



24-2341

June 30, 2025

Mr. Derek Wiles
Humboldt County Planning & Bldg. Department
3015 H Street
Eureka, CA 95501

RE: REVISED Petition for Exception Request
Lindstrom Construction, Inc. PMS PLN-2025-19169
4721 Union Street, Eureka (APN 301-052-036)

Dear Mr. Wiles:

We respectfully request the previously submitted Petition for Right-of-Way Exception Request (dated December 23, 2024) to be replaced with this revised Petition for Exception Request, dated June 3, 2025. Since the submittal date of the application materials, we have become aware of additional exceptions not included in the original request that are required for this project.

Pursuant to Humboldt County Code §325-9, exceptions to the requirements and regulations of the Humboldt County Code ("Code") may be granted if the following conditions exist:

- 1) That there are special circumstances or conditions affecting said property;
- 2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner; or
- 3) That the granting of the exception will not be detrimental to the public welfare or injurious to the property in the neighborhood in which said property is situated.

In addition, in granting such exceptions, the Advisory Agency must secure, substantially, the objectives of the regulations to which the exceptions are granted as to light, air, and public health, safety, convenience and general welfare.

This Petition for Exception Request pertains to road development standards, specifically minimum road width, minimum right-of-way width, required turnaround, and required road surface.

Humboldt County Code § 3112-3 *et seq.*, corresponding State Fire Safe Regulations Section 1273.01 *et seq.*, states roads shall be constructed to a minimum Category 4 road standard (Two Lane-Narrow Traveled Way), which requires the following:

- a minimum traveled way width of 18-20 feet with a shoulder width of 4 feet,
- a minimum right-of-way width of 50 feet,
- a seal coat or asphalt concrete surface, and
- a turnaround constructed at its terminus

The property, in its existing configuration, is a flag lot, with a 60-foot-wide frontage on Union Street. To optimize the residential density potential allowed under the existing Zoning and General Plan regulations the subdivision is proposing to maintain the flag lot configuration.

This subdivision would create a dead-end road less than 250 feet in length to serve three resultant parcels.

#1. ROAD & RIGHT-OF-WAY WIDTHS

We are requesting exception to the Cat 4 road width and right-of-way width requirements.

As there is insufficient room to accommodate Cat 4 minimum road and right-of-way widths while maintaining setbacks to the existing residence on the site as well as the proposed parcels, we are requesting an exception to these standards.

As shown on the Tentative Map, the existing 10-foot-wide gravel driveway that runs along the northerly side of the panhandle will be abandoned. Access to all resultant parcels will be via the 30-foot right-of-way access from Union Street, as shown. The 30-foot right-of-way becomes a 20-foot right-of-way when it makes the 90° turn. Within this right-of-way will be a newly constructed 20-foot travel way, which becomes a 16-foot travel way north of the 90° turn.

#2. TURNAROUND

We are requesting exception to the Cat 4 turnaround requirement.

For the same reasons stated above, we are requesting exception to the Cat 4 requirement for a turnaround being constructed at the road terminus. The size and configuration of the resultant parcels 2 and 3 make it difficult to accommodate a turnaround at the terminus.

Humboldt Bay Fire has approved this exception request (see HBF letter dated June 30, 2025, attached) on the condition that parking restrictions, including signage along the access road and colors on curbs (once installed), be conditioned to ensure access for emergency vehicles. This condition is hereby agreed to and will be adhered to.

As well, in an Application Assistance meeting attended by Planning and Public Works (Land Use Division) staff, matters of access options, the need for a turnaround, as well as a reduction to the minimum right-of-way width and required road surface, were explored and thoroughly discussed. It was the belief of all concerned that a 30-foot-wide right-of-way was sufficient for providing vehicular and emergency access to the resultant parcels and provides ample space for the physical requirements of emergency response vehicles as well as utilities.

#3. ROAD SURFACE

We are requesting exception (by means of deferment) to the Cat 4 road surface requirement.

We are requesting (an interim) exception to the Cat 4 standard which requires a seal coat or asphalt concrete road surface and propose, instead, to allow for the resultant access road, as shown on the Tentative Map, to be a gravel surface, with pavement of said road and construction of PCC or

asphalt sidewalk being deferred to the occupancy of Parcels 2 and 3, or with the issuance of a building permit, whichever comes first.

This request is based on the logical orderly development of the proposed subdivision. At present, the only planned development is the construction of a single-family residence on Parcel 1 (permit approved under BLD-2024-60903). Once completed, the newly built residence will be the primary residence, and the residence that presently exists will be the ADU. No development on Parcels 2 or 3 is proposed at this time. The request for deferment of access road paving until the occupancy of Parcels 2 and 3 is a means of keeping expenditures to a minimum which, in turn, maintains financial feasibility of the proposed project.

The proposed parcels, as shown on the Tentative Parcel Map, are consistent with prescribed density, minimum parcel sizes, parking regulations, and other development criteria of the regulations, and the subdivision, as proposed, is consistent with planned growth of the area. This application does not request approval from the County for unusual or dangerous lot designs. Flag lots are quite common and have historically been approved by the County.

The granting of this exception request does not appear to be detrimental to the public welfare or injurious to other properties in the vicinity. This project, as proposed, complies with subdivision regulations and all other design standards required for such projects, thus, the granting of this exception should not appear to be providing special privileges not available to others. Rather, in so granting, the preservation and enjoyment of a substantial property right of the landowner is upheld, as to deny this exception request would be to deprive the property owner the ability to utilize the subject property to the maximum potential as described in and allowed by the County's General Plan and zoning regulations.

Based on the above, as agent for, and on behalf of, the owner of the subject property, we respectfully petition for the granting of this exception request.

Sincerely,

OMSBERG & PRESTON



Kimberly D. Preston, PE, PLS
Owner/Manager



HUMBOLDT BAY FIRE

Joint Powers Authority

533 C Street • Eureka, California 95501-0340 • (707) 441-4000
Fax (707) 441-4133 • www.hbfire.org • email: info@hbfire.org

June 30th, 2025

Humboldt County Planning and Building Department
3015 H St.
Eureka, CA 95501

Re: Fire Code exception for 4721 Union St. APN 301-052-036 Lindstrom Construction PMS PLN-2025-19169

This letter is addressing the request for exception to the fire code regarding fire apparatus turnarounds for the above listed project.

With the current proposal of abandoning the existing 10-foot-wide gravel surface driveway and the newly proposed 30 foot right of way access road (which narrows to 20 feet when it makes the 90 degree turn and narrows to 16 feet north of the 90 degree turn) we feel this is adequate to serve the residences within the project. While the length of the access road does call for adherence to Appendix D of the 2022 California Fire Code, I do not believe a fire apparatus turnaround is necessary given the widths of the access road. Given the widths of the roadway however, to allow for fire department access in the narrower 16-foot width sections and in the 90 degree turn section, restrictions on parking shall be proposed and enforced to as to not block fire department access. Appropriate signage, curb colors, etc will be a requirement to ensure access.

As such the scope of the project will not affect Humboldt Bay Fire's ability to respond to emergencies. Therefore, an exemption is approved for this project.

This exception does not and will not affect future exemption requests. Future requests will be addressed on a case by case basis.

William M. Reynolds
Deputy Fire Chief/Fire Marshal
Humboldt Bay Fire