

1-1200-11-051



COMMUNITY DEVELOPMENT SERVICES  
PLANNING DIVISION  
COUNTY OF HUMBOLDT

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California Coastal Commission  
Eureka Office  
710 E Street Suite 200  
Eureka CA 95501

RECEIVED  
FEB 20 2012  
CALIFORNIA  
COASTAL COMMISSION

Notice of Action Taken

Date February 21, 2011      Appealable Status Appealable

Applicant Paul Cienfuegos  
Address 1485 Peninsula Drive  
Manilla, CA 95521

Assessor Parcel No. 400-151-002

Permit CDP-03-31-Sp-03-74M

<b>EXHIBIT NO. 6</b>
<b>APPEAL NO.</b> A-1-HUM-12-008
CIENFUEGOS, PAUL
NOTICE OF FINAL LOCAL ACTION (1 of 16)

**Description**

A Coastal Development Permit and Special Permit Modification to convert an existing residence to a primary and secondary residence.

Contact Beth Burks - 268-3708

**Action Taken**

Following a noticed public hearing the County of Humboldt Planning Commission approved the referenced application on February 2, 2012.

**Appeal Completion**

Notice of appeal period completed. The appeal period for this project has been completed.

**Effective Date**

Coastal Development Permit CDP-03-31 will become effective at the end of the California Coastal Commission appeal period and will expire 12 months from the effective date.

**AGENDA ITEM TRANSMITTAL**

TO: HUMBOLDT COUNTY PLANNING COMMISSION

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

HEARING DATE: May 5, 2011	SUBJECT: <input checked="" type="checkbox"/> Public Hearing Item <input type="checkbox"/> Consent Agenda COASTAL DEVELOPMENT & SPECIAL PERMIT MODIFICATION	CONTACT: Beth Burks
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Before you is the following:

**PROJECT:** A Coastal Development Permit and Special Permit Modification to convert an existing residence to a primary and secondary residence. No new exterior construction is proposed. The Special Permit is required for a parking exception (HCC Section 313-109.1.3.12) and for a waiver to the total floor area for second units (HCC Section 313-87.1.4.4). The primary unit will be located on the first floor and be 614 square feet. The secondary unit will be located on the second floor and be 480 square feet. The total structure height is 32 feet. No trees to be removed and no grading is required. The parcel is served by Manila Community Services District for water and sewer.

**PROJECT LOCATION:** The project is located in Humboldt County, in the Manila area, on the west side of Peninsula Drive, approximately 1,160 feet north from the intersection of New Navy Base Road and Peninsula Drive, on the property known as 1485 Peninsula Drive

**PRESENT PLAN DESIGNATIONS:** Residential Estates (RE) Humboldt Bay Area Plan (HBAP)  
**Density:** 0-2 dwelling units per acre. **Slope Stability:** Relatively Stable (0)

**PRESENT ZONING:** Residential Single Family-Minimum lot size 20,000 sq.ft./Manufactured Home, Beach and Dune Area (RS-20-M/B)

**ASSESSOR PARCEL NUMBERS:** 400-151-002

**APPLICANT**

CIENFUEGOS, PAUL  
1485 Peninsula Drive  
Manila, CA 95521  
Phone: 443-4483

**OWNER(S)**

FINK MYRON & ELKA  
1097 Cedar Hills Avenue  
Bellingham, WA 98229  
Phone: (360) 715-08-15

**AGENT****ENVIRONMENTAL REVIEW:**

Project is exempt from environmental review per Section 15301 of the CEQA Guidelines.

**MAJOR ISSUES:**

None

**STATE APPEAL STATUS:**

Project is appealable to the California Coastal Commission

**EXECUTIVE SUMMARY**

Cienfuegos Coastal Development Permit and Special Permit Modification Application  
Case No.: CDP-03-31M/SP-03-74M  
APN: 400-151-02

**RECOMMENDED COMMISSION ACTION:**

1. Describe the application as a public hearing;
2. Allow the staff to present the project;
3. Open the public hearing; and
4. After receiving testimony, close the hearing and make a motion to:

*"I move to make all of the required findings, based on evidence in the staff report and approve the application as described in the Agenda Item Transmittal subject to the recommended conditions."*

The project before you consists of the conversion of a single family residence to a primary and secondary unit. The existing residence is two (2) stories. If approved, this Coastal Development Permit and Special Permit Modification will allow each floor to be a separate unit. The primary unit will be on the ground floor and the second unit will be on the second floor.

