



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: January 5, 2017

To: Humboldt County Planning Commission

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

Subject: **Zerlang's LLC Parcel Map Subdivision, Planned Development Permit**
Application Number 10063
Case Numbers PMS-16-007, PDP-16-001
Assessor Parcel Numbers (APNs) 301-082-001-000, 301-082-002-000
250 and 272 Higgins Avenue , Eureka 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

To: Humboldt County Planning Commission

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

Hearing Date	Subject	Contact
January 5, 2017	Parcel Map Subdivision, Planned Development Permit	Trevor Estlow

Project Description: A merger and re-subdivision of two parcels totaling 31,376 square feet into four parcels between 6,020 square feet and 8,056 square feet in size. The subdivision will utilize a Planned Development Permit for Lot 1 and Lot 2 which will each have a width of 43 feet. The property is developed with an approximately 1,555 square foot single family residence that will remain on proposed Lot 1. All parcels are or will be served with community water and sewer provided by the Humboldt Community Services District.

Project Location: The project site is located in the Pine Hill area of Eureka, on the south side of Higgins Avenue, approximately 400 feet east of the intersection of Union Street and Higgins Avenue, on the properties known as 250 and 272 Higgins Avenue.

Present Plan Land Use Designation: Residential, Low Density (RL). Eureka Community Plan (ECP). Density: 1 – 6 units per acre. Slope Stability: Low Instability.

Present Zoning: Residential One-Family with a 6,000 square foot minimum parcel size (R-1*).

Application Number: 10063

Case Numbers: PMS-16-007, PDP-16-001

Assessor Parcel Numbers: 301-082-001-000, 301-082-002-000.

Applicant	Owner	Agent
Zerlang's LLC William Zerlang PO Box 5711 Eureka, CA 95502	Same as applicant	

Environmental Review: Project requires environmental review.

Major Issues: None.

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

ZERLANG'S LLC PARCEL MAP SUBDIVISION AND PLANNED DEVELOPMENT PERMIT

Case Numbers PMS-16-007, PDP-16-001

Assessor's Parcel Numbers 301-082-001-000, 301-082-002-000

RECOMMENDED COMMISSION ACTION:

1. Describe the application as a part of the Consent Agenda
2. Call for public testimony regarding the agenda item.
3. If no one requests discussion, make all the following motion to approve the application as a part of the Consent Agenda:

Move to adopt the Mitigated Negative Declaration and to make all of the required findings for approval of the Parcel Map Subdivision and Planned Development Permit, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Zerlang's LLC project subject to the recommended conditions.

Executive Summary

The project involves a merger and re-subdivision of two parcels totaling approximately 31,376 square feet into four parcels between 6,020 square feet and 8,056 square feet. The parcel is currently developed with a single family residence that will remain on proposed Parcel 1. All parcels will be served with community water and sewer provided by the Humboldt Community Services District.

Pursuant to Section 314-31 of Humboldt County Code, a Planned Development Permit (PDP) is requested to allow reduced lot width for proposed Parcels 1 and 2. These parcels will each be 43 feet wide and 140 feet long. In addition, Parcels 3 and 4 will be served by a road with a right of way width of 20 feet. The PDP allows for flexibility to cope with topography and other natural or man-made features for a better overall design. The shape and size of the parcel and the physical location of existing residence severely limits the ability to subdivide the property in a manner consistent with the development standards of the zone and density prescribed in the Eureka Community Plan. The Department of Public Works Land Use Division has reviewed the proposal and supports the design. They have provided standard subdivision requirements located in Attachment 1, Exhibit A. In addition, Humboldt Bay Fire Protection District recommended approval of the project.

The project site is located in the Pine Hill area of Eureka, west of the Eureka Municipal Golf Course. The parcel is relatively flat and drains to the south at approximately 2%. A preliminary stormwater control plan was prepared and reviewed by Public Works and they recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program.

A Mitigated Negative Declaration of environmental impact has been prepared and circulated for the Commission's review and subsequent adoption. Based on the on-site inspection, a review of Planning Division reference sources, and comments from all responding referral agencies, Planning Staff has found that the applicant has submitted evidence in support of making all of the required findings for approving the Parcel Map Subdivision.

Alternatives:

The Planning Commission could elect not to approve the project, and require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if your Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, planning staff does not recommend further consideration of either alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 17-**

**Case Numbers PMS-16-007, PDP-16-001
Assessor Parcel Numbers 301-082-001, 301-082-002**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Zerlang's LLC Parcel Map Subdivision and Planned Development Permit.

WHEREAS, the owner submitted an application and evidence in support of approving the Parcel Map Subdivision and Planned Development Permit 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 Planning Division, the Lead Department pursuant to Section 202 of Resolution No. 77-29, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); 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 Parcel Map Subdivision and Planned Development Permit (Case Numbers: PMS-16-007, PDP-16-001); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 5, 2017.

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

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers PMS-16-007, PDP-16-001 based on the submitted evidence; and
3. The Planning Commission approves the proposed project applied for as recommended and conditioned in Attachment 1 for Case Numbers PMS-16-007, PDP-16-001.

Adopted after review and consideration of all the evidence on January 5, 2017.

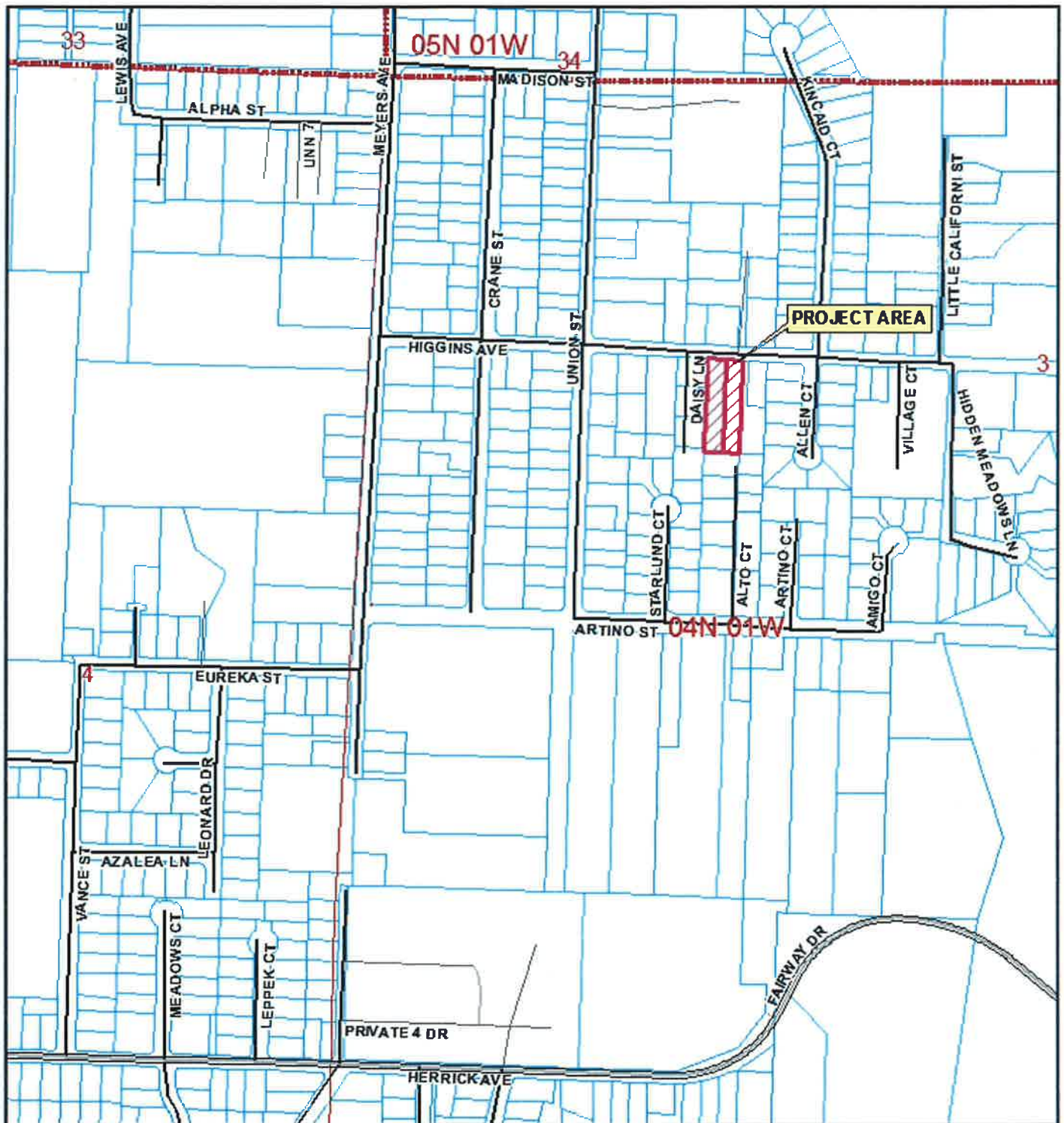
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

