

### COUNTY OF HUMBOLDT Planning and Building Department Current Planning Division

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

Action Date:	November 4, 2021	
То:	Humboldt County Planning Commission	
From:	John H. Ford, Director of Planning and Building Department	
Subject: Hone, Demolition and Coastal Development Permit Application Number PLN-2021-17105 Assessor's Parcel Number (APN) 511-069-009 3480 Letz Avenue, McKinleyville, CA 95519		
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Please contact Logan Shine, Contract Planner, at 707-671-6844 or by email at Logan@landlogistics.com, if you have any questions about the scheduled public hearing item.

#### AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 4, 2021	Hone Demolition and Coastal	Logan Shine, Contract Planner
	Development Permit	

**Project Description:** A Coastal Development Permit for the construction of a 9,800 square foot single family residence, 1,700 square foot garage, 876 square feet of covered porches, 728 square foot port au cochere, 1,340 square foot pool, and 5,000 square foot recreation area (basketball/tennis courts). The property is approximately five acres in size and is currently developed with a 3,360 square foot residence, detached shed, and gazebo which are all proposed to be removed as part of the project. The McKinleyville Community Services District currently provides water and sewer services to the property and is expected to serve the proposed new development. Grading is expected to be minimal (less than 50 cubic yards), and no trees will be removed. All new development will be located in portions of the property characterized by relatively stable soils.

**Project Location**: The project site is located on the west side of Letz Road, approximately 170 feet south from the intersection of Letz Road and Airport Road, on the property known as 3480 Letz Road in the McKinleyville area.

**Present Plan Land Use Designation**: Residential Estates (RE). McKinleyville Area Plan, 2017 General Plan. Density: 1 dwelling unit per acre, Slope Stability: Relatively Stable (0), Moderate Instability (2).

**Present Zoning**: Residential Single-Family (RS-5), Airport Safety Review (AP), Alquist-Priolo Fault Hazard (G), Noise Impact (N).

Assessor Parcel Numbers: 511-061-009

Record Number: PLN-2021-17105

Applicant	Owners	Agent
Brendan Reilly	Alvarado Laurence A & Eldridge Linda S	N/A
549 Fieldbrook Road	3480 Letz Avenue	
McKinleyville, CA 95519	McKinleyville, CA 95519	

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

Major Issues: Overall size of development, neighborhood compatibility

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

#### **Recommended Planning Commission Action**

- 1. Describe the application as part of a public hearing.
- 2. Request that staff present the project;
- 3. Open the public hearing and receive testimony; and
- 3. Close the hearing and adopt the Resolution to do the following:

Find the project exempt from environmental review pursuant to Sections 15303(a) of the State CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit, based on evidence in the staff report, and approve the Hone project subject to the recommended conditions.

**Executive Summary:** A Coastal Development Permit is being requested to authorize the construction of a 9,800 square foot single family residence, 1,700 square foot garage, 876 square feet of covered porches, 728 square foot port au cochere, 1,340 square foot pool, and 5,000 square foot recreation area (basketball/tennis courts). The project parcel is approximately five acres in size and is currently developed with a 3,360 square foot residence, detached shed, and gazebo. All existing structures are proposed for demolition. The McKinleyville Community Services District currently provides water and sewer services to the property and is expected to serve the proposed new development. Grading is expected to be less than 50 cubic yards, and no trees will be removed. All new development will be located in portions of the property characterized as having relatively stable soils. The project is consistent with the Residential Estates (RE) land use and zone designations in accordance with General Plan policies and standards.

The size of the proposed residence and the associated accessory structures and recreational developments are significantly larger than is typical for the area. While this particular neighborhood consists of larger than average lots and houses, the proposed 9,800 square foot residence and 5,000 square foot recreational facility is still significantly larger than the surrounding developments. Approval of this project has the potential to change the character of the neighborhood. The residence would be screened from most public views due to a large row of trees along the frontage of the property.

**RECCOMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Coastal Development Permit.

**ALTERNATIVES:** Several alternatives may be considered: 1) The Planning Commission determine that the potential impacts of this project require additional environmental review, in which case the Commission should continue the project to a date a minimum of 8 weeks out for staff to prepare the additional environmental review documents; 2) The Planning Commission could decide that the overall size of the development and large recreational facilities are out of scale with the existing community and would be determinantal to the public welfare, in which case the Planning Commission could deny the project or approve the project at a reduced scale.

#### RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT Record Number PLN-2021-17105 Assessor's Parcel Number: 511-061-009

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

WHEREAS, Brendan Reilly submitted an application and evidence in support of approving a Coastal Development Permit for the construction of a 9,800 square foot single family residence, 876 square feet of covered porch area, 1,700 square foot garage, 728 square foot port au cochere, 1,340 square foot pool, and 5,000 square foot recreation area on an approximately five acre parcel in the McKinleyville area (APN 511-061-009); and

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

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

**WHEREAS**, the Humboldt County Planning Commission reviewed, considered, and discussed the application for a Coastal Development Permit on November 4, 2021.

