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Filed: February 5, 2007
49th Day: March 26, 2007
Staff: Melissa B. Kraemer
Staff Report: February 23, 2007
Hearing Date: March 16, 2007
Commission Action:

STAFF REPORT: APPEAL

NO SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Humboldt

DECISION: Approval with Conditions

APPEAL NO.: **A-1-HUM-07-007**

APPLICANT: **Brad Mamer**

PROJECT LOCATION: 2805 Fortune Street, McKinleyville (Pacific Sunset subdivision), APN 511-401-23, Humboldt County.

PROJECT DESCRIPTION OF APPROVED DEVELOPMENT: Construction of a pre-manufactured single-family residence and detached garage on a currently vacant approximately half-acre lot. A six-foot fence located at the property line along the rear and side yards is also approved. The approved residence will be built to a maximum of 2,428 square feet and be a maximum of 30 feet tall. The approved garage will be built to a maximum of 1,000 square feet and 15 feet high. The parcel will be served by water and sewer provided by the McKinleyville Community Services District. Minimal grading is approved, and no trees will be removed.

APPELLANT: Kevin Rardin

SUBSTANTIVE FILE: 1) Humboldt County File No. CDP-06-31
DOCUMENTS 2) Humboldt County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE

The staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeal has been filed. These grounds include alleged project inconsistencies with Humboldt County's certified Local Coastal Program (LCP) policies pertaining to visual resources. Staff finds that the appellant has not raised any substantial issue with the local government's action and its consistency with the certified LCP.

Humboldt County approved a coastal development permit for the construction of a pre-manufactured single-family residence and detached garage on a currently vacant approximately half-acre lot. A six-foot fence located at the property line along the rear and side yards was also approved. The approved residence would be built to a maximum of 2,428 square feet and be a maximum of 30 feet tall. The approved garage would be built to a maximum of 1,000 square feet and 15 feet high. The parcel would be served by water and sewer provided by the McKinleyville Community Services District. Minimal grading is approved, and no trees will be removed.

The subject site is located on Lot 23 of the Pacific Sunset subdivision, at the intersection of Murray Road and Fortune Street, at 2805 Fortune Street, in McKinleyville (APN 511-401-23). The site is between the first public road (State Highway 101) and the sea.

The appellant contends that the approved project raises a substantial issue of conformance with the County's LCP policies pertaining to visual resource protection. Specifically, the appellant asserts that the County's action is inconsistent with Section 3.42 of the McKinleyville Area Plan (MAP), which incorporates Coastal Act policies 30251 and 30253 pertaining to the protection of visual resources. Section 3.42 of the MAP requires that permitted development be visually compatible with the character of surrounding areas. It further asserts that new development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. A photo of a model identical to the approved development is included with the appeal (Exhibit No. 8).

The appellant contends that the Pacific Sunset subdivision is an area of "unique and custom homes" and that the proposed development deviates from the character of the surrounding area. The Pacific Sunset subdivision is located in the vicinity of the Hammond Trail, which is a segment of the California Coastal Trail and serves a variety of recreational uses including hiking, biking, jogging, sight-seeing, and horseback riding. An extension of the Hammond Trail is proposed for construction along Murray Road

immediately adjacent to the subject parcel. The County is in the process of acquiring the necessary permits and planning documents for completing this proposed trail extension, which would link existing trail components to the north and south.

Although the approved residence would be the first pre-manufactured home in the subdivision, the appeal of the local government's approval of the residence does not raise a substantial issue because (1) the local government's approval of the development is consistent with the visual resource protection policies of the certified LCP and with the public access policies of the Coastal act; (2) there are no significant coastal resources affected by the local government's decision; and (3) the proposed residence is compatible with the physical scale of development as designated in the MAP and zoning for the subject parcel.

In conclusion, staff recommends that the Commission find that the approved project raises no substantial issue with respect to the approved project's conformance with the visual resource protection policies of the certified LCP, specifically the MAP Policy 3.42, which includes Coastal Act Sections 30251 and 30253.

The Motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 5.

STAFF NOTES

1. Appeal Process

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within one hundred feet of a wetland or stream or three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments constituting major public works or major energy facilities may be appealed whether approved or denied by the city or county. The grounds for an appeal of a local government action are limited to an allegation that the approved development does not conform to the standards set forth in the certified local

coastal program and, if approved development is located between the first public road and the sea¹, the public access and public recreation policies set forth in the Coastal Act.

The approved development is appealable to the Commission because it is located between the sea and the first public road paralleling the sea [Section 30603(a)(1)].

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. In this case, because the staff is recommending no substantial issue, the Commission will hear arguments and vote on the substantial issue question. Proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant, and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* portion of the appeal hearing and review the merits of the proposed project. This *de novo* review may occur at the same or at a subsequent meeting. If the Commission were to conduct a *de novo* hearing on the appeal, because the proposed development is located between the first public road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

2. Filing of Appeal

One appeal of the local government action was filed by Mr. Kevin Rardin (see Exhibit No. 8). The appeal was filed in a timely manner, within 10 working days of receipt by the Commission, on January 23, 2007, of the County's Notice of Final Local Action² (Exhibit No. 7). The appellant filed the appeal on February 5, 2007.

The appellant filed a Supplement to Appeal No. A-1-HUM-07-007 at the Coastal Commission's Eureka office on February 20, 2007 (Exhibit No. 8). This supplemental document raises a new contention not covered in the original appeal that the project, as

¹ Per Section 13011 of the California Code of Regulations, the "first public road paralleling the sea" means that road nearest to the sea, as defined in Section 30115 of the Public Resources Code, which: (a) Is lawfully open to uninterrupted public use and is suitable for such use; (b) Is publicly maintained; (c) Is an improved, all-weather road open to motor vehicle traffic in at least one direction; (d) Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and (e) Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

² Pursuant to 14 CCR §13110, the appeal period commenced on January 24, 2007, the next working day following the receipt of the County's *Notice of Final Local Action* on January 23, 2007, and ran for the 10-working day period (excluding weekends and holidays) from January 24, 2007 through February 6, 2007.

approved, is inconsistent with a specified section of the Humboldt County Coastal Zoning Regulations (CZR). The new contention was not filed in a timely manner, since it was received after the close of the 10-day appeal period and therefore does not raise a valid ground for appeal.

I. MOTION, STAFF RECOMMENDATION, & RESOLUTION

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-07-007 raises **No Substantial Issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

STAFF RECOMMENDATION ON NO SUBSTANTIAL ISSUE:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application *de novo* and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-1-HUM-07-007 presents no substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

II. FINDINGS & DECLARATIONS

The Commission hereby finds and declares the following:

A. APPELLANT'S CONTENTIONS

The Commission received an appeal of the County of Mendocino's decision to conditionally approve the development from Mr. Kevin Rardin on February 5, 2007 (Exhibit No. 8). Mr. Rardin submitted a Supplement to Appeal No. A-1-HUM-07-007 to the Commission's Eureka office on February 20, 2007, raising a new contention that the project, as approved, is inconsistent with a zoning regulation of the certified LCP. The new contention was not filed in a timely manner (see Staff Notes above) and is therefore an invalid grounds for appeal.

The development, as approved by the County, consists of construction of a 2,428-square-ft, 30-ft tall pre-manufactured single-family residence and a 1,000-square-ft, 15-ft-tall detached garage on a currently vacant approximately half-acre lot. A six-foot fence located at the property line along the rear and side yards was also approved. The parcel will be served by water and sewer provided by the McKinleyville Community Services District. Minimal grading is approved, and no trees will be removed.

The subject site is located on Lot 23 of the Pacific Sunset subdivision, at the intersection of Murray Road and Fortune Street, at 2805 Fortune Street, in McKinleyville (APN 511-401-23) (Exhibit Nos. 1, 2, and 3). The site is located between the first public road (State Highway 101) and the sea.

The appeal alleges inconsistency of the approved project with the County's certified LCP. The appellant's contentions are summarized below, and the full text of the contentions is included as Exhibit No. 8.

The original appeal contends that the development, as approved, is not visually compatible with the character of the surrounding area. The appellant addresses particular architectural features of the approved development that he cites as incompatible with the character of the surrounding area. These include 1) the low pitch of the roof line; 2) the skirt surrounding the base of the unit; 3) the inability of the development to be remodeled or added onto in the future by either the current or future property owners; and 4) the fact that the unit is not unique or custom-built or designed (in fact, the appeal asserts, an identical model is located on Murray Road approximately 1 mile away from the subject parcel, and at least 18 identical models have been sold in the county to date, according to the manufacturer). A photo of a model identical to the approved development is included with the appeal (Exhibit No. 8).

A further issue raised in the original appeal is that the project, as approved, would not protect the area as a special community or neighborhood, inconsistent with Section 30253(5) of the Coastal Act, which is incorporated into the certified Land Use Plan. The appellant believes that the neighborhood in which the approved development is located would be seriously degraded by the approved development. The appeal states that "It is the public enjoyment of this area that will suffer if this project goes forward." The appeal contends that given the area's proximity to the public Hammond Trail, including a proposed trail extension that abuts the subject property along Murray Road, the neighborhood "will soon be a major recreational attraction in Humboldt County." A photo of a model identical to the approved development is included with the appeal (Exhibit No. 8).

The supplement to the appeal (Exhibit No. 8) raises a new contention that the approved development is "in defiance of subdivision covenants" (Covenants, Conditions, and Restrictions for Pacific Sunset subdivision), which require approval by an Architectural Committee of all building plans and proposed "modular homes" in the subdivision, and that local approval of the development represents an attempt to "interfere with or

supersede” the subdivision CC&Rs, inconsistent with Section 311-5.2 of the Humboldt County Coastal Zoning Regulations (CZR). The supplemental document cites the “Interpretation of Conflicting Provisions” section of the CZR in support of this argument (see Section II-E-2-b below). The supplemental document contends that the applicant failed to submit building plans to the subdivision’s Architectural Committee prior to filing his CDP application with the County, and therefore the applicant is in violation of subdivision CC&Rs. The supplemental document contends that the applicant was aware of the CC&Rs but nevertheless failed to disclose building plans, including plans to develop a pre-manufactured home on the lot, to either an Architectural Committee or to neighboring property owners in the Pacific Sunset subdivision.

The applicant submitted correspondence in rebuttal to the appeal to the Commission’s Eureka office on February 22, 2007. Also submitted was a letter of support for the proposed development signed by several residents of the Pacific Sunset subdivision. These items are attached as Exhibit No. 9.

B. LOCAL GOVERNMENT ACTION

On January 4, 2007, the Humboldt County Planning Commission conditionally approved CDP #06-31, which conditionally approved the subject development. The Planning Commission attached various conditions to the approval of CDP #06-31. These include the following:

Development Conditions:

- 1. The residence shall be connected to the public water and sewer system prior to occupancy of the dwelling or before the “final” is issued for the building permit. The applicant shall submit verification of connection to community sewer from McKinleyville Community Services District*
- 2. Two (2) non-tandem, independently accessible parking spaces shall be constructed on-site and must be constructed prior to occupancy of the dwelling or before a “final” is issued for the building permit.*
- 3. The applicant shall apply for and obtain an encroachment permit for the construction of the sidewalk and driveway from the Department of Public Works. The permit will require the driveway entrance to be surfaced with asphalt concrete or Portland cement concrete.*

On-going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

- 1. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.*

Furthermore, implicit in the County’s approval of the development is that the proposed manufactured home conforms to the terms and provisions of Senate Bill No. 2827, which was adopted by the State Legislature in 1988 and incorporated into Humboldt County

Code Section 317-62(e) on January 24, 1989, and which prohibits counties and cities, in the exercise of their local government police power authority, from precluding manufactured homes from residential zones. The proposed home conforms to all of the following restrictions and requirements of the Humboldt County Code:

1. *The unit shall have been constructed (certified) not more than 10 years before the date of application for the required installation permit or permits.*
2. *The unit shall comply with the following architectural requirements specified in HCC Section 317-62(e):*
 - a) *Roof overhand of not less than six inches (6") for the entire exterior perimeter; and*
 - b) *Rood of composition shingles, wood shingles or shakes or other materials compatible with the majority of dwellings in the neighborhood; and*
 - c) *Exterior wall covering of natural or man-made materials of a non-reflective nature.*
3. *The unit shall be required to be installed onto a standard foundation system complying with the County's current building standards and practices.*
4. *The unit shall be subject to all of the development standards to which a conventional single family residence on the same parcel would be subject.*

The decision of the Planning Commission was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received by the Commission staff on January 23, 2007 (Exhibit No. 7). Section 13573 of the Commission's regulations allows for appeals of local approvals to be made directly to the Commission without first having exhausted all local appeals when, as here, the local jurisdiction charges an appeal fee for the filing and processing of local appeals.

The County's approval of the project was appealed to the Coastal Commission by Mr. Kevin Rardin on February 5, 2007 (Exhibit No. 8). The appeal was filed in a timely manner, within 10-working days after receipt by the Commission of the Notice of Final Local Action. The appellant filed a Supplement to Appeal No. A-1-HUM-07-007 on February 20, 2007, raising a new contention that the project as approved is inconsistent with Section 311-5.2 of the Coastal Zoning Regulations. The new contention was not filed in a timely manner, as it was filed after the close of the appeal period and is therefore an invalid ground for appeal.

C. SITE DESCRIPTION

The subject site is located on Lot 23 of the Pacific Sunset subdivision, at the intersection of Murray Road and Fortune Street, at 2805 Fortune Street, in McKinleyville (APN 511-

401-23) (Exhibit Nos. 1, 2, and 3). The parcel is approximately a half-acre in size and is currently vacant. It is one of the last remaining parcels to be developed in the subdivision. The parcel is bordered by Murray Road to the south, Fortune Street to the west, the remainder of the Pacific Sunset subdivision to the north, and a vacant parcel zoned Commercial Recreation (CR) to the east.

The subdivision is within the urban limit line designated in the certified LUP. The parcel is zoned as Residential Single Family, with a minimum lot size of 20,000 square feet (RS-20) and all of the following special area combining zones: Airport Safety Review (AP); Alquist-Priolo Fault Hazard (G); Archaeological Resource Outside of Shelter Cove (A); Flood Hazard Area (F); Noise Impact (N); and Streams and Riparian Corridor Protection (R).

The project site is located on a gently sloping, open coastal terrace at approximately 80 feet above sea level. Vegetation on the parcel consists of mostly nonnative, perennial grasses and herbs.

The Pacific Sunset subdivision is approximately 26 acres in size (38 lots) and is bordered by Murray Road to the south, the Sand Pointe subdivision to the west, an undeveloped, forested corridor along Widow White Creek to the north (zoned CR/F, R, AP), and State Highway 101 to the east (Exhibit No. 2). Development south of Murray Road (including immediately across from the subject parcel) and west of the highway is residential (zoned RS-20/G) and includes a variety of single- and multi-family residential units of varying styles in terms of size, bulk, and form. The Sand Pointe subdivision is an approximately 26-acre subdivision (of 37 lots) that was conditionally approved by the Coastal Commission in 1998. To date, approximately one-quarter to one-third of the lots in the subdivision have been developed. Immediately west of the Sand Pointe subdivision are undeveloped lands zoned in the County LCP as Natural Resources (NR), consisting mostly of a sand spit bordering the Pacific Ocean, coastal estuary and wetlands associated with the outlet of Widow White Creek and the course of the old Mad River channel, and an approximately 50-foot high, moderately-sloped coastal bluff leading to the top of the terrace where the subdivisions are located.

Public access and recreation opportunities in the project area vicinity include a 5,000-square-foot public park at the west end of Murray Road (approximately 300-yards west of the subject parcel), a vertical coastal access trail leading down the bluff to the sand spit (for pedestrians and equestrians) at the end of Murray Road just beyond the park, and the existing Hammond Trail, which borders the western edge of the coastal terrace, extending both north of Murray Road (for approximately one third of a mile) to Widow White Creek and south of Murray Road (for approximately 3 miles) to the Arcata Bottom (see Exhibit No. 2). Public views to the ocean and scenic coastal areas are visible from the western end of Murray Road and from the Hammond Trail. Coastal views from (mostly the western portion of) the Pacific Sunset subdivision generally are limited to intermittent blue water views from between the existing residences, including those in the Sand Pointe subdivision, and above and between the vegetation along the bluff edge. As more

lots are developed in the Sand Pointe subdivision, coastal views from the Pacific Sunset subdivision will be even more limited.

The Hammond Trail is a public, mixed-use, recreational trail serving a variety of recreational uses including hiking, biking, jogging, sight-seeing, dog-walking, and horseback riding. An additional segment of the Hammond Trail extends from Letz Avenue (approximately a half mile north of the project site) north to Clam Beach County Park. Currently two different trail route extensions are proposed to link the two existing trail segments, including a “pedestrian interpretive trail” and a “bicycle and equestrian bypass” trail. The proposed pedestrian trail will link the existing trail at the northern edge of the Sand Pointe subdivision across Widow White Creek to the trail at the end of Letz Avenue. The proposed bicycle and equestrian bypass trail will follow Murray Avenue from its western terminus past the subject parcel and along the highway to the Letz Avenue segment (see Exhibit Nos. 2 and 6).

D. PROJECT DESCRIPTION

On January 4, 2007, the Humboldt County Planning Commission conditionally approved CDP #06-31 for the construction of a pre-manufactured single-family residence and detached garage on a currently vacant approximately half-acre lot. A six-foot fence located at the property line along the rear and side yards was also approved. The approved residence will be built to a maximum of 2,428 square feet and be a maximum of 30 feet tall. The approved garage will be built to a maximum of 1,000 square feet and 15 feet high. The parcel will be served by water and sewer provided by the McKinleyville Community Services District. Minimal grading is approved, and no trees will be removed. See Exhibit Nos. 4, 5, and 7 for details. A photo of a model identical to the approved development is included with the appeal (Exhibit No. 8).

E. SUBSTANTIAL ISSUE ANALYSIS

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

1. Appellant’s Contentions That are Valid Grounds for Appeal

The allegations regarding the inadequate protection of visual resources that were raised in the appeal present potentially valid grounds for appeal in that the contention alleges the approved project’s inconsistency with policies of the certified LCP and was filed in a timely manner. This contention alleges that the approval of the project by the County is inconsistent with LCP provisions regarding the protection of visual resources. Specifically, the appellant asserts that the approval is inconsistent with policies requiring

that (a) permitted development be visually compatible with the character of surrounding areas, and (b) permitted development protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (Title 14, Section 13115(b), California Code of Regulations.) In previous decisions on appeals, the Commission has been guided by the following factors:

- The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
- The extent and scope of the development as approved or denied by the local government;
- The significance of the coastal resources affected by the decision;
- The precedential value of the local government's decision for future interpretations of its LCP; and
- Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure Section 1094.5.

The contentions raised in the appeal regarding the protection of visual resources present potentially valid grounds for appeal in that the contentions allege the approved project's inconsistency with visual resource protection policies of the certified LCP and were filed in a timely manner. These contentions allege that the approval of the project by the County is inconsistent with LCP provisions regarding visual resources, specifically that permitted development be visually compatible with the character of surrounding areas and that new development shall protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that with respect to the allegations concerning the consistency of the project, as approved, with the provisions of the LCP regarding visual resource protection, the appeal raises no substantial issue with regard to the approved project's conformance with the certified Humboldt County LCP.

a) **Allegations Raising No Substantial Issue**

i) **Project Consistency With LCP Visual Resource Protection Policies**

The appellant contends that the project, as approved, is inconsistent with McKinleyville Area Plan (MAP) Policy 3.42 because the development, as approved, is not visually compatible with the character of the surrounding area. The appellant addresses particular architectural features of the approved development that he cites as incompatible with the character of the surrounding area (see Section II-A above). A further contention is that the project, as approved, would not protect the area as a special community or neighborhood, inconsistent with Section 30253(5) of the Coastal Act, which is incorporated into the certified Land Use Plan. The appellant believes that the neighborhood in which the approved development is located would be seriously degraded by the approved development. The appeal states that "It is the public enjoyment of this area that will suffer if this project goes forward." The appeal contends that given the area's proximity to the public Hammond Trail, including a proposed trail extension that abuts the subject property along Murray Road, the neighborhood "will soon be a major recreational attraction in Humboldt County." A photo of a model identical to the approved development is included with the appeal (Exhibit No. 8).

