



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: October 6, 2016

To: Humboldt County Planning Commission

From: Robert A Wall, Interim Director of Planning and Building Department

Subject: **Wiseman, Coastal Development Permit and Special Permit**
Application Number 10391
Case Numbers CDP 87-89M, SP 16-073
Assessor's Parcel Number 510-371-031-000
2755 Kelly Avenue, McKinleyville

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Please contact Stephen Umbertis, Planner, at 707-268-3727, or by email at sumbertis@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 6, 2016	Coastal Development Permit Modification and Special Permit	Stephen Umbertis

Project Description: The project is a modification to a previously approved Coastal Development Permit (CDP-87-89) that authorized the construction of the existing single family residence and private garage. The modification is to allow for the construction of a 1,008 square foot detached garage with a proposed height of 24 feet, a 236 square foot addition to the house, a 360 square foot covered patio and a 42 square foot side porch. A Special Permit is required because the proposed detached garage exceeds 1000 square feet and exceeds 15 feet in height. No tree removal is proposed and minimal grading is required to provide for a building site and driveway extension. The parcel is currently served by McKinleyville Community Services District for water and sewer.

Project Location: The project is located in Humboldt County, in the McKinleyville area, on the east side of Kelly Avenue, approximately 240 feet south from the intersection of Kelly Avenue and Murray Road, on the property known as 2755 Kelly Avenue.

Present Plan Designations: Residential Estate (RE), Density: 0-2 dwelling units per acre, McKinleyville Area Plan (MCAP), Slope Stability: Relatively Stable (0)

Present Zoning: (RS-20/AP,G,N) Residential Single Family – Minimum lot size 20,000 square feet (RS-20), Airport Safety Review (AP), Alquist-Priolo Fault Hazard (G), Noise Impact (N).

Application Number: 10391

Case Numbers: CDP-87-89M, SP16-073

Assessor Parcel Number: 510-371-031-000

Applicant

Dorsey Wiseman
2755 Kelly Ave
McKinleyville, CA 95519

Owner

Same as applicant

Agent

N/A

Environmental Review: CEQA Exemption Section: 15303-New Construction/Conversion Small Structures.

Major Issues: None.

State Appeal Status: Project is appealable to the California Coastal Commission.

WISEMAN COASTAL DEVELOPMENT PERMIT MODIFICATION

Case Numbers CDP-87-89M, SP16-073
Assessor Parcel Number 510-371-031-000

Recommended Planning Commission Action

1. Describe the application as a Public Hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and,
4. Close the hearing and take the following action:

Find the project exempt from environmental review pursuant to Section 15302, Class 2, of the State CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit modification and the Special Permit, based on evidence in the staff report, and adopt the Resolution approving the Wiseman Accessory Building project subject to the recommended conditions.

Executive Summary: The project is a modification to a previously approved Coastal Development Permit (CDP-87-89) that authorized the construction of the existing single family residence and private garage. The modification is to allow for the construction of a 1008 square foot detached garage with a maximum height of 24 feet, as well as a 236 square foot addition to the residence, a 360 square foot covered patio, and a 42 square foot side porch. The parcel is classified as Residential Low Density, and is within the Airport Safety Review (AP) Combining Zone, the Alquist-Priolo Fault Hazard (G) Combining Zone, and the Noise Impact (N) Combining Zone. A Special Permit is required because the proposed garage exceeds 15 feet in height and 1000 square feet, the limits for accessory buildings imposed by the Residential zoning. The AP Combining Zone prevents buildings taller than 35 feet from being constructed without a Special Permit, but the proposed garage is only 24 feet and is therefore consistent with the requirements of the Combining Zone. The "G" Combining Zone is in place due to a mapped fault trace on the next parcel to the east and a fault hazard zone that covers the property. The project is exempt from the requirement to prepare a Geologic Fault Evaluation Report because the detached garage is not intended for human habitation and the addition to the home is exempt from the reporting requirement under section 313-22.1.6.1 of the Humboldt County Code. The "N" combining zone is in place due to the parcel's proximity to Highway 101 and requires construction methods to reduce interior noise levels in habitable structures to 45 dB or less. A Condition of Approval has been included that requires the addition to the residence to meet these requirements.

The parcel is located on the east side of Kelly Avenue in McKinleyville. The proposed development will not inhibit access or views to the coast from the first public road east of the coastline. There are no biological resources on the parcel that will be affected by the proposed project, and no trees are proposed to be removed. The proposed garage is in character with the rest of the neighborhood where a review of aerial imagery shows that two story homes and detached garages are common.

The proposed 1008 square foot garage is set approximately 120 feet from the front of the parcel and 6 feet from the southern interior property line. The west side of the parcel is dominated by the 3200 square foot home and attached garage, which is the principal structure on the parcel. Based on the setback from the front property line, the larger footprint of the existing home compared to the proposed garage, and the fact that the narrow side of the proposed garage is facing the street, the proposed garage can be found subordinate to the primary residence as required for accessory buildings.

Staff Recommendations: Based upon the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit Modification and the Special Permit. Staff recommends conditional approval of the project.

Alternatives: Several alternatives may be considered: 1) The Planning Commission could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Planning Commission could elect to add or delete conditions of approval; 3) The Planning Commission could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-**

**Case Number CDP89-87M, SP-16-73
Assessor Parcel Number 510-371-031-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Wiseman Coastal Development Permit Modification and Special Permit.

WHEREAS, Dorsey Wiseman submitted an application and evidence in support of approving a Coastal Development Permit Modification and Special Permit in order to allow for the construction of a detached garage and small addition to a residence in the Coastal Zone; 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 Article 19, Section 15303, Class 3, of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit Modification and Special Permit (CDP-873-89M, SP-16-73); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on October 6, 2016.