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

- 1. FINDING: Project Description: The application is a Coastal Development Permit to authorize the construction of a 9,800 square foot single family residence, 876 square feet of covered porch area, 1,700 square foot garage, 728 square foot port au cochere, 1,340 square foot pool, and 5,000 square foot recreation area on an approximately five-acre parcel.
  - **EVIDENCE:** a) Project File: PLN-2021-17105
- 2. FINDING: CEQA. The requirements of the California Environmental Quality Act have been complied with.
  - **EVIDENCE:** a) Project is exempt from environmental review per Section 15303(a) New Construction or Conversion of Small Structures, of the CEQA Guidelines

#### FINDINGS FOR THE COASTAL DEVELOPMENT PERMIT

- **3. FINDING** The proposed development is in conformance with the County General Plan.
  - **EVIDENCE** a) The proposed development is consistent with the Residential Estates (RE) land use designation. The RE designation provides for single family units and residential accessory uses. The RE designation is commonly used in water-only service areas. This proposed project parcel is currently developed. The proposed development will not increase the amount of single-family housing in the area. Therefore, the project is in conformance with the County General Plan.

- 4. FINDING The proposed development is consistent with McKinleyville Area Plan (MAP)
  - **EVIDENCE** a) The land use designation for the parcel within the MAP conforms with the General Plan land use designation.
    - b) MAP Section 2400 Housing is consistent with the General Plan Chapter 8 of the Housing Element. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element. The proposed development would support the residential use on the site.
- 5. FINDING The project is compatible with the physical scale and visual resource policies of section 3.42(A)(1)(a) and 3.42(A)(1)(c)(1) of the Local Coastal Plan (MAP).
  - **EVIDENCE** a) The project is within the mapped urban limit line and meets all standards of the principal permitted uses designated in the General Plan, including setbacks, height restrictions, and allowable lot coverage of 35% in the RE zone.
    - b) Existing vegetation bordering the project parcel screen and soften the visual impact of the development from the roadway, public beach, and neighboring parcels in conjunction with an increased setback from the bluff proposed in the Geotechnical Hazard report provided by LACO & Associates (Manhart 2021). No removal of vegetation is proposed.
    - c) The project site is not located within a mapped coastal scenic area and the project is not any greater in height or bulk than is permitted for the principal use, and it is otherwise compatible with the styles and visible materials of existing development in the immediate neighborhood, as the development is not visible from the nearest public road.
- 6. FINDING The proposed development is consistent with the purposes of the existing Residential Estates (RE), AP (Airport Safety Review), G (Alquist-Priolo Fault Hazard), N (Noise Impact) combining zones in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone.
  - **EVIDENCE** The proposed development is consistent with the minimum required a) development standards of the RS-5 zone, including height, lot coverage, property line setbacks, density, and residential parking availability. The proposed 33 foot building height is less than the 35 foot height requirement in the AP and RS zones, and all development is proposed within the required property setbacks in the RS zone. Front, Rear, and Interior Side setbacks are 20 feet, 10 feet, and 5 feet respectively. All proposed development is less than the allowed 35% lot coverage at roughly 8%, and complies with the density limit of 1 dwelling unit per lawfully created lot (HCC 313-6.1). An existing driveway and parking area meet the requirements for residential parking. The design materials are consistent with the zone requirements, including the prohibition of manufactured homes in the Noise Impact (N) combining zone (HCC 313-16.3).
    - b) The project is proposed on Lot 133 of the Seffner & Wolf Subdivision. The proposed development of a 9,800 square foot residence, approximately 33 feet in height, a 1,700 square foot garage, 876 square feet of covered porches, 728 square foot port au cochere, 1,340 square foot pool, and 5,000 square foot recreation area, is a principally permitted use in the RS-5 zone with a Residential Estates (RE) land use description (General Plan

Chapter 4.8.1) (McKAP Chapter 5.20).

- c) A condition of approval has been included to address the inadvertent discovery of cultural resources during construction of the proposed development.
- 7. FINDING The construction of a permitted single-family residence will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
  - **EVIDENCE** a) The property is currently developed, and the proposed development will be consistent with the surrounding existing development. Residential housing will be beneficial to the public health, safety and welfare and will not be materially injurious to properties or improvements in the vicinity.
- 8. FINDING The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
  - **EVIDENCE** a) The parcel's General Plan land use designation (RE) and zoning (RS-5/AP/G/N) allow residential use. The project will not negatively impact compliance with Housing Element law. The project will not impact available housing in the McKinleyville area and will comply with the density range of the RE land use designation, 1-5 acres per unit with a maximum floor area ratio of 0.20. The proposed development is consistent with the McKinleyville Area Local Coastal Plan (Section 3.25 Housing).