Applicable LCP Policies

Chapter 3.42 of the McKinleyville Area Plan (MAP) incorporates Sections 30251 and 30253(5) of the Coastal Act as policies of the LUP. The incorporated sections of the Coastal Act state the following:

30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (emphasis added)*

30253. *New development shall:*

Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. (emphasis added)

Policy 3.42(A) of the MAP states, in applicable part, the following:

A. *PHYSICAL SCALE AND VISUAL COMPATIBILITY*

1. No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall be determinative in establishing the compatibility of the proposed development:
 - a. for proposed development within an urban limit as shown in the Area Plan that such development meets all standards for the principal permitted use as designated in the plan and zoning;
 - b. for proposed development not within an urban limit as shown in the Area Plan, that such development meet all standards for the principle permitted use as designated in the plan and zoning, where such principle use is for detached residential, agricultural uses, or forestry activities; (emphasis added)

Discussion

The appellant addresses particular architectural features of the approved development that he cites as incompatible with the character of the surrounding area. These include 1) the low pitch of the roof line; 2) the skirt surrounding the base of the unit; 3) the inability of the development to be remodeled or added onto in the future by either the current or future property owners; and 4) the fact that the unit is not unique or custom-built or designed (in fact, the appeal asserts, an identical model is located on Murray Road approximately 1 mile away from the subject parcel, and at least 18 identical models have been sold in the county to date, according to the manufacturer). A photo of a model identical to the approved development is included with the appeal (Exhibit No. 8).

There is a high degree of factual support for the local government's action, while the appellant's contention that the approved development is not visually compatible with the character of the surrounding areas is not factually substantiated. The approved development is a one-story single family residence approximately 2,400 square feet in size and not more than 30 feet high. Other residences in the vicinity of the subject parcel include a mix of one- and two-story, single- and multi-family residential units averaging approximately 2,100 to 2,800 square feet in size and 20 to 28 feet high (according to information obtained from RealQuest as well as the Neighborhood Design Survey submitted with the CDP application package; also see photos in Exhibit Nos. 6, 7, and 8). The appeal implies that the "character" of the area has to do with the fact that the homes in the Pacific Sunset and Sand Pointe subdivisions (the majority of which have yet to be built in the latter subdivision), as well as several homes south of Murray Road on

Daffodil Avenue, are “unique and custom,” capable of being remodeled and/or added onto, with steeply pitched roof lines, and having foundations without skirting. However, as seen in the photographs submitted with the appeal (Exhibit No. 8), in the County staff report (Exhibit No. 7), and those taken by Commission staff (Exhibit No. 6), there is no unifying “character” to the homes in the neighborhood in terms of architectural style, size, color, form, siding, roofing material, landscaping, or other factors. Whether or not homes can be remodeled or added onto in the future would not affect the compatibility of the appearance of the approved structure with others in the neighborhood as many homeowners may choose never to remodel or add-on to their home. Furthermore, in their letter to the Commission received on February 22, 2007 (see Exhibit No. 9), the applicants indicate that “modular homes can be remodeled, both the exterior and the interior.” Although the approved development is the first pre-manufactured home in the Pacific Sunset subdivision, it is not the only pre-manufactured home in the area. As the appeal states, “an identical model is installed approximately 1 mile away on Murray Road...” (outside of the coastal zone). As seen from the attached photographs, the approved home appears to be no more or less compatible with the physical scale of structures within a quarter of a mile of the project site (some of which are located south of Murray Road, in the coastal zone, on Daffodil Avenue).

Policy 3.42(A) of the MAP specifies criteria for determining the compatibility of proposed development with the physical scale of an area. Namely, within an urban limit line (which the subject parcel is), the approved development must meet all standards for the principal permitted use as designated in the plan and zoning (add quotes). As discussed in the County staff report (Exhibit No. 7), the approved development 1) is a single family residence, which is the principally permitted use within the Residential Single Family zoning district; and 2) complies with all development standards for the zone district. Therefore, the approved project does not raise a substantial issue of conformance with Policy 3.42(A) and the policy’s requirement that development be compatible with the physical scale of the area.

There is a high degree of factual and legal support for the local government’s approval. In comparison, the appellant’s contention that the Pacific Sunset subdivision, and specifically the subject parcel’s location along Murray Road, is a special community or neighborhood “which, because of [its] unique characteristics, is a popular visitor destination point...for recreational uses” that must be protected (Coastal Act Section 30253) is neither factually or legally substantiated. The Pacific Sunset subdivision is not designated in the MAP as a “special community or neighborhood” pursuant to MAP Section 3.42/Coastal Action Section 30253. The MAP (Chapter 6) defines “special communities and neighborhoods” as including the following:

1. areas characterized by a particular cultural, historical or architectural heritage that is distinctive in the coastal zone;
2. areas presently recognized as important visitor destination centers on the coastline;

3. areas with limited automobile traffic that provide opportunities for pedestrian and bicycle access for visitors to the coast;
4. areas that add to the visual attractiveness of the coast.

Neither the Pacific Sunset subdivision itself nor the stretch of Murray Road on which the subject parcel occurs qualify as a special community or neighborhood as defined above. Neither does the greater vicinity of the subject parcel, including additional neighborhoods west of the highway both north and south of Murray Road. As seen in Exhibit No. 6, there is a wide diversity of architectural styles and lack of any unifying “character” to the neighborhood along the route of the proposed Hammond Trail extension along Murray Road, from the subject parcel to the existing Hammond Trail entrance point at the end of the road. A photo of a model identical to the approved development is included with the appeal (Exhibit No. 8). Unlike other areas in the Humboldt County coastal zone that are designated as coastal scenic/coastal view areas (such as the Vista Point area approximately 1.5 miles north of the subject site) or Design Review Combining Zones (such as the Shelter Cove area), neither the Pacific Sunset subdivision or anywhere else in the project vicinity is so designated.

As discussed above in Section C, scenic views from the subdivision itself, including from the subject parcel, are quite limited – restricted to interspersed blue water views between existing residences. These views are visible primarily from the west side of the subdivision only, and existing views will become even more limited as more of the lots in the Sand Pointe subdivision are developed. Furthermore, no recreational facilities (such as public parks, benches, picnic tables, trails, etc.) currently exist within the subdivision itself except for an entrance off of the end of Wilbur Avenue to a connecting trail through the adjoining Sand Pointe subdivision to the Hammond Trail. As discussed above in Section C, the nearest public park is approximately 300 yards away at the end of Murray Road, where coastal access exists. Additionally, the existing Hammond Trail does not adjoin the subdivision; instead, it lies approximately ¼-mile to the west along the edge of the coastal terrace where views to and along the ocean and scenic coastal areas are superior and where coastal access and public trails exist. An extension of the Hammond Trail is proposed for future alignment along Murray Road immediately adjacent to the subject parcel, but the approved development is visually compatible (in terms of size, color, form, roof pitch, etc.) with existing development along this stretch of Murray Road, as seen from the attached photographs taken by Commission staff (Exhibit No. 6).

The Commission notes that there are no significant coastal resources affected by the local government’s decision. Neither public access or views to and along the ocean and scenic coastal areas are affected by the approved development. In addition, the appeal raises local issues only, primarily related to the Pacific Sunset subdivision proper and the opinion that the approved development will negatively affect property values in the area. Therefore, the Commission finds that the approved project raises no substantial issue of conformance with the visual resource protection policies of the certified LCP, including MAP policy 3.42, which specifies (a) that permitted development be visually compatible with the character of the surrounding areas, and (b) that new development protect special

communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

2. Appellant's Contentions That Are Not Valid Grounds For Appeal

a) "Interpretation of Conflicting Provisions"

The supplement to the appeal (Exhibit No. 8), which was filed after the close of the appeal period, raises a contention that does not constitute valid grounds for an appeal. The supplemental document contends that the approved development is "in defiance of subdivision covenants" (Covenants, Conditions, and Restrictions for Pacific Sunset subdivision), which require approval by an Architectural Committee of all building plans and proposed "modular homes" in the subdivision, and that local approval of the development represents an attempt to "interfere with or supersede" the subdivision CC&Rs. The supplemental document cites the "Interpretation of Conflicting Provisions" section of the Humboldt County Coastal Zoning Regulations (CZR) in support of this argument (see below).

The supplemental document contends that the applicant failed to submit building plans to the subdivision's Architectural Committee prior to filing his CDP application with the County, and therefore the applicant is in violation of subdivision CC&Rs. The supplemental document contends that the applicant was aware of the CC&Rs but nevertheless failed to disclose building plans, including plans to develop a pre-manufactured home on the lot, to either an Architectural Committee or to neighboring property owners in the Pacific Sunset subdivision.

Applicable LCP Policies

The supplement to the appeal cites Section A311-6 (of the 1988 version) of the Humboldt County Coastal Zoning Regulations (CZR). Section A311-6 was slightly modified and renumbered under a 2002 Implementation Plan amendment certified by the Commission that reorganized the CZR. In its amended form, the standard is now listed as Section 311-5, which reads as follows (emphasis added, as per appeal supplemental):

- 5.1 *In interpreting and applying the provisions of these Regulations, the Hearing Officer or Director shall consider that the minimum requirements of this Code are for the promotion of the public health, safety, comfort, convenience and general welfare. (Former Section CZ#A311-6; Ord. 1705, 9/10/85)*
- 5.2 *It is not the intent of these Regulations to interfere with or supersede any easement, covenant or other agreement between private parties except as otherwise specified. However, where these Regulations impose any greater requirements or restrictions, including but not limited to the use of buildings or land, the height of buildings, or the requirement for larger open spaces than are imposed or required by other provisions of this Code, or any other government rules and/or regulations, or by any private easements, covenants or agreements,*

the provisions of these Regulations shall control. (Former Section INL#314-1; CZ#A311-6; Ord. 519, Sec. 401, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

Discussion

As set forth in the Coastal Act provisions cited above (under Staff Notes), after certification of its local coastal program, an appeal of a local government-issued coastal development permit is limited to allegations made on the grounds that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. The appeal period begins on the first working day following receipt, by the Commission, of the local government's Notice of Final Local Action. In the case of the approved development, the Commission's appeal period ran from January 24 through February 6, 2007. The appeal by Mr. Kevin Rardin was filed in a timely manner, on February 5, 2007. Mr. Rardin's supplemental document, however, was not filed with the Commission until February 20, 2007. Because the contention raised in the supplemental document is an entirely new contention not related to the contentions timely raised in the original appeal, the new contention was not timely filed and is not properly before the Commission for consideration of whether the project, as approved by the County, raises a substantial issue of conformance with the certified LCP and public access policies of the Coastal Act.

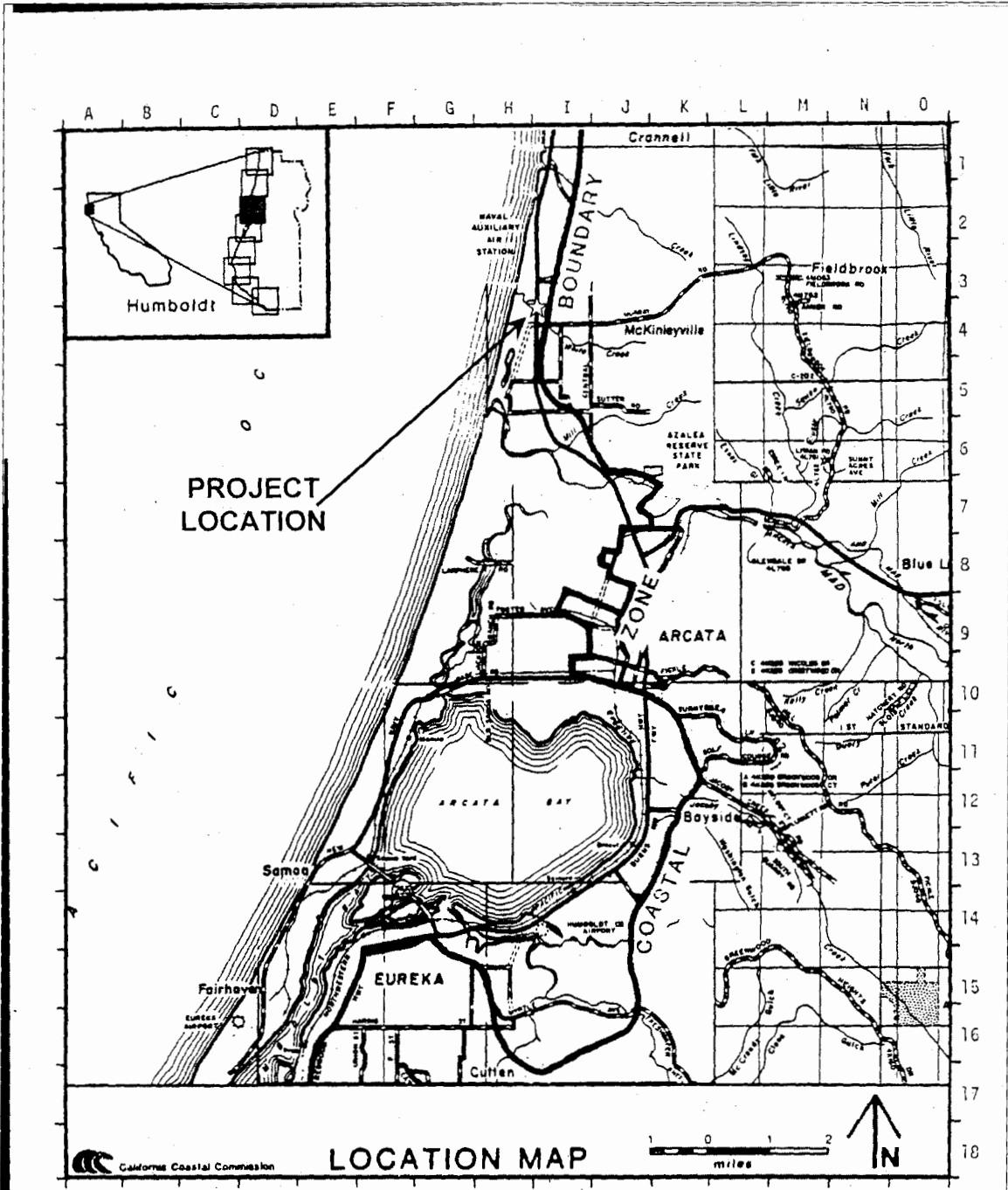
Even if the contention made by the appellant in the supplemental document was filed in a timely manner, the contention would not raise a substantial issue of conformance with the certified LCP or the public access policies of the Coastal Act. The contention erroneously infers that the local government's approval of the development constitutes an instance of the County interfering with and superseding the Pacific Sunset Subdivision's CC&Rs, inconsistent with the provisions of Section 311-5 of the CZR. In fact, the County's decision in no way interferes with or supersedes any easement, covenant, or other agreement between private parties. To the extent the CC&Rs apply to the project, the County's approval does not otherwise relieve the applicants of any responsibilities to separately comply with the CC&Rs outside of the coastal development permit (CDP) process. The County's decision to approve the CDP is independent of and unrelated to the subdivision's CC&Rs; instead, the County's decision is based on conformance of the approved development with the certified LCP and the public access policies of the Coastal Act including all the required findings pursuant to Section 312-17.1 of the CZR (see Attachment 1 of the County Staff Report, Exhibit No. 7).

3. Conclusion

Therefore, the Commission finds that the appeal raises no substantial issue of conformance of the approved development with the visual resource protection policies of the certified LCP, including MAP policy 3.42, which specifies (a) that permitted development be visually compatible with the character of the surrounding areas, and (b) that new development protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

III. EXHIBITS

1. Regional Location Map
2. Vicinity Map
3. Assessor's Map
4. Approved Site Plan
5. Floor Plan & Elevations
6. Neighborhood Photos (taken by Commission staff on February 11, 2007)
7. Notice of Final Local Action & County Findings (includes photos)
8. Appeal, filed February 5, 2007 by Kevin Rardin (includes photos)
9. Applicants' Correspondence



