



Nov. 30th

PLANNING APPLICATION FORM
Humboldt County Planning Department
Current Planning Division 3015 H Street Eureka, CA 95501-4484
Phone (707) 445-7541 Fax (707) 268-3792

INSTRUCTIONS:

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit all items marked on the reverse side of this form.

SECTION I

APPLICANT (Project will be processed under Business name, if applicable.)

Business Name: COALITION FOR RESPONSIBLE HOUSING
Contact Person: CAROLE HUEY
Mailing Address: 1053 DEBORAH DR.
City, St, Zip: McKINLEYVILLE, CA 95519
Telephone: 707-442-4880 Alt. Tel: N/A
Email: chuey10@gmail.com

AGENT (Communications from Department will be directed to agent)

Business Name: _____
Contact Person: _____
Mailing Address: _____
City, St, Zip: _____
Telephone: _____ Alt. Tel: _____
Email: _____

OWNER(S) OF RECORD (If different from applicant)

Owner's Name: DANE VALADAO
Mailing Address: 1904 PICKETT RD
City, St, Zip: McKINLEYVILLE, CA 95519
Telephone: _____ Email: _____

Owner's Name: _____
Mailing Address: _____
City, St, Zip: _____
Telephone: _____ Email: _____

LOCATION OF PROJECT

Site Address: 1820 PICKETT RD
McKINLEYVILLE, CA 95519
Community Area: SOUTH SIDE OF GRACE PARK

Assessor's Parcel No(s): 510-381-021-000
Parcel Size (acres or sq. ft.): 2.47 ACRES

Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons? ☐ YES ☒ NO

SECTION II

PROJECT DESCRIPTION

Describe the proposed project (attach additional sheets as necessary):

APPEAL TO THE BOARD OF SUPERVISORS:
VALADAO SUBDIVISION
APPLICATION # PLN-2021-17560 (FILED 12/22/2021)
— SEE ATTACHED —

SECTION III

OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT

I hereby authorize the County of Humboldt to process this application for a development permit and further authorize the County of Humboldt and employees of the California Department of Fish and Wildlife to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are **not** complete or do not contain truthful and accurate information will be delayed and may result in denial or revocation of approvals.

[Signature]
Applicant Signature

11/28/2023
Date

If the applicant is not the owner of record: I authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

N/A
Owner of Record Signature

Date

N/A
Owner of Record Signature

Date

**COUNTY OF HUMBOLDT
CAMPAIGN CONTRIBUTION DISCLOSURE FORM**

Application Number: _____

Application Title: _____

Was a campaign contribution, regardless of the dollar amount, made to any member of the Humboldt County Board of Supervisors, Planning Commission, or to any County Elected Official in the 12-month period prior to application submittal, by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent?

Yes _____ No X

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the contributor the:	Yes	No
Applicant	_____	_____
Subcontractor	Yes _____	No _____
The Applicant's Agent	Yes _____	No _____

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Board of Supervisors Member(s), Planning Commissioner(s) and County Elected Official(s) to whom you, your subcontractors, and/or agent made campaign contributions in the 12-month period prior to application submittal, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Board of Supervisors Member, Planning Commissioner, or County Elected Official: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Board Members or County Elected Official to whom you, your subconsultants, and/or agent made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Board Members or County Elected Officials by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit or entitlement to use.

11-26-2023
Date

Print Firm Name if applicable

Carole Huey
Signature of Applicant
Carole Huey
Print Name of Applicant

Humboldt County Board of Supervisors
Project Title: Appeal of the Valadao Subdivision
Record Number: PLN-2021-17560 (filed 12/22/2021)
Date: November 28, 2023

We hereby appeal the November 16, 2023 decision of the Humboldt County Planning Commission, which approved the Valadao Subdivision. We request that the Board of Supervisors deny subdivision of the parcel. The decision of the Hearing Officers is not in accord with the standards and regulations of the zoning ordinances.