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

1. The Planning Commission finds the proposed Coastal Development Permit Modification application is categorically exempt from environmental review pursuant to Sections 15303, Class 3, of the CEQA Guidelines; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Number CDP-87-89M & SP-16-73 based on the submitted evidence; and
3. The Planning Commission approves the Coastal Development Permit Modification and Special Permit applied for as recommended and conditioned in Attachment 1 for Case Number CDP-87-89M, SP-16-73.

Adopted after review and consideration of all the evidence on October 6, 2016.

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

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

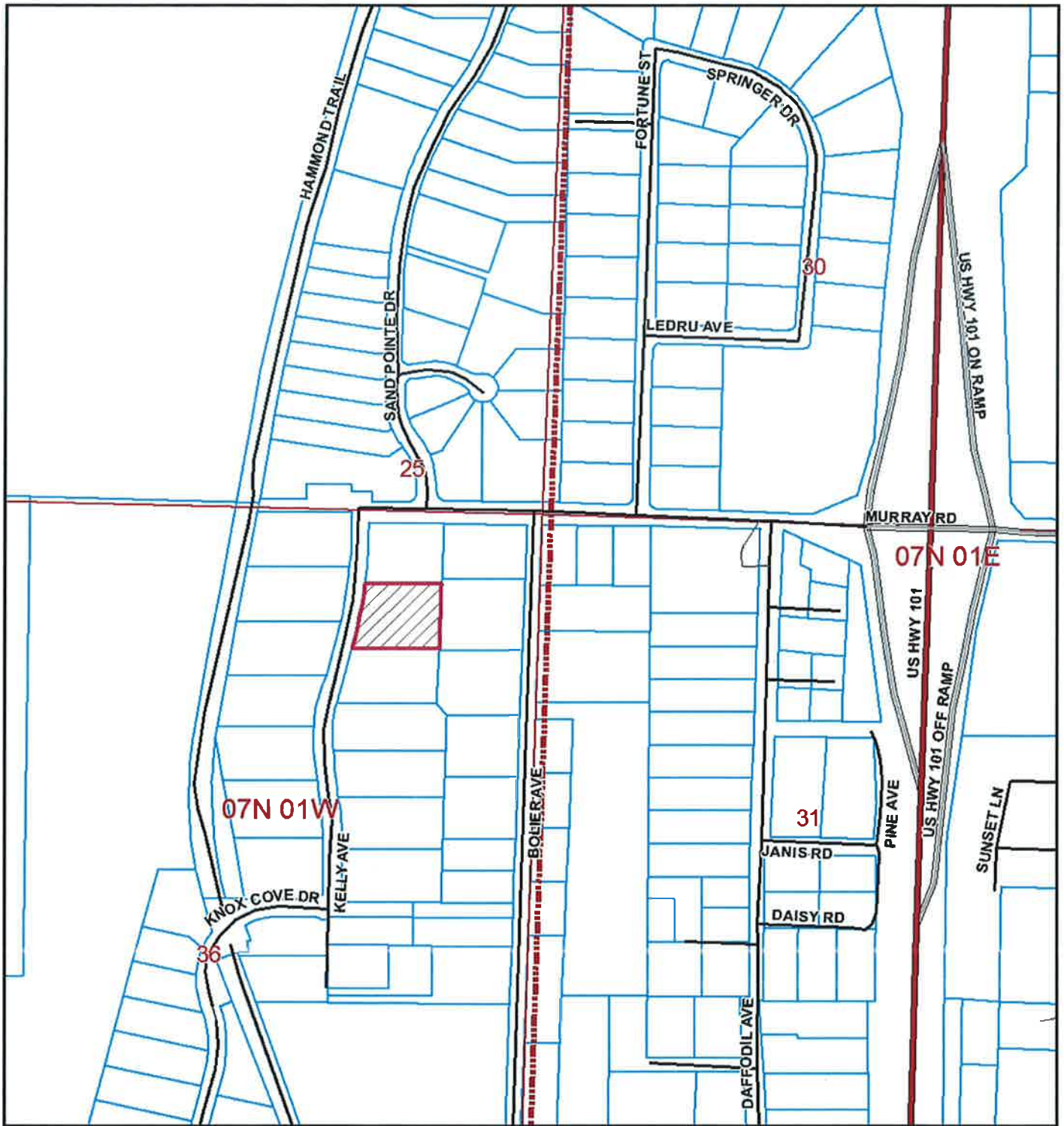
ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

I, Suzanne Hegler, Clerk 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.