California Coastal Commission

LOCATION MAP

County of Humboldt

EXHIBIT NO. 1
APPLICATION NO.
 A-1-HUM-07-007
 MAMER, BRAD
 REGIONAL LOCATION MAP

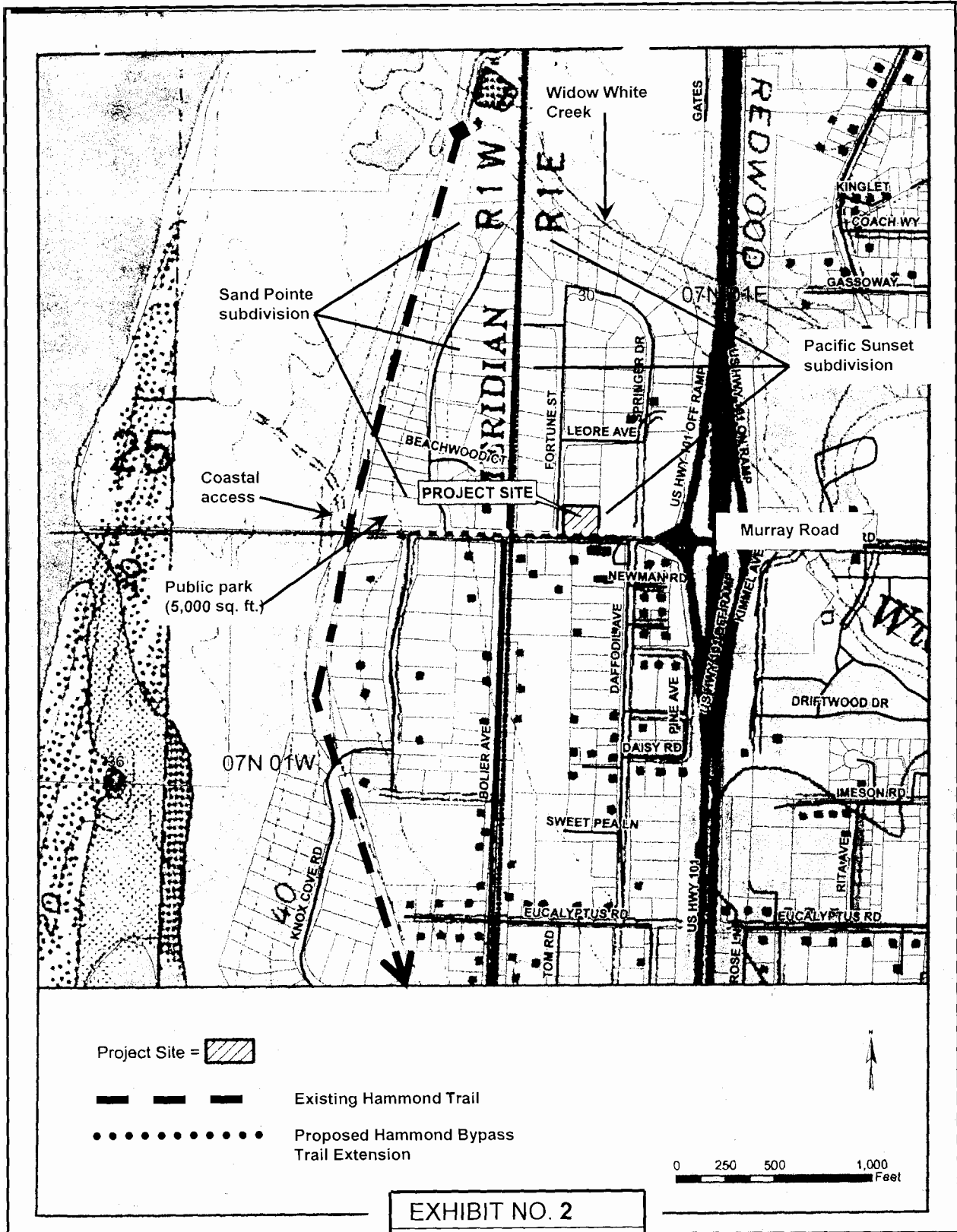


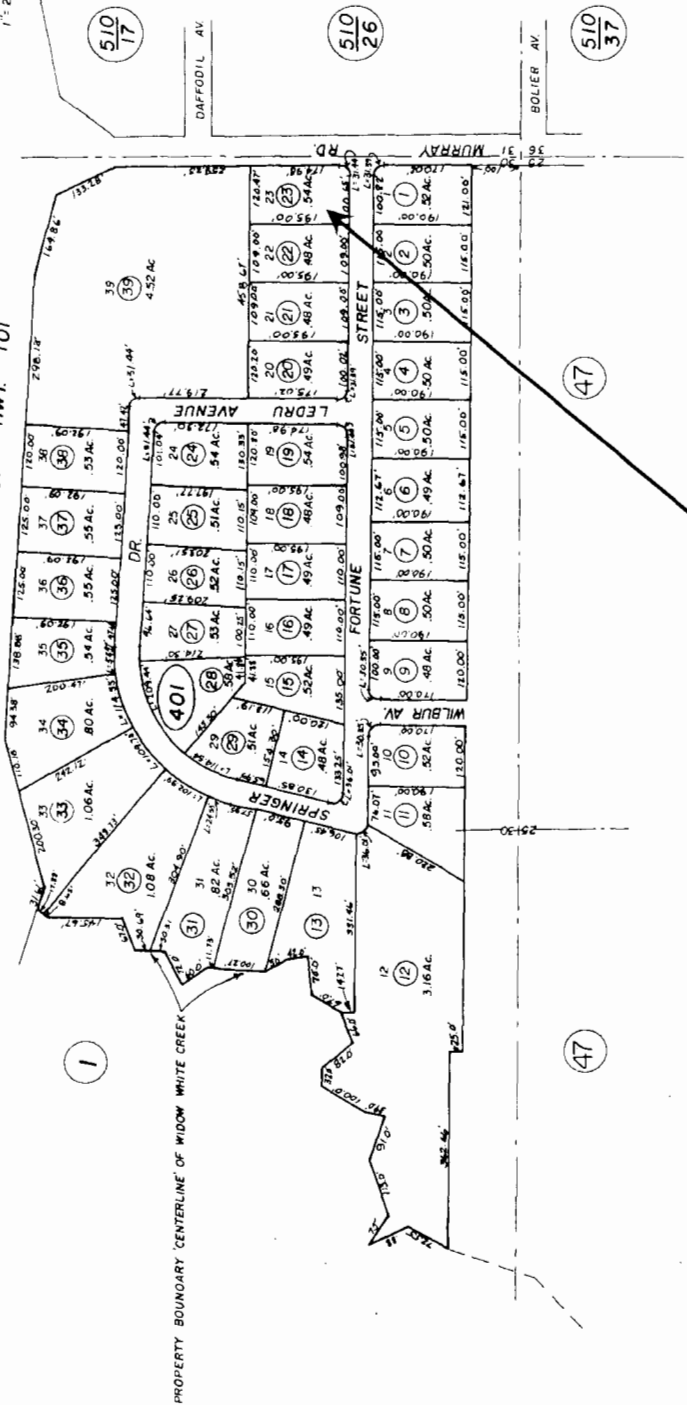
EXHIBIT NO. 2
APPLICATION NO.
 A-1-HUM-07-007
 MAMER, BRAD
 VICINITY MAP

511-40

POR. SW 1/4 SEC. 30, T. 7 N., R. 1 E., H.B.&M.
PACIFIC SUNSET SUBDIVISION



U. S. HWY. 101



PROJECT LOCATION
APN 511-401-023

Pacific Sunset Sbdv. Trcl.No.239,
R.M. Bk. 18, Pg.76-77

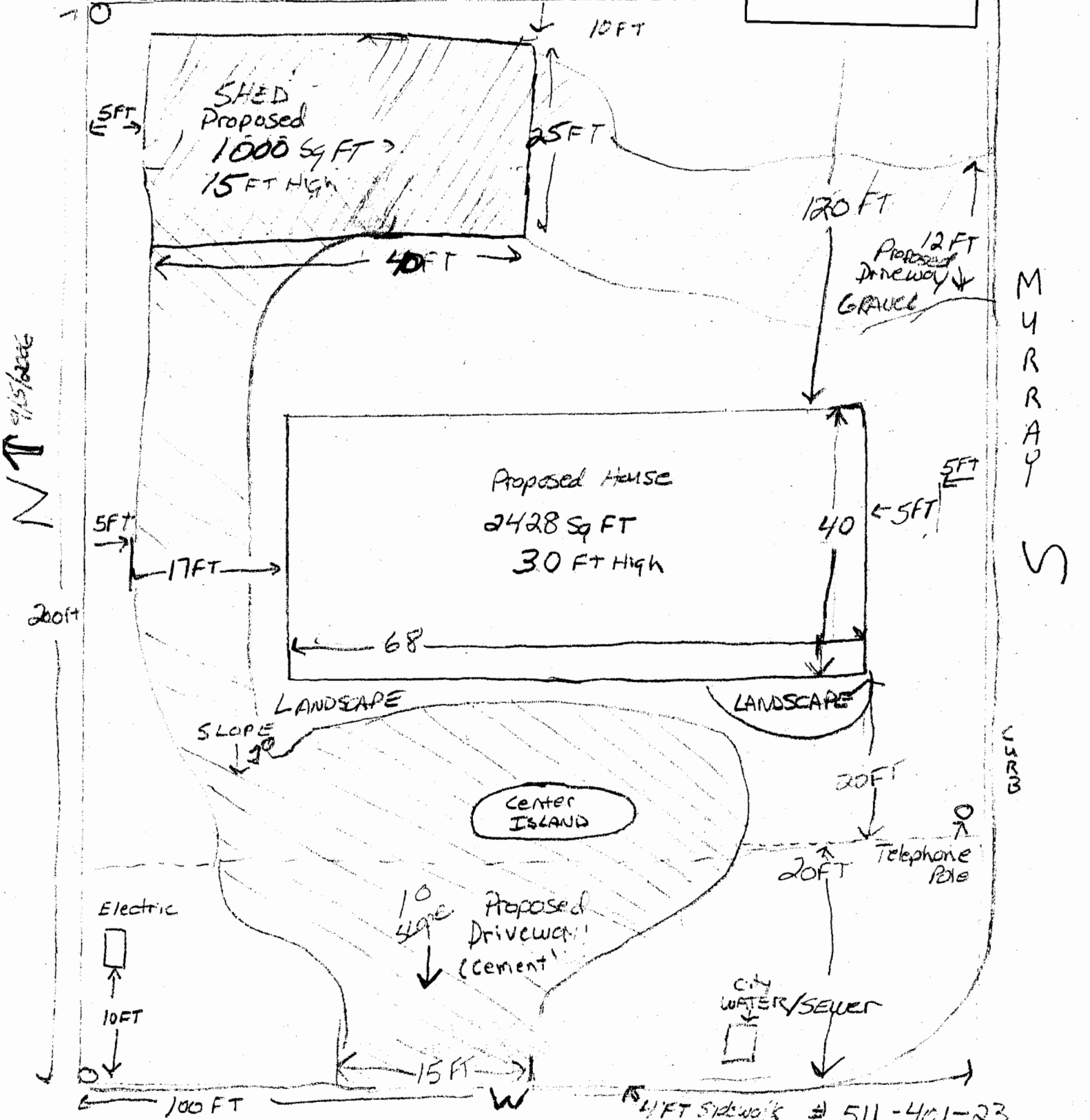
Assessor's Maps Bk. 511-Pg 40
County of Humboldt, California
MAR 01 2002

EXHIBIT NO. 3
APPLICATION NO.
A-1-HUM-07-007
MAMER, BRAD
ASSESSOR'S MAP

FLO 1 PLAN

Directions to site
Hwy 101 to MURRAY AVE
West on MURRAY
CORNER MURRAY/FORTUNE

EXHIBIT NO. 4
APPLICATION NO.
A-1-HUM-07-007
MAMER, BRAD
APPROVED SITE PLAN



MURRAY

FORTUNE

FORTUNE

511-401-23
BRAD MAMER
2805 Fortune
McMleyville, CA 95511
707-601-1683

Palm Harbor Homes

"The very best home for your money"

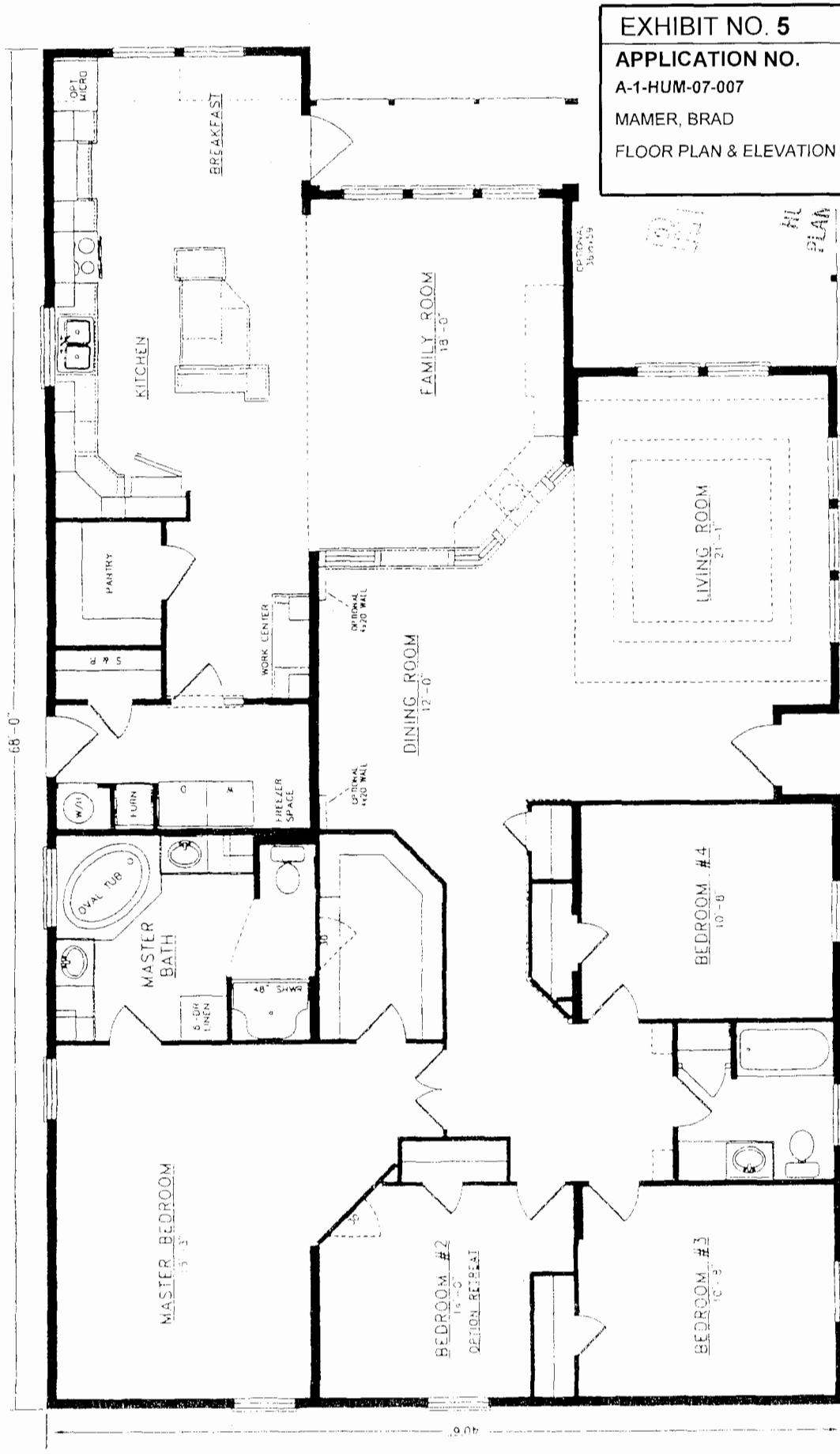
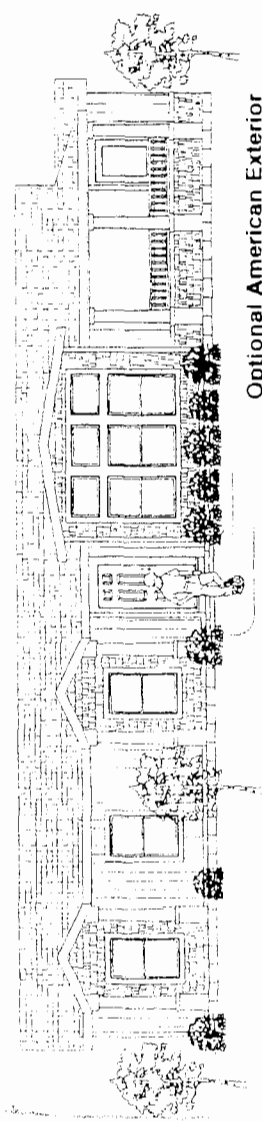


EXHIBIT NO. 5
 APPLICATION NO.
 A-1-HUM-07-007
 MAMER, BRAD
 FLOOR PLAN & ELEVATION



MODEL 5V465A4

APPROXIMATELY 2,428 SQ. FT.



Optional American Exterior

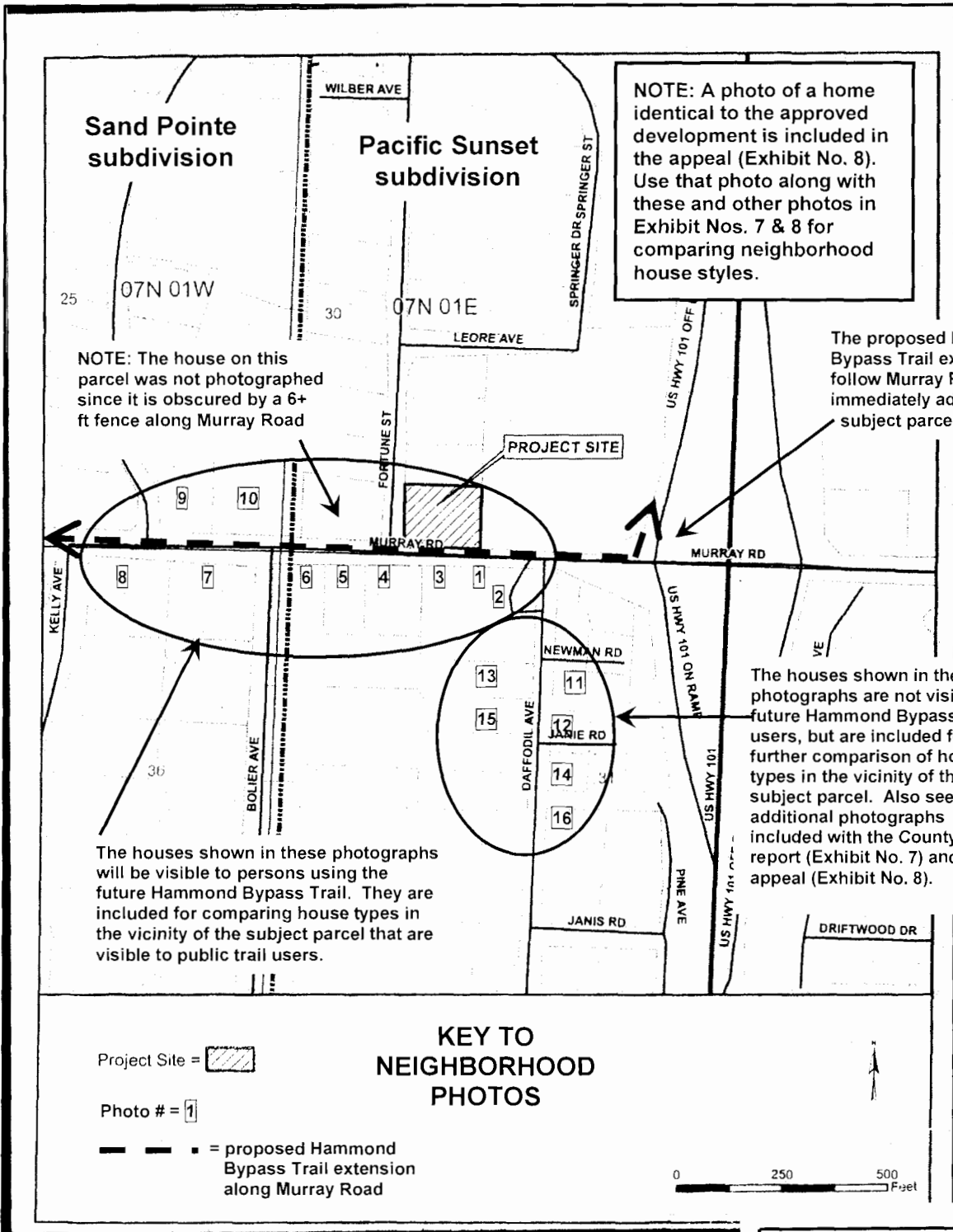


EXHIBIT NO. 6
APPLICATION NO.
 A-1-HUM-07-007
 MAMER, BRAD
 NEIGHBORHOOD PHOTOS
 (1 of 9)



Photo 1. Multi-family residential unit on the corner of Murray Road and Daffodil Avenue, across the street from the subject parcel (view from the future Hammond Bypass Trail extension along Murray Rd).