#### DECISION

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

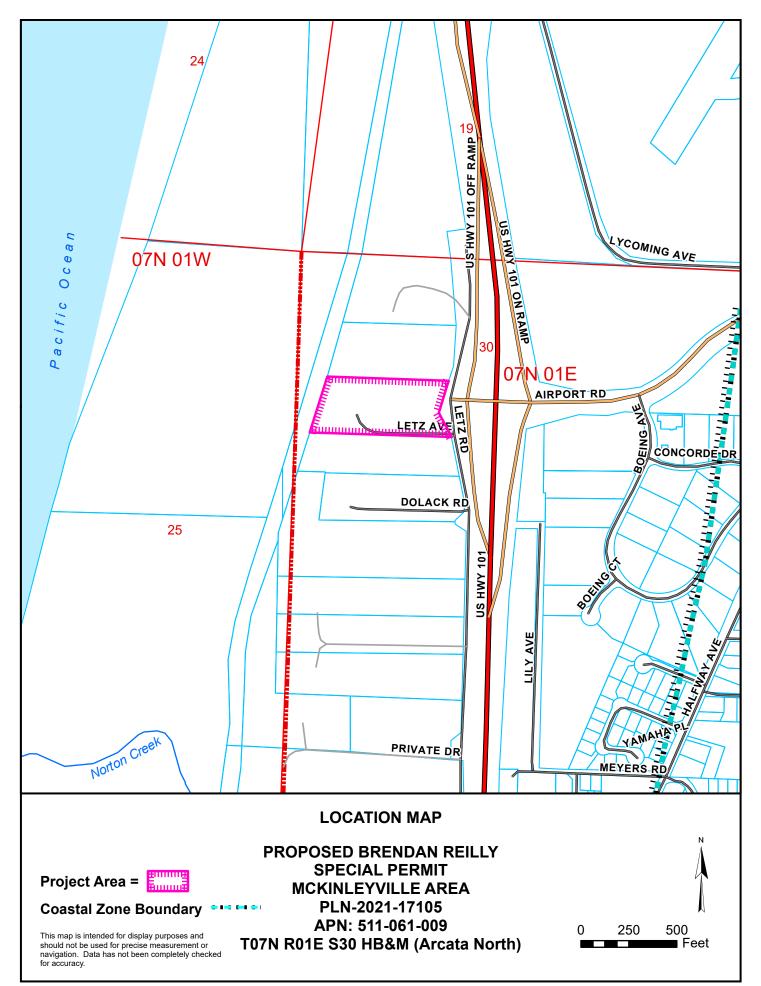
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permits (PLN-2021-17105) for Hone, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on November 4, 2021

The motion was made by COMMISSIONER \_\_\_\_\_\_and second by COMMISSIONER \_\_\_\_\_\_and the following ROLL CALL vote:

AYES:COMMISSIONERS:NOES:COMMISSIONERS:ABSENT:COMMISSIONERS:ABSTAIN:COMMISSIONERS:DECISION:

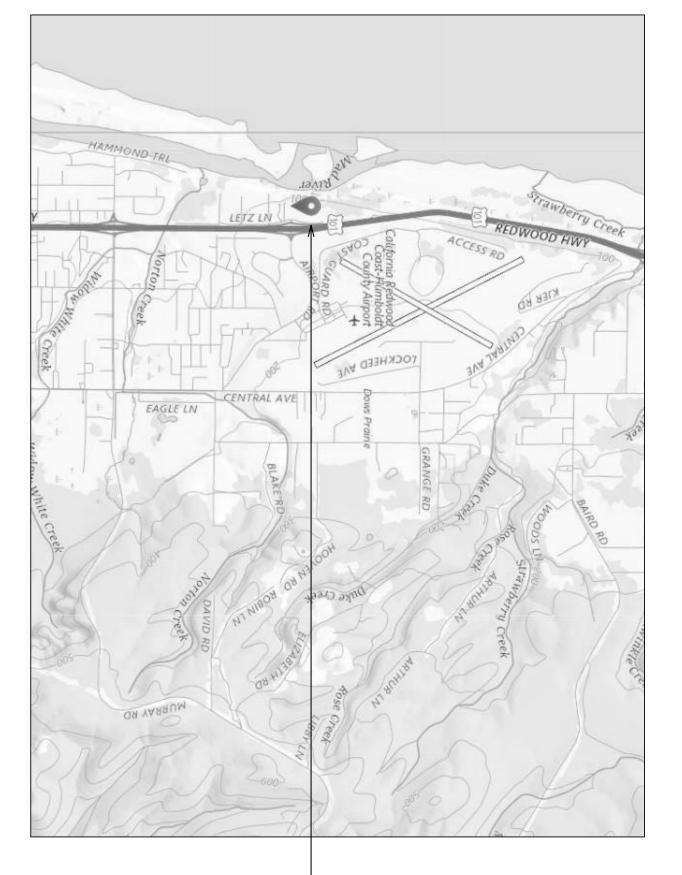
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