1. Project fails to meet the Planned Development requirements of HCC 314-31.1"P".
See Summary—Exhibit A, Analysis—Exhibit B, pages 15-22 (Public Comment from 11/16/23 meeting)
 - Fails to meet Purpose and Intent of the "P" code ("P" 31.1.1.1)
 - Fails to provide any "open space," recreation areas, or commercial services (31.1.1.2)
 - Code does not allow "clustering" for the sake of clustering.
 - The height of the buildings blocks the ridgeline silhouette from adjacent tenants as well as from travelers driving or walking up Pickett Rd. (31.1.6.1.3)
 - The "Architectural Considerations" required by the Code were not met. (31.1.6.4)
 - No common areas or amenities. (31.1.1.2)
 - No laundry hook-up or common laundry "in" the two-bedroom fourplexes as required by HCC 314-31.1.6.5.2
 - A common laundry room is not an amenity. It is a requirement of the code.
 - Trash Collection is not an amenity. It is a requirement of the code. (31.1.6.5.3)
 - The area set aside for collection is not nearly sufficient
 - Without sufficient trash dumpsters, tenants will have to get their own
 - This will violate the requirements of HCC 314-31.1.6.5.3.
 - Common area "must" be "owned, managed, and maintained by PUD Owners Association." (HCC314- 31.1.5.1) *See Exhibit B, page 17*
 - Also required under HCC 314-31.1.8 for
 - "Improving, operating, and maintaining common facilities,
 - including open space, streets, drives, service, parking, and recreation areas."
 - Fails to meet the Parking Considerations of Code. (31.1.6.3)
 - Fails to meet the Circulation Considerations of the Code. (31.1.6.2)

2. Density is too high. To be in accordance with the General Plan, the density level should be lower than 30 for the entire 2.47 acres.
 - The Senior Mobile Home Park adjacent to the Project has 30 mobile homes per 2 ½ acres. The other three sides surrounding the Project are 1/3 acre, single-story, high-end, single-family homes.
 - According to Director Ford, the General Plan envisions a “fanning out” from commercial, to less dense, to even less dense, to single family homes.
 - So, using that as a guide for Pickett Road, starting on Central Avenue and going east, it is commercial, then a 5+ acre park, then 29 units on 2 ½ acres, then another 30 units on 2 ½ acres, then the Proposed Project, then single-family homes on 1/3 acre each. Therefore, to compete the “fan” the Project should be between the 18 unit minimum required by the General Plan and the 30 units already existing on the adjacent lot.
 - Requiring that the Project be all one-story would meet this goal, and make it blend in better with the 1/3 acre single-story, single-family homes that surround the Project on three sides.
 - This area of McKinleyville should maintain that “small town feel” talked about in the General Plan as it is the heart of McKinleyville; the place where visitors will congregate and “check out” the neighborhoods to get a flavor of the County. This will certainly help economic development.
3. Even using a mid-point for the density would only be 38 units as opposed to the 61 requested.
4. The density is too high. It will lower our air quality. Car emissions and health-based particulate matter will be too high. 61 units is more than the number of units in all of Pillar Estates, and Steven Way (which are the two developments directly east of the Project—the air blows west to east from the ocean). All air and noise matter hits the hills and trees behind Pillar Estates and bounces back—and exacerbates the problem. So, doubling the population between Pickett and Gwin will certainly greatly impact our air quality. Conditions of Approval #14.1 B (2) states.

“The project is located in a designated non-attainment area for the state’s health- based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards.”

5. Project does not provide “adequate off-street parking.” HCC 314-109.1. Without adequate parking, the density is too high. **See Exhibit B page 10-14** (Public Comment from 11/16/23 meeting)
 - Project does not provide the “minimum” required parking.
 - “Required parking shall not be sited in the front-yard setback.” (HCC 314-109.1.3.1.1.1. “Shared Parking” does not mean “Reduced Parking.”

