMIT

Project Area = 

This map is intended for display purposes and
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for accuracy.

MYRTLETOWN AREA
PMS-08-009X/PDP-08-001X
APN: 016-021-020
T05N R01W S25 HB&M (Eureka)

MAP NOT TO SCALE



AERIAL MAP

PROPOSED McCORD EXTENSION OF PARCEL MAP SUBDIVISION & PLANNED DEVELOPMENT PERMIT MYRTLETOWN AREA

PMS-08-009X/PDP-08-001X

APN: 016-021-020

T05N R01W S25 HB&M (Eureka)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 100 Feet





ATTACHMENT 1

Conditions of Approval

The conditions of approval effective April 28, 2009, shall remain in full force and effect and are not affected by this extension.

NOTE: THE ORIGINAL STAFF REPORT AND SUPPORTING DOCUMENTATION IS ON FILE WITH THE PLANNING DIVISION AND AVAILABLE FOR PUBLIC INSPECTION.

ATTACHMENT 2

Original Conditions of Approval

ATTACHMENT 1

Recommended Conditions of Approval

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PARCEL MAP MAY BE RECORDED:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the enclosed Department of Public Works referral dated February 25, 2009, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval, said map to identify net and gross acreage for each parcel.
4. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Humboldt Community Services District indicating that the project conforms to its requirements dated November 20, 2008.
5. Prior to recordation of the Parcel Map, the applicant shall submit a letter from Humboldt Fire District No. 1 stating that the project meets their requirements.
6. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include the following site development details:

A. Mapping

- (1) Topography of the land in 1-foot contours.
- (2) Building "envelopes" (fencing of private yards, individual parking spaces), including dimensioned setbacks to property lines and easements. Parking area detail showing conformance with parking requirements of Humboldt County Code Section 314-109 and County Subdivision Regulations.
- (3) Proposed circulation improvements including streets, driveways, turnouts, and emergency vehicle turnarounds, common parking spaces, as applicable.
- (4) Common areas to be landscaped, lighted, developed with recreational facilities, community garden, fencing, resident storage, etc.

B. Notes to be Placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
 - If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).

- Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."
- (2) "All common areas outside the boundaries of the individual units are to be maintained by the Homeowners Association (HOA)."
- (3) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
- 7. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Community Development Services—Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$176.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Final Map.
- 8. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the Humboldt County Community Development Services—Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
- 9. Prior to recordation of the Parcel Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements.
- 10. The applicant shall submit copies of the draft Condominium Plan, Declaration, Bylaws, Articles of Incorporation, and Rules for the County Planning Division's review and comment. The applicant shall supply the County (Planning Division) with copies of the Final documents for our files. The Declaration shall include provisions for the long-term maintenance, over the life of the structure, of the fire and life safety features, including but not limited to the fire sprinkler system, exiting, fire alarms, fuel loading, and housekeeping. Final documents shall be recorded at the County Recorder's Office.
- 11. The applicant shall record Codes, Covenants & Restrictions (CC&Rs) that set forth the maintenance responsibility of the Homeowners Association (HOA) for common areas (buildings, grounds, parking areas, etc.) and easements through the units necessary to maintain the buildings. The CC&Rs shall also provide ingress, egress and utility easements for each of the proposed units. The CC&Rs shall be recorded at the County Recorder's Office.

Informational Notes:

1. To minimize costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division. The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet.

- * Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No. _____ Condition _____
(Specify) (Specify)

2. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may,

within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.

3. The PMS shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see Effective Date). This approval may be extended in accordance with the Humboldt County Code.