Robert Morris, Chair

I, Suzanne Lippre, 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 Lippre, Clerk

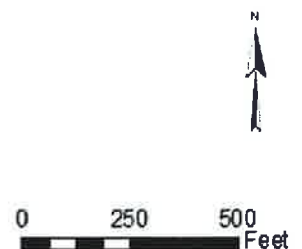


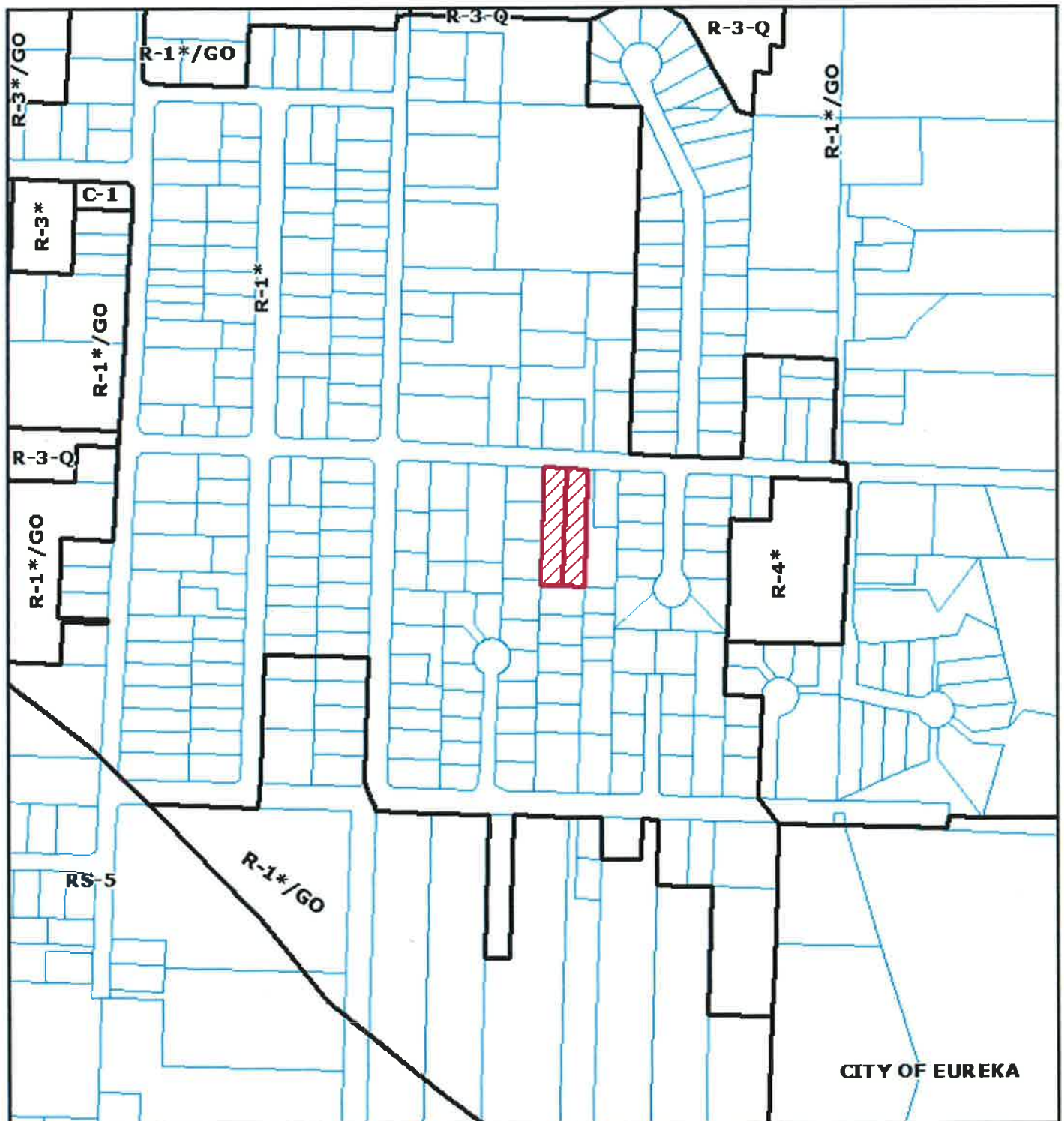
LOCATION MAP

Project Area = 

**PROPOSED ZERLANG'S LLC
PARCEL MAP SUBDIVISION &
PLANNED DEVELOPMENT PERMIT
EUREKA AREA
PMS-16-007/PDP-16-001
APN: 301-082-001, -002
T04N R01W S03 HB&M (Eureka)**

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.





ZONING MAP

Project Area = 

PROPOSED ZERLANG'S LLC PARCEL MAP SUBDIVISION & PLANNED DEVELOPMENT PERMIT EUREKA AREA

PMS-16-007/PDP-16-001

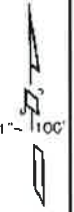
APN: 301-082-001, -002

T04N R01W S03 HB&M (Eureka)

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



④ NOV 24. 20



MAP NOT TO SCALE



AERIAL MAP

PROPOSED ZERLANG'S LLC PARCEL MAP SUBDIVISION & PLANNED DEVELOPMENT PERMIT EUREKA AREA

PM S-16-007/PDP-16-001

APN: 301-082-001, -002

T04N R01W S03 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

Edge of Pavement

③

④

0209

301-082-35
FANG HERR
280 HICKINS ST

4-3,840 sq. ft.

~~LOT 3~~

2%

301-082-94
WILL ZERLANG
236 HAWNS

Hand-drawn schematic diagram of a water distribution system. It shows a main horizontal pipe with a vertical branch on the left and a vertical branch on the right. The left vertical branch has a valve labeled "EXS 1" and a pressure gauge labeled "A + 1.555 psi". The right vertical branch has a valve labeled "EXS 1" and a pressure gauge labeled "A + 1.555 psi". The main horizontal pipe has a valve labeled "EXS 1" and a pressure gauge labeled "A + 1.555 psi". The right vertical branch is labeled "Water" and "Gas".

1. All easements of record will appear on the recorded subdivision map
2. Existing and proposed use is Residential
3. Contour interval is one foot.

301-082-65
GINA WRIGHT
2045 AROACH CT
EMERY, CA 95023

301-082-54
JPT & SSTE
4805 DAILY LN
EUREKA, CA
95503

(P) PREVIOUS AREA 7/2,000sq.ft.

301-082-444
JEFFREY WEIST
4828 ALTO ST
EUREKA, CA 95503

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 Department of Public Works referral dated July 7, 2016, included herein as Exhibit A of Attachment 1, 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. Gross and net lot area shall be shown for each parcel.
4. Prior to issuance of the building permits, the Applicant shall make payment for all outstanding Humboldt County Planning and Building Department - Planning Division fees. Cost report available at the Humboldt County Planning and Building Department - Planning Division.
5. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$102 per parcel = \$408.00) as required by the County Assessor's Office shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
6. 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 \$125.00) shall be paid to the Humboldt County 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.
7. Parkland dedication fees of **\$5,849.36** shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka, CA. Alternately, a parkland dedication fee of **\$2,924.68** may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for secondary dwelling units on Parcels 1 – 4. Release from the Conveyance and Agreement may be pursued upon payment of the **\$2,924.68** parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* updated dedication payments amounts for each lot calculated will be provided by the Planning Division upon the election of this option by the applicant once the Parcel Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct a second or secondary dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, legal 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 \$322.00) will be required.