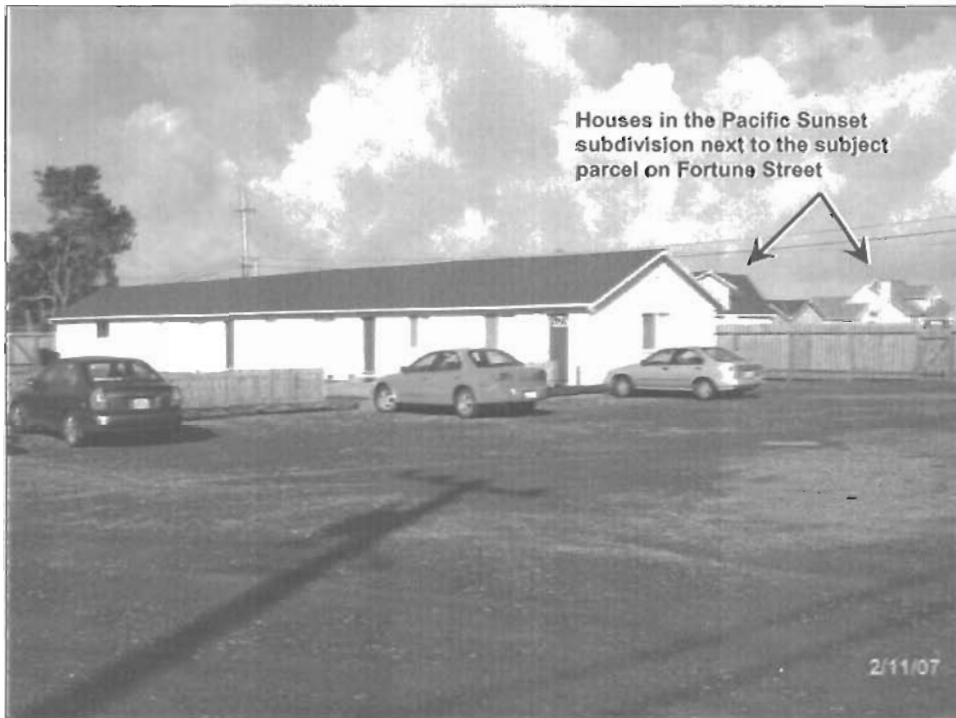


Photo 2. Another view (from Daffodil Avenue) of the multi-family residential unit immediately across the street from the subject parcel. Houses in the Pacific Sunset subdivision are visible in the background.

299



Photo 3. 868 Murray Road, across the street from the subject parcel (view from the future Hammond Bypass Trail extension along Murray Rd.). This is a one-story single family residence.



Photo 4. View of 844 Murray Road (next to 868 Murray Rd.) from the future Hammond Bypass Trail extension along Murray Rd. This is a two-story multi-family residential unit.

3099



Photo 5. View of 814 Murray Road (next to 844 Murray Rd.) from the future Hammond Bypass Trail extension along Murray Rd. This is a two-story multi-family residential unit.



Photo 6. View of 804 Murray Road (next to 814 Murray Rd.) from the future Hammond Bypass Trail extension along Murray Rd. This is a one-story single family residence.

4 of 9



Photo 7. View of 776 Murray Road (next to 804 Murray Rd.) from the future Hammond Bypass Trail extension along Murray Rd). This is a one-story single family residence.



Photo 8. View of 2797 Kelly Avenue, next to 776 Murray Rd., from the future Hammond Bypass Trail extension along Murray Rd. This is a two-story single family residence approximately 2,100 square feet in size.

5 of 9



Photo 9. View of 776 Beachwood Court, at intersection with of Murray Road, from the future Hammond Bypass Trail extension along Murray Rd. This is a one-story single family residence at the entrance to the Sand Pointe subdivision.



Photo 10. View of 780 Beachwood Court (next to 776 Beachwood Ct.) from the future Hammond Bypass Trail extension along Murray Road. This is a one-story single family residence in the Sand Pointe subdivision.

6 of 9



Photo 11. Multi-family residential unit on the corner of Newman Road and Daffodil Avenue, approximately one-tenth of a mile away from the subject parcel (directly across the street from the multi-family residential unit in Photos 1 & 2).



Photo 12. 2729 Daffodil Avenue. This single family residence is located next door to the multi-family residential unit seen above (Photo 11).

749



Photo 13. 2730 Daffodil Avenue. This is a multi-family residential unit located across the street from the multi-family residential unit seen in Photo 11 (approx. one-tenth of a mile away from the subject parcel).



Photo 14. 2721 Daffodil Avenue. This house is located next door to the house seen in Photo 12 and across the street from the one seen above (Photo 13).

8099



Photo 15. 2722 Daffodil Avenue. This single family residence is located next door to the house seen in Photo 13, approximately one tenth of a mile away from the subject parcel.



Photo 16. 2707 Daffodil Avenue. This single family residence is located across the street from the one seen above (Photo 15) and next door to 2721 Daffodil (Photo 14).

9099



PLANNING DIVISION
COMMUNITY DEVELOPMENT SERVICES

COUNTY OF HUMBOLDT

3015 H STREET
EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

1-HUM-06-354

Appealable Status: APPEALABLE

January 22, 2007

RECEIVED

JAN 23 2007

CALIFORNIA COASTAL COMMISSION
Eureka Office
P.O. Box 4908
Eureka, CA 95502-4908

CALIFORNIA
COASTAL COMMISSION

Subject: Coastal Development Permit
Notice of Expiration of Planning Commission Appeal Period

Contact: Elizabeth Burks

Applicant: Brad Mamer
Address: P O Box 2431, McKinleyville, CA 95519

Case No.: CDP-06-31 (filed 10/11/06)
File No.: APN 511-401-~~53~~ 23

The appeal period for this project expired January 19, 2007, and no appeals have been received.

Sincerely,

Elizabeth Burks, Planner I
Humboldt County Planning Division
Humboldt County Community Development Services

EXHIBIT NO. 7
APPLICATION NO. A-1-HUM-07-007 MAMER, BRAD
NOTICE OF FINAL LOCAL ACTION & COUNTY FINDINGS (1 of 29)



PLANNING DIVISION
 COMMUNITY DEVELOPMENT SERVICES
COUNTY OF HUMBOLDT
 3015 H STREET
 EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

DATE: December 20, 2006
 TO: Humboldt County Planning Commission
 FROM: Kirk Girard, Director of Planning & Building
 SUBJECT: **Mamer** Coastal Development Permit
 Case No.: **CDP-06-31**
 APN **511-401-23** McKinleyville Area

The attached staff report has been prepared for your consideration of the Mamer application at the public hearing on January 4, 2007. The staff report includes the following:

Table of Contents	Page
Agenda Item Transmittal Form	2
Recommended Commission Action and Executive Summary	3
Recommended Conditions of Approval	4
Draft Planning Commission Resolution	5
Maps	
Vicinity Map	6
Zoning Map	7
Assessor Parcel Map	8
Project Proposal Map	9
Attachments	
Attachment 1: Staff Analysis of Required Findings	10
Attachment 2: Applicant's Evidence Supporting the Findings	16
Attachment 3: Referral Agency Comments	17
Attachment 4: Floor Plans/ Elevation and Photos of the Proposed Residence	18
Attachment 5: Photos of Neighboring Residences.	21
Attachment 6: Notice Regarding Manufactured Homes in Residential Neighborhoods	26

Please contact Elizabeth Burks, Planner I, at 268-3708 if you have any questions about the scheduled public hearing item.

cc: Applicant, Coastal Commission

AGENDA ITEM TRANSMITTAL

TO: HUMBOLDT COUNTY PLANNING COMMISSION

FROM: Kirk A. Girard, Director of Community Development Services

HEARING DATE: January 4, 2007	SUBJECT: <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Public Hearing Item COASTAL DEVELOPMENT PERMIT	CONTACT: Beth Burks
----------------------------------	--	------------------------

Before you is the following:

PROJECT: A Coastal Development Permit for the construction of a pre-manufactured single family residence and detached garage on a currently vacant approximately half acre lot. The proposed residence will be built to a maximum of 2,428 square feet and be a maximum of 17 feet tall. The proposed garage will be built to a maximum of 1,000 square feet and 15 feet high. A six foot fence located at the property line along the rear and side yards is also proposed. The parcel will be served by water and sewer provided from the McKinleyville Community Services District. Minimal grading is proposed and no trees are proposed to be removed.

PROJECT LOCATION: The project is located in Humboldt County, in the McKinleyville area, on the west side of US Highway 101, approximately 60 feet northeast from the intersection of Murray Road and Fortune Street, on the property known as 2805 Fortune Street.

PRESENT PLAN DESIGNATIONS: Residential Low Density(RLB) McKinleyville Area Plan (MCAP).
Density: 3-8 units per acre. **Slope:** Relatively Stable (0)

PRESENT ZONING: Residential Single Family-minimum lot size 20,000 sq.ft./Airport Safety Review, Alquist-Priolo Fault Hazard, Archaeological Resource Outside of Shelter Cove, Flood Hazard Area, Noise Impact, Streams and Riparian Corridor Protection (RS-20/AP,G,A,F,N,R).

ASSESSOR PARCEL NUMBERS: 511-401-23

APPLICANT
MAMER, BRAD
PO BX 2431
McKinleyville, CA 95519
707-601-1684

OWNER(S)
SAME AS APPLICANT

AGENT

ENVIRONMENTAL REVIEW:

Project is exempt from environmental review per Section 15303(a) of the CEQA Guidelines.

MAJOR ISSUES

None

STATE APPEAL STATUS:

Project is appealable to the California Coastal Commission.

MAMER COASTAL DEVELOPMENT PERMIT

Case Number: CDP-06-31

APN: 511-401-23

RECOMMENDED COMMISSION ACTION:

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

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

EXECUTIVE SUMMARY

The applicant is seeking a Coastal Development Permit for the construction of a pre-manufactured single family residence and detached garage on a currently vacant approximately half acre lot. The proposed residence will be built to a maximum of 2,428 square feet and be a maximum of 17 feet tall. The proposed garage will be built to a maximum of 1,000 square feet and 15 feet high. A six foot fence located at the property line along the rear and side yards is also proposed. The parcel will be served by water and sewer provided from the McKinleyville Community Services District. Minimal grading is proposed and no trees are proposed to be removed.

The development is proposed on Lot 23 of the Pacific Sunset Subdivision (FMS-03-87, APN 511-401-31). The parcel is located at the intersection of Murray Road and Fortune Street. The subdivision is nearly built-out consisting of a mix of one- and two-story structures, ranging from an approximate 18' to 35' high. The parcel is planned and zoned for single family residential development. This will be the first pre-manufactured home in the subdivision. State Planning Law requires pre-manufactured housing to be treated in the same manner as a "stick built" residence for the purposes of zoning, subject only to architectural standards for roof overhang, roofing material and siding material, and the age of the unit. The applicant has provided photos of the proposed structure as well as photos of neighboring houses within the subdivision (See Attachments 4 & 5). The proposed structure seems to be of similar style and size to other wood frame constructed homes in the vicinity. The placement of the proposed unit is not expected to diminish the quality or character of the surrounding neighborhood.

The project is consistent with the Zones that apply to the property for the following reasons: 1) The project is a single family residence which is a permitted use, 2) the proposed development complies with all development standards of the zone district, 3) the project creates additional housing opportunities in a residential area served by community water and sewer consistent with the County's Housing Element and, 4) the proposed development is consistent with the scale and character of existing residential development in the neighborhood. The Department believes that the construction of the proposed single family residence may be found Categorical Exempt from environmental review pursuant to Section 15303(a) of the California Environmental Quality Act (CEQA).

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

****NOTE: In past years, some controversy has arisen concerning building heights for residential development planned on certain lots within the Pacific Sunset Subdivision. Staff wishes to note that Lot 23 was not one of the lots subject to building height restrictions established by a "blanket" Coastal Development Permit (Case CDP-80-88, Hartman) applied to 12 of 38 residential parcels within the subdivision. The blanket permit restrictions on building height and building size expired for lots not developed within the term of the original permit and approved extensions.*

ALTERNATIVES: The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

Recommended Conditions of Approval

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED UPON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE FULFILLED BEFORE A BUILDING PERMIT MAY BE ISSUED OR USE INITIATED:

Development Conditions:

1. The residence shall be connected to the public water and sewer system prior to occupancy of the dwelling or before the "final" is issued for the building permit. The applicant shall submit verification of connection to community sewer from McKinleyville Community Services District.
2. Two (2) non-tandem, independently accessible parking spaces shall be constructed on-site and must be constructed prior to occupancy of the dwelling or before a "final" is issued for the building permit.
3. The applicant shall apply for and obtain an encroachment permit for the construction of the sidewalk and driveway from the Department of Public Works. The permit will require the driveway entrance to be surfaced with asphalt concrete or Portland cement concrete.

On-going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.

Informational Notes:

1. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

The applicant is ultimately responsible for ensuring compliance with this condition.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
4. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139 of the Humboldt County Code (H.C.C.), shall require a coastal development permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Coastal Zoning Regulations.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 07-
MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE MAMER COASTAL
DEVELOPMENT PERMIT APPLICATION:
CASE NUMBER CDP-06-31
ASSESSOR PARCEL NUMBER 511-401-23**

WHEREAS, Brad and Lynette Mamer submitted an application and evidence in support of approving a Coastal Development Permit for the development of the parcel with a single family residence;

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

WHEREAS, the project is categorically exempt from environmental review pursuant to Article 19, Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 1 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit (Case No.: CDP-06-31);

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

1. The proposed Coastal Development Permit application is categorically exempt from environmental review pursuant to Section 15303, Class 3 of the CEQA Guidelines;
2. The Planning Commission makes the findings in Attachment 1 of the Planning Division staff report for Case No.: CDP-06-31 based on the submitted evidence; and
3. The Planning Commission conditionally approves the proposed Coastal Development as recommended in the Planning Division staff report for Case No.: CDP-06-31.

Adopted after review and consideration of all the evidence on: January 4, 2007.

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

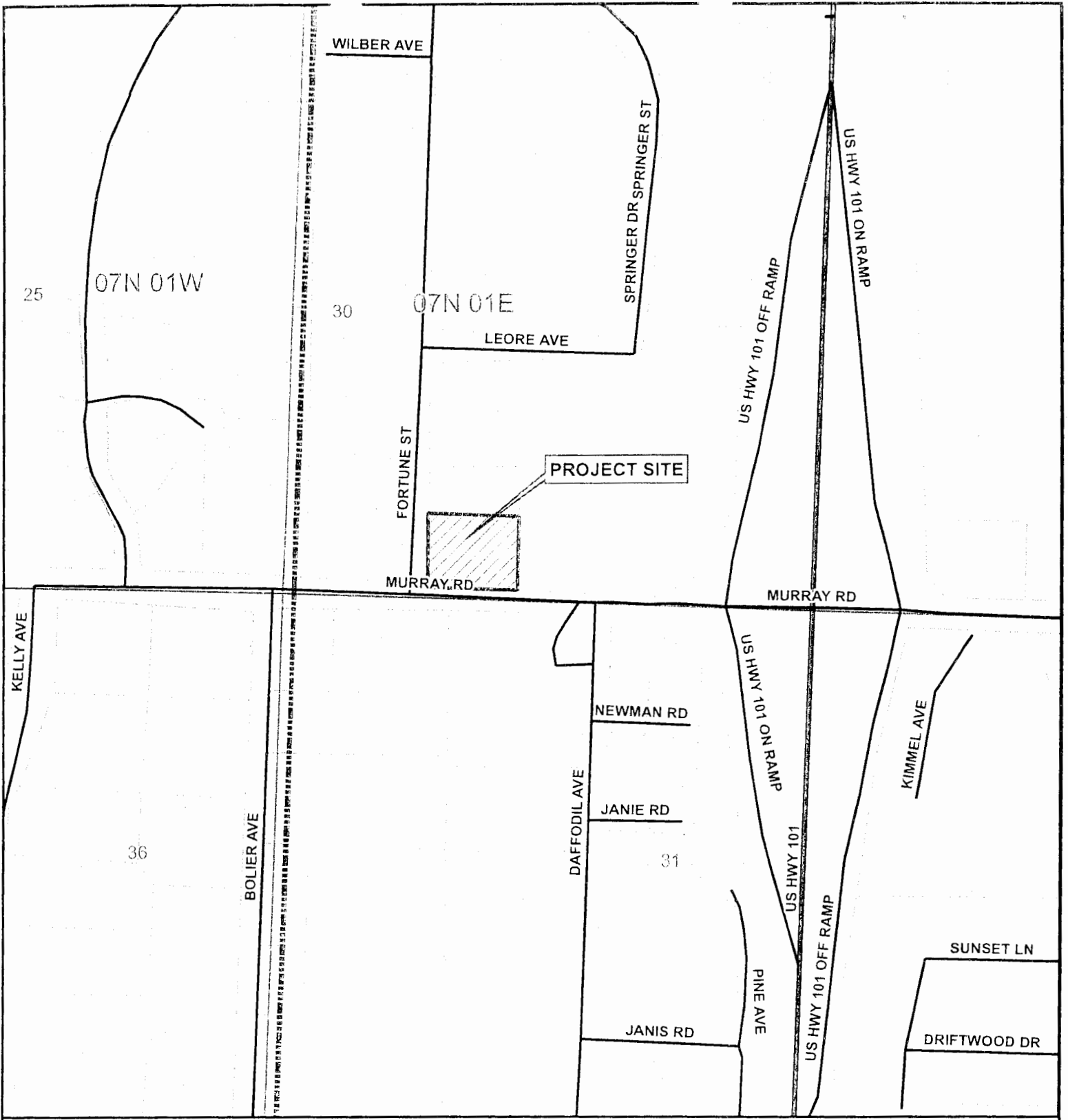
AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:


I, Kirk Girard, 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.

Kirk Girard, Director of Planning and Building By: _____
Sharyn Lodes, Clerk

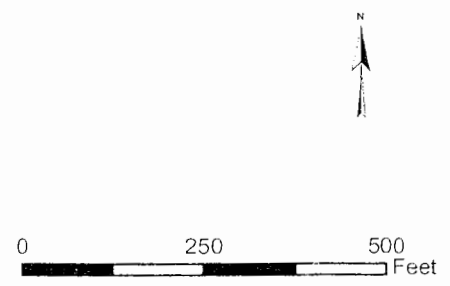
Last day to Appeal to the Board of Supervisors: _____ (file with the Planning Division).

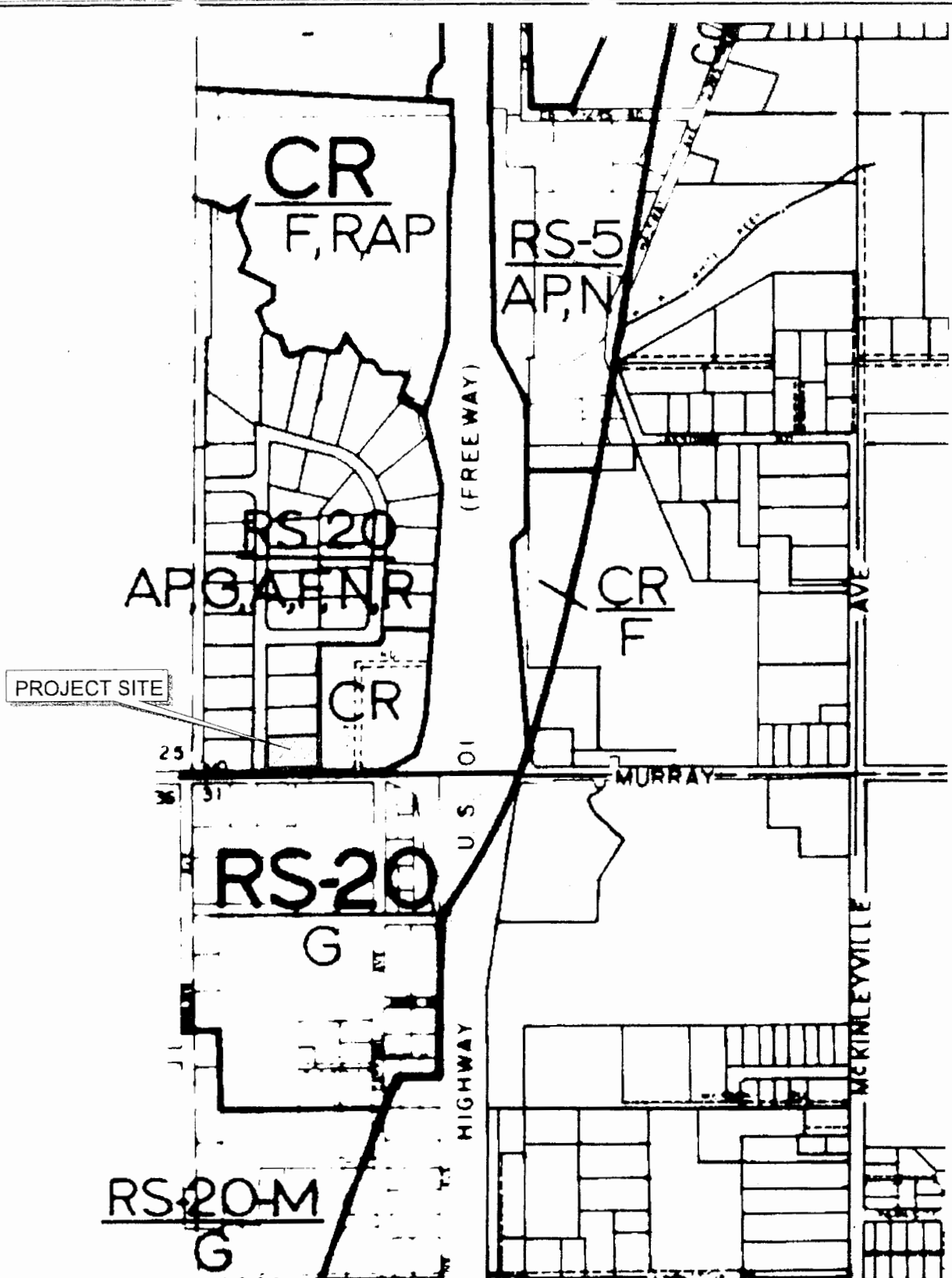
THE PROJECT IS NOT EFFECTIVE UNTIL ALL APPEAL PERIODS HAVE ENDED.