Suzanne Hegler, Clerk



Project Area = 

LOCATION MAP

**PROPOSED WISEMAN
COASTAL DEVELOPMENT PERMIT MODIFICATION
MCKINLEYVILLE AREA
CDP-87-89M**

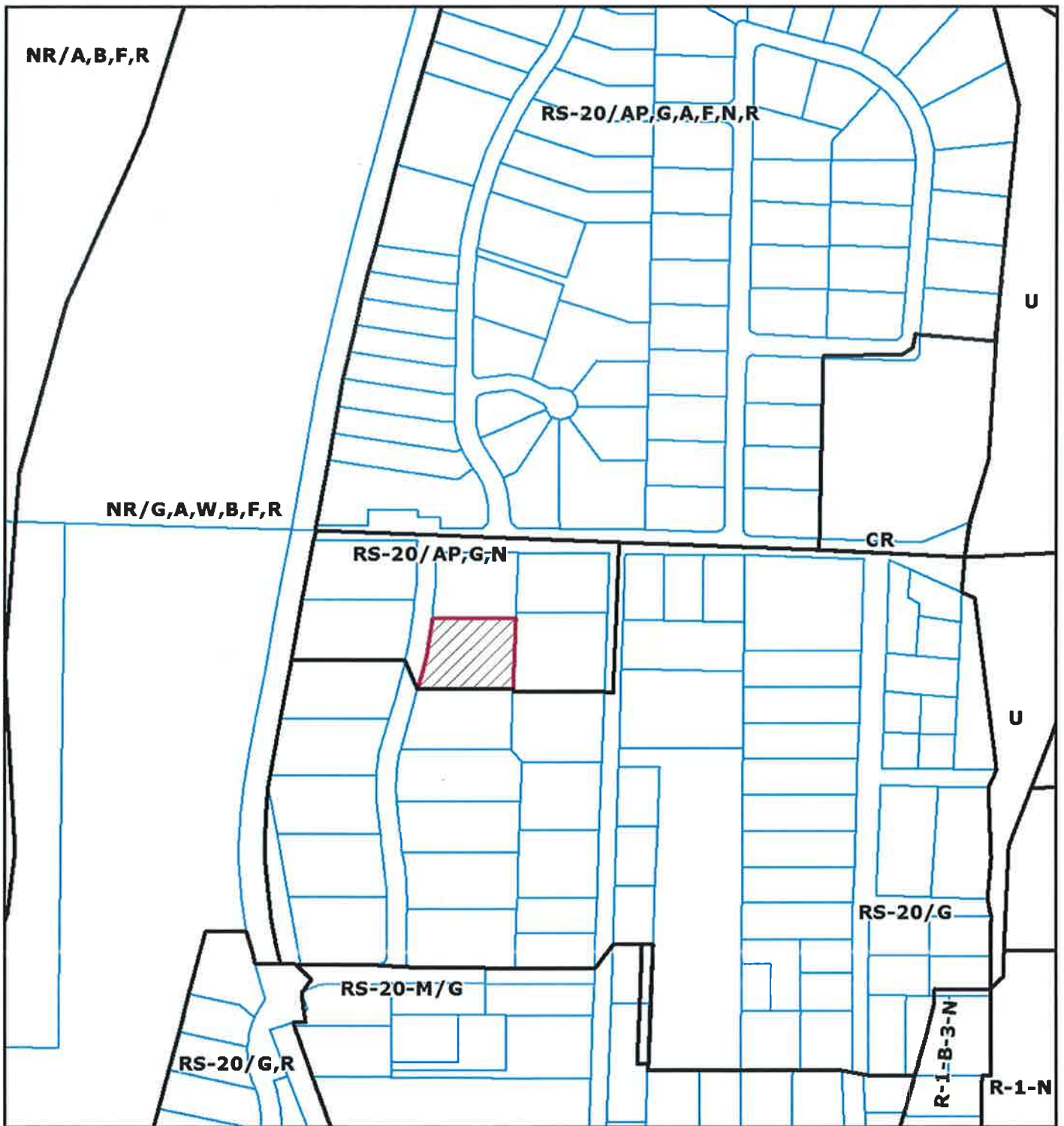
APN: 510-371-031

T07N R01W S36 HB&M (Arcata North)

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.



0 250 500 Feet



Project Area = 

ZONING MAP

PROPOSED WISEMAN COASTAL DEVELOPMENT PERMIT MODIFICATION MCKINLEYVILLE AREA CDP-87-89M

APN: 510-371-031

T07N R01W S36 HB&M (Arcata North)

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

Assessor's Map Bk. 510, Pg. 37
County of Humboldt, CA.

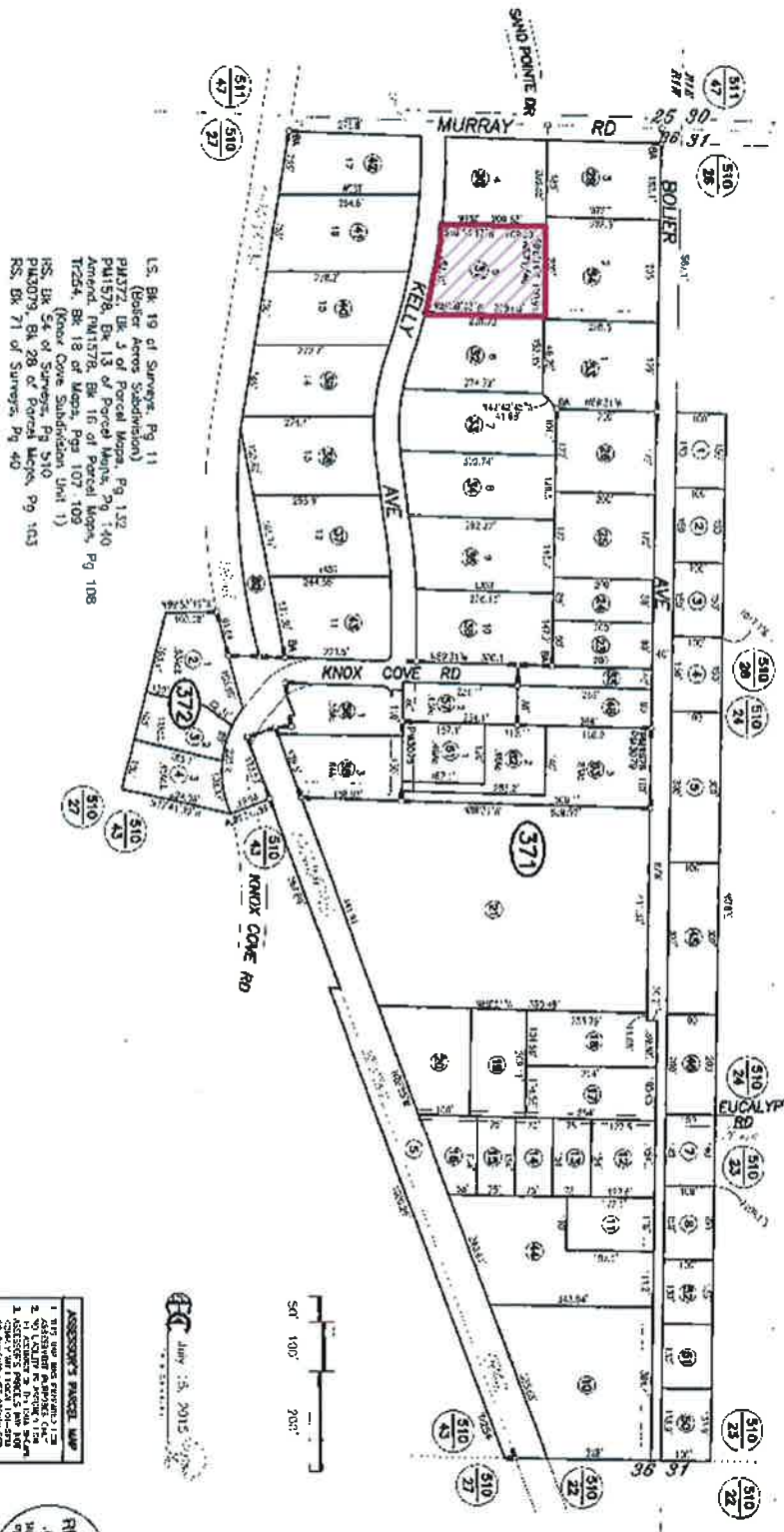
PTN NE1/4 SEC 36, T7N R1W &
PTN NW1/4 SEC 31, T7N R1E, H.B.& M.