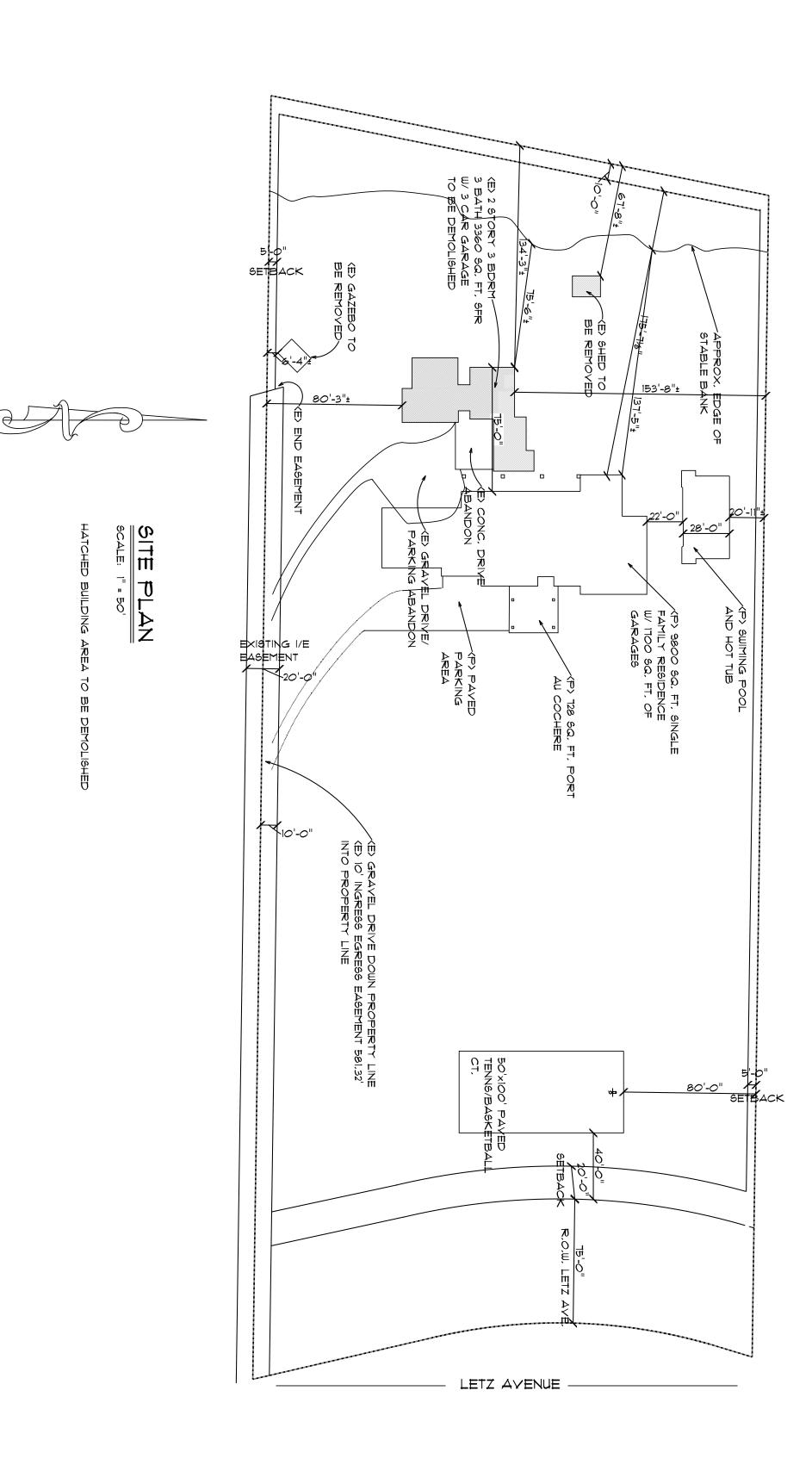
John Ford, Director Planning and Building Department

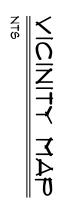


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	Date: 6/23/20 Scale: AS NOTED Drawn: BDR	HONE RESIDENCE APN: 511-061-009 3480 LETZ AVE. MCKINLEYVILLE CA 95519 For: THE HONES C/o CHRIS JOHNSON NEW WAVE REALTY	<b>BRENDAN REILLY</b> <b>DRAFTING</b> 549 FIELDBROOK RD. McKinleyville, CA 95519 (707) 407-8988	REVISIONS
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WRITTEN DIMENTIONS ON THESE DOCUMENTS SHALL HAVE PRECEDENCE OVER SCALED DIMENTIONS CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENTIONS AND CONDITIONS OF THE JOB,