Project Site = 

LOCATION MAP
PROPOSED MAMER
COASTAL DEVELOPMENT PERMIT
MCKINLEYVILLE AREA
CDP-06-31
APN: 511-401-23
T07N R01E S30 H B & M





PROJECT SITE = 

ZONING MAP

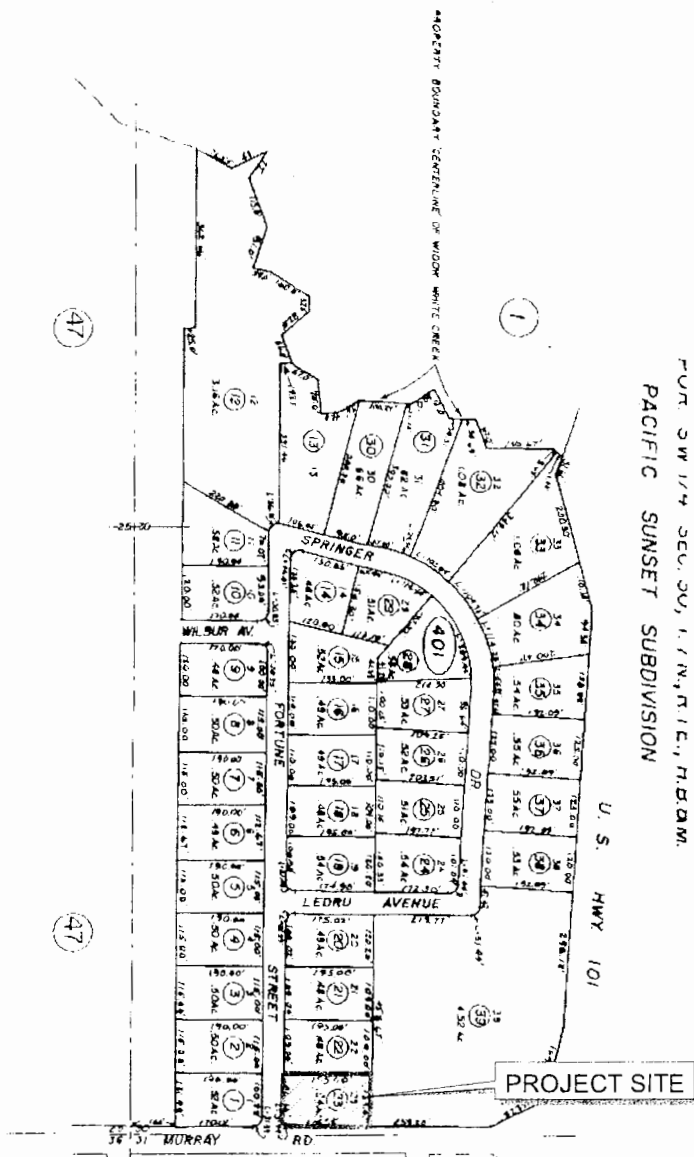
**PROPOSED MAMER
COASTAL DEVELOPMENT PERMIT
MCKINLEYVILLE AREA
CDP-06-31
APN: 511-401-23
T07N R01E S30 H B & M**



MAP NOT TO SCALE

7/10 Sunset Sd/In Tol No 239,
E M BK 19, PG 75-77

FOR SW 1/4 SEC. 30, T. 1 N., R. 1 E., T. 30 N.
PACIFIC SUNSET SUBDIVISION



511-40

Assessor's Map, Bk. 511-Pg. 40
County of Humboldt, California

PROJECT SITE =

ASSESSOR PARCEL MAP

**PROPOSED MAMER
COASTAL DEVELOPMENT PERMIT
MCKINLEYVILLE AREA
CDP-06-31
APN: 511-401-23
T07N R01E S30 H B & M**

MAP NOT TO SCALE

Proposed 24' x 17' Home
24' x 17' Home
24' x 17' Home
24' x 17' Home

Proposed 24' x 17' Home
24' x 17' Home
24' x 17' Home
24' x 17' Home

RECEIVED

NOV 28 2006

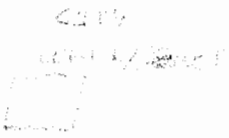
HUMBOLDT COUNTY
PLANNING COMMISSION

Proposed Home
24' x 17' Home
17' x 17' Home

20' FT 60' FT

20' FT 60' FT

20' FT



REVISED
11/28/06

Proposed

ATTACHMENT 1
Staff Analysis of the Evidence Supporting the Required Findings

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

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

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. 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.

STAFF ANALYSIS

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

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: §5.20 (MCAP)	Residential Estates. Density: 0-2 units per acre (MCAP).	One single family residence is proposed on an approximately ½ acre parcel.
Urban Limits: §3.21 (MCAP)	New development shall be located within existing developed areas or in areas with adequate public services.	Neighboring parcels are developed and served by community water and sewer.
Housing: §3.25 (MCAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The project will contribute to the County's housing stock, which is supported by the goals and policies of the Housing Element.
Hazards: §3.28 (MCAP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	Per General Plan Hazard maps the subject parcel is within a relatively stable (0) slope area, with low wildland fire hazards. The parcel is in a limited risk airport zone (C1) and is outside the noise contour on the Airport map. FEMA panel 625 indicates that the parcel is located in Flood Zone "C", an area of minimal flood hazard.
Biological Resource Protection: §3.40 (MCAP)	To protect designated sensitive and critical resource habitats.	Based on County resource maps, there do not appear to be any designated sensitive or critical resource habitats on the project site.
Cultural Resource Protection: §3.29 (MCAP)	New development shall protect cultural, archeological and paleontological resources.	NCIC and the Wiyot Tribe recommended approval of the project and did not cite any specific cultural resource concerns. In the unlikely event that cultural resources are encountered an informational note has been added to the Conditions of Approval regarding legal requirements should ground breaking activities reveal the presence of archaeological resources or human remains.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Visual Resource Protection: §3.42 (MCAP)	New development shall conserve and protect scenic and visual qualities of coastal areas.	The site is within the developed Pacific Sunset Subdivision and not within a coastal scenic/coastal view area, therefore not impacting the quality of scenic coastal views. The proposed development is a principally permitted use and is consistent with neighboring structures in size, bulk and form.

2. ZONING COMPLIANCE and 3. 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 Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§313-6.1 (HCC) Residential Single Family	The zone is intended to support low density residential uses in areas with full urban services. Single Family Residence is principally permitted.	The property is approximately ½ acre in size and is served by community water and sewer. Access is by County maintained road meeting the Category 6 standard. The proposed development is a one-story, single family residence with a detached garage.
§313-6.1 (HCC).	Development Standards	
Minimum Parcel Size and Lot Width	20,000 square feet 75'	± 21,780 square feet ±120' at maximum width
Maximum Density	One dwelling unit per lawful lot.	Only one dwelling unit is proposed.
Maximum Lot Depth	3 x lot width (120) = 360'	Lot depth is ± 200'
Minimum Yard Setbacks per Zoning:	Front: 20' Rear: 10' Side: 5' Per the subdivision map, a 20' setback from Murray road is required	Front: 40' Rear: ±120' Interior side: 27' Exterior side (Murray Road frontage): 25' (includes 5' sidewalk)
Maximum Ground Coverage	Thirty-five Percent (35%)	Approximately 16%
Maximum Structure Height	Thirty-five feet (35')	17'

§313-109.1 Off-Street Parking	2 on-site parking required	The Conditions of Approval require two (2) on-site parking spaces be provided. Fortune Street is improved to width of greater than 40' and on street parking is available. The detached garage that is proposed can hold two (2) or more parking spaces.
----------------------------------	----------------------------	--

Combining Zones		
§313-16.1, "AP" Airport Safety Review	Maintain compatibility between development and County airports.	Per Airport/Land Use Compatibility Zones map, parcel is at limited risk area (C1) and development is within the approved density.
§313-22.1, "G" Alquist-Priolo Fault Hazard	Address potential hazards resulting from surface faulting or fault creep.	Subject parcel is not within an Alquist-Priolo Special Studies zone.
§313-16.1, "A" Archaeological Resource Area	Protect archaeological and paleontological resources.	Although there are known cultural resources in the vicinity of Widow White Creek at the northern boarder of the subdivision, the proposed development is located at the southern end of the subdivision and not in an area of known cultural resources. NCIC and the Wiyot Tribe recommended approval of the project and did not cite any specific cultural resource concerns. In the unlikely event that cultural resources are encountered an informational note has been added to the Conditions of Approval regarding legal requirements should ground breaking activities reveal the presence of archaeological resources or human remains.
§313-21.1, "F" Flood Hazard Areas	Minimize public and private loss due to flood and tsunami conditions.	Although some parcels nearby are impacted by flood levels from Widow White Creek, the FIRM map 625 shows the subject parcel to be in Zone C, areas of minimal flooding.

<p>§313-29.1, "N" Noise Impact</p>	<p>Maintain low exposure levels to noise associated with airports and major roads.</p>	<p>The proposed development is outside the mapped 60 CNEL zone per the Airport Master Plan.</p> <p>The subject parcel is located on the west side of State Highway 101. The proposed residence is located approximately 570 feet west from the center line of the nearest travelway of the highway. The Environmental Impact Report associated with the McKinleyville Plan Update projected noise levels in the subject parcel area to reach 60 Day-Night Noise Level (Ldn) by the year 2020. The Framework Plan indicates (Section 3240) that 60 Ldn is the maximum acceptable exterior noise level that would not require noise attenuation measures.</p> <p>The maximum acceptable indoor Ldn is 45. The Framework Plan states that a standard wood frame house reduces outdoor Ldn by 15 dB. Since the proposed structure is a pre-manufactured unit staff consulted with the Building Division regarding the capability of the structure to attenuate noise. Building Division Staff confirmed that new manufactured units (such as the one proposed) are built to a standard that attenuates noise as well, if not better than standard wood frame construction.</p> <p>Based on the information above, the noise hazard will not need further mitigation.</p>
<p>§313-33.1, "R" Streams and Riparian Corridor Protection</p>	<p>Protect sensitive and critical habitats.</p>	<p>The Development Plan for the Pacific Sunset Subdivision mapped a non-buildable area and open space easement established for the protection of the riparian corridor along Widow White Creek. The parcels in the subdivision that are affected by this non-buildable area are located to the north of the subject parcel. The subject parcel is not within an area that will impact streams or riparian corridors.</p>

4. **PUBLIC HEALTH, SAFETY AND WELFARE**, and 5. **ENVIRONMENTAL IMPACT**: The following table identifies the evidence which does support finding 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 will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1 Discretionary Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	<p>All reviewing referral agencies have approved or conditionally approved the proposed project design. As conditioned, the project is consistent with the general plan and zoning ordinances, and the project will not cause significant environmental damage.</p> <p>The applicant is proposing the first pre-manufactured unit in the Pacific Sunset subdivision. The proposed unit is similar in style and size to adjacent wood frame housing and should not be detrimental to property values in the vicinity.</p> <p>Furthermore, pursuant to Section 65852.3 of the California Government Code, a county shall allow the installation of a manufactured home certified under the 1974 National Manufactured Housing Construction and Safety Standards Act on lots zoned for single family residential dwellings. Except with respect to architectural requirements (i.e., roof overhang, roofing material and siding material) the county shall only subject the manufactured home to the same development standards to which a conventional single family residential dwelling on the same lot would be subject. In no case may a county apply any development standards that will have the effect of precluding manufactured homes from being installed as permanent residences. The County may require that the manufactured home be no older than 10 years at time of installation. The proposed unit meets these provisions.</p>
§15303 of CEQA	Categorically exempt from State environmental review	Class 3, Section 15303(a); New Construction or Conversion of Small Structures. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.

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:

- Application Form [in file]
- Plot Plan/Tentative Map Checklist [in file]
- Plot Plan [attached]
- Elevations [attached]
- Floor Plan [attached]

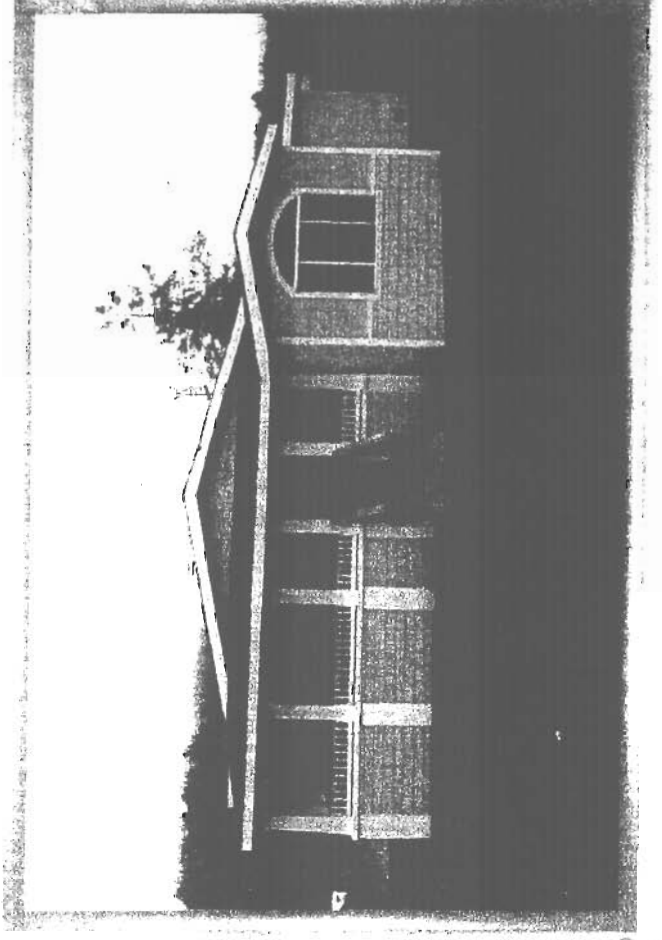
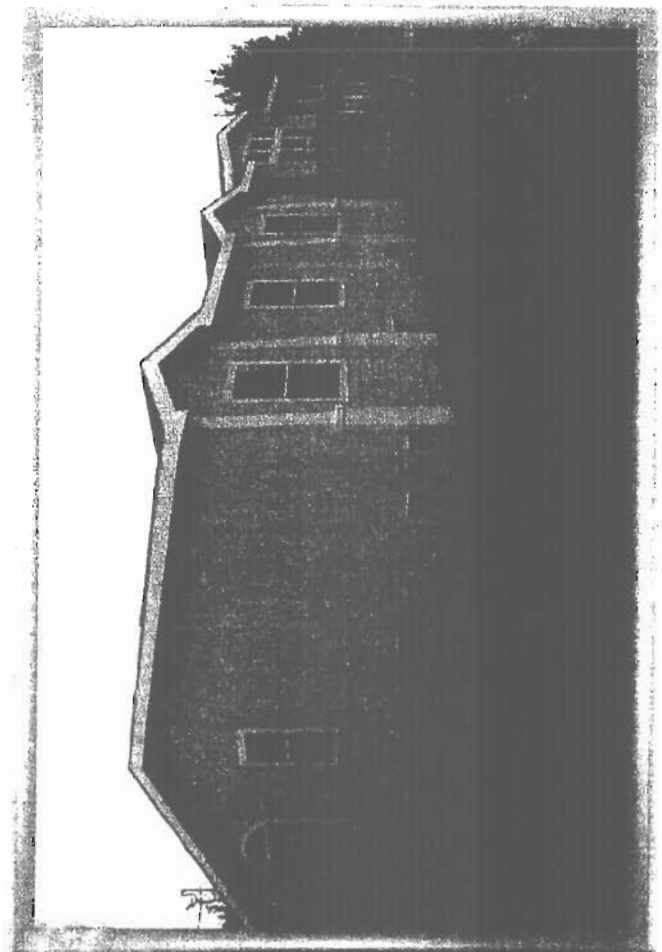
ATTACHMENT 3
Referral Agency Comments and Recommendation

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	Attached	On File
County Building Inspection Division	✓	Approval		✓
County P/W, Land Use Division	✓	Conditional Approval		✓
County Division of Environmental Health				
Arcata Fire Protection District	✓	Approval		✓
McKinleyville Community Services Dist.	✓	Approval with fees.		✓
California Coastal Commission				
Department of Fish and Game				
North-Coastal Information Center	✓	Approval		✓
County Counsel	✓	No comment		✓
Wiyot Tribe	✓	Approval		✓

