



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 23-1273 **Version:** 1 **Name:**
Type: Zoning Item **Status:** Public Hearing
File created: 9/12/2023 **In control:** Planning Commission
On agenda: 9/21/2023 **Final action:**
Title: Fennell - Parcel Map Subdivision and Coastal Development Permit
Application Number PLN-2022-17900
Assessor Parcel Number (APN) 400-141-012
1500 Peninsula Drive, Manila area

A Minor Subdivision of a 16,566 square foot parcel into two parcels of approximately 6,336 square feet and 10,230 square feet. The parcel is currently developed with a single-family residence and detached Accessory Dwelling Unit. The property is served with community water and sewer services provided by the Manila Community Services District. Each dwelling unit will be sited on a separate parcel with no further development proposed. A Coastal Development Permit (CDP) is required as the property being divided is located within the Coastal Zone. An exception to certain road frontage improvements is being requested pursuant to Section 325-9 of Humboldt County Code.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 17900 Staff Report 9.21.23, 2. Attachment 1 - Exhibit 1A - Draft Resolution & Conditions of Approval, 3. Attachment 1B - DPW COA's - Fennell, 4. Attachment 1C - 17900 Tentative Map 08.24.2022, 5. Attachment 2 - 17900 Location Map 08.24.2022, 6. Attachment 3A - 325-9 Exception Request - Michael Fennell PMS, 7. Attachment 4 - Referral Agency Comments & Recommendations, 8. Attachment 4A - PW Exception Request Response, 9. PC Resolution 23-083_Fennell_17900

Date	Ver.	Action By	Action	Result
9/21/2023	1	Planning Commission	approved	Pass

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Fennell - Parcel Map Subdivision and Coastal Development Permit

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parcel with no further development proposed. A Coastal Development Permit (CDP) is required as the property being divided is located within the Coastal Zone. An exception to certain road frontage improvements is being requested pursuant to Section 325-9 of Humboldt County Code.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 23-___). (Attachment 1) which does the following:
 - a. Finds that the project is consistent with the development density established by an existing general plan for which an EIR was certified, and no further environmental review is required per §15183 of the State CEQA Guidelines; and
 - b. makes all of the required findings for approval of the Parcel Map Subdivision; and
 - c. approves the Fennell Parcel Map Subdivision and Coastal Development Permit subject to the recommended conditions.

DISCUSSION:

Executive Summary: The applicant is seeking approval to subdivide an approximately 0.38-acre parcel into two parcels. The parcel is currently developed with two residences. Each residence will be sited on a separate parcel following subdivision. Water and sewer services are provided to the property by the Manila Community Services District.

Access/Drainage: The property has frontage along Peninsula Drive, a public county-maintained road. The north and south boundaries of the property abut two separate private roads which supply access to the parcel and several neighboring parcels on the east side of Peninsula Drive. Access to the residence on the property's south side is provided by Taylor Court. Access to the residence near the northern end of the parcel is provided by an unnamed private road serving two other parcels.

Conditions from the Land Use Division of Public Works recommend that the applicant complete a series of frontage improvements including: 1. Paving of the first fifty (50) feet of the two private roads; and 2. construction of a paved parking lane along the Peninsula Drive frontage. The applicant has submitted an exception request (attachment 3A) pursuant to section 325-9 of the subdivision regulations and is requesting relief from the requirement to pave and construct a parking lane on Peninsula Drive. Public Works has reviewed the exception and does not support waiving of this requirement as it would shift the financial burden for the improvements from the developer to the County, noting the Road Fund is currently insufficient to cover road improvement expenses of this sort. In their exception request the applicant argues that the paving requirement is problematic as the additional impervious surface could worsen existing localized drainage issues due to the resulting

increase in stormwater runoff and that the cost would exceed their budget for the project and would be out of reach for the future owners of the property who currently occupy the residence as long-term tenants. They note that Peninsula Drive is currently paved to a width of forty feet and that the parking lane/shoulder is graveled. The exception request includes quotes from several paving contractors showing cost of the Peninsula Drive improvements ranging from \$16-22,000. Should the Commission choose to approve the exception request, staff recommends any motion to approve include rationale as to why the required findings for granting the exception can be made. These findings include: 1. There are special circumstances or conditions affecting the property; 2. The exception is necessary for the preservation and enjoyment of a substantial property right; and 3. Granting of the exception will not be detrimental to the public or injurious to other property in the area where the project is situated.