**Proximity to sensitive habitat areas:**

The parcel is ± 3.5 acres in size however, the vast majority of the parcel can be considered non-buildable due to wetlands and dune hollows which are considered environmentally sensitive habitat types. The original CDP supported a wetland setback reduction. The residence is approximately 50 feet from the edge of the wetland where typically 100 feet would be required. After excluding the sensitive habitat areas and the approximately 50 foot buffer, a triangular area of approximately 3,000 square feet of area was available for building. However, much of the acceptable building area in terms of eliminating wetland impacts fell within the front yard setback. The house was placed in the only viable location on the parcel. The current proposal involves only interior work and does not require any expansion of the building or encroachment into the wetland area or buffer.

**Parking exception:**

Due to the site constraints a parking exception was granted for the original project and allowed for three (3) spaces when normally 4 would be required and also allowed for two (2) of those spaces to be located in the parking lane with only one (1) space to be constructed on site. The current proposal to convert a portion of the existing residence to a second unit also requires a parking exception.

The applicant proposes to continue to provide a single space on site with three (3) spaces to be located in a parking lane. Typically, for an attached one bedroom primary and secondary units a minimum of two (2) spaces would be on site with two (2) additional spaces in a parking lane if developed. The requested parking exception does not reduce the total number of required spaces, but does alter the typical placement of the spaces.

HCC §313-109.1.3.12 allows for exceptions to the parking requirements based on factors including levels of anticipated use and site-specific topographic constraints. Staff supports the exception because the overall number of required spaces will not be reduced and because the parcel is so constrained with sensitive habitat areas. Additionally, the small size of both proposed units (614 sq. ft. and 480 sq. ft., respectively) limiting household size and its location along a bus route are factors which favor the exception.

If your Commission is unable to make findings for the parking exception the project will need to be denied. The parcel is developed with a single family residence which is the principal use of the property. Second units are also principally permitted in the RS zone, but require an additional set of findings beyond those of a primary residence. If the lot is not suitable for supporting a primary and a secondary residence, this permit should not be approved. Part of this suitability includes the provision for adequate parking.

There is a Humboldt Transit Authority (HTA) stop along Peninsula Drive. In order to develop the parking lane to accommodate three (3) cars, it may require the relocation of the stop. During the original CDP process

planning staff contacted (HTA) and confirmed that they are amenable to slightly relocating their stop to accommodate the applicant's parking lane. If this is required the applicant will be responsible for the cost of relocation.

**Encroachment Permit:**

The applicant was required to obtain an encroachment permit to develop the parking lane as part of the original CDP. According to Public Works records the applicant has applied for and obtained an encroachment permit for the construction of the parking lane and hard surface for the residential driveway encroachment on two occasions but to date has not completed the necessary work. The past encroachment permits have both expired. For the current permit modification, Public Works recommended that the work be completed prior to presenting the project to your Commission. This work has not been initiated as the applicant has requested that your Commission consider an alternative to the Public Works requirements as part of this Modification.

The applicant has submitted a request for your Commission to consider an alternative paving standards for the driveway and parking lane (see Attachment 4). The applicant expressed concerns about adding additional impervious surfaces in an area adjacent to a sensitive habitat (wetland). The applicant is agreeable to developing the parking lane to accommodate the required three (3) spaces, however wishes to install an alternative impervious surface rather than the traditional blacktop pavement.

Public Works has reviewed the request and provided a response (Attachment 4). Public Works is willing to support alternative paving for the on-site driveway, but can not support the alternative surface for the parking lane which is within the County Right of Way. The structural requirements for the parking lane are identified in County Code (section 411-51(g)). Planning staff supports Public Works' recommendation. The recommended conditions of approval include satisfying the encroachment permit requirements prior to building permit issuance.

Staff believes that this project is consistent with the Zones that apply to the property for the following reasons: 1) The project converts a single family residence to a primary and secondary dwelling unit which are permitted uses in the RS-5 Zone, 2) All referral agencies have recommended approval of the project, and 3) There is no evidence that the proposed development will negatively impact the environment. The Department believes that the building conversion 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 and Special Permits.