NOTE: Assessor's Block Numbers Shown in 3's only.
Assessor's Parcel Numbers Shown in 5's only.

510-37



PROJECT SITE =



U.S. Bk. 19 of Surveys, Pg. 11
(Boiler Acres Subdivision)
PA1572, Bk. 13 of Parcel Maps, Pg. 132
PA1578, Bk. 13 of Parcel Maps, Pg. 140
Amend. PA1578, Bk. 16 of Parcel Maps, Pg. 108
T7254, Bk. 18 of Maps, Pg. 107, 109
(Knox Cove Subdivision Unit 1)
HS, Bk. 54 of Surveys, Pg. 510
PA10079, Bk. 28 of Parcel Maps, Pg. 103
RS, Bk. 71 of Surveys, Pg. 40

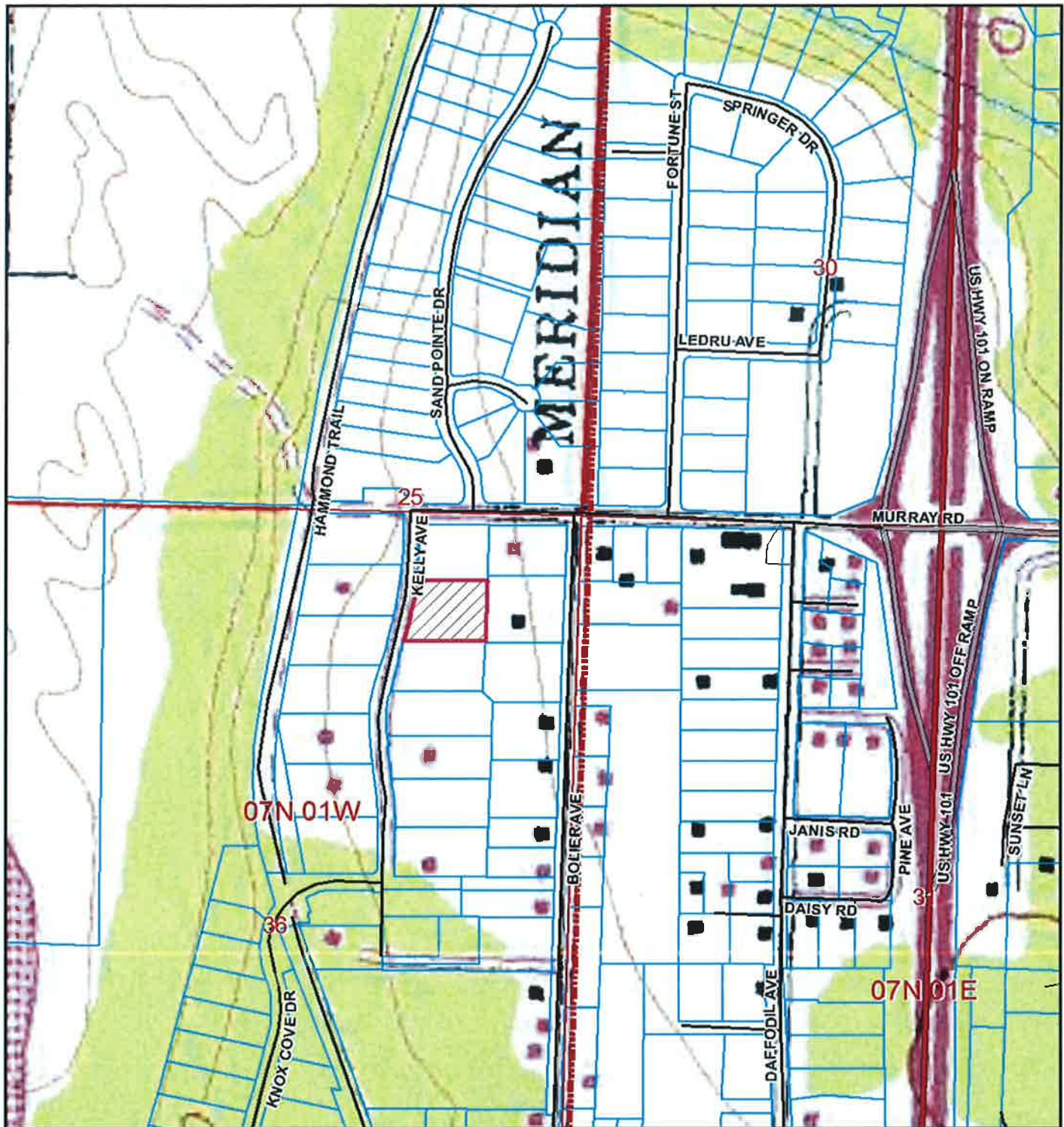
ASSASSOR'S PARCEL MAP
1. THE NEW AND EXISTING LINES
2. THE EXISTING AND PROPOSED C.D.P.
3. THE EXISTING AND PROPOSED C.D.P.
4. THE EXISTING AND PROPOSED C.D.P.
5. THE EXISTING AND PROPOSED C.D.P.