8. The applicant shall submit three (3) copies of a Development Plan for all parcels to the Planning Division for review and approval. The map shall be a minimum of 11 inches by 17 inches (11" x 17"). The plan 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) Development standards for parcels: applicable yard setbacks, maximum lot coverage, maximum building height, dimensioned setbacks to property lines and easements. **NOTE: To provide flexibility in design for development on Parcel 2, the exterior side yard setback may be reduced to 5 feet provided a 1' non-vehicular access strip is recorded along the 20-foot right of way serving Parcels 3 and 4 and a 6' tall solid board fence is constructed along that parcel line.**
- (2) Parking area detail and improvements: Two (2) parking spaces shall be shown on Parcels 1 and 2 and four (4) parking spaces shall be shown on Parcels 3 and 4. Parking spaces shall be outside of the front yard setback consistent with Humboldt County Code Section 314-109.1.
- (3) Proposed improvements including streets, sidewalks, driveways, drainage and storm water detention facilities, community services facilities, access easements, and emergency access and vehicle turn-around, as applicable, including areas designated as treatment areas for Low Impact Development techniques demonstrating compliance with the MS4 program.
- (4) Topography of the land in 1-foot contour intervals.

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."

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.
- (2) "Hours of construction for on- and off-site improvements shall be restricted to Monday thru Friday from 7:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm, with no construction activity on Sunday." All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan.
- (3) "Utilities associated with the subdivision shall be placed underground, where feasible."
- (4) (if applicable) "Development rights for secondary dwelling units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept

an application for a secondary dwelling unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division."

- (5) "Notice is given pursuant to Government Code Section 66411.1 that the frontage improvement requirements to Parcel 1 in Exhibit A to Attachment 1 should be constructed to the satisfaction of the Department of Public Works within twenty-four (24) months from the date that the subdivision map is filed with the County Recorder; or prior to issuance of a development permit (or building permit) for Parcels 2, 3 or 4, whichever occurs first. The construction of the subdivision improvements for Parcels 2, 3 and 4 may be deferred to the time that a development permit (or building permit) is issued."

(This Note shall appear on the Development Plan unless a Subdivision Agreement is voluntarily entered into between the subdivider and the County prior to filing of the Parcel Map.)

- (6) "The subdivision is considered a Regulated Project under the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. Development of low impact development techniques other than those included on the improvement plans shall require a site-specific analysis to demonstrate conformance with this standard."
 - (7) "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."
9. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Planning Division (enclosed in the final approval packet). 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 \$322.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
 10. The applicant shall comply with the requirements set forth in the June 3, 2016 memorandum from the Humboldt Community Services District to the satisfaction of that agency.
 11. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,266.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2017 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,216.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

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. 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 might 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."

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.

3. 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.
4. This project 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. Any and all outstanding Planning fees to cover the processing of the Subdivision or Special Permit shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.
5. The term of the approved Tentative Map and Planned Development Permit shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

ATTACHMENT 1 – EXHIBIT A
PUBLIC WORKS SUBDIVISION REQUIREMENTS

EXHIBIT A



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE

445-7205

DEPARTMENT OF PUBLIC WORKS COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE
APPLICATION OF ZERLANG LLC, APN 301-082-001 &-002, PMS #16-007
FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 0.7 ACRES
INTO 4 LOTS

DATE: 07/07/2016

- - - - -

The following requirements and standards are applicable to this project and must be completed to the specifications and satisfaction of the Department of Public Works (Department) before the subdivision map may be filed with the County Recorder. If there has been a substantial change in the project since the last date shown above, an amended report must be obtained and used in lieu of this report. Prior to commencing the improvements indicated below, please contact the Subdivision Inspector at 445-7205 to schedule a pre-construction conference.

These recommendations are based on the tentative map prepared by Zerlang Construction dated 11/19/2015, and dated as received by the Humboldt County Planning Division on 05/26/2016.

NOTE: All correspondence (letters, memos, faxes, construction drawings, reports, studies, etc.) with this Department must include the Assessor Parcel Number (APN) shown above.

READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT

1.0 MAPPING

1.1 EXPIRATION OF TENTATIVE MAP: Applicant is advised to contact the Planning & Building Department to determine the expiration date of the tentative map and what time extension(s), if any, are applicable to the project. Applicant is responsible for the timely filing of time extension requests to the Planning & Building Department.

Applicant is responsible for completing all of the subdivision requirements prior to expiration of the tentative map. Applicant is advised to promptly address all of the subdivision requirements in order to avoid the tentative map expiring prior to completion of the subdivision requirements. Applicants are encouraged to contact a land development professional for advice on developing a realistic schedule for the processing of the project.

- 1.2 **MAP TYPE:** Applicant must cause to be filed a parcel map showing monumentation of all property corners to the satisfaction of this Department in compliance with Humboldt County Code Section 326-15. Subdivision map checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The subdivision map must be prepared by a Land Surveyor licensed by the State of California -or- by a Civil Engineer registered by the State of California who is authorized to practice land surveying.

All Department charges associated with this project must be paid in full prior to the subdivision map being submitted to the County Recorder for filing.

Applicant shall submit to this Department four (4) full-size copies of the subdivision map as filed by the County Recorder.

Prior to submitting the subdivision map to the County Surveyor for map check, applicant shall submit the subdivision map to the utility providers to provide input on necessary public utility easements. Copies of the responses from the utility providers shall be included with the first submittal of the subdivision map to the County Surveyor.

- 1.3 **DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.5 **PRIVATE ROADS:** Pursuant to County Code Section 323-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 323-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

"If the private lane or lanes shown on this plan of subdivision, or any part thereof, are to be accepted by the County for the benefit of the lot owners on such lane rather than the benefits of the County generally, such private lane or lanes or parts thereof shall first be improved at the sole cost of the affected lot owner or owners, so as to comply with the specification as contained in the then applicable subdivision regulations relating to public streets."

[County Code Section 323-2 appears after Section 324-1 in County Code]

- 1.6 **DEDICATIONS:** The following shall be dedicated on the subdivision map, or other document as approved by this Department:

(a) **HIGGINS STREET (COUNTY ROAD NO. 3J540):**

Public Road: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 30 feet of the center line of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Sidewalks: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt a 10 foot wide easement for public sidewalk purposes lying adjacent to the right of way of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision. This easement may overlap a public utility easement.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

(b) **UNNAMED ACCESS ROAD TO PARCELS 3 & 4:**

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels within the subdivision in a manner approved by this Department. The easement shall be 20 feet in width.

A turn-around area shall be provided at the end of road.

(c) **DEVELOPMENT RIGHTS:** Applicant shall cause to be conveyed to the County of Humboldt the rights to construct a secondary dwelling unit(s) on Parcels 3 and 4 until such time as unnamed access road is improved to a minimum Category 4 road standard. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.

(d) **NON-VEHICULAR ACCESS:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 1 foot wide non-vehicular access strip adjacent to unnamed access road along the westerly line of Parcel 2. The location shall be as shown on the tentative map, or as otherwise approved by this Department. Said easement shall be dedicated in manner and location as approved by this Department.

(e) **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES:** Prior to submittal of the subdivision map, provide a sign-off from the Post Office on the location of the neighborhood box unit. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate the NBU.

Note: The Post Office may not require a NBU for this project.

2.0 IMPROVEMENTS

- 2.1 **CONSTRUCTION PLANS:** Construction plans shall be submitted for any required road, drainage, landscaping, and pedestrian improvements. Construction plans must be prepared by a Civil Engineer registered by the State of California. Construction plans shall be on a sheet size of 22" x 34", unless approved otherwise by this Department. Construction of the improvements shall not commence until authorized by this Department. This Department will require the submittal of 1 full size (22" x 34") set and 1 reduced (11" x 17") set of the approved construction plans prior to start of work.