- Due to traffic congestion, and public safety issues, developer must provide parking in excess of the minimum. HCC 109.1.1.1 and HCC 109.1.1.2.
 - I believe a Planner argued that “Current housing element policy waives off-street parking required for a Single-Family Dwelling or duplex development of 1000 sq. ft. or less.
 - The single-family homes/Duplexes are 1500 sq.ft. So, argument not applicable.
 - The Planned Development Code “P” allows for “shared” parking, not reduced parking. Draft Resolution #21 states that the “Number of spaces shall conform to off-street parking regulations.” (HCC 109.1)
6. The Parking spaces are only 16 feet long. They should be required to be 18 feet long in accordance with HCC 109.1.2.2.1
7. Project fails to meet the Solar Shading Requirement (HCC 322.5-4(a))
- Solar Shading Study shows they can meet the requirement at 16’. (See Conditions of Approval # 14.B.(4))
 - Making the building one-story would meet this requirement and be in-line with density requirements of the General Plan.
8. The One-Bedroom Apartment Buildings violate the requirement of the R-3 zoning and the “P” code requirements as they are not fourplexes they are 8-plexes.
- Their backs, roofs, floors, stairwells, stair platforms, ceilings, doors, and laundry rooms attach.
 - They also violate the set-back requirements of HCC 314-6.4 as they are attached.
 - They would also violate the Solar Shading Requirement of HCC 322.5-4(a) as the south facing walls of the buildings on lots 9, 12, 14, and 16 are not even exposed to the sun at all—They are attached to the shared stairs and shared laundry rooms.
9. “P” Code does not allow “reduced road right-of-way width” as stated in the Staff Report and Draft Resolution #14. They merely state that “Shoulders tend to visually widen the road, and encourage higher speeds as a result. Where shoulders are required for stormwater management on residential streets, the shoulders should be grass surfaced wherever possible.” HCC 314-31.1.6.2.3
- Standard right-of-way for backing up from perpendicular parking is 25 feet.
 - The development only allows for 24 feet to backup, which is below standards.

10. Maximum Ground Coverage as per HCC 314.6.4 has not been calculated or addressed in the Draft Resolution. This section applies to both the R-3 zoning and the “P” code. See HCC 314-31.1.5.3.
11. Setback Standards may only be modified provided the Lot coverage requirements above are met. HCC 314-31.1.5.4
12. Draft Resolution #11 is not in compliance with HCC 314-99.1. *(See Exhibit C)*
13. The Conditional Use Permit should be denied. *(See Exhibit C)*
14. They did not do a CEQA as part of the EIR’s because they are standing on the shoulders of the existing CEQA’s done for McKinleyville in 2001 and per the CEQA update of 2017.
15. There are community concerns with the infrastructure planning for this project that have not been addressed. One concern is the current limitation with PG&E power connections. With three new developments and the Town Center plans coming into McKinleyville with no infrastructure to support them, the cost of adding the infrastructure for this project could be substantial enough to prohibit any affordable housing arising from this Proposal.
 - This concern was pointedly expressed by Planning Commissioner Peggy O’Neil (who actually lives in McKinleyville) at the Planning Commission hearing on November 16, 2023.
16. County needs to take responsibility for Gwin Road in terms of maintenance as part of any agreement for the subdivision to be built.
 - The road is a main artery to the parking lots for Pierson Park, the Teen Center, and the Skateboard Park which are owned and operated by the County.
 - This parking lot provides overflow parking for the Library, Azalea Hall, and the Senior Center
 - It has its own stop light at Central Avenue which is operated by the County.
 - The degradation of the road is almost entirely from Central Avenue to the Parking lots at Pierson Park and the Teen Center.
 - So, it is the public driving on Gwin Road to the park that is causing the degradation.
 - Once the McKinleyville Town Center is built, there will be considerably more traffic on the road, degrading it even further.

- The County really owns the ground beneath the asphalt and should take responsibility for it.

17. County needs to purchase any sidewalk easement on Pickett Road and require Applicant to complete sidewalks for safe passage to Pierson Park, Teen Center, Skateboard Park, Library, Azalea Hall, and the Senior Center.

- Because there is no sidewalk, if someone is parked on the side of the road, you have to walk out into traffic in order to skirt around the car.
- If you are going to double the density of the area, you are going to
 - Double the parked cars along the road, and
 - Double the number of pedestrians having to walk out into traffic to skirt around them.
- The County is therefore, creating the problem and should be the one responsible for fixing it.