**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. This includes if your Commission is unable to support the parking exception.



### Recommended Conditions of Approval

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

#### Conditions of Approval:

1. All conditions of approval from CDP-03-31/SP-03-74M, effective on April 4, 2004 shall remain in full force and effect. This includes but is not limited to the following:
  - a. Stormwater outfalls from the house shall continue to be dissipated for the life of the project.
  - b. Areas disturbed during construction (encroachment permit improvements) shall be promptly replanted.
  - c. Development to minimize cut and fill and provide erosion/sediment controls
  - d. Protective fencing must be erected to prevent any further degradation of this {wetland} habitat, and no vegetation should be removed or cleared outside the developable area. Vegetation (willow branches, etc.) that encroaches into the developable area from the adjacent habitat can be pruned/limbed. " Permanent fencing shall be installed prior to any ground disturbing activities and shall be maintained for the life of the project.
2. The applicant shall apply for, obtain **and complete all work** for an encroachment permit through the Department of Public Works **prior to Building Permit issuance. A Building Permit may not be issued until all work is complete to the satisfaction of the Department of Public Works.**
3. The applicant shall adhere to all recommendations of the Department of Public Works included in the memorandum dated 11/17/10 (included with attachment 3 of this report). Additionally, the applicant shall provide a pedestrian walkway along the 5 foot pedestrian easement with an AC dike to separate the walkway from the parking lane.
4. The applicant shall submit a complete set of construction plans for all proposed changes for the conversion to a second unit.
5. A cultural monitor, agreeable to the applicant and the Wiyot Tribe is required to be present for any grading or excavation activities for work required as part of the encroachment permit. If the applicant and the Wiyot Tribe cannot agree on an acceptable monitor, the decision will be deferred to the Planning Division. A summary report from the agreed upon monitor must be submitted before the Building Permit can be issued.
6. One (1) parking space shall be constructed on-site, outside of the front yard setback. An additional three (3) spaces shall be accommodated within a parking lane along the parcel's frontage. **This requirement shall be clearly identified on the plot plan for the building permit.**
7. If it is determined that the Humboldt Transit Authority (HTA) stop needs relocation as a result of parking lane construction the applicant shall coordinate with HTA for the relocation and be responsible for any cost involved.
8. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

9. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
10. This parcel, as well as all others in the Manila area, is shown on the Planning Scenario for a Great Earthquake on the Cascadia Subduction Zone (CSZ, CDMG, 1995, Map S-1) as being within the zone of potential inundation by a tsunami. As part of the project proposal, the applicant is voluntarily contributing to the Tsunami Ready Program Fund for the Manila area. Evidence of applicant's contribution to the Tsunami Ready Fund administered by the County Office of Emergency Services (OES) and the National Weather Service shall be provided prior to building permit issuance. Use of the funds shall include but not be limited to installation of an active warning system (i.e., warning sirens) or for other Tsunami Ready activities such as tsunami education, identification of evacuation routes, and signage.

**On-going Requirements/Development Restrctions 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.
2. All utilities serving the proposed structures shall be placed underground to the satisfaction of the Manila Community Services District. Plans submitted for building permit approval shall show the location of all underground utilities.
3. 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.

**Informational Notes:**

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
2. The CDP/SP 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.
3. 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 Zoning Regulations.

**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 and Special Permit. Basically, the Hearing Officer may grant the Coastal Development Permit and Special Permit if, on the basis of the application, investigation and submitted evidence, the following findings are made:

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 Humboldt Bay Area Plan (HBAP).

Land Use: §4.10 (HBAP)	Residential/Low Density: 3 - 7 units per acre.	Proposed density: 2 units on 3.5 acres.
Urban Limits: §3.11 (HBAP)	New development shall be located within existing developed areas or in areas with adequate public services.	The proposed developed is within the Urban Limit Boundary. Both residences will be served by community water and sewer.
Housing: §3.16 (HBAP)	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.  Second units are encouraged under the housing element as a means of creating potentially affordable housing. The small size of the primary and secondary units make it more likely that the units will be affordable to moderate to low income residents.
Hazards: §3.17 (HBAP)	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 low slope instability area with no wildland fire hazards. FEMA panel 775 indicates that the parcel is located in Flood Zone "C", an area of minimal flooding.
Biological Resource Protection: §3.30 (HBAP)	To protect designated sensitive and critical resource habitats.	The majority of the parcel is made up of sensitive wetland habitats. As part of the original CDP a Wetland Delineation was prepared by Mad River Biologists (Aug. '03). This report established appropriate buffers to the wetland areas. The current proposal does not involve any ground disturbing activities. There will be no additional impacts to the adjacent wetlands as a result of the project.  The conditions of this modification do reiterate the need to maintain wetland protection measures for the life of the project including directing the residential drainage away from the wetland area and maintaining permanent fencing at the setback line to discourage residential activities and/or debris from encroachment into the wetland.

