

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

Resolution Number 21-161

Record Number PLN-2021-17292

Assessor's Parcel Number: 306-024-004

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the McGuire Coastal Development Permit.

WHEREAS, Gerald McGuire submitted an application and evidence in support of approving a Coastal Development Permit for the demolition of an existing 1,700 square-foot residence, existing fence, and construction of a new residence, and accessory dwelling unit and garage. (APN 306-024-004); and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is categorically exempt from environmental review pursuant to Section 15303 (e) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on October 21, 2021, and reviewed, considered, and discussed the application for a Coastal Development Permit and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

FINDING: **Project Description:** The application is a Coastal Development Permit for the demolition of an existing 1,700 square-foot residence, existing fence, and construction of a new residence. The new 2-story residence would consist of a 788 square foot garage with a 788 square foot 1 bedroom accessory dwelling unit above. This new structure will be built adjoining an existing 960 square-foot garage/shop which will remain on site.

EVIDENCE: Project File: PLN-2021-17292

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with.

EVIDENCE: a) Project is exempt from environmental review per Section 15303(a) – New Construction or Conversion of Small Structures, of the CEQA Guidelines

FINDINGS FOR THE COASTAL DEVELOPMENT PERMIT

3. FINDING The proposed development is in conformance with the 2017 County General Plan and Humboldt Bay Area Plan.

- EVIDENCE**
- a) This designation, RL, is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types including townhouses and common-wall clustered units, as well as the proposed accessory dwelling unit. The current use is primarily residential. The proposed demolition and development will allow for continued residential use at the project site. Therefore, the project is in conformance with the County General Plan.

4. FINDING The proposed development is consistent with Humboldt Bay Area Plan (HBAP).

- EVIDENCE**
- a) The land use designation for the parcel within the HBAP conforms with the General Plan land use designation.
- b) HBAP Section 4.10(A) states the purpose of the RL urban land use designation is to maximize effective use of limited urban lands and promote concentration of urban residential use where public services and overall community design make this both feasible and desirable.

5. FINDING The proposed development is consistent with the purposes of the existing Residential Single Family (RS-5) zone in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone.

- EVIDENCE**
- a) The parcel currently includes existing residential use. The proposed development to occur after the demolition of an existing residence, fencing surrounding the project parcel, and construction of a new residence, will continue residential use of the parcel.
- b) The proposed residential development will conform with all required setbacks and maximum building height standards of the RS-5 zone, with respect to ground coverage (maximum is 35%), the project reduces the percentage of structural ground coverage from approximately 74% to 48% total coverage.

6. FINDING The demolition of an existing 1,700 square-foot residence, existing fence, and construction of a new residence will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) Construction of the new residences and garage structure will be required to comply with all applicable County-adopted building codes.
- b) Demolition of an existing fence in the County Road easement will comply with the Public Works memo dated June 29, 2021, to address fencing constructed in the right-of-way.

7. FINDING The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

The parcel's General Plan land use designation Residential Low Density (RL) and zoning Residential Single Family (RS-5) allow residential use. The RS-5 zoning only allows for single family residential use, accessory dwelling unit, and residential accessory use. The project proposes demolition of an existing residence and fence to construct a new residence that will be built adjoining an existing shop. The project will not negatively impact compliance with Housing Element law.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the McGuire Coastal Development Permit, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on October 21, 2021.

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Melanie McCavour and the following ROLL CALL vote:

AYES: COMMISSIONERS: Peggy O'Neill, Melanie McCavour, Brian Mitchell, Mike Newman, Alan Bongio, Thomas Mulder

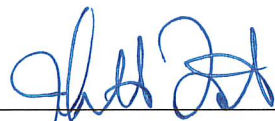
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Noah Levy

ABSTAIN: COMMISSIONERS:

DECISION: Motion carries 6/0

I, John 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 Ford, Director
Planning and Building Department

ATTACHMENT 1

*** Revised RECOMMENDED CONDITIONS OF APPROVAL**

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE COASTAL DEVELOPMENT PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this fee to the project.
5. ~~Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.~~
5. **Within 30 days of the effective date of the Coastal Development Permit (after all appeal periods have been completed and/or appeals exhausted) the applicant shall submit an application for a demolition permit to the County Planning and Building Department for demolition of the existing residence and fence. Within 30 days after issuance of the demolition permit the applicant shall have completed demolition of the residence and fence.**
6. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

Project Specific Conditions:

7. Per the Department of Public Works Memo dated June 29, 2021:

- I. Applicant must apply for and obtain an encroachment permit for the construction of a residential driveway(s) on West Road and Central Avenue. [reference: County Code section 411-11 (a)(b)]
- II. The permit will require the existing driveway aprons to be constructed to Urban Driveway No. 1 standards to meet ADA compliance. This may require the removal and/or retrofit of the non-compliant aprons to meet ADA compliance. [reference: County Code sections 313-109.1.3.2.5 and 411-51 (b)(3)]. [reference: County Code section 411-1].
- III. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: County Code section 313-109 .1 et seq.]
- IV. Site visibility must be maintained at the driveway entrance(s) and at the intersection of the two County maintained roads. [reference: County Code section 341-1 et seq.]
- V. Applicant shall be responsible to correct any involved drainage problems within the County road right of way to the satisfaction of this Department.
- VI. **FENCES/GATES:** Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance. Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department - Building Division at 707.445.7245 prior to constructing any fences or gates.

8. Per the Humboldt Community Services District Memo dated July 7, 2021:

I. GENERAL:

1. Water and sewer service for proposed project is available upon payment of applicable fees.
2. Any existing water and sewer services that will not be utilized for this project shall be abandoned per HCSD Standards at applicant's expense.
3. Any needed relocation of existing water and sewer facilities shall be at applicant's expense.
4. Water and sewer services shall not be located in a driveway.
5. Applicant shall provide a plumbing fixture unit count of the existing onsite structures to HCSD.

II. SEWER

1. Prior to any structures being demolished, they are required to be disconnected from the public sewer system. This disconnection is required to be inspected by this office.
2. Any new sewer connection is required to be installed per District code and be inspected by this office.
3. A sewer lateral clean-out is required to be brought to grade in the sidewalk area on any existing sewer lateral remaining to serve the project.

III. WATER

1. A privately owned, maintained, and accessible water shutoff valve is required directly behind the water meter service (behind the sidewalk) per District Standards on the existing water services that will remain.
2. Any required fire sprinkler plans are to be submitted to the District.
9. The project shall ensure compliance with County flood hazard mitigation through adherence to the project engineer's Flood Elevation Certificate dated August 8, 2021.
10. The applicant shall be required to submit Flood Plans for the proposed project.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials.

If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

2. **The County shall review the terms of this permit for compliance within 60 days of the effective date of permit issuance and every 30 days thereafter. If the residence and fence is not demolished as required under the timeframes in Condition of Approval Number A.5 above, the permit shall be revoked and the matter referred to Code Enforcement for further action.**