#### ATTACHMENT 1

#### **RECOMMENDED CONDITIONS OF APPROVAL**

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

#### A. General Conditions

- 1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
- 2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
- 3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
- 4. Conformance of Final Design and Construction Plans to the Geologic Reports.
  - a. All final design and construction plans, including site preparation, foundation design, and drainage plans, shall be consistent with the recommendations contained in the geologic report of the site (Manhart 2021) prepared by LACO & Associates. This includes the setback from the edge of the bluff identified by the geologic report. Prior to issuance of the building permits the applicant shall submit for review a revised site plan showing the setback as recommended in the geologic report.
  - b. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit, unless the Director determines that no amendment is legally required.
- 5. No future development of shoreline protective devices is permitted on the project parcel.
  - a. By acceptance of Coastal Development Permit (CDP), the applicant agrees, on behalf of himself/herself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to CDP PLN-2021-17105, including, but not limited to, the development of a residence, pool, and recreation area, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea-level rise. By acceptance of this Permit, the applicant hereby waives, on behalf of their self and all successors and assigns, any rights to construct such devices that may exist under applicable law.
  - b. By acceptance of this Permit, the applicant further agrees, on behalf of their self and all

successors and assigns, that the landowner shall remove the development authorized by this Permit, if the County or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the development is currently and permanently unsafe for occupancy or use due to coastal hazards, and that there are no measures that could make the structures suitable for occupancy or use without the use of bluff or shoreline protective devices. If any portion of the development authorized by this permit at any time encroaches onto public property, the permittee shall either remove the encroaching portion of the development or apply to retain it. Any application to retain it must include proof of permission from the owner of the public property. The permittee shall obtain a CDP for removal of approved development, unless the Planning Director provides a written determination that no CDP is legally required.

- c. In the event that the edge of the bluff-top recedes to a point where any portion of the structure becomes threatened, but no government agency has ordered that the structures not be occupied or used, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist, retained by the permittee, that addresses whether any portions of the authorized development are threatened by coastal hazards. The report shall identify all those immediate or potential future measures that could stabilize the development <u>without</u> bluff or shoreline protective device(s), including, but not limited to, removal or relocation of portions of the development. The report shall be submitted to the Planning Director and the appropriate local government officials. If the geotechnical investigation concludes that any portion of the development is unsafe for operation or use, the permittee shall, within 90 days of submitting the investigation, apply for a coastal development permit amendment to remedy the hazard.
- d. Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Planning Director for review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a CDP.
- 5. Prior to the any ground disturbance occurring in association with this permit a qualified botanist shall review the site to determine if Siskiyou checkerbloom is present. If found to be present within the proposed disturbed areas the checkerbloom shall be relocated and an equivalent area of the species shall be created or restored on-site at the direction of a qualified botanist.
- 6. No trees larger than 12" diameter at breast height are authorized for removal by this permit.
- 7. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, the Department will file the NOE and will charge this fee to the project.
- 8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
- 9. No lighting of the outdoor recreation area is permitted.