July 25, 2015

Scale 100' 200'

ASSESSOR PARCEL MAP
PROPOSED WISEMAN
COASTAL DEVELOPMENT PERMIT MODIFICATION
MCKINLEYVILLE AREA
CDP-87-89M
APN: 510-371-031
T07N R01W S36 HB&M (Arcata North)



Project Area = 

TOPO MAP

PROPOSED WISEMAN COASTAL DEVELOPMENT PERMIT MODIFICATION MCKINLEYVILLE AREA CDP-87-89M

APN: 510-371-031

T07N R01W S36 HB&M (Arcata North)

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.



0 250 500
Feet



Project Area = 

AERIAL MAP
PROPOSED WISEMAN
COASTAL DEVELOPMENT PERMIT MODIFICATION
MCKINLEYVILLE AREA
CDP-87-89M
APN: 510-371-031
T07N R01W S36 HB&M (Arcata North)

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



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit and Special Permit is conditioned upon the following terms and requirements which must be fulfilled before a building permit may be issued or use initiated.

1. The applicant shall incorporate Best Management Practices (BMPs) for erosion and sediment control as set forth in the County's Grading Ordinance (HCC Section 331-12.H.6.(c)), including the following measures:
 - a. Use dust control techniques when grading to minimize dust problems on adjacent parcels;
 - b. Re-vegetate all disturbed areas prior to winter rain; and
 - c. Take all precautions necessary to avoid the encroachment of dirt or debris onto adjacent properties and Kelly Avenue.
 - d. The plot plan submitted for the Building Permit shall indicate that all ground bared during construction shall be landscaped and/or seeded and mulched prior to October 1st.
2. Construction for the addition to the residential structure shall provide noise attenuation for the indoor living space in conformance with the "N" Combining zone requirements. Construction shall provide for indoor noise levels at or below 45 dB CNEL-Ldn in all habitable rooms and shall conform to the requirements of the Humboldt County Building Code.
3. All development shall conform to the approved plot plan.
4. The accessory structure shall be used, operated, and maintained as accessory and appurtenant to the single family dwelling. The building shall be for non-commercial use and not be let or rented apart from the existing residence. To this effect, the applicant is required to sign a "Notice and Acknowledgement of Land Use Limitations" to be kept on file with the Planning Division.
5. 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 Department will provide a bill to the applicant after the Planning Commission 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.

Ongoing Requirements/Development Restrictions which Must be Satisfied for the Life of the Project

1. All new and existing outdoor lighting shall be directed within the property boundaries.
2. New utilities shall be installed underground, when feasible.
3. Alteration to natural landforms shall be minimized.

Informational Notes

1. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with Native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers (THPOs) for the Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, County of Humboldt, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include, but are not limited to, obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include, but are not limited to, 19th century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.

Should known or suspected Native American skeletal remains or burials be inadvertently discovered, the provisions of Section 7050.5 of the California Health & Safety Code and Section 5097.98 of the Public Resources Code shall apply (see at <http://www.nahc.ca.gov/profguide.html>).

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. At the time of Building Permit Issuance, applicant shall pay McKinleyville drainage feed pursuant to Humboldt County Code Section 328.1-13.
4. MS4/ Low Impact Development Requirements (LID): The project is located within the municipal separate storm water sewer system (MS4) boundary area and therefore development of the property is required to comply with MS4 permit requirements unless determined to be exempt. MS4 and LID requirements apply to projects that create 2500 square feet or more of impervious surfaces, including driveways and building roofs.
5. The Coastal Development Permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
6. New Development Requires a Permit. Any new development as defined by Section 313-139.6 of the Humboldt County Code (H.C.C.) shall require a Coastal Development Permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

The Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. 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 (the mid point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a) is categorically or statutorily exempt; or
 - b) will not have a significant effect on the environment and a negative declaration has been prepared; or
 - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Framework Plan (FP) and the McKinleyville Area Plan (MCAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence which Supports Making the General Plan Conformance Finding
Land Use §2732 (FMWK) §5.20 (MCAP)	Residential Estates (RE): Detached single family residences are the principally permitted use. Secondary dwelling units may be permitted with a Special Permit. Density: 0-2 dwelling units per acre.	The original Coastal Development Permit (CDP) was completed in 1989 for the construction of a one story single family residence with attached garage of approximately 3200 square feet on a .9 acre parcel, a use consistent with the Residential Estate Land Use designation. The proposed modification to the original CDP is for the construction of a new detached, 1008 square foot accessory building to be used as an expanded garage that includes a storage loft, as well as a 236 square foot addition to the existing home, a new 360 square foot covered patio, and a 42 square foot side porch. The proposed garage would be used to store large vehicles, and presumably household items in the storage loft. The garage will be contain a lavatory, though no kitchenette or other amenities associated with a secondary dwelling unit are proposed. Due to the size of the proposed garage, the applicant is required to sign a Notice of Acknowledgement that the work shop is not permitted for commercial uses, and therefore can be considered accessory to the residential use. Therefore, it can be considered compatible with the RE land use designation which is intended for low density residential uses.
Urban Limits: §2600 (FP) §3.21 (MCAP)	New development shall be located within existing developed areas or in areas with adequate public services.	At the time the original CDP was issued in 1989, the McKinleyville Community Services District had already provided services to the lot, which was vacant at that time. The parcel is in a developed low density neighborhood served by Kelly Avenue, a publicly maintained road. The property is served by sewer and water from the McKinleyville Community Services District. The proposed modification to the original project therefore meets the requirement of the section by being within an existing developed area served by adequate public services.

Housing §2400 (FMWK) §3.37 (MCAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	At the time the original CDP was granted, the lot was vacant and the proposed housing was consistent with the General Plan. The parcel is currently developed with a single family residence which will not be affected by the proposed project. As such, it can be considered consistent with the Housing Element.
Hazards §3100-§3300(FP) §3.28 (MCAP)	New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard.	The original CDP noted that residential wood framed structures of two stories or less are exempt from completing a fault evaluation report. The existing home and garage, permitted in 1989, were both one-story and wood construction, exempting the project from a fault evaluation report. The parcel's location on a bluff is well outside of any flood zone. The parcel is outside of any of flood hazard zones per current FIRM maps. The Building Division did not identify any issues with regard to flood hazards. The parcel is rated as a low wildland fire area, is within the Local Responsibility Area, and has low Fire Hazard Severity Rating. Fire jurisdiction is by Arcata Fire Protection District for structural fires, and the project is located in the Local Responsibility Area for wildfires. The building site is in an area mapped as relatively stable, and the parcel is essentially flat with a slight slope to the east. The building site is near an active earthquake fault trace, and is within the mapped Alquist-Priolo Zones. However, both the garage and the residential addition are less than two stories, and wood framed, and the garage is not proposed as a residence. Therefore, the project is exempt from a fault evaluation report, despite the location of the fault and fault hazard zone across the east side of the parcel. No referral agency cited any issues with regard to hazards.

Biological Resources §3400 - §3604 (FMWK) §3.40 (MCAP)	Protect designated sensitive and critical resource habitats.	The original staff report, completed in 1989, noted that the parcel was outside any mapped biological resource zone. There do not appear to be any wetlands or streams within the project vicinity. The closest mapped blue line stream, the Mad River, is over 500 feet west of the property. According to the California Natural Diversity Database, the project site is in the mapped habitat area of Western Snowy Plover (<i>Charadrius alexandrinus nivosus</i>). However, the subject parcel does not contain habitat features for this species, and the proposed development will be on a disturbed area of the parcel. No trees are proposed to be removed as part of this project. No referral agencies cited any potential issued with regard to Biological Resources and therefore staff does not recommend further consideration.
Cultural Resources §3500 (FRWK) §3.29 (MCAP)	Mitigation measures shall be provided to prevent and/or offset any adverse impacts to archaeological and/or paleontological resources.	The original permit did not address Cultural Resources or the potential to impact undiscovered cultural artifacts or sites during construction. As part of the current permitting process for this modification, the Blue Lake Rancheria was contacted regarding the project. Given the building site's location (flat ocean terrace with no immediate access to fresh water creeks or springs, or tidelands), it was determined to be a low sensitivity site. The Rancheria's Tribal Historic Preservation Officer recommended approval of the project provided that the inadvertent discovery language is included as an informational note. An informational note has been added to the Conditions of Approval regarding legal requirements should ground-breaking activities reveal the presence of archaeological resources or human remains.

Visual Resource §3540 (FMWK) §3.42 (MCAP)	Protect and conserve scenic and visual qualities of coastal areas.	The original permit allowed for the construction of a single family, one story residence and attached garage in a residential area separated from the coastline by Kelly Avenue and an additional row of houses to the west. The original permit noted that the parcel is outside of any area identified as a significant coastal resource protection area. The parcel is not located in a designated coastal view or scenic area. The proposed modification to the existing permit is for a single story, 24 foot tall garage with a storage loft in an existing neighborhood developed with one and two-story residences. The eastern edge of the property is tree lined and does not currently provide views to the coast from any publicly accessible areas. The property is on the east side of the first road from the coast and therefore does not impede views from the road to the ocean. There should be no negative impact on coastal views. The maximum height of the proposed building is approximately 24 feet, is setback approximately 121 feet from the front property line, and is not located between the closest public road and the coast. Parcels to the east of the location of the proposed project contain tall trees which will limit the visual impact of the building from the easterly neighbors. In addition, Kelly Avenue does not provide through access to the coast and is used primarily by residents of neighborhood, not coastal visitors accessing the coast. The proposed project will not have impacts on the scenic and visual quality of the coastal area.
Noise §3240 (FRWK)	Conform with noise standards.	Per Figure 8 of the M CCP, the project site is in an area of noise concern for the Arcata-Eureka Airport and Highway 101. The original permit noted that the parcel was within the 60 dB CNEL-Ldn area for the airport, and required that interior construction reduced noise levels to 45 dB CNEL-Ldn levels for all habitable rooms. The proposed modification to the existing permit is for a large garage with a storage loft. Although a lavatory is proposed as part of the new construction, no habitable rooms are proposed in the garage or storage loft. Therefore, no noise mitigation is required.