18. We will present salient arguments to support our concerns regarding

- Housing availability and or “affordable” housing.
- Mitigating the noise of constructions (3-7 years) and noise resulting from such a high-density Project with regard to the well-being of the Senior residents living on Pickett Road, Deborah Drive, and Hummingbird Drive.

Humboldt County Planning Commission

Project Title: Valadao – Major Subdivision

Record Number: PLN-2021-17560 (filed 12/22/2021)

Date of Hearing: Thursday, November 16, 2023

1. Insufficient Parking *pg 10*

- Code Requires 134 Parking Spaces. (*This is the Minimum—not maximum requirement*)
- Site Plan only shows 86 Spaces (Front yard setbacks don't count) HCC 314.109.1.3.1.1.1
- Additional Parking Rules Apply (HCC 314-109.1.3.1.2.2 & 109.1.3.1.1.2)
 - Code requires additional parking if roadway is under 40'
 - Jack Way is a Roadway
 - Jack Way is only 24' Wide *Table pg 13*
 - Jack Way "serves" each of the 19 parcels (Each building is on own lot)

2. Fails Solar Shading Requirement (HCC 322.5-4(a)) *pg 14*

- Each of 19 buildings are on their own lot. (So Solar Shading must pass for each lot)
- Each Building is the "Primary" Building on its own lot
- Buildings 30' wide x 26" tall. 10' apart
- Mathematically impossible for sunlight to reach 80 % of south side between 10:00 a.m. and 2:00 p.m on December 21.
- Solar Shading Study proves this out. *pg 15*

3. Proposal Fails to meet the Very Purpose and Intent of the PUD Provisions HCC 314-31.1.1

- PUD provisions envision the McKinleyville Town Center PUD, condos, townhouses, etc.
- Purpose – To create beauty, a sense of community, and a feeling of wellbeing
- They seek to save natural landscapes, wetlands, and nature preserves within a development
- They Require Open Space, Recreation areas, Neighborhood commercial services
- They envision quiet spaces, trails, playgrounds, clubhouses, gyms, pet areas, etc.
- They **require** that these common grounds be owned & operated by an Owners Association.
- Proposal does not have any of these. It is a parking Lot with a row of 2 story boxes.
- With 19 owners who can blame each other—rather than take any responsibility themselves
- (Just look at Gwin Road—and many other roads in the County)
- The Proposal fails as a matter of public policy—*It fails to meet the very purpose of the code.*

4. PUD Provisions do not allow "Clustering" for the sake of Clustering. (See HCC 31.1.1.2)

- It allows "clustered" development in "concert" with the residential amenities.
- The Project should not be allowed to be zoned a PUD.
- So, no shared parking, no reduced setbacks, reduced lot size, or reduced road right of ways
- To allow this proposal PUD status provides a roadmap for others to circumvent the Code.
- Because any project could label itself a PUD, thereby
 - Avoiding the standard building code requirements.
 - Packing in as many building lots as physically possible
 - Being able to sell each lot for more money than if it wasn't subdivided
 - Without having to provide any open space, recreational facilities, or beauty
 - Or any Owners Association responsible for operating or maintaining the property
 - And, the tenants will suffer. And, the landlords will avoid responsibility
 - And, Humboldt County will look like one ginormous prison compound.

5. Also, the Proposal does not meet most of the other requirements of the PUD Provisions *pg 17*

- Architectural Considerations not met. (Only one-story 1/3 acre homes in upscale area)
- No in-unit laundry hookups or common laundry in "each fourplex"
- Trash area not big enough and not conveniently located (need 5 dumpsters—only room for 2)
- Circulations and Parking Considerations not met. ("P" requires safety/beauty/sleep)

November 15, 2023

Humboldt County Planning Commission

planningclerk@co.humboldt.ca.us

Project Title: Valadao – Major Subdivision

Record Number: PLN-2021-17560 (filed 12/22/2021)

Date of Hearing: Thursday, November 16, 2023

Dear Planning Commission:

I have been a resident of Humboldt County for 23 years. It is the most beautiful place on earth. I live next door to the Applicant and was going to sit this one out. However, I cannot. To allow this proposal to continue would violate public policy and create a road map for developers to circumvent the Building Code itself, as well as the very laws meant to protect us. If we allow this development, our whole county will eventually look like one gigantic prison compound.