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Policy	Summary of Policy	Findings
Visual Resource Protection: §3.40 (HBAP)	New development shall conserve and protect scenic and visual qualities of coastal areas.	The building site is not within a coastal scenic/coastal view area, therefore not impacting the quality of scenic coastal views. No new structures are proposed with this permit. There will be no change to coastal views.
Cultural Resource Protection: §3.18 (HBAP)	New development shall protect cultural, archeological and paleontological resources.	During the original CDP, the Wiyot Tribe recommended that a Cultural Monitor be present during excavation activities. Although there is no ground disturbance proposed for the second unit conversion, the applicant does need to complete encroachment and parking lane improvements. During the ground disturbing activities for this work a cultural monitor shall be present.

**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.

§ 313-6.1 (HCC) Residential Single Family	Single Family Residence is principally permitted. A second unit can be permitted with a Special Permit.	The proposed development is to convert an existing single family residence to a primary and secondary dwelling unit. A Special Permit has been applied for.
Minimum Parcel Size and Lot Width	20,000 square feet 75'	±3.5 acres > 200'
Maximum Density	One dwelling unit per lawfully created lot or two with a Special Permit.	A primary and secondary residence will result from this proposal.
Maximum Lot Depth	3 x lot width = 1629'	Lot depth is significantly > 600'
Minimum Yard Setbacks per Zoning:	Front: 20' Rear: 10' Side: 5'	Front: 20' Rear: > 600' Side: 5' (northern boundary) and ± 258' (southern boundary)
Maximum Ground Coverage	Thirty-five Percent (35%)	< 1%

<p>313-109.1 Parking</p>	<p>Typical parking required: 2 on-site parking required 2 spaces within a parking lane if available.</p> <p>Parking exception findings: Exceptions to the requirements for the number of off-street parking spaces may be allowed subject to securing a Special Permit. Exceptions may be granted by the Hearing Officer based upon the following factors: geographic location of the site, site specific topographic constraints, historically designated structures, proximity to urban built up areas and levels of anticipated use.</p>	<p>The applicant proposes a single space on site with three spaces in the parking lane which will be developed. This requires an off-street parking exception. The parking lane will be long enough to accommodate three (3) cars. The requested parking exception does not reduce the total number of required spaces, but does alter the typical placement of the spaces.</p> <p>Staff supports the exception because the overall number of required spaces will not be reduced and because the parcel is so constrained with sensitive habitat areas. Providing additional on site parking would require additional encroachment into the wetland buffer. The surrounding parcels are large and are not expected to require large numbers of parking spaces. Additionally, the parcel is served by public transit and the floor area of the primary and second dwelling units are such that the household sizes will likely be limited.</p> <p>However, if your Commission is unable to make findings for the parking exception the project will need to be denied. The parcel is developed with a single family residence which is the principal use of the property. Second units are also principally permitted in the RS zone, but require an additional set of findings beyond those of a primary residence. If the lot is not suitable for supporting a primary and secondary residence, this permit should not be approved. Part of this suitability includes the provision for adequate parking.</p>
<p>Maximum Structure Height</p>	<p>Thirty-five feet (35')</p>	<p>Residence ± 32'</p>
<p>1. A SDU shall remain under the same ownership as the main residential building.</p>		<p>1. The ownership of the property shall remain consistent. No request for subdivision has been submitted or implied.</p>
<p>2. The SDU may be rented although not required.</p>		<p>2. The secondary dwelling unit may or may not be rented.</p>
<p>3. The SDU may be attached to or detached from, the principal residence and may be over a garage.</p>		<p>3. The two residential units will be attached.</p>