ATTACHMENT 4

Floor Plans/ Elevation and Photos of the Proposed Residence

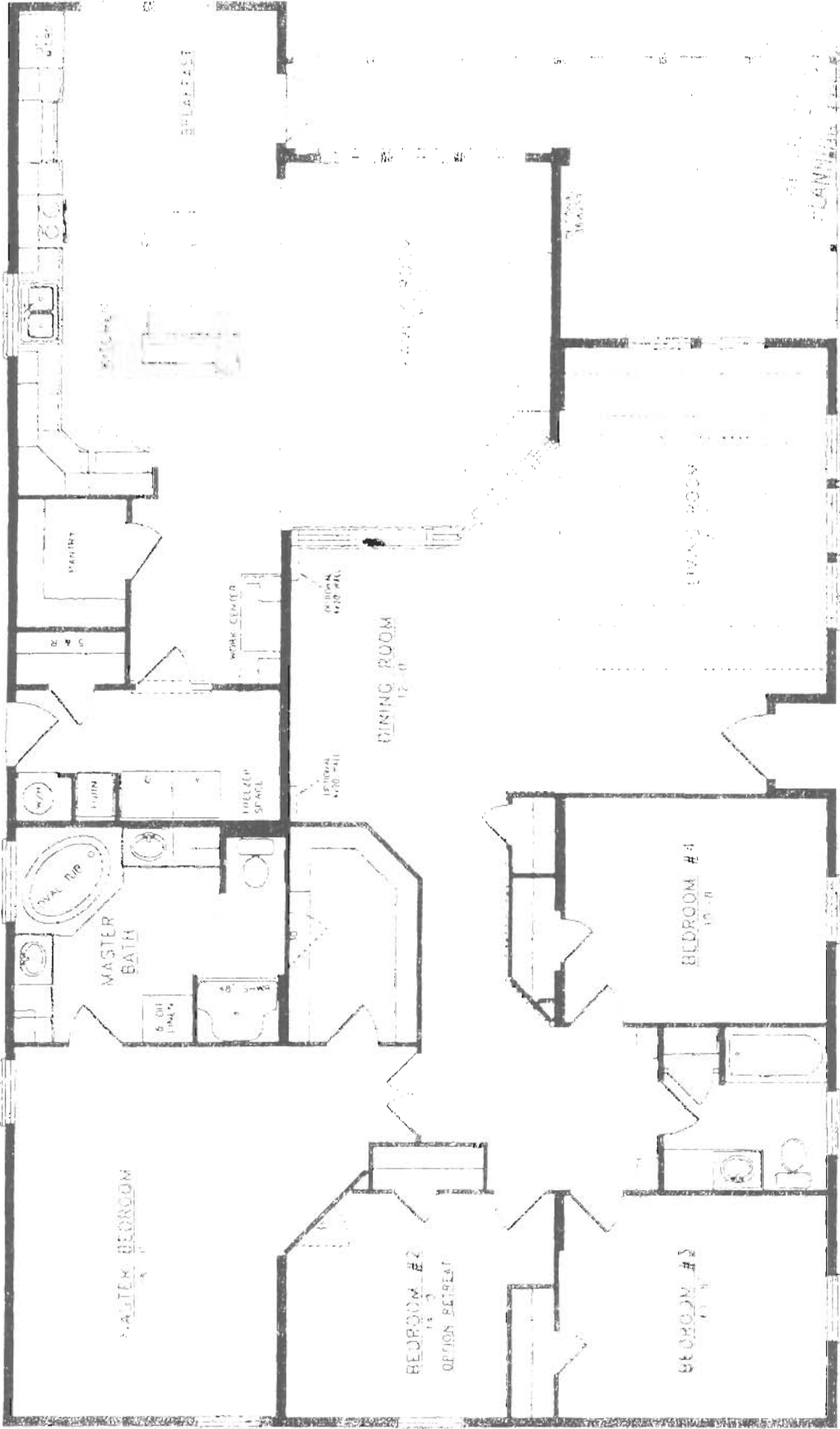


20429

Palm Harbor Homes

"The very best home for your money"

68-0



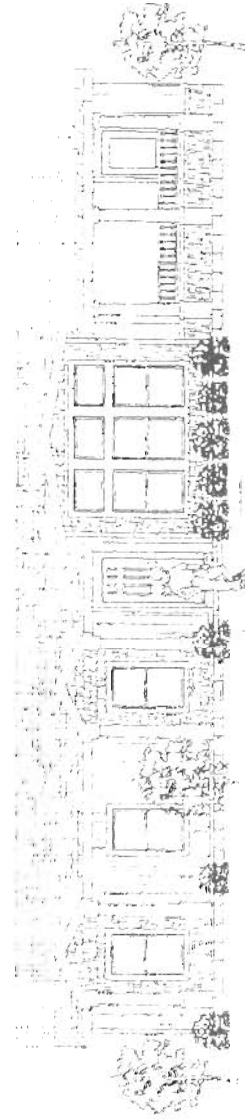
21429



Palm Harbor Homes

MODEL 5V465A4

APPROXIMATELY 2,428 SQ. FT.

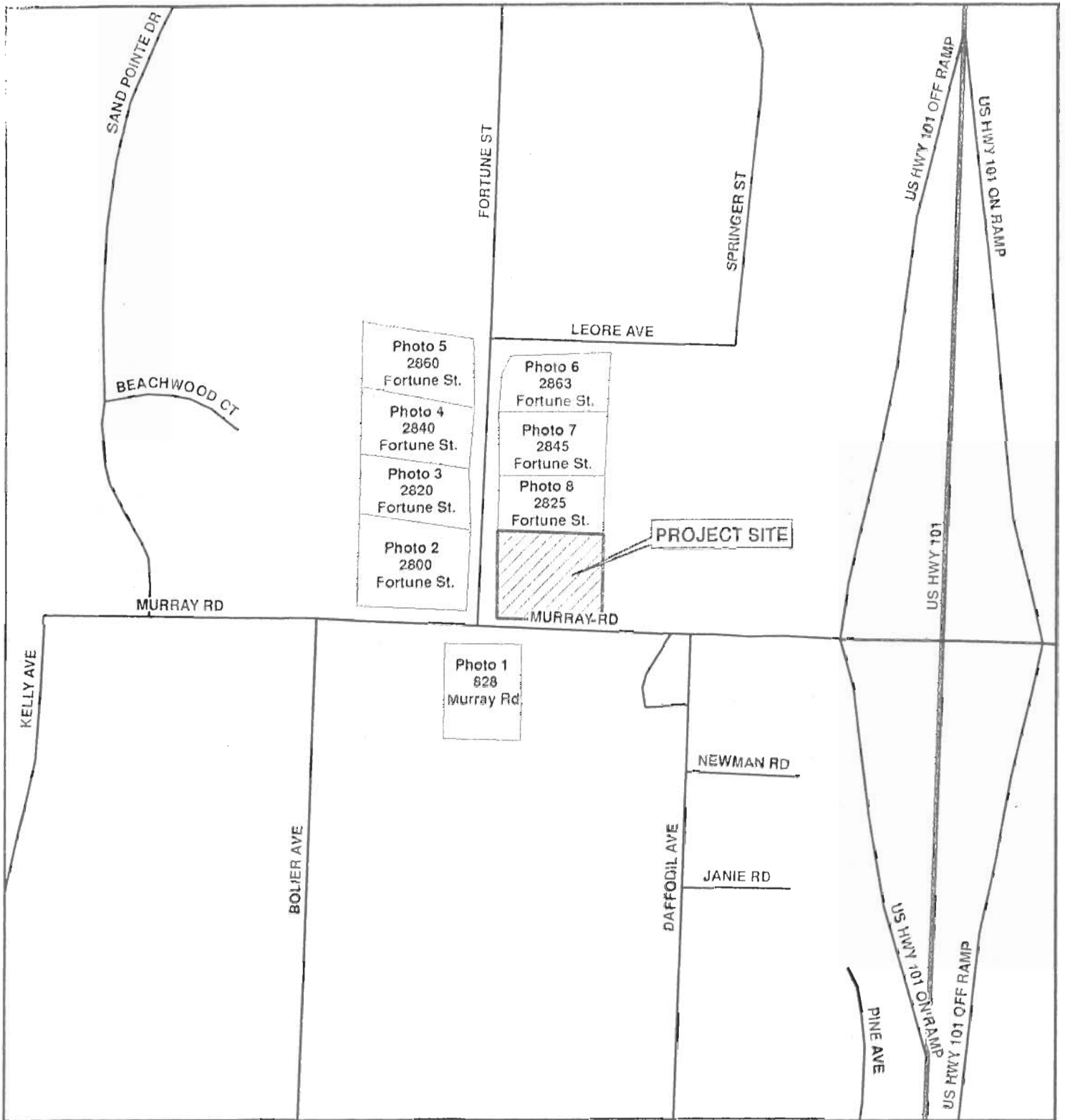


Optional American Exterior

ATTACHMENT 5
Photos of Neighboring Residences

With the exception of Photo 1 all are homes on Fortune Street.

22 of 29



KEY TO NEIGHBORHOOD PHOTOS

**PROPOSED MAMER
COASTAL DEVELOPMENT PERMIT
MCKINLEYVILLE AREA
CDP-06-31
APN: 511-401-23
T07N R01E S30 H B & M**

Project Site = 

23429



Photo 1: 828 Murray Road (house directly across street from the subject parcel).



Photo 2: 2800 Fortune Street

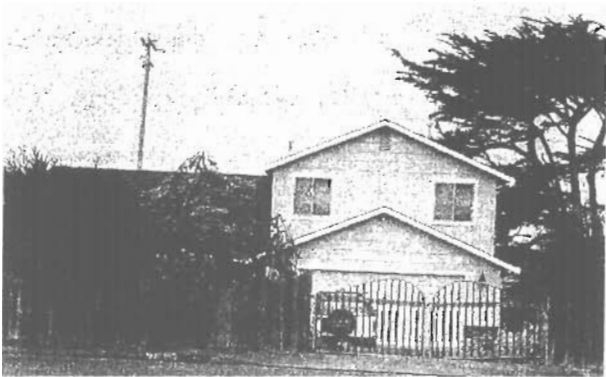


Photo 3: 2820 Fortune Street



24 of 29

Photo 4: 2840 Fortune Street

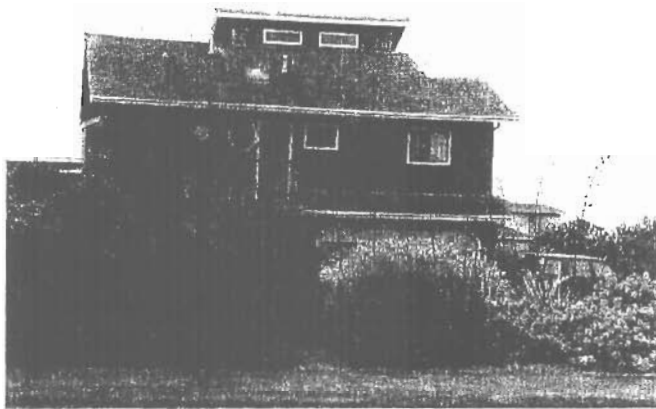


Photo 5: 2860 Fortune Street

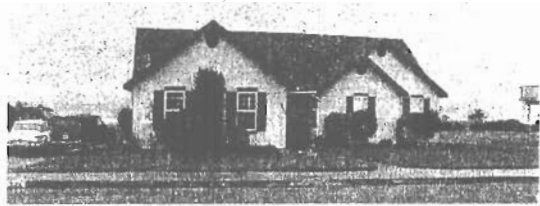
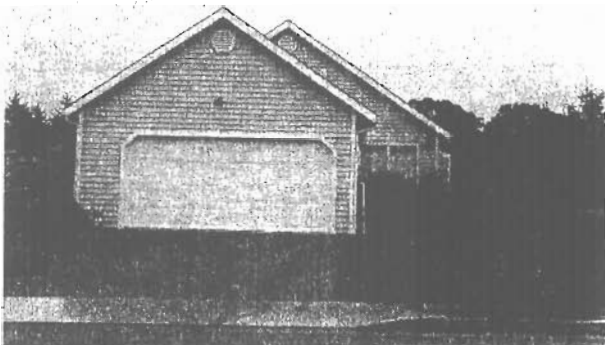


Photo 6: 2863 Fortune Street



25429

Photo 7: 2845 Fortune Street

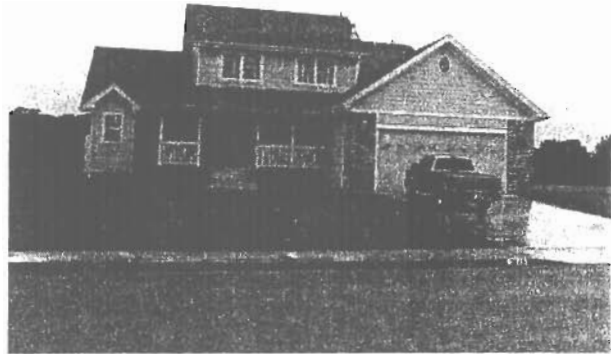


Photo 8: 2825 Fortune Street (next door to subject parcel)



26429

ATTACHMENT 6
Notice Regarding Manufactured Homes in Residential Zones



PLANNING DIVISION
OF THE PLANNING AND BUILDING DEPARTMENT
COUNTY OF HUMBOLDT
3015 H STREET
EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

January 24, 1989

Contact Person: Kirk Gothier
Phone Number: (707) 445-7541

N O T I C E

MANUFACTURED HOMES NOW PERMITTED IN ALL RESIDENTIAL ZONES

Senate Bill No. 2827 which was adopted by the State Legislature in 1988 amends State regulations regarding manufactured (or mobile) homes in residential or "R" zones. This bill affects the Humboldt County Code's (H.C.C.) provisions concerning where manufactured homes can and cannot be placed.

Humboldt County's current zoning regulations generally preclude manufactured (or mobile) homes from residential zones in both the Coastal and non-Coastal areas. The two exceptions where such units are permitted in residential zones are as follows:

1. Where a "T" (for non-coastal area) or "M" (for coastal area) combining zone is attached to the base "R" zone, in which case a manufactured home is permitted by right subject to general regulations.
2. Where the new manufactured home is to be a replacement of an existing, nonconforming manufactured (or mobile) home in which case the new unit may be permitted with special permit and subject to minimum architectural requirements specified in H.C.C. Section 317-62(e).

Senate Bill No. 2827 basically prohibits counties and cities from precluding manufactured (or mobile) homes from residential zones. The terms and provisions of Senate Bill No. 2827 are effective as of January 1, 1989, and the County Code's provisions concerning placement of mobilehomes will have to be changed to comply with the new legislation. Until the County Code is so amended, the provisions of Senate Bill No. 2827 control over the conflicting provisions of the County Code.

The provisions of Senate Bill No. 2827 allow the County to exclude from the effects of the bill manufactured homes constructed more than 10 years before the date of application for the installation permit. The provisions also allow the County to impose architectural requirements within certain specified limits. The architectural requirements specified in H.C.C. Section 317-62(e) for manufactured homes replacing existing nonconforming manufactured (or mobile) homes conform to the limitations specified in Senate Bill No. 2827.

Notice of
January 24, 1989

Effective as of January 24, 1989, under the directive of the Board of Supervisors, the Humboldt County Planning and Building Department will permit a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 to be installed on any residentially zoned parcel where a single family residence is allowed, subject to all of the following restrictions and requirements:

1. The unit shall have been constructed (certified) not more than 10 years before the date of application for the required installation permit or permits.
2. The unit shall comply with the following architectural requirements specified in H.C.C. Section 317-62(e):
 - a) Roof overhang of not less than six inches (6") for the entire exterior perimeter; and
 - b) Roof of composition shingles, wood shingles or shakes or other materials compatible with the majority of dwellings in the neighborhood; and
 - c) Exterior wall covering of natural or man-made materials of a non-reflective nature.
3. The unit shall be required to be installed onto a standard foundation system complying with the County's current building standards and practices.
4. The unit shall be subject to all of the development standards to which a conventional single family residence on the same parcel would be subject.

Also please note that the unit must be owned by the property owner of record or, with certain restrictions, by the holder of a lease of the property.

If you have questions about the placement of a manufactured home on private property, contact the Building Division of the Humboldt County Planning & Building Department at (707) 445-7245 or 3015 H Street, Eureka, California 95501.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
 710 E STREET, SUITE 200
 EUREKA, CA 95501
 VOICE (707) 445-7833 FAX (707) 445-7877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Kevin Rardin

Mailing Address: 2825 Fortune Street

City: McKinleyville

Zip Code: 95519

Phone: 707 839-3146

RECEIVED

FEB 05 2007

CALIFORNIA
 COASTAL COMMISSION

SECTION II. Decision Being Appealed

1. Name of local/port government:

Humboldt County Planning Department

2. Brief description of development being appealed:

Brad Mamer, McKinleyville Area: a Coastal Development Permit for construction of a pre-manufactured single-family residence and detached garage.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

2805 Fortune Street, APN-511-401-23, at corner with Murray Road

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

EXHIBIT NO. 8

APPLICATION NO.

A-1-HUM-07-007

MAMER, BRAD

APPEAL, FILED 2/5/07 BY
 KEVIN RARDIN (1 of 24)

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-1-HUM-07-007

DATE FILED:

2/5/07

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 1/4/2007

7. Local government's file number (if any): CDP-06-31

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Brad Mamer
PO Box 2431
McKinleyville, CA 95519
707-601-1684

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Kent Bishop
2917 Springer Drive
McKinleyville CA 95519

(2) Russ Harris
2910 Springer
McKinleyville CA 95519

(3) Mark Davis
2915 Fortune Street
McKinleyville CA 95519

(4) Thomas Nelson
2935 Fortune Street
McKinleyville CA 95519

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

[see attached]

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on File

Signature of Appellant(s) or Authorized Agent

Date: 2-5-2007

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

4 of 24

Appeal Text, February 5, 2007

As concerned citizens of the area, we reacted with apprehension as several homeowners here began receiving notifications in the mail from Humboldt County Planning Department during the week of December 11, 2006 about a January 4, 2007 hearing regarding the proposed construction of a pre-manufactured single-family residence in our neighborhood on the parcel at the intersection of Murray Road and Fortune Street. We went to Planning and looked at the materials the applicant submitted. This project is sited along an arterial, the entrance to our subdivision and, most importantly, immediately adjacent to the proposed extension to the Hammond Trail. We take our responsibilities as property and home owners seriously. Our proximity to the Hammond Trail, the time and consideration with which we have taken in the design and building of our homes, the safety of our investment and retirement, are all factors leading us to believe this project is wrong for our area. Safeguarding the character of our neighborhood is a fair exchange for our stewardship of what will soon be a major recreational attraction in Humboldt County.

The McKinleyville Area Plan, states in section 3.42/30251 Visual Resource Protection, "Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be **visually compatible with the character of surrounding areas**, and, where feasible, to restore and enhance visual quality in visually degraded areas." An additional paragraph, in section 3.42/30253, states "New development shall: Where appropriate, **protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.**"

Contrary to the opinion of the Humboldt County Planning Department, the proposed development for lot 23 of the Pacific Sunset subdivision is not visually compatible with the character of the surrounding area. Further, the neighborhood would be seriously degraded with regards to its unique characteristics were this incongruous project allowed to go forward.

The proposed project structure differs in substantial ways from the character of the structures in the surrounding neighborhood. The two most obvious features are the extremely low pitch of the roof line and the skirt that surrounds the base of the unit. All of the homes in the area, both in the Pacific Sunset and Sand Pointe subdivisions, possess significantly pitched roof lines and none possess skirting of any kind. The characteristics that set this proposed unit apart from the existing neighborhood are difficult to describe but at-a-glance, when viewed in person, the differences are significant! The proposed unit cannot be remodeled or have additional floors added on later. Even future owners of this property would be unable to remodel, upgrade or renovate the exterior profile. The proposed home is hardly unique to the area. An identical model is installed approximately one mile away on Murray Road and Arcata Mobile Homes (the dealer) states that as many as eighteen of these models have been installed throughout Humboldt County.

Accompanying this Appeal are photographs of several of the homes in the Pacific Sunset subdivision, all of them unique, custom designed and built. To the best available information, not one of them is identically reproduced anywhere else in Humboldt County. Each of the existing homes is capable of being remodeled and/or added onto; roof lines are steeply pitched, plus none of the foundations are surrounded with skirting.

Aerial photography (see attached) as recent as October of 2005 shows the visual appeal and unique character of this neighborhood and its proximity to the Hammond Trail, a developing part of the California Coastal Trail; one entrance within the neighborhood (at the western terminus of Wilbur Avenue) and another on Murray Rd. less than 300 yards from the proposed project site.

So much of McKinleyville is a disorienting patchwork of mixed architectural and building styles. While much of McKinleyville proper is outside the purview of the Coastal Commission, it's worth noting that along the coast and specifically in the appeals area bordered by Highway 101 to the east, Widow White Creek to the north and Hiller Road to the south, much of the most recent construction conforms to that of our own subdivision and that of Sand Pointe, Knox Cove and the homes along Kelly Avenue. The newest homes on Daffodil Avenue (see pictures), are keenly consistent with the character of the homes in Pacific Sunset and exemplary in their efforts to reform what otherwise might be considered a degraded area of McKinleyville in the Coastal Zone. Compared with these developments, it would clearly be a step backward to permit the installation of the proposed unit on the project site. It simply signals the wrong direction in design tendencies when all the more recent structures are moving forward with more style and design consciousness, not less.