(1) The code requires 134 parking spaces. (Page 10 --Table on Page 13)

- There are only 86 spaces
- The 4 spaces in front of the 4 garages don't count. (HCC 314-109.1.3.1.1.1)
 - "Required parking shall not be sited in the front-yard setback."
 - Additional 4 spaces need
- The Code requires another 44 spaces. (HCC 314-109.1.3.1.2.2, & 109.1.3.1.1.2)
 - Jack Way is a roadway
 - Jack Way is only 24' wide
 - Jack Way "serves" each of the 19 parcels (Each Apt. is one own lot.)
 - Code requires additional parking if road is under 40' (HCC 314-109.1.3.2.1)
 - Additional 44 spaces needed (See Table on Page 13)

(2). The Proposal fails the Solar Shading requirement. (HCC 322.5-4(a) (page 14)

- Buildings face East/West
- Each building is the primary building on its own lot (will have its own owner)
- South sides are 30' wide and 26" tall
- Buildings are 10 feet apart
- Mathematically impossible for sunlight to reach
 - 80% of the south side of 12 of the apartment buildings and 4 houses
 - Between 10:00 a.m and 2:00 p.m
 - On December 21
- Solar Shading Study proves this out
- A one-story, 16' building will pass the Solar Shading requirement.

(3). The Proposal fails to meet the Purpose and Intent of the PUD provisions. (Page 15)

- PUD examples – MCK Town Center, condos, and townhouse developments
 - It has residential and commercial lots within one subdivision
 - It blends an area’s natural landscape, wetlands, and nature preserves With real estate developments
 - It promotes holistic real estate development
 - **And, it is planned within the subdivision itself**
- Purpose is to
 - create beauty
 - A sense of community, and
 - A Feeling of wellbeing
- **Each PUD subdivision** requires residential amenities such as (HCC 31.1.1.2)
 - Open space
 - Recreation areas, and
 - Neighborhood commercial services
- To allow for that open space, recreation areas, and neighborhood services, the PUD provisions allow “*clustered*” development. (HCC 31.1.1.2)
 - Shared parking facilities
 - Reduced setbacks from interior lot lines
 - Reduced lot size
 - Reduced road right-of-way width
- ***They do not allow “clustering” for the sake of clustering.***
- ***They do not allow piggy backing on public and commercial services in the area***

(4). Proposal does not meet the above requirements—the purpose of the Code. (Page 15)

- The site Plan shows
 - No “Open Space”
 - No “recreation areas” and
 - No walking trail
 - No playground
 - No picnic table
 - No pet area
 -
 - No commercial amenities such as
 - A clubhouse
 - Gym
 - Bike rentals, or
 - Convenience store

- “Open Space” cannot include (HCC 314-150)
 - Buildings
 - Streets,
 - Parking,
 - Landscape strips, or
 - Setbacks
- Therefore, it should not be allowed to circumvent the code by getting
 - Shared parking facilities
 - Reduced setbacks from interior lot lines
 - Reduced lot size
 - Reduced road right-of-way width
- The proposal must be made to comply with the R-3/D Building Codes
- If it is not required to meet the purpose of the PUD Provisions (HCC 31.1) all future developers will circumvent the Building Code standards and requirements by claiming they are PUD’s when they are not—and we will be crammed in like prisoners. And Humboldt County will look like one gigantic prison compound.

We came to Humboldt County for a reason. For the Space. For the Beauty. For the feeling of Community. We can grow...But we should grow responsibly. Buildings are Forever.

“Clustering should not be allowed for the sake of clustering.”

(5). Even if the Proposal meets the “purpose” of the PUD Provision, the Proposal should be denied as it **does not meet the specific requirements of the Provisions (HCC 31.1)**

- There is no Owners Association (HCC 314-31.1.8 and 31.1.5.1.4) *(Page 17)*
- The “Architectural Considerations” have not been met. (HCC 314-31.1.6.3) *(Page 19)*
- Washers and Dryers are not located in each Fourplex (HCC 314-31.1.6.5.2) *(Page 20)*
- Trash collection area is insufficient (HCC 314-31.1.6.5.3). *(Page 21)*
- Jack Way does not meet “Circulation Considerations”. (HCC 314-31.1.6.2) *(Page 21)*
- The parking lot does not meet “Parking Consideration”. (HCC314-31.1.6.3) *(Page 21)*
- No common area owned, managed, and maintained by the PUD owners association.