The construction plans shall show the location of all proposed new utilities and any existing utilities within 10 feet of the improvements. The plans shall be signed as approved by the local fire response agency and public utility companies having any facilities within the subdivision prior to construction authorization by this Department.

Construction plans shall be tied into elevation datum approved by this Department.

Unless otherwise waived by this Department, record drawing ("As-Built") plans shall be submitted for any road, drainage, landscaping, and pedestrian improvements that are constructed as part of this project. Record drawing plans must be prepared by a Civil Engineer registered by the State of California. Once approved by this Department, one (1) set of "wet stamped" record drawings on 22" x 34" mylar sheets shall be filed with this Department.

- 2.2 **CONSTRUCTION PERIOD:** Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.
- 2.3 **ADA FACILITIES:** All pedestrian facilities shall be ADA compliant. This includes, but is not limited to, providing curb ramps at intersections and sidewalks behind driveway aprons (or ADA compliant driveway aprons).

Fire hydrants, neighborhood box units for mail, utility poles (including down guys), street lights, or other obstructions will not be allowed in sidewalks unless approved by this Department.

Applicant shall replace/retrofit to meet current standards any non-ADA compliant pedestrian improvements within the public right of way (or access easements that the subject property has a legal right to use) contiguous to the project.

- 2.4 **ACCESS ROADS:** The surface of the access road shall conform to the Structural Section requirements within this document. The access road serving the subdivision shall be constructed to the satisfaction of this Department as follows:

- (a) **HIGGINS STREET (COUNTY ROAD NO. 3J540):** Remove the existing AC dike and construct Caltrans Type A2-6 PCC curb and gutter with 5.5 foot wide curb adjacent sidewalk (not including the width of curb) along the frontage of the subject properties. The back of the sidewalk shall be constructed along the right of way line.

- (b) **UNNAMED ACCESS ROAD (NOT COUNTY MAINTAINED):** The intersection of the Unnamed Access Road and Higgin Street must conform to Humboldt County Code Section 341 regarding visibility. An Urban Driveway No. 1 shall be constructed at the intersection of Higgins Street with the Unnamed Access Road.

From the backside of the Urban Driveway No. 1 at Higgins Street, the unnamed access road shall be 20 feet in width for the first 25 feet; the remainder of the access road shall be a minimum of 10 feet (approximately 115 in length).

A turnaround area as approved by this Department shall be constructed at the end of the access road serving the subdivision. It shall have the same structural section as the roadway serving the parcels/lots.

- (c) The widening of Higgins Street may require the reconstruction of the existing road to provide a uniform centerline grade compatible with the proposed curb grade. This is necessary in order to provide an adequate cross slope to the proposed gutter. Engineering plans showing existing and proposed conditions for both the centerline grade and roadway cross sections will be necessary to ensure proper drainage. In addition, existing utilities may need to be adjusted and/or relocated at the expense of the applicant.
- (d) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (e) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.
- (f) Applicant shall remove and replace any public curb, gutter, sidewalk, flowline drain, or pavement found by this Department to be broken, uplifted, or damaged that fronts or is within the subdivision.
- (g) All road intersections shall conform to Humboldt County Code Section 341 regarding visibility.
- (h) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

2.8 **DRIVEWAYS:** All access openings (existing and proposed) shall conform to Humboldt County Code Section 341 regarding visibility. All access openings (existing and proposed) shall intersect the road at a 90° angle, unless otherwise approved by this Department.

All access openings (existing and proposed) shall be paved with hot mix ("asphalt") for the width of the driveway and a distance of 25 feet from the edge of the County road. Existing

driveways serving developed parcels need to be paved prior to filing of the subdivision map. The width of the driveway shall be as approved by this Department.

That portion of a structure used for the parking of vehicles must be setback a minimum of 20 feet from easements created as a condition of tentative map approval for the purpose of moving automotive vehicles, bicycles, pedestrians, or animals. If a development plan is prepared for this project, the development plan shall note this minimum setback condition and indicate graphically the location of the setback line on the lots.

All access openings (existing and proposed) shall be shown on the improvement plans.

2.9 **STRUCTURAL SECTION:** The access road(s) shall be constructed to a structural section recommended in the soils report and as approved by this Department.

- (a) **For paved road surfaces**, the structural section shall include a minimum of 0.2 foot of Caltrans Type B hot mix ("asphalt") over 0.67 foot of Caltrans Class 2 aggregate base. If required by this Department, the structural section of all roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by this Department. Based upon soil conditions, this Department may also require a geotextile fabric to be placed on top of the sub grade.

When widening hot mix ("asphalt") roads, the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavements. The location of the sawcut shall be approved by this Department based upon the condition of the existing road surface.

- (b) Access roads and driveways may include decorative accent treatments such as, but not limited to, stamped concrete or decorative brick pavers. Decorative accent treatments must provide appropriate traction for pedestrians, bicycles, and vehicles. **Decorative access treatments are not permitted within the public right of way**, unless approved in writing by this Department.

2.10 **UNKNOWN IMPROVEMENTS:** Other on-site and/or off-site improvements may be required which cannot be determined from the tentative map and/or preliminary improvement plans at this time. These improvements will be determined after more complete improvement plans and profiles have been submitted to the County for review.

2.11 **UTILITIES:** The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities, relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway.

If any utilities are required to be installed as a condition of tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located at the time of individual hookups. A letter of completion of all work from each involved utility company shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense.

Applicant shall remove any abandoned utilities (natural gas, electrical, cable tv, etc.,) within the public right of way fronting the subdivision or within the subdivision as directed by this Department.

- 2.12 **PERMITS:** An encroachment permit is required to be obtained prior to construction from this Department for all work within the right of way of a County maintained road.
- 2.13 **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES.** When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Post Master. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department.

Note: The Post Office may not require a NBU for this project.

- 2.14 **GATES:** Gates are not permitted on County right of way for public roads without authorization of the Board of Supervisors. Gates must not create a traffic hazard and must provide an appropriate turnaround in front of the gate. Existing gates shall be evaluated for conformance.
- 2.15 **COMPLETION OF SIDEWALK IMPROVEMENTS:** Sidewalk improvements may be deferred until such time as a building permit is pulled. Each building permit pulled will require that an ADA accessible sidewalk be constructed to connect the subject lot to the existing pedestrian network outside of the subdivision. Depending on the lot being built upon, this may include constructing sidewalk in front of numerous vacant lots within the subdivision. Sidewalk improvements must be completed prior to the “final” of the building permit. Any sidewalk damaged during construction will need to be replaced prior to the “final” of the building permit.

3.0 DRAINAGE

- 3.1 **DRAINAGE ISSUES:** Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.
- 3.2 **DRAINAGE REPORT:** Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department.
- 3.3 **STORM WATER QUALITY:** Applicant shall include within the project site the implementation of Best Management Practices (BMPs) to prevent storm water pollution. BMPs include, but are not limited to, stenciling drainage inlets.
- 3.4 **DETENTION FACILITIES:** Pursuant to City of Eureka’s General Plan Section 4.D.7 states: “The City shall require new development that would increase storm drainage runoff in a 10-year storm event more than one cubic foot per section [assumed to be second] to provide retention/siltation basins to limit new runoff to prior-to-development flows.”

If the site conditions do not allow for detention, then infiltration may be considered by the Department as an alternative.

- 3.5 **LOW IMPACT DEVELOPMENT (LID):** The subdivision in its entirety is a regulated project and is required to comply with County Code Section 337-13. The improvement plans must incorporate LID strategies for the entire subdivision, including roads, lots, and other areas.

At the time that the subdivision improvements are constructed, the LID elements related to an individual lot may be deferred until such time as the lot is developed. It is intended that the LID strategies shown on the improvement plans for a lot are conceptual in nature and subject to adjustment/refinement at the time that the building permit is applied for. Each lot in the subdivision is considered a regulated project.

A separate sheet in the improvement plans shall be provided for the LID concepts proposed for the individual lots. It is intended that this sheet will be attached to the development plan to facilitate issuance of a building permit at a later time.