#### **Informational Notes:**

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

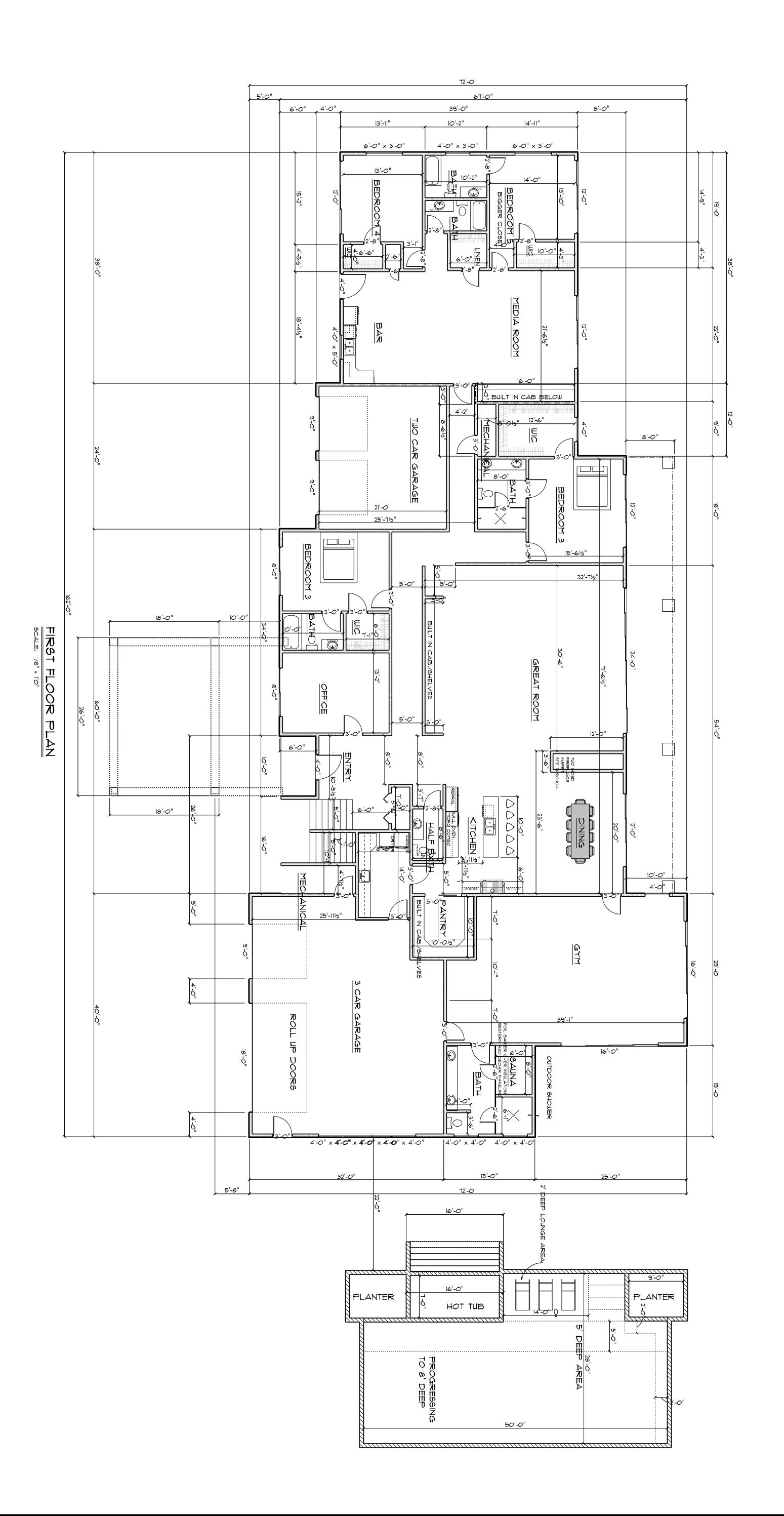
If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate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