Hazards: The project is located on the Samoa Peninsula or North Spit. Much of the area on the peninsula is vulnerable to inundation from a tsunami run-up following a local great Cascadia Subduction Zone earthquake event. Policies found in section 3.17 of the Humboldt Bay Area Plan (HBAP) was added in 2014 and requiring that a tsunami vulnerability report with a site-specific prediction of tsunami run-up elevation be provided for all new subdivisions and development projects resulting in additional dwelling units. Because the primary purpose of the proposed subdivision is to enable sale of one of the dwellings to the current occupants, the applicant is agreeable to conveying rights to future residential development of the property until such time that a Tsunami vulnerability report and Safety Plan have been prepared by a California licensed professional civil engineer determining that additional residential development on the site will be safe from catastrophic failure or inundation caused by a local great Cascadia Subduction Zone earthquake event and accompanying tsunami. With regards to the tsunami run-up risk faced by existing residential development on the property, the closest refuge / evacuation point is accessible via an established trail through a private undeveloped parcel situated immediately across the street from the parcel being divided. This 9-acre parcel hosts a tall dune feature approximately 46 feet in elevation above sea level approximately 450 feet from the two residences on the property. The site is located in a moderate fire hazard severity zone where structural fire protection is provided through the Arcata Fire Protection District. As no new development would result from the proposed division, no increase in fire risk is expected.

Biological and Cultural Resources: Potential impacts to biological and cultural resources are largely avoided since the property being divided is already developed at this time. The Tribal Historic Preservation officer (THPO) for the Bear Band of the Rohnerville Rancheria has requested that a restriction be placed on future ground disturbance due to the sensitivity of the area and possibility for discovery of tribal cultural resources. Conditions of Approval have been included requiring that the property file a Development Plan with the Planning & Building Department and that the owner execute a Notice of Development Plan. The Development plan will include notations prohibiting new ground disturbance on the property without prior authorization by county staff following consultation with the representatives from the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. The notations will include an advisory that during consultation, tribal representatives may request to conduct a site visit and/or that a survey for cultural resources be performed by a qualified consultant. The precise language of the notation can be found in Condition of Approval #7.

Agency Input: The Planning Department has circulated requests for input relative to the request for approval of the tentative map and has received responses recommending approval or conditional

approval from the Division of Public Works, Building Division, the Environmental Health Division, Arcata Fire Protection District, and the Bear River Band of Rohnerville Rancheria THPO.

Project Location: The project is located in the Manila area, on the east side of Peninsula Drive, approximately 650 feet south of the intersection of Peninsula Drive and Orange Drive, on the property known as 1500 Peninsula Drive.

Present General Plan Land Use Designation: Residential Low Density 3-7 dwelling units per acre (RL).

Present Zoning: Residential Single-Family with Special Area Combining Zones Manufactured Homes and Archaeological Resources Areas (RS-5-M/A); 5,000 square foot minimum lot size.

Environmental Review: The subdivision is consistent with the residential density established under the Humboldt Bay Area Plan (HBAP). A Local Coastal Plan (LCP) covering this community planning area, the HBAP was last updated and certified by the Coastal Commission in 2014. The residential density specified in the HBAP was utilized for analysis conducted during development of the Environmental Impact Report prepared for the current Humboldt County General Plan, which includes all of the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the plan in 2017.

State Appeal: Project is located within the Coastal Zone and is appealable to the California Coastal Commission.

Major concerns: None

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to approve the proposed minor subdivision and the exception request to waiver of frontage improvements to Peninsula Drive. This alternative should be implemented if your Commission is able to make the required findings found in Section 325-9 of Humboldt County Code. These findings include: 1. There are special circumstances or conditions affecting the property; 2. The exception is necessary for the preservation and enjoyment of a substantial property right; and 3. Granting of the exception will not be detrimental to the public or injurious to other property in the area where the project is situated.
2. The Planning Commission could elect not to approve the proposed minor subdivision. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Sections 326-21 or 326-31. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Public Works Department Conditions of Approval
 - C. Tentative Map
2. Location Maps
3. Applicant's Evidence in Support of the Required Findings
 - A. Exception Request
4. Referral Agency Comments and Recommendations
 - A. Public Works Response to Exception Request

Applicant/Owner

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