4.0 GRADING

- 4.1 **GRADING PLAN:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(b)(1), the applicant shall submit an engineered preliminary (rough) grading plan addressing the entire project construction area to this Department for review and approval. The purpose of the grading plan is to establish building pads that will drain to the roads (or other approved drainage course) without creating lot drainage from one lot to flow across the buildable area of adjacent lots.

- 4.2 **GRADING CRITERIA:** Each lot shall have a building pad graded to a maximum of 2% per Humboldt County Code Section 331-14 (H)(3)(d), unless waived by this Department. Building pads shall be of a sufficient size to accommodate anticipated future structures.

The elevation of the building pad shall be established so that a driveway from the building pad to the back of sidewalk will have a minimum slope of 1% and a maximum slope of 16%.

If sidewalk is not required, then the driveway slope will be measured to the back of driveway apron.

- 4.3 **CONSTRUCTION TIMING:** Grading within the subdivision or off-site rights of way shall **not** occur prior to approval of a grading plan by this Department. Construction of improvements or grading for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.

- 4.4 **DATUM:** Grading plans shall be tied into elevation datum approved by this Department.

- 4.5 **EROSION CONTROL:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(d)(1) and 337-13(c), an erosion control plan (aka, sediment control plan, Storm Water Pollution Prevention Plan, etc.) addressing erosion from storm water runoff and wind shall accompany the grading plan.

For construction sites equal to or greater than one (1) acre of ground disturbance, a Notice of Intent (NOI) and permit registration documents are required to be filed with the State Water Quality Control Board. A copy of the State's receipt of the approved NOI shall be provided to this Department prior to the start of construction.

5.0 MAINTENANCE

<NONE>

6.0 DEVELOPMENT PLAN

<NONE>

7.0 LANDSCAPING

<NONE>

// END //

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Planning Commission must determine that the applicants have submitted evidence in support of making **all** of the following required findings.

A. Subdivision Findings: §66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (H.C.C.) specifies the findings that must be made to approve parcel subdivision maps. Basically, the Hearing Officer may approve a parcel map if the applicants have submitted evidence that supports making all of the following findings:

1. That the proposed subdivision, together with the provisions for its design and improvements, is consistent with the County's General Plan.
2. That the tentative subdivision map conforms to the requirements and standards of the County's subdivision regulations.
3. That the proposed subdivision conforms to all requirements of the County's zoning regulations.
4. The proposed subdivision is not likely to cause substantial environmental damage.
5. The proposed subdivision 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, 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.

B. Planned Development Permit: 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 Planned 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;
4. That the proposed location of the use 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 properties or improvements in the vicinity; and
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.

C. CEQA: 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) has no substantial evidence that the project will 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.

A.1./B.1. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in the Eureka Community Plan (ECP) and in Chapters 2-4 of the Framework Plan (FRWK).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: §2732 (ECP)	Residential Low Density (RL) Primary and compatible uses include single family residential use. Density Range = 1 - 6 dwelling units per acre.	The property is currently developed with a single family residence on APN 301-082-002. The subdivision will merge two parcels and create a total of four parcels suitable for residential development. Single-family residential development is principally permitted under the RL land use designation.
Water and Wastewater Facilities: §4500 (ECP)	New development shall be located within existing developed areas or in areas with adequate public services.	The parcel is within an urban area and is served with community water and sewer by Humboldt Community Services District (HCSD). Both HCSD and the Division of Environmental Health have recommended approval of the project.
Housing: §2400 (ECP)	Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.	The proposed subdivision will result in three vacant parcels suitable for residential development.
Hazards: §3100 (ECP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards. §3200 Geologic §4700 Fire §3300 Flood Hazards	The parcel is located within an area mapped as having a low slope instability rating. After a site inspection, the Building Inspection Division did not require an R-2 Soils Report. The site is not within an Alquist-Priolo Fault Hazard Area. The proposed subdivision site is in an area of low fire hazard. Humboldt Bay Fire Protection District recommended approval of the project. The parcel is within flood zone "C", areas of minimal flooding.
Sensitive and Critical Habitats: §3400 (ECP)	To protect designated sensitive and critical resource habitats.	The parcel is located within a developed residential area which is not known to possess wetlands, natural drainages or other types of Sensitive or Critical Habitats. A referral was sent to the Eureka office of the California Department of Fish and Wildlife. They did not respond with any concerns.

Cultural Resource Protection: §3500 (ECP)	New development shall protect cultural, archeological and paleontological resources.	The project was referred to the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria, the Wiyot Tribe and the Northwest Information Center (NWIC). NWIC recommended further study and consultation with the local tribes. After consultation with the local tribes, it was determined that a study was not warranted, but an informational note regarding inadvertent discovery be included. Conditions of approval put the applicant on notice that if archaeological resources are found during excavation on the property, all work is to be stopped and a qualified archaeologist is to be consulted for recommendations
Parkland §4400 (ECP)	To establish recreational facilities to meet the needs of Eureka residents.	Parkland dedication in-lieu fees were calculated by the Assessor's Office to be <u>\$100,000/acre</u> or: $4(2(130 \times 2.45/43,560)) \times \$100,000 = \$5,849.36$ without the conveyance of secondary dwelling unit rights; or <u>\$2,924.68</u> with the conveyance of secondary dwelling unit rights on each parcel.

Parkland Dedication Fee Calculations

130.00	The ECP requires 130 square feet of parkland dedication per person for new subdivisions
X 2.45	Persons per average Eureka household
318.50	Parkland dedication per average household in square feet
/ 43,560	Square feet per acre
0.0073	Parkland dedication per average household in acres
X 4	Number of parcels being created by the subdivision,
X 2	Number of dwellings per legal parcel or lot, including potential second units
X 100%	Percentage of these parcels within the ECP Area
X <u>\$100,000</u>	Value of one acre of land in the vicinity of the subdivision project
\$5,849.36	Parkland Dedication In-lieu Fee for the Zerlang's LLC Subdivision

A2. Subdivision Regulations: The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (H.C.C.).

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The project will result in four parcels, three suitable for single family residential development and the fourth already developed with a single family residence. Evidence submitted by the applicant, staff site inspections and referral agency comments indicate that the lots will be suitable for residential development.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	The property is served by Higgins Avenue, a County road developed in some areas with curb, gutter and sidewalks. The road meets a road Category 4 standard. The project is required to install curb, gutters and sidewalks along the road frontage. Per the Eureka Community Plan, a drainage report was not required, however, Low Impact Development (LID) techniques will be utilized to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. A drainage report is required to be submitted to the Department of Public Works and any involved drainage problems associated with the subdivision shall be corrected to the satisfaction of that department.
Sewer & Water 324-1(d)	Sewer and water systems shall be constructed to appropriate standards.	Water and sewer service is provided to all proposed parcels by the Humboldt Community Services District.

Government Code § 66411.1 Improvement Timing	Unless the subdivider voluntarily enters into an agreement with the County establishing the timing of the work, fulfillment of reasonable on- and off-site construction requirements are deferred until issuance of a permit or other grant for development of the created lot, except where found to be necessary for the public health and safety or for orderly development of the surrounding area. If not completed prior to parcel map recordation or under agreement with the County, a Notice of deferred construction of subdivision improvements shall be filed concurrently with the parcel map.	Because one of the resultant parcels being created by this division is currently developed with an occupied residential structure, and the subdivider has not indicated that it is their intent to enter into a Subdivision Agreement, the Public Works Department is recommending that the construction of the frontage improvements to Parcel 1 set forth in Attachment 1, Exhibit A be completed within 24 months of the filing of the parcel map or prior to issuance of a development permit (or building permit) for Parcels 2, 3 or 4, whichever occurs first for orderly development of the area. (Refer to Attachment 4). The construction of the subdivision improvements for Parcels 2, 3 and 4 may be deferred to the time that a development permit (or building permit) is issued. Notice of deferred construction improvements will be provided in the Development Plan to be recorded with the parcel map that informs the owner and their successor's in interest of their development obligations.
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322-3.1 Housing Element Densities	Subdivisions shall 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, 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.	Complies. The proposed project will merge two parcels totaling approximately 31,376 square feet (0.72 acres) and create a total of four lots suitable for residential development. According to the Regional Housing Needs Assessment (RHNA) associated with the 2014 Housing Element, APN 301-082-001 was identified as providing one dwelling unit. The proposal will provide the one unit required as well as two additional units, thereby exceeding the number of units identified in the Housing Element.
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A3./B.2. Zoning Compliance and Development Standards: 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 Zoning Regulations.