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<p>4. The SDU shall contain a separate kitchen and bathroom facilities. Where the unit has a separate entrance, the entrance shall be subordinate to the main unit.</p>	<p>4. Both units will have kitchen and bathroom facilities.</p> <p>The exterior look of the building will not change. There is only one door which faces the front yard. The residence will continue to look like a single family residence. Although resident of the second unit will enter from the front door, the actual unit will be up a flight of stairs. Staff finds the entrance subordinate.</p>
<p>5. A manufactured home may be permitted as a second residential unit</p>	<p>5. No manufactured home is proposed.</p>
<p>6. Where one single family dwelling unit exists, a larger SDU may be constructed as the principal dwelling unit, and the existing unit treated as the second unit, provided that the floor area of the existing unit is within the limitations of this section, and all other development regulations and standards can be met for both units.</p>	<p>6. The second floor of the existing primary residence will become the second unit. The main floor will become the primary, larger unit. The existing kitchen is on the second floor. A new kitchen will be installed on the main floor for the primary unit.</p>
<p>1. Utilities may be shared in common with or separate from the main dwelling unit.</p>	<p>1. The utilities may or may not be separate. This will be at the discretion of the applicant.</p>
<p>2. The building site shall be shared in common (no further than 30 feet) with the main dwelling unit and share a common driveway.</p>	<p>2. The units are proposed to be attached and therefore share a common building site. Only one driveway will be developed.</p>
<p>3. A SDU may be constructed or placed on a lot substandard to the zone.</p>	<p>3. The parcel is not substandard to the zone.</p>

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<p>4. The total floor area of any detached second dwelling unit, or in the case of an attached unit, the increase in floor area, shall be no more than 1,000 square feet, or sixty (60) percent of the principal dwelling, whichever is less.</p> <p>Per section 313-87.1.8 this may be waived with the issuance of a Special Permit if the secondary unit will be subordinate to the primary and the development is compatible with the neighborhood.</p>	<p>4 The primary residence will be approximately 614 square feet while the secondary residence will be approximately 480 square feet.</p> <p>The second unit requires a waiver to the floor area standard because it will be 78% of the principal dwelling. The code allows for a deviation from this standard where it can be determined that the second unit remains subordinate to the primary and is compatible with the neighborhood.</p> <p>In terms of compatibility, the structure already exists in the neighborhood. It is similar to other surrounding residences in terms of bulk and height. The house does have different building materials than the majority of neighboring homes. Many neighboring homes have redwood shingle siding and comp roofing where the subject residence has painted plywood for siding and a painted tin roof. Staff believes the project can still be found compatible as no changes are proposed to the exterior of the structure and the neighborhood composition will not be altered by approval of the project.</p> <p>The exterior look of the building will not change. There is only one door which faces the front yard. The residence will continue to look like a single family residence. Although resident of the second unit will enter from the front door, the actual unit will be up a flight of stairs. Staff finds the entrance subordinate.</p>
<p>5. The second dwelling unit shall conform to the development standards of the zone district.</p>	<p>5. All development standards of the zone have been met. (see zoning discussion above)</p>
<p>6. The SDU shall be constructed in a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping. The height of the SDU shall not exceed the height of the principal unit by more than eight (8) feet.</p>	<p>6. In terms of compatibility, the structure already exists in the neighborhood. It is similar to other surrounding residences in terms of bulk and height. The house does have different building materials than the majority of neighboring homes. Many neighboring homes have redwood shingle siding and comp roofing where the subject residence has painted plywood for siding and a painted metal roof. Staff believes the project can still be found compatible as no changes are proposed to the exterior of the structure and the neighborhood composition will not be altered by approval of the project.</p> <p>The primary residence will be on the first floor and the secondary unit on the second floor. Each floor is approximately 8 feet tall. The second unit does not exceed the height of the principal unit by more than 8 feet.</p>

