



COUNTY OF HUMBOLDT

For the meeting of: 11/3/2022

File #: 22-1494

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Callahan Variance
Assessor Parcel Numbers (APN) 513-181-010
Record No.: PLN-2022-17770
Westhaven area

A variance is being sought to allow a reduced building setback for a proposed new residence. The request seeks to reduce the setback to 5 feet from the eastern property line where a setback of 20 or 30 feet would ordinarily be required. A vegetation management easement will be granted over the adjoining parcel to allow for the maintenance of defensible space around the structure in the event of wildland fire. The parcel is currently developed with a well and septic system and an assortment of accessory structures.

RECOMMENDATION(S):

That the Planning Commission:

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 part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-___). (Attachment 1) and thereby doing the following:
 - a. Find the project exempt from further environmental review pursuant to Section 15303(a) of the State CEQA Guidelines
 - b. Make all of the required findings for approval of the Variance; and
 - c. Approve the Callahan Variance project subject to the recommended conditions.

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Westhaven area, on the North side of Driver Road, approximately 0.3 miles northeast from the intersection of Moonstone Cross and Driver Road, on the property known as 1107 Driver Road.

Present General Plan Land Use Designation: Residential Estates (RE 2.5-5) Trinidad-Westhaven Community Plan Area; Density: 2.5-5 acres per dwelling unit

Present Zoning: Residential Suburban - Special Building Site [RS-B5 (2.5)]

State Appeal: The project is not located within the Coastal Zone.

Major concerns: None

Geologic Suitability: Slope Stability: Low Instability (1)

CEQA/Environmental Review: Categorically Exempt pursuant to the Class 3 exemption found in Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines

Executive Summary: A variance is being sought in conjunction with a proposal to construct a new residence near the footprint of an existing home that was recently demolished. The prior residence is estimated to have been constructed in the early 1940's. The home had fallen into disrepair and was dismantled in 2020, with the exception of one corner associated with the electrical drop to the parcel. Prior to demolition by the owner, the original home was eligible for recognition and protection as a lawful "non-conforming structure" as it was constructed prior to advent of zoning and the code includes exemptions and protections for scenarios of this sort, allowing repair, alteration, remodeling, reconstruction in the event of casualty, and even enlargement (so long as it does not worsen the nonconforming condition).

Basis for Variance: The parcel is zoned Residential Suburban (RS) and includes a Special Building Site ("B5 (2.5)") Combining Zone specifying a minimum parcel size of 2½ acres. The B combining zone includes standardized setbacks in two scenarios, based on the minimum parcel size specified. Larger setbacks are applied to parcels in B zones with a minimum lot size of 2.5 acres or greater. Parcels in these areas are subject to 20-foot setbacks from front and rear property lines and 30-foot setbacks from an interior side. B-zoned parcels with minimum parcel sizes below 2.5 acres enjoy lesser setbacks comparable to those applied to parcels in residential zoning districts (20 foot front, 10 foot rear, 5 foot sides). Additionally, because the parcel is located within a State Responsibility Area (SRA) for Fire Protection, standard defensible space setbacks are applicable and require a 30-foot setback from all property lines, or the centerline of a road easement where a property abuts a road.

Variance justification: The project proposes redevelopment of a parcel in a location that has been host to similar development for close to 75 years. Alternate building sites are occupied by existing structures or mature second or third-growth redwood trees. Demolition of existing useful structures is wasteful and stymies further redevelopment, especially considering expanding incentives found in housing law which facilitate and encourage conversion of garage spaces and/or their upper stories into accessory dwelling units. Approval of the variance would not confer a "special privilege" as the proposed building site was previously host to a residence. Furthermore, a review of contemporary satellite imagery reveals that neighboring parcels in the vicinity of the project are host to structures not conforming to standard setbacks. To comply with SRA setback requirements, a vegetation management easement will be granted over the adjoining parcel to allow for the maintenance of defensible space around the structure in the event of wildland fire. This type of approach provides the "same practical effect" as it provides a minimum of 30-feet of defensible space around the structure. These factors represent special circumstances which make the situation unique. Execution of the fuel modification easement has been included as a Condition of Approval and will ensure that the reduced setback will not result in increased fire risk and the chosen homesite appears to be in keeping with the established development pattern and standards for the neighborhood.

California Environmental Quality Act (CEQA): The Class 3 exemption covers the construction and location of limited numbers of new small facilities or structures. In rural areas this includes one single-family residence or a second dwelling unit in a residential zone. The project involves a variance to enable development of new residence on a property that is currently developed with an assortment of accessory structures. A project can be

disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply. However, none are applicable to the proposed project.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Alternative One - The Commission could elect to add, delete, or amend conditions of approval
2. Alternative Two - The Commission could deny approval of the requested variance if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Site Plan
2. Location Map
3. Applicant's Evidence in Support of the Required Findings
 - A. Variance Justification Statement
4. Referral Agency Comments and Recommendations

Owner/Applicant

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Please contact Steven Lazar, Senior Planner by email at slazar@co.humboldt.ca.us or (707)268-3741, if you have any questions about the scheduled public hearing item.