Zoning Section	Summary of Applicable Zoning Requirement	Planned Unit Development Allowances	Evidence That Supports the Zoning Finding
<i>Residential One Family (R-1), §314-6.1. & Planned Development, §314-31 et seq. H.C.C.</i>			
Principally permitted uses	One family dwellings and secondary dwelling units.	The principally and conditionally permitted uses in the applicable zoning district shall also be permitted in the Planned Development.	As shown on the Tentative Map, the applicant is proposing to merge two parcels and create four parcels. The layout of the subdivision takes into account the shape and size of the parcel and the physical location of existing residence.
Applicability of Planned Unit Development regulations.		Planned Development regulations shall be applied to areas designated "P" on the Zoning Map and may be applied where the "application of these regulations would provide a better means of carrying out the intent of the County General Plan."	The project proposes additional development of single family residential and achieves a greater density than could be met without utilizing a Planned Development.
Minimum Parcel Size	20,000 square feet.	Provided the site is 20,000 square feet in size or larger at the out-set, there is no minimum lot size in the PUD ordinance for the resultant parcels, provided the parcel size carries out the intent of the PUD regulations.	The site totals approximately 31,376 square feet. Parcels will range between 6,020 square feet and 8,056 square feet. The project carries out the intent of the PUD regulations as it retains the existing housing stock and addresses the shape and size of the parcel.
Minimum Lot Width	50 ft.	The PUD ordinance allowance for variations to the lot size, which are also presumed to allow variation in lot width.	Parcels 1 and 2 will have a width of 43 feet. Parcels 3 and 4 will be greater than 50 feet.

Zoning Section	Summary of Applicable Zoning Requirement	Planned Unit Development Allowances	Evidence That Supports the Zoning Finding
Maximum Lot Depth	3 times lot width	The PUD ordinance allowance for variations to the lot size, which, similar to lot width, are presumed to allow variation in lot depth.	Parcels 1 and 2 will exceed the maximum lot depth as the 43-foot wide parcels have a maximum depth of 129 feet. The depth of these two parcels will be 140 feet. Parcels 3 and 4 comply with this requirement.
Maximum Ground Coverage	R-1: 35% R-3: 60%	Lot coverage standards shall apply to the entire development rather than each individual lot.	Parcel 1: 26% Parcel 2: vacant Parcel 3: vacant Parcel 4: vacant
Minimum Yard Setbacks per Zoning:	Front: 20 feet Interior Side: 5 feet Rear: 10 feet Exterior Side: Same as front or one-half the front if all parts of the main building are more than twenty-five feet from the rear lot line.	Setback standards may be modified provided lot coverage requirements are met and setbacks for property lines on residential parcels adjoining the development conform with the setbacks stipulated for the zone.	The standard setbacks for the R-1 zone will be maintained for all parcels. The existing development on proposed Parcel 1 has a legal, nonconforming side yard setback of 4 feet which will not change. To provide flexibility in design for development on Parcel 2, the exterior side yard setback may be reduced to 5 feet provided a 1' non-vehicular access strip is recorded along the 20-foot right of way serving Parcels 3 and 4 and a 6' tall solid board fence is constructed along that parcel line.
Maximum Structure Height	R-1: 35 feet	n/a	Parcel 1: 16 feet Parcel 2: vacant Parcel 3: vacant Parcel 4: vacant
Parking §314-109 of the Zoning Ordinance	Zoning Ordinance: One-Family and Two-Family Dwellings: Within mapped Housing Opportunity Zones, the parking is reduced to one (1) parking space for each dwelling unit 1,000 square feet or less.	Parking spaces shall be provided in accordance with the parking regulations. Parking areas are required to be sited consistent with the character of the site, avoiding excessive cuts and fills.	Parking will be provided on-site and within a parking lane along Higgins Avenue. Two (2) parking are required for Parcels 1 and 2 and four (4) parking spaces are required for Parcels 3 and 4. The parking areas in and of themselves will not require excessive grading or fill.

A4./B.4. Public Health, Safety and Welfare

The project will not be detrimental to the public health, safety and welfare nor will it be materially injurious to properties or improvements in the area because:	Evidence supporting the finding:
All reviewing referral agencies have approved or conditionally approved the <u>proposed</u> project design.	See Attachment 5 – Agency Recommendations
The proposed project is consistent with the general plan.	See previous discussion
The proposed project is consistent with the zoning.	See previous discussion
The proposed project will not cause environmental damage.	See following discussion

A.5./B.5. Impact on Residential Density Target: See discussion under Section A.2. above.

C. Environmental Impact. Please see the attached draft Negative Declaration.

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department, Planning Division (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Wildlife Code apply to this project. The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.25. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Wildlife Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2016 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,181.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #10 of Attachment 1.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Document	Date Received by Planning	Location
Tentative Subdivision Map	May 26, 2016	Attached in Maps Section
Application Form	May 26, 2016	On file with Planning
Preliminary Title Report	May 26, 2016	On file with Planning
Grant Deed	May 26, 2016	On file with Planning
Planned Development Request	May 26, 2016	On file with Planning
Preliminary Stormwater Control Plan	September 14, 2016	On file with Planning

ATTACHMENT 4

INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION

Project Information

Project Title: Zerlang's LLC Minor Subdivision

Lead Agency

Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501
(707) 445-7541

Property Owner

Zerlang's LLC
William Zerlang
PO Box 5711
Eureka, CA 95502

Project Applicant

Same as owner

Project Location

The project site is located in the Pine Hill area of Eureka, on the south side of Higgins Avenue, approximately 400 feet east of the intersection of Union Street and Higgins Avenue, on the properties known as 250 and 272 Higgins Avenue.

General Plan Designation

Residential Low Density (RL). Eureka Community Plan (ECP). Density: one to six dwelling units per acre.

Zoning

Residential One-Family with a 6,000 square foot minimum parcel size (R-1*).

Project Description

A merger and re-subdivision of two parcels totaling 31,376 square feet into four parcels between 6,020 square feet and 8,056 square feet in size. The subdivision will utilize a Planned Development Permit for Lot 1 and Lot 2 which will each have a width of 43 feet. The property is developed with an approximately 1,555 square foot single family residence that will remain on proposed Lot 1. All parcels are or will be served with community water and sewer provided by the Humboldt Community Services District.

Baseline Conditions: Surrounding Land Uses and Setting

The project site is located within the urban area of Eureka, just outside the City limits along Higgins Avenue. The parcel is relatively flat with a gradual slope to south. The site is surrounded by similarly sized residential parcels.

Other Public Agencies Whose Approval Is or May Be Required (permits, financing approval, or participation agreement): Humboldt County Public Works Department, Division of Environmental Health, Building Division.

Environmental Factors Potentially Affected: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| ☐ Aesthetics | ☐ Agricultural and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☒ Cultural Resources | ☐ Geology/Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards/Hazardous Materials | ☐ Hydrology/Water Quality |
| ☐ Land Use/Planning | ☐ Mineral Resources | ☐ Public Services |
| ☐ Noise | ☐ Population/Housing | ☐ Utilities/Service |
| ☐ Recreation | ☐ Transportation/Traffic | |
| ☐ Mandatory Findings of Significance | | |

Determination: On the basis of this initial evaluation:

- ☐ I find that the proposed project **could not** have a significant effect on the environment, and a **Negative Declaration** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **Mitigated Negative Declaration** will be prepared.
- ☐ I find that the proposed project **may** have a significant effect on the environment, and an **Environmental Impact Report** (EIR) is required.
- ☐ I find that the proposed project **may** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only those effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **Negative Declaration** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **Negative Declaration**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature

Nov. 28, 2016

 Date

Trevor Estlow, Senior Planner

 Printed Name

Humboldt County Planning
and Building Department

 For

Evaluation of Environmental Impacts

- (1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- (4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- (5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (California Code of Regulations, title 14 Section 15063(c) (3) (D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review. **N/A**
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis. **N/A**
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project. **N/A**

Environmental Checklist

Checklist and Evaluation of Environmental Impacts: An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the **Checklist**, the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the project.