I assure you that the issues we raise are not simply an impulsive reaction to the idea of a manufactured or modular home being built in our neighborhood. During the course of the research leading us through this process, we found that there are manufactured homes that *can* be remodeled and added-onto; there are two-story manufactured homes; there are pre-manufactured homes that have steep pitched roofs. A manufactured home can be installed on a pit-set foundation, requiring no building skirt, enhancing the aesthetic appearance to something more like a traditional ranch-style home. The fact of the matter is that when surveyed against all types of homes—pre-fab, manufactured, modular or site-built—the manner in which the proposed building deviates from the character of the surrounding area does so regardless of the method of construction.

As tourists and visitors traverse this area of unique and custom homes bordered by the Hammond Trail (we expect even more visitors when the existing “gap” in the Hammond Trail is closed later this year), they can be observed looking at the area and finding themselves uplifted by the quality and care that has gone into the design and maintenance of this neighborhood. Everyone who lives here takes a great deal of pride in the appearance of the neighborhood and its unique vantage overlooking the Pacific ocean. Interviewing frequent visitors who walk through the area and are familiar with what is here now have reacted with alarm at the idea of the proposed structure being installed along their route. One interviewee remarked, “that’ll stick out like a sore thumb” compared to the surrounding homes. It is the public enjoyment of this area that will suffer if this project goes forward. The work done by home and property owners in this area to design and build unique and custom homes is horribly betrayed by the possibility that a structure of this sort might be installed in this neighborhood.

Our proximity to the Hammond Trail and its near-term improvements drives our concerns for the protection of this unique and sensitive neighborhood. Many of our neighbors have willingly acquiesced to the alignment of the Hammond Trail immediately adjacent to their properties. We are the guardians of the integrity of our neighborhood. You are the guardians of our coastal plan. Therefore, we feel all of the above raises a substantial issue with regards to the project before you.

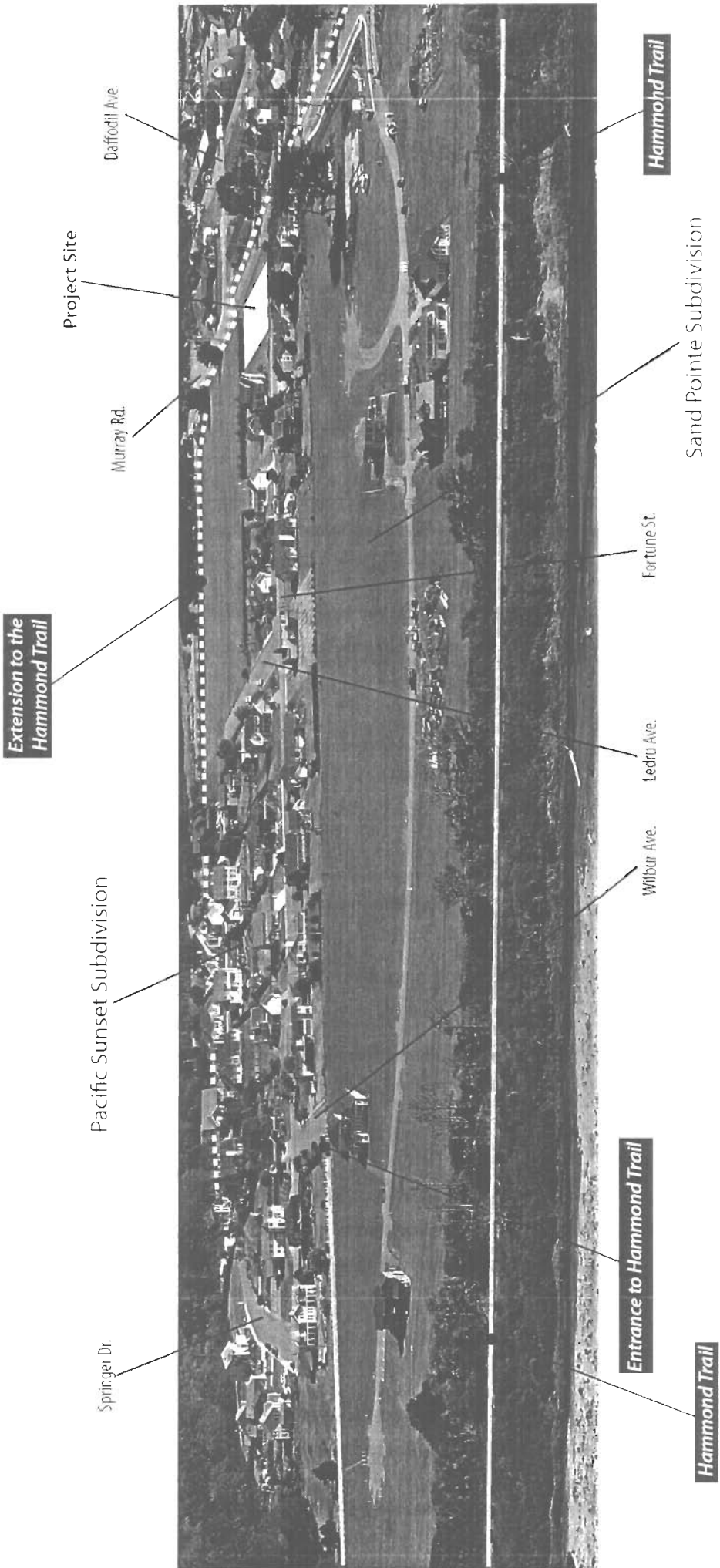


Low pitch
roofline

Skirt

Installed home at 1770 Murray Rd.
(identical to applicant's - approx. one mile from project site)

7 of 24



8424

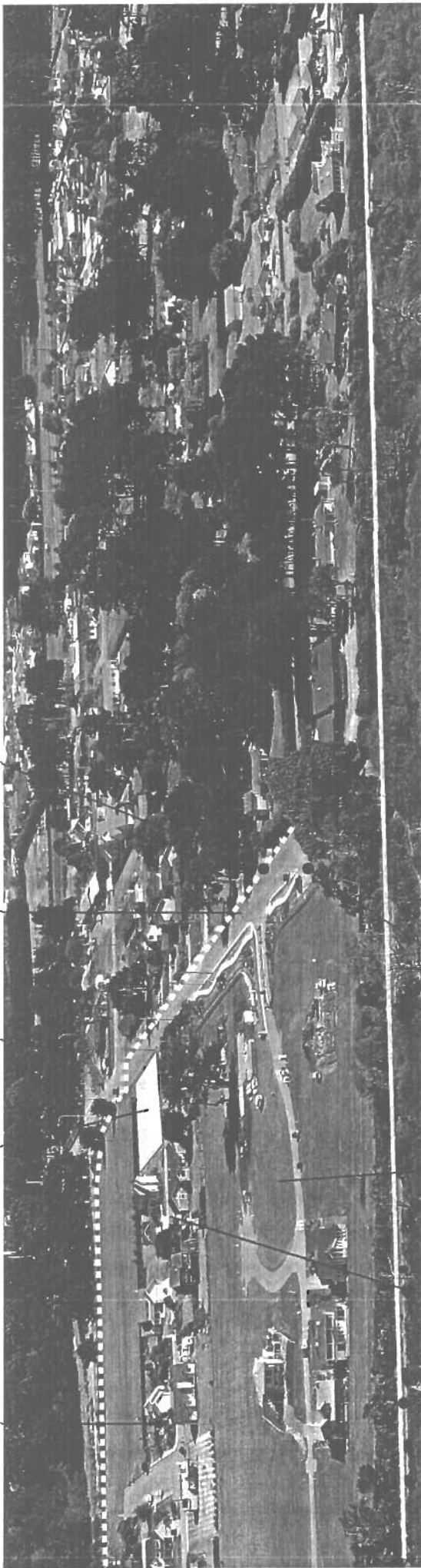
Pacific Sunset Subdivision

Project Site

Daffodil Ave.

Murray Rd.

Extension to the Hammond Trail



Fortune St.

Hammond Trail

Entrance to Hammond Trail

Hammond Trail

Sand Pointe Subdivision

9 of 24



2800 Fortune Street



2825 Fortune Street



2845 Fortune Street



2863 Fortune Street



2880 Fortune Street



2895 Fortune Street

10424



2900 Fortune Street



2915 Fortune Street



2920 Fortune Street



2935 Fortune Street



2940 Fortune Street



2960 Fortune Street

11 of 24



2975 Fortune Street



2988 Fortune Street



2990 Fortune Street



3000 Fortune Street (under construction)

12924



2897 Springer Drive



2910 Springer Drive



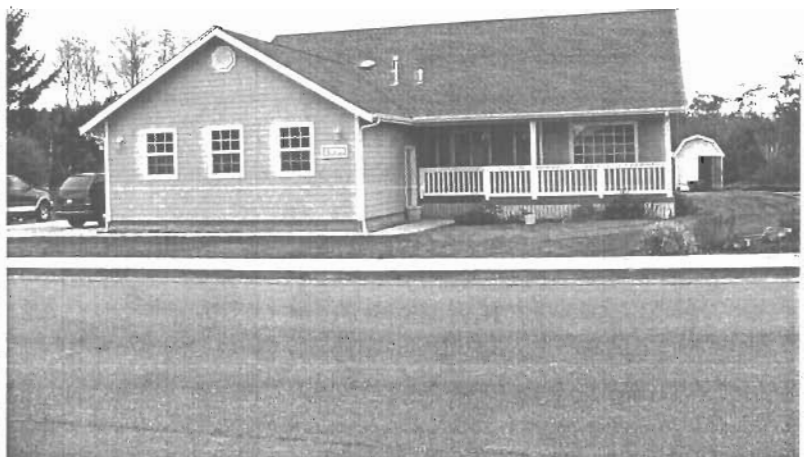
2917 Springer Drive



2930 Springer Drive



2937 Springer Drive



2959 Springer Drive

13924



2979 Springer Drive



2980 Springer Drive



2983 Springer Drive



2993 Springer Drive



2999 Springer Drive

14 of 24



Unknown address in 2700 block of Daffodil Ave.



2716 Daffodil Ave.



2722 Daffodil Ave.



2730 Daffodil Ave.

15 of 24

RECEIVED

FEB 20 2007

CALIFORNIA
COASTAL COMMISSION

Supplemental to Appeal No. A-1-HUM-07-007 (submitted February 20, 2007):

It has come to the attention of the concerned citizens in this matter that section A311-6. INTERPRETATION OF CONFLICTING PROVISIONS in the document titled, "APPENDIX TO TITLE III, DIVISION 1 OF THE HUMBOLDT COUNTY CODE, COASTAL ZONING REGULATIONS" also has bearing on the basis for this appeal. For this reason, this supplement to Appeal No. A-1-HUM-07-007 is hereby filed with the California Coastal Commission, raising an additional substantial issue with regard to the permit application before you.

Section A311-6 states: "In interpreting and applying the provisions of these Regulations, the Regulations are the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. **It is not the intent of these Regulations to interfere with or supersede any easement, covenant or other agreement between private parties.** Where these Regulations impose a greater requirement or restriction upon the use of buildings or land, or upon the height of buildings, or require larger open spaces than are imposed or required by other provisions of this Code, rules, regulations or by easements, covenants or agreements, the provisions of these Regulations shall control."

The Pacific Sunset subdivision, where the applicant owns his lot, has standing and fully enforceable covenants running with the land in the form of a "Declaration of Covenants, Conditions, and Restrictions for Pacific Sunset Subdivision" (known herein as "Covenants") recorded with the Humboldt County Records Office on August 26th, 1985 and set not to expire until June 30, 2015 (see attachment to addendum).

Clause 4 of the Covenants states that "No structure, addition, alteration, improvement, living unit, or other installation shall be erected, placed or altered on any building plot unless and until the building plans, specifications and plot plan showing the location of such structure, etc., have been submitted to and approved in writing by the [Architectural] Committee."

Clause 21 states that "No modular homes shall be allowed on property unless approved by Architectural Committee."

Note that in 1985, when these Covenants were written, "modular" was a well-understood synonym for "manufactured" or "pre-manufactured" homes.

Before the applicant ever filed his application for a Coastal Development Permit, he should have submitted his plans, specifications and plot plan to the subdivision Architectural Committee.

The applicant in this case filed his application on October 11, 2006. At a Neighborhood Watch meeting in November 2006 and at a holiday dinner party on December 9, 2006, both events held at homes in the Pacific Sunset subdivision, the applicant and his spouse had numerous opportunities to disclose the matter before you to their neighbors and associates. They did not do so. Even when asked, their reply was vague. Specific recall regarding these encounters are likewise hazy in retrospect, months later, but it is a known fact that on no occasion prior to neighbors receiving notice from Humboldt County Planning Division the week of December 11, 2006 did the applicant clearly and fully state his plans or the fact that he had already applied for both building and Coastal Development permits.

This lack of disclosure is meaningful insofar as a reasonable person can readily infer that the applicant did not want his neighbors to know the specifics of his lot improvements until it could no longer be kept secret. One has to wonder why the applicant would not want to fully disclose his plans to his neighbors.

The applicant has never submitted any materials with regard to his lot improvement to anyone in the subdivision that could or would act in reviewing the plans in accordance with our Covenants. The applicant is currently in violation of the subdivision Covenants.

It's not like he was unaware of the Covenants. When the applicant and his spouse put this same lot up for sale in January of 2006 (through May of that year), listing it with Forbes & Associates realtors, the advertisement for the lot (see attachment to addendum) states: "Pacific Sunset Subdivision, Area of custom homes, easy access to Hammond Trail. CCR's apply, flat, partially fenced, community services, area of quality homes, good ocean view possible w/ 2 story house."

The applicant has been formally notified of his non-compliance with the subdivision Covenants (acknowledged by postal receipt dated 1/18/2007) and, as of this writing, the situation remains unchanged.

The subdivision residents that attempted to work through this matter with Humboldt County Planning Division were told over and over that "County Planning has no power to enforce CC&Rs" or subdivision Covenants. This is true insofar as the Planning Division and the Planning Commission do not constitute a court of law. But can they permit development in defiance of subdivision covenants?

Given the language derived from the Local Coastal Plan (above), we believe this is a clear case where the actions of the Humboldt County Planning Commission in approving this permit, thus far, represent an attempt to "interfere with or supersede" the Pacific Sunset subdivision covenants. At the very least, this raises yet another significant question as to conformity with the certified local coastal program for Humboldt County. We humbly ask the California Coastal Commission not pursue a similar course in defiance of this firm agreement between private parties.

Signature

Signature on File

KEVIN KARAIN
Appellant

Date: 2/20/2007

17924

Return to:

June Hartman
717 15th Street
Eureka, CA 95501

PAGE 1

DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS
FOR PACIFIC SUNSET SUBDIVISION

We, the undersigned, herein referred to as "Declarant," being the owners in fee of the certain real property located in the County of Humboldt, State of California, and more particularly described in Exhibit A attached hereto, hereby establish these covenants, conditions and restrictions as a general plan for the improvement and development of said property, subject to which all of said lots shall be improved and sold or conveyed, each and all of which is or are for the benefit of each owner of any part of said property or any interest therein and shall inure to and pass with each and every parcel thereof and shall apply to and bind the respective successors and assigns of the property owner or owners thereof, and are, and each therefore is, imposed upon said property as a servitude in favor of each and every such parcel of land therein as a dominant tenement or tenements as follows:

ARCHITECTURAL COMMITTEE

1. There is hereby created an Architectural Committee. The initial members thereof shall be Donald Vacca, Judy Hartman and Robert Hartman. The members of said committee shall be appointed for three (3) year terms. Upon a vacancy in the Architectural Committee, whether by resignation, death, incapacity, expiration of term or otherwise, the same shall be filled by the property owners of record of the lots in said subdivision as of the date of the vacancy, as herein provided.
2. The aforesaid Committee may appoint a professional architect as architect for the subdivision for such term as the Committee may determine. Said architect shall be a member in good standing of the American Institute of Architects. He shall serve as executive head of the Committee staff. The Committee may delegate to said architect all of the rights, powers and privileges of said Committee, excepting only the right and power to hear appeals by any party aggrieved by any decision of the architect. The Committee may change said architect and replace him with another qualified architect at any time on thirty (30) days notice.
3. As vacancies occur on the Architectural Committee, new members shall be elected in the following manner: The owner or owners of each lot shall be entitled to one (1) vote per lot and said vote shall be cast by mail or in person at or prior to any meeting called for the purpose of electing a new committee member. Said election shall be duly noticed by the Committee notifying each lot owner of the date of the election and the purpose of the election and the person or persons nominated by the Committee to fill any such vacancy on said Committee. The Committee shall give a thirty-day notice to each lot owner and said notice shall be deemed given by the Committee by depositing in the mail said notice, postage prepaid and addressed to the owner's residence with the appropriate ballot that is pre-addressed to the Committee.
4. No structure, addition, alteration, improvement, living unit, or other installation shall be erected, placed or altered on any building plot unless and until the building plans, specifications and plot plan showing the location of such structure, etc., have been submitted to and approved in writing by the Committee. In making its decision, the Committee shall take into account and give due weight to the general character of the neighborhood involved, other structures existing or contemplated in the area, the topography of the area, the location and nature of trees and other vegetation on the site, the setbacks, even though no setback is required hereunder, and the appearance that the completed structure would have. A decision of a majority of the Committee upon any matter submitted to it or referred to it shall be final. Any matter submitted or referred to the Committee shall be deemed to have been approved by it if a decision on such matter is not forthcoming within thirty (30) days from the date of the original submission or, should changes or additional plans, specification or other information be required by the Committee, within thirty (30) days from the submission of the last of such additional required information. Architectural plan check fee to be \$30.00.

CONTINUED

It would require a full title search to determine whether all of the Covenants, Conditions & Restrictions of the specified subdivision are included herein.

TERMINATION, AMENDMENT AND ENFORCEMENT

5. The conditions, covenants and restrictions herein set forth and declared shall all terminate and expire automatically on June 30, 2015, unless the same be sooner terminated or amended by the written consent and agreement of the owners of record of more than 50 percent (50%) of the lots affected hereby, filed of record in the office of the County Recorder of Humboldt County, ~~XXXXXXXXXXXXXXXXXXXX~~
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6. Each, every and all of the provisions of this Declaration shall be both conditions and covenants running with the land, and may be enforced by Declarant or its successors and assigns, as long as Declarant is the record owner of any of the parcels of real property the subject hereof; it may also be enforced, both while Declarant is such an owner and thereafter, by the Committee in its own name or by the action of the record owner of any lot affected hereby. These restrictions may be enforced by any of the foregoing by an action for damages or by seeking and obtaining an injunction, both preliminary and permanent, against the conduct of which complaint is made. Should action be brought to enforce the provisions hereof, the successful party in such litigation shall recover of and from the unsuccessful party in such litigation, in addition to all other manner of relief, reasonable attorneys' fees of the successful party.

7. Notwithstanding any of the provisions of this Declaration, any breach of any of the conditions, covenants and restrictions herein set forth shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to said lots or any part thereof, but such conditions, covenants and restrictions shall be binding upon and effective against any owner thereof whose title thereto is acquired by foreclosure, trustee's sale, or otherwise.