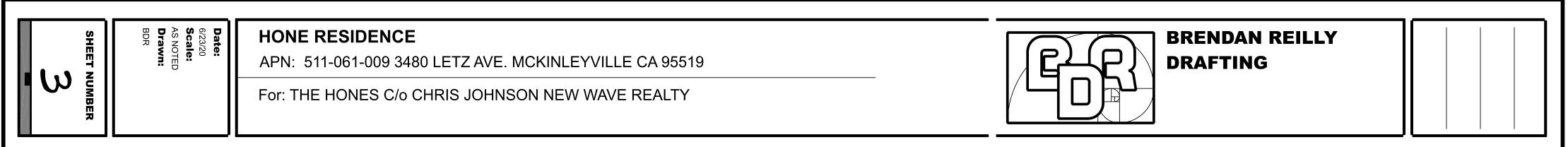
#### **ATTACHMENT 2**

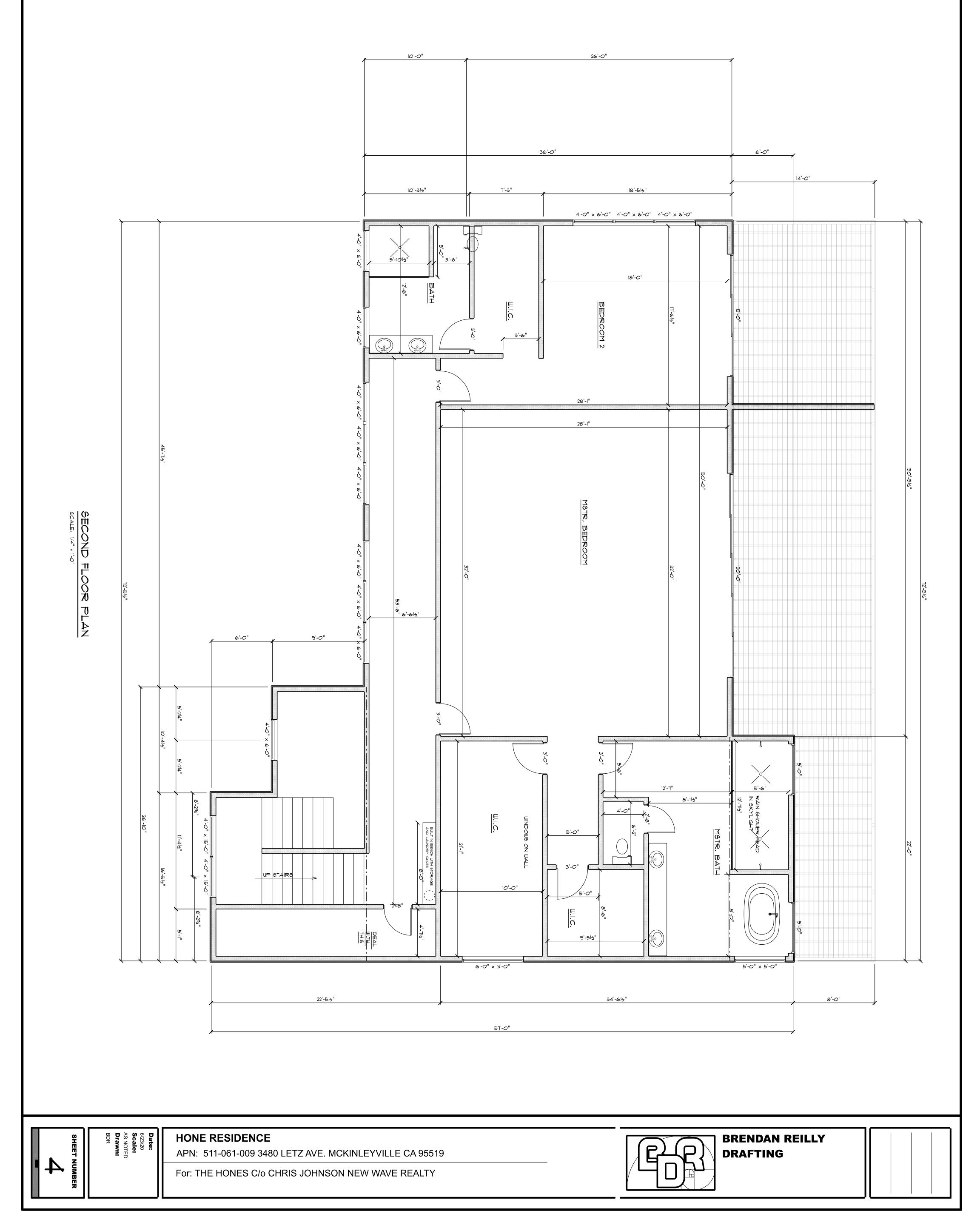
#### APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 2 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- 1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
- 2. Construction Plans (attached)
- 3. Plot Plan (attached)