I. Aesthetics. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

Discussion:

(a-d) Less Than Significant Impact: The project site is located along a public road in an area built out with single family residences. The additional development will "infill" an existing developed neighborhood. Any new lighting is required to be shielded and directed downward in order to avoid impacts to neighboring properties.

II. Agriculture and Forestry Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion:

(a-e) Less Than Significant Impact: The project site is located in an urban area that was likely logged many years ago, however, the parcel sizes are such that they are more suitable to urban residential development than commercial timber harvesting. The site contains no lands used for commercial agricultural production or parcels subject to the Williamson Act. The parcel is planned and zoned for residential development. No changes are proposed that would change the existing uses at the site, therefore, the project will not have an impact on agricultural or forestry resources.

III. Air Quality. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion:

(a-e) Less than Significant/No Impact: The proposed subdivision will merge two parcels and create four parcels. One of the parcels is currently developed with a residence that will remain on proposed Parcel 1. According to recent studies by the North Coast Unified Air Quality Management District (NCUAQMD), the most significant contributors to PM-10 are residential wood burning stoves. Also, according to the NCUAQMD, all of Humboldt County is in non-attainment of the State's PM-10 (particulate matter of 10 microns in size) standard, but complies with all other State and Federal air quality standards. The area is characterized as urban with a mix of large and small residential lots. The Department finds no evidence that the project that is consistent with the planned build-out of the area will have a significant adverse impact on air quality.

IV. Biological Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Discussion:

(a-f) Less Than Significant Impact: According to the Natural Diversity Database, there is a listing for Pacific gilia and Siskiyou checkerbloom within the vicinity. The site is surrounded by similar urban lots developed at urban densities. The site does not offer suitable habitat for these species. Furthermore, the project was referred to the California Department of Fish and Wildlife (CDFW) and they did not respond with any concerns. No major migratory routes have been identified for the site, therefore, the proposed project will not influence the movement or migration patterns of any migratory fish or wildlife species. The proposed project is will not result in impacts to special status plant species.

V. Cultural Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

Discussion:

(a) No Impact: No historical resources have been documented on site. The site contains a single family residence of fairly modern construction. This structure was not determined to be a significant historical resource. Therefore, the project will have no impact on historical resources defined in California Environmental Quality Act (CEQA) § 15064.5.

(b) Less Than Significant with Mitigation Incorporated: The project proposal was referred to the Northwest Information Center, the Bear River Band of the Rohnerville Rancheria, the Blue Lake Rancheria and the Wiyot Tribe. NWIC recommended further study, however, the Bear River Band of the Rohnerville Rancheria, the Blue Lake Rancheria and the Wiyot Tribe only recommended adding

the condition of inadvertent discovery. If, at any time, archaeological resources are encountered during any construction activities, the contractor will execute Mitigation Measure No. 1. by halting construction and coordinating with a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines and appropriate tribes so resources can be evaluated so that there is not a substantial adverse change in the significance of an archaeological resource.

(c) No Impact: No paleontological, geologic, or physical features are known to exist on the proposed project site; therefore, the project will not directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature.

(d) Less Than Significant with Mitigation Incorporated: The project is not expected to disturb any human remains, including those interred outside of formal cemeteries. However, implementation of Mitigation Measure No. 2 has been included in the event that human remains are accidentally discovered during construction.

Mitigation Measure No. 1. If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped per the requirements of CEQA Section 15064.5 (e-f). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

Mitigation Measure No. 2. If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the North American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant failed to make a recommendation.

VI. Geology and Soils. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	

ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X	

Discussion:

(a) Less Than Significant Impact: There are no known earthquake faults located within the site.

(i-iii) Less Than Significant Impact: The project site is located outside an Alquist-Priolo Earthquake Fault Zone. The nearest fault zone is located approximately three miles to the southwest. The project will merge two parcels and then create four parcels for a net increase of two parcels. An existing residence will be situated on proposed Parcel 1. All new development will be required to conform to current building code regulations. Therefore, the subdivision will have a less than significant impact as it relates to exposing people or structures to potential substantial adverse effects from rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction.

(iv) Less Than Significant Impact: The project is not within an area subject to landslides; therefore the project will not expose people or structures to risk of loss, injury, or death involving landslides.

(b) Less Than Significant Impact: Any future development will utilize appropriate Best Management Practices (BMPs) which will prevent soil erosion and loss of topsoil.

(c) Less Than Significant Impact: The project is not located on geologic units or soils that are unstable or that will become unstable as a result of the project. The project will not result in the creation of new unstable areas either on or off site due to physical changes in a hill slope affecting mass balance or material strength.

(d) Less Than Significant Impact: The project site is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994); therefore, the project will not create substantial risks to life or property.

(e) Less Than Significant Impact: The project will not require a new wastewater treatment system. The parcels will be connected to community sewer systems provided by Humboldt Community Services

District (HCSD). HCSD has indicated that they have the capacity to serve the proposed subdivision.

VII. Greenhouse Gas Emissions. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Discussion:

(a-b) No Impact: The eventual residential construction on the vacant lots would contribute temporary, short-term increases in air pollution from equipment usage.

Because of the temporary nature of the greenhouse gas contributions, coupled with the modest quantity of emission, the proposed project would not have a significant impact on the environment, nor conflict with applicable plan, policy, or regulation for the purposes of reducing greenhouse gas emissions.

VIII. Hazards and Hazardous Materials. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?				X

Discussion:

(a-h) No impact: The project site is not included on a list of hazardous material sites, nor does the proposed subdivision involve routine transport, use or disposal of hazardous materials. The project site is over four miles away from the nearest airport, Murray Field. There are no private airstrips within the vicinity of the project site. The site is not within an area governed by an Airport/Land Use Compatibility matrix. Development consistent with the County's adopted Airport land use plan will not result in unanticipated risk to the occupants of the site. The Department finds no evidence that the division of two parcels into four will create, or expose people or property to, hazardous materials, or impair implementation of, or physically interfere with, an adopted emergency response plan. The site is within the Humboldt Bay Fire Protection District. Future development of the site will require compliance with the Uniform Fire Code and UBC. According to the Fire Hazard map, the parcel is located in a low fire hazard area. Humboldt Bay Fire Protection District approved the proposed subdivision. For these reasons, the Planning Division expects that the minor subdivision will not result in significant impacts in terms of hazardous materials.

IX. Hydrology and Water Quality. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Result in inundation by seiche, tsunami, or mudflow?			X	

Discussion:

(a-j) Less than significant: The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area, in terms of both the County's Housing Element and the Eureka Community Plan (ECP) adopted in 1995. The project site is an area served by community water and sewer. The Humboldt Community Services District (HCSD) has indicated that it is able to provide water and sewer service to the proposed subdivision upon the payment of the appropriate fees. HCSD has not identified any concerns with regard to the project interfering with groundwater recharge. The Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality. According to the Flood Insurance Rate Map Panel #775, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding", and is outside the 100- and 500-year floodplains. The project site is not within a mapped dam or levee inundation area, and is outside the areas subject to tsunami run-up. The site is at an elevation of approximately 120 feet. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. No streams, creeks or other waterways will be altered as a result of this subdivision. The Department finds no evidence that the proposed project will result in significant hydrologic or water quality impacts.

X. Land Use and Planning. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion:

(a-c) No Impact: The parcel proposed for subdivision is zoned Residential Single Family (R-1*) with a 6,000 square foot minimum parcel size. The subdivision implements a Planned Unit Development to create two parcels with less than the required 50-foot minimum lot width. One-family residential use is a primary and compatible use within the R-1 zone and land use designation (Residential Low Density). The proposed subdivision is consistent with the planned build-out of the area and is consistent with the policies and regulations specified in the Eureka Community Plan (ECP) and Framework General Plan. There are no habitat conservation or natural community conservation plans proposed or adopted for this area. The proposed project is consistent with a comprehensive view of the Community Plan and Framework General Plan, as it concerns land use, circulation, hazards and resources, biological resources, hydrology and water quality, public facilities and development timing. The Department finds there is no evidence that the project will result in significant adverse impact with regard to land use and planning.