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<p>7. The subject lot shall have a minimum of fifty (50) feet of frontage on a road improved to a road category 4 or better.</p>	<p>7. The parcel has approximately 298 feet of frontage on Peninsula Drive. This road is improved beyond category 4 standards. Additionally, per Public Works recommendations frontage improvements will be required to accommodate a parking lane.</p>
<p>8. The applicant shall provide evidence of adequate services to serve the SDU including water supply and sewage disposal.</p>	<p>8. The parcel has access to community water and sewer through the Manila Community Services District.  The parcel has adequate water supply and sewage disposal to support the proposed development.</p>
<p>9. SDU shall not obstruct public access to and along the coast or public trails.</p>	<p>9. The proposed development will not obstruct public access to and along the coast or public trails. There are no identified trails on the subject parcel.</p>
<p>10. SDUs shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast.</p>	<p>10. The Second Unit is not located within an area providing Coastal views. (see discussion in General Plan section)</p>
<p>11. All development associated with SDUs shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area (ESHA) or the average setback of existing development immediately adjacent as determined by the 'string line method'.</p>	<p>11. There are sensitive habitats on the subject parcel. The original Coastal Development Permit allowed for a setback reduction to the adjacent wetland. At this time there are no new structures proposed nor any additional encroachments towards the wetlands. The conversion to a primary and secondary residence meets the "string-line method", as it does not put any development closer to the wetland than already exists.</p>
<p>12. <u>Agricultural Lands</u>: All development associated with SDUs shall be prohibited on prime agricultural soils and where there are no prime soils, be sited so as to minimize impacts to ongoing agriculturally related activities.</p>	<p>12. The property is not an agricultural land. There are no prime soils on the property.</p>

<p>§313-28.1 Manufactured Homes</p>	<p>Development Standard modified for the sole purpose of allowing manufactured homes.</p>	<p>The project does not involve a manufactured home.</p>
<p>§313-16.1 Archaeological Resource Area</p>	<p>Protect archaeological and paleontological resources.</p>	<p>During the original CDP, the Wiyot Tribe recommended that a Cultural Monitor be present during excavation activities. Although there is no ground disturbance proposed for the second unit conversion, the applicant does need to complete encroachment and parking lane improvements. During the ground disturbing activities for this work a cultural monitor shall be present. NCIC did not recommend further study in the original Coastal Development Permit.</p>

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<p>§313-38.1 Coastal Wetland Buffer Areas</p>	<p>To ensure that development permitted on lands adjacent to coastal wetlands will not degrade the wetland or detract from its natural resource value, and will incorporate such features into the development site design to minimize impacts on wetland areas</p> <p>Required mitigation for development in wetland buffer:</p> <ul style="list-style-type: none"> <li>• coverage to be less than 25% of lot area</li> <li>• release rate of stormwater to not exceed natural rate for runoff for a 50 year storm of 10 minute duration</li> <li>• stormwater outfalls to be dissipated</li> <li>• areas disturbed during construction to be promptly replanted</li> <li>• development to minimize cut and fill and provide erosion/sediment controls</li> </ul>	<p>The property is located between the Pacific Ocean and Humboldt Bay on the west side of Peninsula Drive. The site is elevated 10', more or less, above the wetlands which lie to the west and south of the building location. The original CDP included a reduction in the wetland buffer development setback to the line shown on the plot plan.</p> <p>The current project does not involve an expansion of the permitted residence. The lot coverage remains less than 25% and the release rate of stormwater was found to not exceed the standard during the initial review.</p> <p>The only remaining ground disturbing activities will be improvements to satisfy the encroachment permit requirements. During construction of these improvements the required mitigation to replant any disturbed areas, minimize cut and fill and provide sediment and erosion control measures will be applicable.</p> <p>Stormwater outfalls from the house shall continue to be dissipated for the life of the project.</p>
<p>§312-39.15 Supplemental Impact Findings - Coastal Wetland Buffers</p>	<p>Development will be sited and designed to prevent impacts which would significantly degrade wetland habitat area, and shall be compatible with the continuance of such habitat areas</p> <p>The biological productivity and quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms shall be maintained, and where feasible, restored</p>	<p>During the original Coastal Development Permit, the Department of Fish and Game (DFG) reviewed the project and supported the 50' wetland buffer development setback and the location of the developable area as shown on the plot plan. No mitigation other than those mandatory mitigation set forth in Section 314-10 have been required by DFG for protection of wetland habitat.</p> <p>As mentioned above these measure will continue to apply to the project.</p>

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4. **Public Health, Safety and Welfare**, and 5. **Environmental Impact**: The following table identifies the evidence which supports 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.

§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	All reviewing referral agencies have approved 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.
§15303 of CEQA	Categorically exempt from State environmental review.	Class 3, Section 15303(a), New Construction of Conversion of Small Structures