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms to all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Zoning Finding
§ 313-6.1 (HCC) Residential Single Family §313-69.1.4 Detached Accessory Structures	Single Family Residence is principally permitted; Detached accessory buildings are permitted in Residential zones, and require a special permit if the building exceeds 1000 square feet in gross floor area or 15 feet in height.	The original permit allowed for the construction of a one story, single family home with an attached garage of approximately 3,200 square feet on the approximately .9 acre parcel. These are principally permitted uses in the RS zone. The proposed modification to the existing permit is for development of a detached residential accessory structure and is therefore compatible with the Residential Single Family zone. The other proposed development, comprising the covered patio, the addition to the house, and a small porch, are principally permitted additions that will not result in over development of the lot in terms of ground coverage, height, or bulk. The proposed shop is an accessory building, defined in the County's zoning code as a structure that is incidental and subordinate to the principle building and use of the property. Subordinate is defined in the County Zoning Code as "...a structure of lesser bulk and less prominence, as determined by considering the combined effect of yard setbacks, ground coverage, height and form". The proposed 1008 square foot shop is located behind the main house, near the middle of the .9 acre lot and the southern property line. The existing house and attached garage is approximately 3200 square feet. The proposed shop would be setback from the front of the lot and Kelly Avenue, by approximately 121 feet. Despite the height of the proposed garage (24 feet), because of its distance from the front property line, the fact that the narrow side of the garage is facing Kelly Avenue, and due to its smaller footprint as compared to the existing house, the garage can be found to be less prominent than the primary structure. Furthermore, the lot is lined with trees on its east edge. This helps to mitigate the effect of additional development on the lot as seen from the eastern side. Therefore the proposed garage can be found to be less prominent and of lesser bulk than the existing development on the lot.

§ 313-6.1 (HCC) Development Standards		
Minimum Parcel Size and Lot Width	20,000 square feet 75 feet	Approximately 39,200 square feet (0.9 acres) Approximately 175 feet
Maximum Density	Either one dwelling unit per lot or two dwelling units per lot if a Special Permit is secured for a second residential unit.	The original permit allowed for the construction of a single family residence with an attached garage. The proposed modification will maintain the existing density of the parcel, which is one dwelling unit per lot.
Maximum Lot Depth	3 x lot width (525 feet)	Approximately 245 feet
Minimum Yard Setbacks per Zoning:	Front: 20 feet Rear: 10 feet Interior Side: 5 feet	Proposed Workshop Front: Approximately 195 feet Rear: Approximately 82 feet Side: Approximately 6 feet (South), 146 feet (East)
Maximum Ground Coverage	Thirty-five Percent (35%)	Approximately 18% (Includes proposed garage, addition to home, covered patio, and the existing asphalt parking area, home, and garage)
313-109.1 Parking	Per HCC, The parking standards are 2 on-site spaces for a two-bedroom residence located on a road improved to a width of at least 40 feet.	There are three existing parking spaces, one in the existing garage and two on the asphalt pad in front of the existing garage. None of the existing parking areas will be affected by the proposed project, which does not increase the need for on-site off street parking because the proposed garage does not include additional housing units.
Maximum Structure Height	35 feet 15 feet for detached accessory structures w/o a Special Permit	The original permit allowed for the construction of the single story home and attached garage, with a height of approximately 15 feet. The proposed accessory structure has a maximum height of approximately 24 feet. The applicant has requested a Special Permit for the project to address the requested increase in height.
Combining Zones		
§313-16.3 "AP" Airport Safety Review	Maintain compatibility between proposed land uses and development and Humboldt County airports.	The original permit allowed for the construction of the single story home and attached garage which were both under the 35 foot limit imposed by the AP zone and the 15 foot height limit imposed by the RS zone. The proposed garage requires a Special Permit because the proposed height of 24 feet exceeds the 15 foot limit on accessory structures imposed by the underlying Residential zoning. The AP zone requires a Special Permit for buildings that exceed 35 feet in height where otherwise permitted. Therefore the project is consistent with the AP zoning because the proposed height of the building does not exceed 35 feet and no habitable space is proposed.

§313-22 "G" Alquist-Priolo Fault Hazard Zone	To implement the Alquist-Priolo Special Study Zones Act in order to address potential hazards resulting from surface faulting or fault creep.	The project has a mapped fault zone on the rear of the lot. Development in these zones is required to obtain a Geologic Fault Evaluation Report prior to construction. However, this project is exempt from the requirements of the "G" zone under section 313-22.1.6.1 because the proposed garage is not for human habitation, and neither the garage nor the proposed addition to the house exceed two (2) stories and are both wood framed. Therefore the development can be found consistent with the requirements of the "G" Combining Zone and exempt from the requirement to complete a Geologic Fault Evaluation Report.
§313-29 "N" Noise Impact Zone	To establish regulations to maintain, within single family and multi-family structures..., low exposure levels to noise associated with airports and major roads.	The parcel is located in an "N" zone due to its proximity both to Highway 101 and the Eureka/Arcata Airport. The zone requires residential construction to use construction materials and methods to attenuate interior noise levels to 45dB in all habitable rooms. While this requirement does not apply to the construction of the garage, the proposed addition to the home will be required to meet the applicable requirements of the Humboldt County Building Code. A Condition of Approval has been included as part of this permit requiring the house addition to show that it meets this standard. With the Condition of Approval, the proposed development can be found to be consistent with the requirements of the "N" Combining zone.