8. No lot shall be split or subdivided into any smaller unit than provided herein.

9. No use shall be permitted, suffered or maintained on said land or any part or portion thereof, nor shall anything be done thereof which is or may be or become a nuisance. No horses, cattle, swine, sheep, chickens, rabbits or other livestock shall be kept or maintained on said land. No activities may be carried on, suffered or permitted on said property or any part or portion thereof that are in violation of any law, ordinance or regulation of the State of California, County of Humboldt. All domestic pets shall be maintained under the immediate control of the owners and in particular, no dogs shall be allowed to run loose.

10. Until such time as all of the public improvements of said tract have been installed, Declarant and developer, its agents and representatives shall have the right and privilege at all times to enter upon any lot the subject thereof to carry out and complete the installation of any and all public improvements required by Humboldt County as a condition of the recordation of the subdivision and compliance with the agreement entered into between the subdivider and County of Humboldt.

11. No tent, shack, barn, camper, motor home or travel trailer shall ever be placed or erected on any of said lots nor shall any of the above or any basement, garage or other structure thereon be used as a residence.

12. No billboards or advertising device whatsoever shall be permitted upon said lots or any part thereof without the prior written approval of the Committee, notwithstanding the foregoing, an individual owner may, in the attempt to sell an individual lot, place thereon a sign not exceeding two feet by three feet (2'x3') in dimensions, advertising the fact that the particular unit on which the sign is located is for sale; and further excepting that Declarant herein may permit billboards or advertising devices to be placed upon the property still owned by it without in any way violating the provisions hereof.

CONTINUED

13. No dwelling house, garage, structure, fence or other installation shall be placed upon any of said lots or any parts or portions thereof which contain more than one-third (1/3) of the exterior surface thereof (not including roofs) made or composed of cement, cement block, pumice block, or other similar materials; nothing herein contained, however, shall preclude the use of stone or native rock in construction; no roof shall be placed on any structure made of metal or any reflective material; no unit shall be used as a dwelling which does not adequately provide for domestic waste disposal and sanitary facilities. All garbage cans or trash receptacles shall be screened from view with a solid fence.

14. The use of any portion of the surface or surfaces of said lands for drilling operation, mining or quarrying of all kinds, including, but not limited to, oil well drilling, oil development, mining operation or similar uses, together with the use of the surface thereof for oil wells, tanks, tunnels, mining excavations or shafts, is hereby and shall be prohibited.

15. No more than one (1) primary private residence shall be placed on any lot, together with customary garages and other subsidiary installations; each dwelling so placed shall contain not less than one thousand (1000) square feet of living area under roof.

16. No dwelling shall be placed on any lot unless the same shall provide at least two (2) off-street parking spaces of not less than ten (10) feet in width and twenty (20) feet in length on such lot. Each parking area must be improved with gravel, crushed rock or material of equal or better quality.

17. No lot shall ever be used for storage; no material, equipment refuse, carton, package or other similar item shall be kept, maintained or permitted on said premises unless the same be inclosed within a building or placed behind a fence, in both cases with the approval of the Committee.

18. No structure shall be erected or placed on any lot extending more than thirty (30) feet above the surface of the ground and in no event shall any structure be placed thereon having more than two (2) stories; no structure shall be placed on any lot within five (5) feet of the side property line thereof.

SPECIAL PROVISIONS APPLICABLE TO EXTERIOR

WALLS, ROOFS AND APPURTENANCES

19. No bare metal or reflective metal roofs, siding, eaves, trim or flashings shall be allowed. All roofs shall have a minimum covering of tar and rock or pebbles, but brightly colored roofs such as white, red, pink, etc., shall not be allowed. Shake or shingle roofs wherever possible are preferred in either natural wood or dark colors.

20. All structures erected or placed on any lot shall have wood or wood product exteriors which shall remain natural in color or stained, but not painted. Trim around roof lines, windows, doors and also shutters and doors may be painted complementary colors. Painted siding may be approved by the Architectural Committee.

21. No modular homes shall be allowed on property unless approved by Architectural Committee

22. Natural wood or wood product siding on modular homes is required and no metal exterior siding is permitted, except lap siding approved by the Architectural Committee. Before any modular home is placed on any of said lots, the owners thereof shall submit at least two colored photograph of the modular home proposed to be placed on any of said lots, each photograph to show a different view of the face or side of the modular home.

23. Location of all satellite dishes to be approved by the Architectural Committee.

IN WITNESS WHEREOF, the undersigned declarant have executed this Declaration of Covenant, Conditions and Restrictions the 26th day of August, 1985.

Signature on File

June Hartman, individually and as Trustee under the will of Albert C. Hartman, deceased.

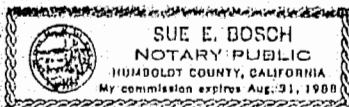


STATE OF CALIFORNIA)
COUNTY OF Humboldt) SS.
On this the 26th day of August 1985, before me the undersigned, a Notary Public in and for said County and State, personally appeared June Hartman

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that she

Signature on File

FOR NOTARY SEAL OR STAMP



SAFECO
Stamp
CALIFORNIA (Print Name on Acknowledgment)

21 of 24

EXHIBIT A

Lots 1 to 38 inclusive of Tract No. 239, Pacific Sunset Subdivision, as per Map recorded in Book 18, pages 76 and 77 of Maps, Humboldt County Records.

15451
RECORDS DEPARTMENT OF
Humboldt Land Title Company

VOL 1275
AUG 26 12 30 PM '85
794

Signature on File

22424

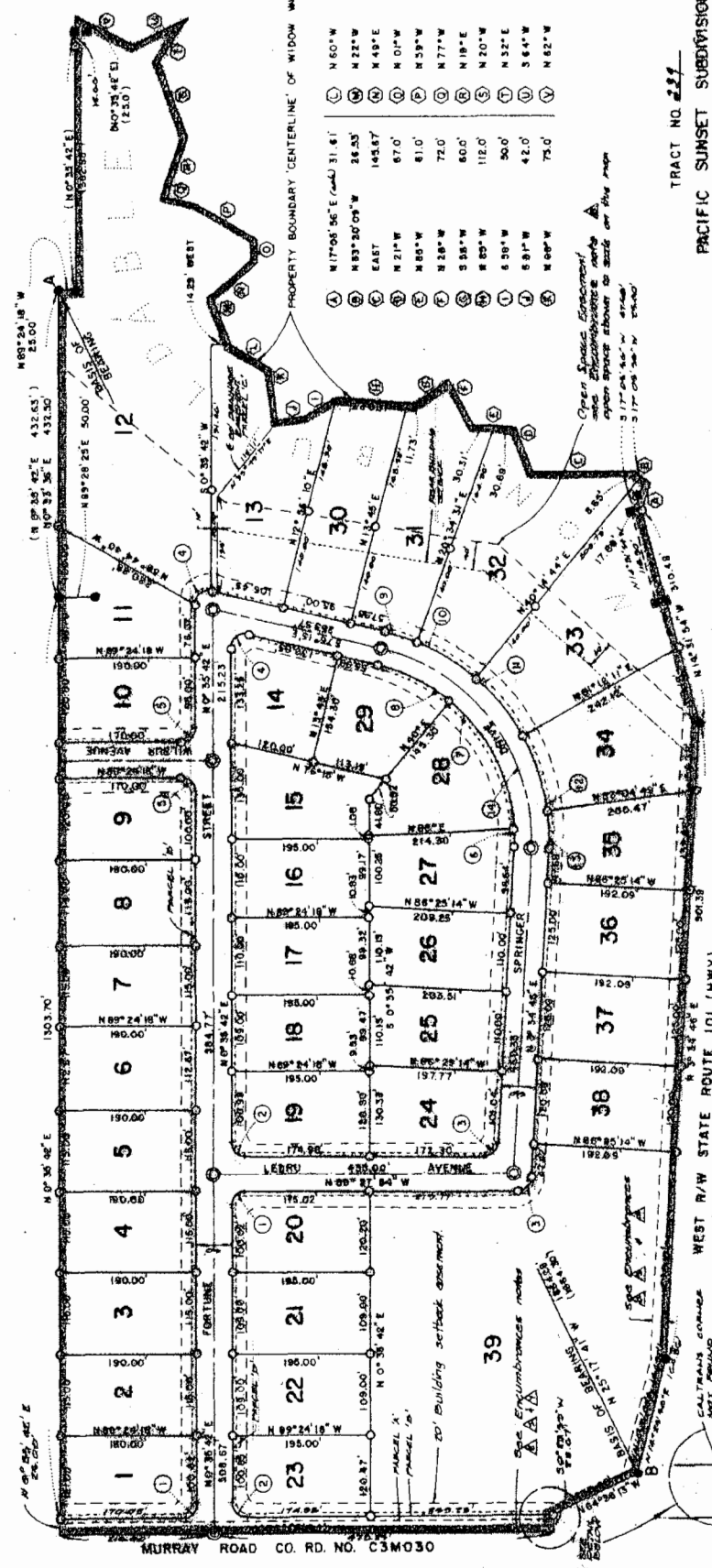
798

END OF DOCUMENT

CURVE DATA

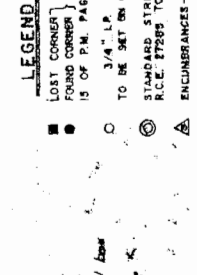
- ① Δ=189°55'24" R=20.00 L=31.35 T=19.98
- ② Δ=89°03'36" R=20.00 L=31.44 T=20.06
- ③ Δ=84°37'20" R=20.00 L=30.39 T=18.94
- ④ Δ=103°09'18" R=20.00 L=34.31 T=25.21
- ⑤ Δ=190°00'00" R=20.00 L=31.42 T=20.00
- ⑥ Δ=73°54'46" R=20.00 L=24.35 T=17.21
- ⑦ Δ=48°00'00" R=200.00 L=203.44 T=113.31
- ⑧ Δ=56°15'00" R=200.00 L=194.39 T=108.29
- ⑨ Δ=6°49'31" R=300.00 L=293.74 T=17.89
- ⑩ Δ=20°57'27" R=300.00 L=199.73 T=86.45
- ⑪ Δ=20°57'27" R=300.00 L=199.73 T=86.45
- ⑫ Δ=107°25'57" R=300.00 L=54.97 T=27.56
- ⑬ Δ=79°48'46" R=225.00 L=182.90 T=200.04
- ⑭ Δ=21°51'36" R=225.00 L=114.33 T=57.90

BASIS OF BEARINGS — SURVEY BY OSCAR LARSON AND ASSOCIATES FOR MATHEMATICAL COMPANY, REGISTERED IN BOOK 18 OF PARCEL MAPS PAGE 73 & 74 AS TIE BETWEEN POINTS A AND B SHOWN HEREON.



TRACT NO. 227
 PACIFIC SUNSET SUBDIVISION
 IN
 SEC. 30, T7N, R1E, 14M.
 IN THE INCORPORATED AREA OF THE
 COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
 MARCH 1985
 SCALE: 1" = 100'

LEGEND
 ■ LOST CORNER
 ● FOUND CORNER SET BY L.S. 3115 AS PER BK. 15 OF P.M. PAGE 73 & 74.
 ○ 3/4" I.P. WITH PLASTIC PLUGS STAMPED R.C.E. 27285 TO BE SET ON OR BEFORE DECEMBER 31, 1984.
 ⊙ STANDARD STREET MONUMENT WITH BRASS COP MARKED R.C.E. 27285 TO BE SET ON OR BEFORE DECEMBER 31, 1985.
 △ ENCUMBRANCES—SEE SHEET ONE OF TWO.
 () RECORD DATA



1. PROPERTY BOUNDARY DENOTES BY (A) THROUGH (V) INTENDED TO FOLLOW THE (L) OF WIDOW WHITE CREEK.
2. THIS PROPERTY IS A SUBDIVISION OF PARCEL 2 IN BOOK 18 OF PARCEL MAPS PAGES 73 AND 74.
3. THE BEARINGS ON THIS MAP ARE 0° 01' 35" LEFT OF TRUE BEARINGS.
4. BEARINGS ON THIS MAP ARE 0° 01' 35" LEFT OF ADJACENT HIGHWAY BEARINGS.

Address: 2805 Fortune Street , McKinleyville , CA 95519 List Number: 217462

Status	Active	Property Type	Land
Type of Property	Residential	Cross Street	Murray
List Price	\$ 285,000	Acres	
Lot Size	.5 - .74 Acres	Lot Dimensions	x



APN: 511-401-23-

Pacific Sunset Subdivision, Area of custom homes, easy access to Hammond Trail. CCR's apply, flat, partially fenced, community services, area of quality homes, good ocean view possible w/ 2 story house. Sign to entrance of subdivision is located on this parcel

Location: Other-Spec in Remark
 Lot Description: Flat
 View: Other
 Road: Paved; Public
 Fenced: Partially

Land Info: Alley: No
 Zoning: Single Family
 Water/Sewer: Pub Sewer on Site;
 Pub Water on Site
 Utilities: **Electric; Gas; TV Cable**

Possession: **At Close of Escrow**
 Financing Terms: **Cash; Conventional**

For More information contact Sue Forbes, Forbes & Associates.

McKinleyville (707) 839-2521

Trinidad (707) 677-1600

www.sueforbes.com

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FEB 22 2007

Coastal Commission

To Whom It May Concern:

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 9

APPLICATION NO.

A-1-HUM-07-007

MAMER, BRAD

APPLICANT'S
CORRESPONDENCE (1 of 3)

With regards to Mr. Rardin's appeal, we feel many of his arguments contained in his appeal are erroneous and false. It is evident that Mr. Rardin has not researched modular homes and how the industry has changed since previous years. We will present facts based on reports with references, not just the perceptions and emotions as evidenced by Mr. Rardin's appeal.

Beginning, Mr. Rardin freely uses the term "we" throughout his appeal, though he never states who the "we" actually represents. Please see attachment letter from neighbors in Pacific Sunset Subdivision that approve of our home and see no aesthetic or otherwise incongruent correlations with other homes in the area. Mr. Rardin chooses to ask strangers their opinion rather than the opinions of the neighborhood. 1.

Mr. Rardin believes that the roofline of our home and the siding is a deterrent to the natural landscape of the beauty of the Hammond Trail. He states that there is no home with the "significantly" low roof pitch as our home and no home possess any siding of any kind in the Pacific Sunset Subdivision and the Sand Pointe Subdivision (a subdivision west of our subdivision, closer to the ocean). This is not true as evidenced by a home located in the Sand Pointe Subdivision.

We are in constant communication with Palm Harbor Homes, which is operated by our local dealership, Arcata Mobile Home Center. On February 12, 2006 I asked our representative, Mr. Terry Loudermilk, if any persons named Kevin Rardin have placed any inquiries. Mr. Loudermilk asked others in the office, and no inquiries were made. Mr. Loudermilk also stated that there are not 18 homes identical to ours in Humboldt County. He said he has sold 1 home of that model that is located at 1770 Murray Rd.. He also went on to say that because each home is customized to the owner's needs and tastes, no home is identical to another. Contrary to Mr. Rardin's appeal, modular homes can be remodeled, both the exterior and interior. 3.

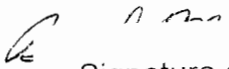
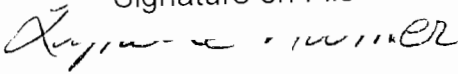
Preserving the natural beauty of our area is a serious matter. Where Mr. Rardin opinion and ours deviate is in his interpretation of preservation and stewardship. It is of Mr. Rardin's opinion that our home degrades the experience of those who walk past our home to utilize the Hammond Trail. This preposterous assumption begs the question of what is beauty. Is a high-pitched roof more aesthetic than one of standard pitch? Shouldn't natural beauty be seen with more regards to landscape such as indigenous trees, bushes, and other local habitat features? Secondly, who is to say that a large, overly ornate, custom built home is not a detraction from the natural beauty and experience of a quiet walk within nature. Our belief is that homes that detract from the natural landscape are homes that show a disregard for our environment as a whole. We should be focusing on energy efficiency, indigenous landscaping, and creating an atmosphere that welcomes others to become better stewards of our earth.

Palm Harbor Homes has over 25 years of experience in the building and development industry. A few of their most recent awards include *Home Builder of the Year* (Manufactured Housing Institute, 2006), *National Industry Award* (Best Concept Modular Home over 1,800 sq ft, 2006), *Outstanding Modular Manufacturer of the Year* (Ohio Manufactured Housing Association, 2005), *Outstanding Achievement Award* (U.S. EPA Energy Star Homes, 2005), *National Industry Award for Excellence in Design*, (Best production modular home for 1,800 sq ft, 2005) and *Gold Energy Value Housing Award*, (National Association of Home Builders, 2006). With all these accolades, Palm Harbor Homes has risen and exceeded most traditional builders. 4.

In closing, we feel our home best exemplifies a housing option that provides beauty, cost effectiveness, energy efficiency, and neighborhood compatibility. We hope to educate others and dispel misconceptions regarding this viable housing option.

Thank you,

Brad Mamer
Lynette Mamer


Signature on File


1. Letter signed by homeowners in the Pacific Sunset Subdivision
2. Roof Pitch
3. Arcata Mobile Home Center, 1270 Lincoln Way, Arcata, CA
4. Palm Harbor Homes Awards
5. Gold Energy Value Housing Award

RECEIVED

California Coastal Commission
North Coast District Office
710 E St Ste 200
Eureka CA 95501

FEB 22 2007

CALIFORNIA
COASTAL COMMISSION

Re: Brad Mamer, 2805 Fortune St, McKinleyville

We own homes and live in the Pacific Sunset neighborhood, and we strongly disagree with Kevin Rardin's appeal. We are satisfied with the design of the Mamer's house, which meets all objective standards and requirements. The design fits comfortably within the range of existing styles in the neighborhood.

Details such as the height of the foundation above ground level and slope of the roof are matters of taste, and therefore irrelevant. Pacific Sunset includes an old farm house, two homes with shake siding and a mixture of contemporary designs. The Mamer's planned home is neither better or worse than any of them.

The larger neighborhood is made up of an even wider variety of homes, from a gated community to a very old multifamily apartment complex, which is located directly across Murray Road from the Mamer's lot. Less than a mile away, at the intersection of Kelly and Knox Cove Drive, mid-century ranch houses sit across the street from three homes known locally as the Castles, which feature elements of European and Moorish architecture seldom seen in Humboldt County, much less McKinleyville.

The Hammond Trail runs behind the Castles, and there is no sign of the disparity in styles having damaged the resource. Rardin argues both sides of the diversity issue, objecting to the Mamer's house because it is not sufficiently like the houses he prefers in our neighborhood, yet deploring that there is a similar one a mile or so away, and perhaps as many as eighteen in Humboldt County.

This appeal is based on personal taste, not substantive issues under the Coastal Act, and we urge you to deny it.

February 21, 2007

<i>[Signature]</i>	Elizabeth Alves	2990 Fortune St
<i>[Signature]</i>	DOROTHY ALVES	3490 FORTUNE ST
Signature on File	ILW WESTFALL	2990 FORTUNE ST
<i>[Signature]</i>	Theodore P. Merz	2988 Fortune St.
Signature on File	Leonard Shomard	2965 Fortune St.
<i>[Signature]</i>	Mary C. Roberts	2975 Fortune St.
Signature on File	THOMAS M LESHER	2993 SPRINGER DR.
<i>[Signature]</i>	ANNETTE C. LESHER	2993 SPRINGER DR.
Signature on File	LISA E. ROBERTS	2963 Springer Dr.
<i>[Signature]</i>	JAN CLARK	2963 Springer Dr.
Signature on File	Linda Glaros	2903 Springer Dr. 3 of 3
<i>[Signature]</i>		2963 SPRINGER DR.