XI. Mineral Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion:

(a and b) No Impact: On-site soils and geologic resources are not suitable as commodity materials that would be of value to the region or the state. The site is not designated as an important mineral resource recovery site by a local general plan, specific plan, or other land use plan.

XII. Noise. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?				X
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion:

(a–d) No Impact: Noises generated by the proposed project will result in a temporary increase during any construction and necessary road improvements. These activities are consistent with the current uses at the site and no permanent change in noise from the existing conditions would result from this project.

(e and f) No Impact: The project area is not located within an airport land use plan or the vicinity of a public or private airstrip. Therefore, any noise generated during construction will have no impact on people residing or working in the vicinity of an airport land use plan or public or private airstrip.

XIII. Population and Housing. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
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Discussion:

(a-c) No The project will divide two parcels developed with one residence into four parcels. The subdivision will result in three vacant lots suitable for residential development. One-family residential uses are primary and compatible uses within the plan designation and zoning district. The subdivision is consistent with the planned density of the area, 1 – 6 dwelling units per acre. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

XIV. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X

Discussion:

(a through e) No Impact: The parcels will be accessed via Higgins Avenue, a County maintained road. The Department of Public Works has recommended improvements to the access road to meet current standards. The Department finds no evidence that the project will result in a significant adverse impact on public services.

XV. Recreation. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion:

(a-b) No Impact: The project does not include recreational facilities. Parkland dedication fees are required by the Eureka Community Plan. The Department finds no evidence that the project will require construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

XVI. Transportation/Traffic. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Discussion:

(a-f) No Impact: The property is accessed by Higgins Avenue, a County maintained road. The Land Use Division of Public Works has recommended standard conditions of approval including the improvement of the encroachment and widen the access road. All work to be done within the road right of way requires an encroachment permit from Public Works. The Department finds there is no evidence that the project will exceed the level of service standard, will result in a change in air traffic patterns, will result in inadequate emergency access, inadequate access to nearby uses or inadequate parking capacity; or will conflict with adopted policies supporting transportation. The project site is over five miles south of Murray Field, the closest airport.

XVII. Utilities and Service Systems. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed)?			X	
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Violate any federal, state, and local statutes and regulations related to solid waste?			X	

Discussion:

(a-g) Less Than Significant: The Department finds there is no evidence that the project will be inconsistent with the planned build-out of the area or will result in a significant adverse to utilities and service systems. The parcel is not zoned for commercial or industrial uses.

The lots will be served by community water and sewer by the Humboldt Community Services District. The Department of Environmental Health has recommended approval of the project. The parcel currently drains towards the rear of the property. The project will utilize Low Impact Development (LID) techniques both to reduce drainage impacts and to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. The Division of Public Works reviewed the project and did not identify any drainage issues. The Department finds the project impact to be less than significant.

XVIII. Mandatory Findings of Significance.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).				X
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion:

(a through c) No Impact: The proposed subdivision includes dividing two existing parcels into four separate parcels. Staff finds no evidence that the proposed project will significantly degrade the quality of the environment, nor will it have impacts that are individually limited but cumulatively considerable. Based on the project as described in the administrative record, comments from reviewing agencies, a review of the applicable regulations, and discussed herein, the Department finds there is no significant evidence to indicate the proposed project as mitigated will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Proposed Mitigation Measures, Monitoring, and Reporting Program

Cultural Resources

Mitigation Measure No. 1. If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped per the requirements of CEQA Section 15064.5 (e-f). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence

Mitigation Measure No. 2. If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the North American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant failed to make a recommendation.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

Referral Agency	Recommendation	Location
Building Inspection Division	Approval	On file with Planning
Land Use Division	Conditional Approval	Memorandum dated July 7, 2016 Attached Subdivision Requirements - Attached as Exhibit A, Attachment 1
Division Environmental Health	Approval	On file with Planning
California Department of Fish and Wildlife	No Response	
Humboldt Bay Fire Protection District	Approval	On file with Planning
Humboldt Community Services District	Conditional Approval	Attached
Northwest Information Center	Conditional Approval	On file with Planning
Wiyot Tribe	Conditional Approval	
Bear River Band of the Rohnerville Rancheria	Conditional Approval	On file with Planning
Blue Lake Rancheria	Conditional Approval	On file with Planning
PG&E	Approval	On file with Planning



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director 

DATE: 07/07/2016

RE: ZERLANG, APN 301-082-001, PMS 16-007, PDP16-001

PRELIMINARY SUBDIVISION REPORT: A *preliminary report* was submitted in lieu of a *preliminary subdivision report* as specified in County Code Section 323-6(c).

LOW IMPACT DEVELOPMENT (LID): The subject property is located within the municipal separate storm sewer system (MS4) permit boundary area. The subdivision is considered a regulated project by the MS4 permit and is required to comply with County Code Section 337-13. Each lot within the subdivision is considered a regulated project.

The improvement plans for this subdivision will show a conceptual plan to address LID for the parcels. It is intended that the LID strategies shown on the improvement plans are conceptual in nature and subject to adjustment/refinement at the time that the building permit is applied for. [references: MS4 permit section E.12.b; Humboldt Low Impact Development Stormwater Manual Version 2.0 (06/30/2016)]

EXISTING DRIVEWAY: The existing earthen driveway serving developed Parcel 1 does not meet current County standards. This driveway must be improved to County standards.

EXCEPTION REQUEST FOR RIGHT OF WAY WIDTH: Based upon the development potential of the unnamed access road the Department can support the proposed exception request.

EXCEPTION REQUEST FOR LOT FRONTAGE WIDTH: The Department can support the proposed exception request.

UNNAMED ACCESS ROAD: The Department recommends that the Planning & Building Department determine if the unnamed access road is to be named prior to the project being presented to the Planning Commission for approval.

- **ON-STREET PARKING (UNNAMED ACCESS ROAD):** The unnamed access road is not proposed to be developed with a parking lane, therefore all required parking must be developed on site.

PARCEL MAP IMPROVEMENT NOTE: Frontage improvements to Parcel 1 (an existing developed parcel), including driveway paving, must be constructed per the Department's subdivision requirements. Pursuant to Government Code Section 66411.1 (b), the Department recommends that the frontage improvements on Parcel 1 be completed within twenty-four (24) months from the date that the subdivision map is filed with the County Recorder; or prior to issuance of a development permit (or building permit) for Parcels 2, 3 or 4, whichever occurs first. This is based upon the need for orderly development of the surrounding area.

The construction of the subdivision improvements for Parcels 2, 3 and 4 may be deferred to the time that a development permit (or building permit) is issued.

// END //

June 3, 2016

HUMBOLDT COMMUNITY SERVICES DISTRICT

Tentative Map Conditions
(Referral dated June 2, 2016)
Zerlang Merger & Re-subdivision
APN 300-082-001 & -082-002

APPLICANT: Zerlang LLC
William Zerlang
PO Box 5711
Eureka, CA 95502

I. GENERAL:

1. Water and sewer service is available upon payment of applicable fees.
2. It appears that the existing private onsite sewer lateral serving the existing living unit will now be partially located on proposed lot 2. Either the Applicant relocates the lateral to be solely on proposed lot 1 or applicant shall create a private sewer lateral easement over the lateral on proposed lot 2 in favor of proposed lot 1.
3. Applicant shall be required to bring a sewer lateral clean-out to grade on the existing sewer lateral, serving the existing residence, in what would be considered the sidewalk area.
4. Applicant is required to pass a leak test on the existing sewer lateral serving the existing living unit.
5. No water or sewer services to be located in a driveway.
6. Applicant is required to provide pump curves and calculations for any lot that will require a private sewage lift pump.