4. Public Health, Safety and Welfare, and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	All reviewing referral agencies have approved the proposed development. No detrimental effects to public health, safety and welfare were identified. The proposed development is not expected be detrimental to property values in the vicinity nor pose any kind of public health hazard. The proposed garage is approximately 24 feet in height, but is not considered two stories despite the proposed storage loft. An analysis of the surrounding homes shows that two story buildings are located throughout the neighborhood, while the neighboring parcel to the south also contains an accessory building on the rear half of that parcel. The location of the proposed garage on the rear portion of the parcel would not shade or impinge on neighboring development or residences. Based on the character of the surrounding neighborhood and the proposed project, there is no indication that the proposed garage would be materially injurious to other properties in the vicinity.
CEQA Guidelines	Categorically exempt from State environmental review.	The project is exempted from CEQA through Class 3, Section 15303(e), New Construction or Conversion of Small Structures. This exemption applies to the construction of an accessory structure to an existing single-family residence on a lot in a residential zone. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	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 (the mid point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed project is an accessory structure to an existing single family residence which will have no impact on the housing density. Therefore, the project has been determined to be consistent with the County's housing element.

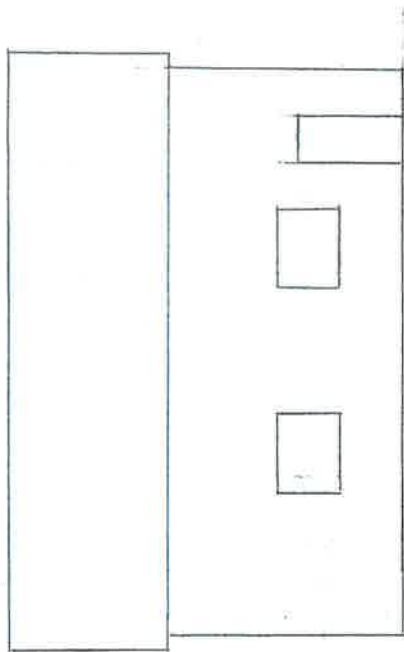
ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

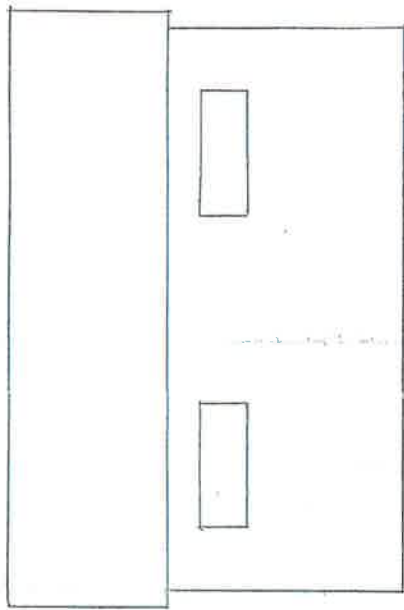
Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form (in file)
- Plot Plan (attached)
- Elevations (attached)

ELEVATIONS

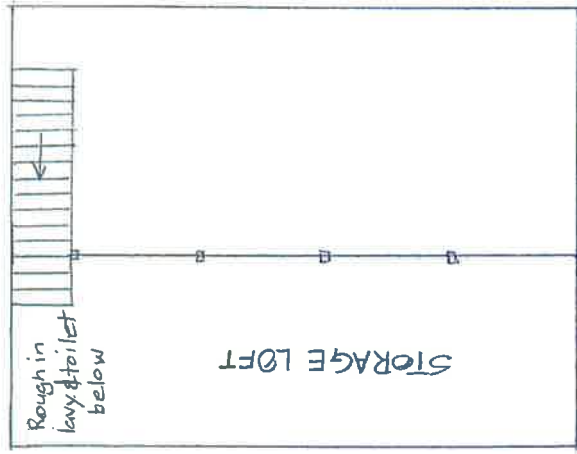


NORTH

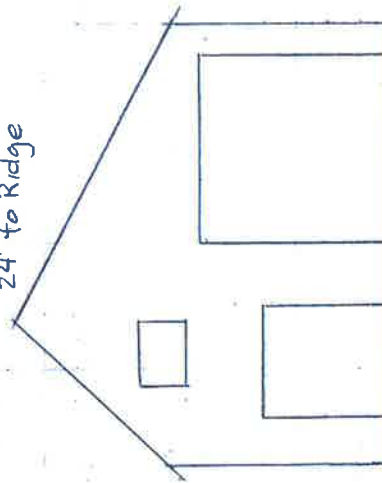


SOUTH

FLOOR PLAN

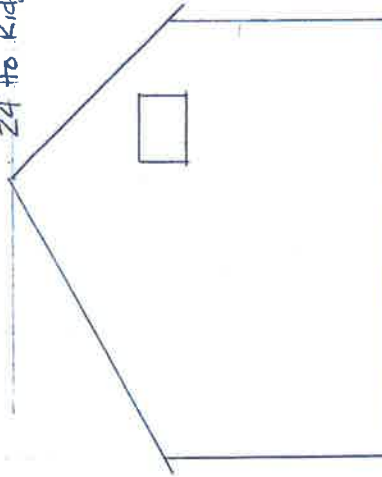


24' to Ridge



WEST

24' to Ridge



EAST



1/4" = 2'

AP# 010-371-031
2755 Kelly Ave.
McKinleyville, CA 9551
707-633-6554
dewisemanjr@gmail.com

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Approval		✓
Public Works Land Use Division	✓	Comments		✓
McKinleyville CSD	✓	Approval		✓
California Coastal Commission		No response		
Blue Lake Rancheria	✓	Conditional Approval		✓
Arcata Fire Protection District	✓	Approval		✓