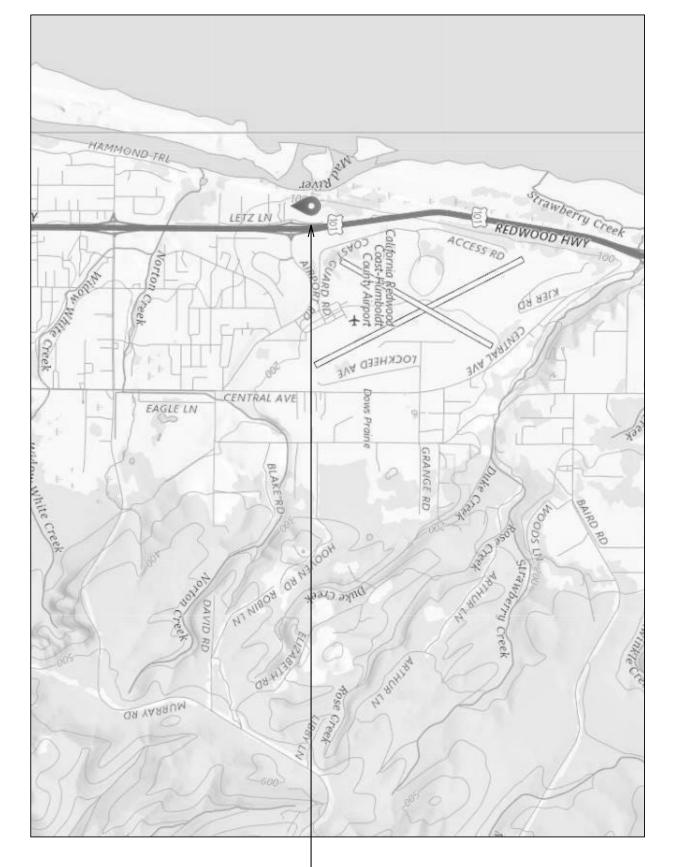


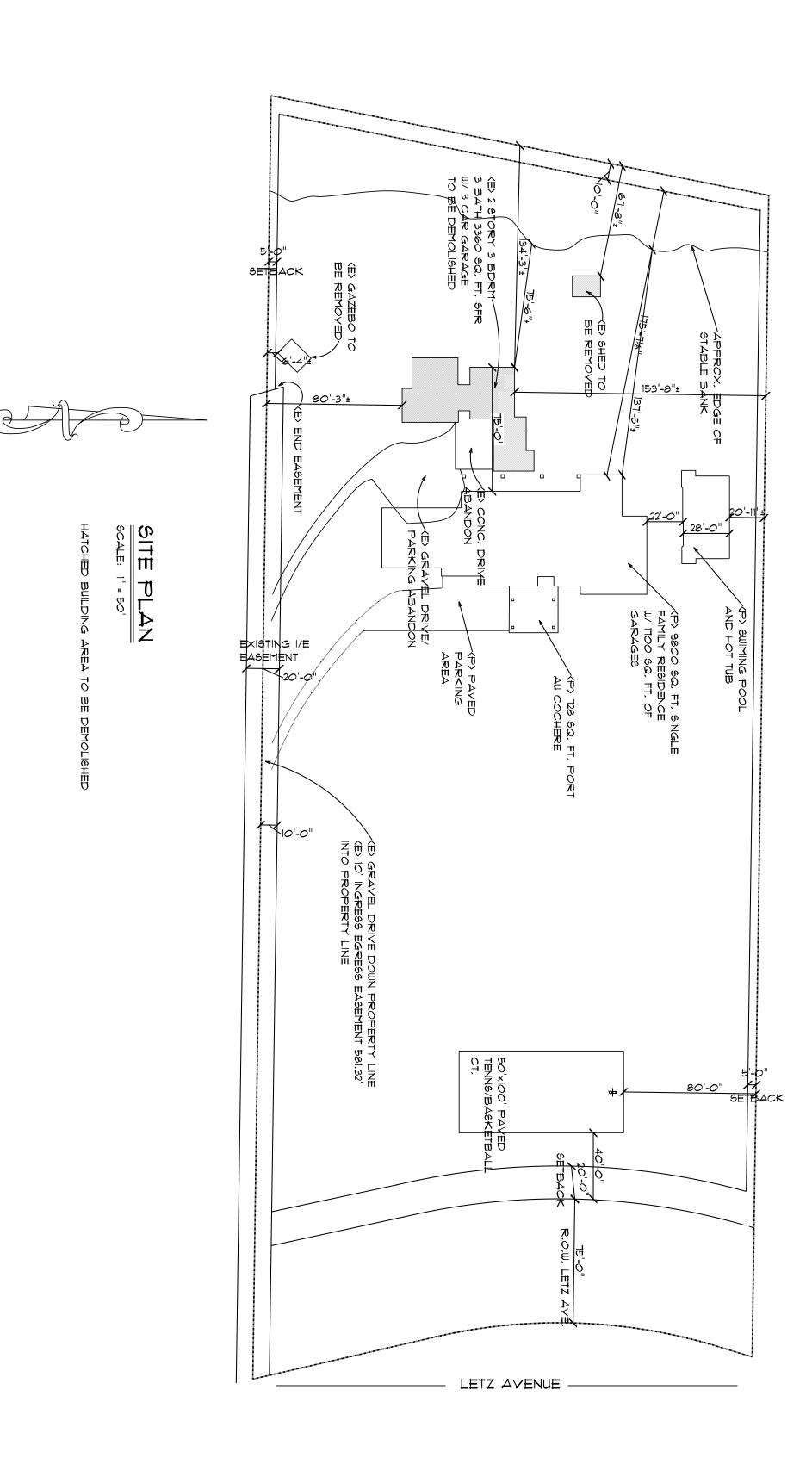


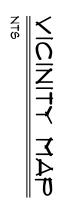


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Date: 6/23/20 Scale: AS NOTED Drawn: BDR SHEET NUMBER	HONE RESIDENCE APN: 511-061-009 3480 LETZ AVE. MCKINLEYVILLE CA 95519 For: THE HONES C/o CHRIS JOHNSON NEW WAVE REALTY	BRENDAN REILLY BRENDAN REILLY   DRAFTING 549 FIELDBROOK RD.   McKinleyville, CA 95519 707) 407-8988
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WRITTEN DIMENTIONS ON THESE DOCUMENTS SHALL HAVE PRECEDENCE OVER SCALED DIMENTIONS CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENTIONS AND CONDITIONS OF THE JOB,

#### **ATTACHMENT 3**

#### **REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approval	On File
Division Environmental Health		No Response	
Public Works, Land Use Division		No Response	
McKinleyville CSD	✓	Approval	On File
California Department of Fish & Wildlife		No Response	
County Counsel		No Response	
Supervising Planner		No Response	
FPD Arcata	✓	Approval	On File
North Coast Regional Water Quality Control Board		No Response	
California Coastal Commission	✓	Condition of Approval	On File
NWIC		No Response	
Bear River Band		No Response	
Blue Lake Rancheria		No Response	
Wiyot Tribe		No Response	