(6). **There is no Owners Association.** (HCC 314-31.1.8 and 31.1.5.1.4) *(Page 17)*

- An Owners Association is the only way to demand responsibility
- A non-profit owners association
 - Must be incorporated
 - Must be Funded
 - Must have the ability to require payment of funds
 - Would set and record CC&Rs.
 - Would Record Easements
 - Would maintain the Apartment Complexes

- Maintain the Roads
- Enforce Noise regulations and CC&R's
- Without an Owners Association (Since there are 19 property owners) there is no responsibility to
 - Clean and sweep parking lots
 - Maintain and sweep the road
 - Maintain fences
 - Maintain landscaping
 - Clean the laundry room
 - Buy and maintain washers and dryers
 - Paint and maintain the laundry room structure
 - Manage and pay for trash dumpsters
 - Maintain landscaping
 - Require that apartment buildings are painted and maintained
 - Require that setbacks are mowed landscaped and mowed
 - Enforce noise restrictions prevent outdoor clutter
 - Require common sense occupancy standards
- As landlords have no incentive to fund the owners association,
 - The board of the Owners association should include
 - One tenant from each of the 19 properties
 - Tenants on the board must be allowed to vote

(7) The Architectural Consideration have not been met. (HCC 314-31.1.6.4) *(Page 19)*

- The Buildings are not compatible in design with houses nearby
 - The houses nearby are all one-story
 - The Houses (Duplexes) and apartments are all two-story
 - House nearby are on 1/3 acre, landscaped lots
 - The proposed houses are all shaped like big boxes
 - The proposed single-family homes on Pickett are not one-story
 - One-story would fit in with neighborhood
 - Provide a visual step-up to the two-story Apartments
 - Hide the two-story apartments

(8). The common Washers and Dryers are not located in each Fourplex (HCC 314-31.1.6.5.2) *(Page 20)*

- They are supposed to be inside each apartment building
- The washer dryer hook-ups in the one-bedroom apartments are not sufficient
 - Code requires a washer and dryer
 - Code requires at least one washer and dryer per fourplex
 - The one-bedrooms are really 8-pexes
 - Therefore, there must be two washers and dryers.
- The only alternative to a common laundry in each building
 - Provide washer/dryer hookup in each of the 61 units.

(9). Trash collection area is insufficient (HCC 314-31.1.6.5.3). *(Page 21)*

- Proposed Trash area only has room for 2 Dumpsters
- Section 8 housing in McKinleyville has the equivalent of 6 Dumpster
- Trash area is not conveniently located
 - It will be the equivalent of 2 city blocks away for some
 - People will have to drive their trash there

(10). Jack Way fails the “Circulation Considerations”. (HCC 314-31.1.6.2) *(Page 21)*

- Jack Way does not serve a limited number of Dwellings
- Therefore, it does not “restrict the amount of traffic in front of homes.”
- Jack Way should be a dead end or cul-de-sac
 - Slow down traffic
 - Kids will be in the streets as there is no play area—so will reduce injuries
 - This will prevent injuries on Pickett
 - Pickett has a hill just before the proposed development
 - People turning Left on Jack Way can’t see cars coming
 - People coming up the hill can’t see traffic entering from Jack Way
 - This will keep traffic off of Pickett Road to prevent injuries at Central
 - Pickett is congested at Central Ave
 - There are 5 driveways within 150’ of Central Avenue
 - There are parked cars on each side of Pickett to the dentist office
 - People entering roadway from the 5 driveways can’t see
 - People driving on Pickett can’t see cars entering from 5 driveways
 - Middle School children cross Pickett/Central 2 times a day
 - Central/Pickett has the most pedestrians of any road in McKinleyville
 - There has already been one child seriously injured (ICU for a week)

(11). The parking lot fails the “Parking Considerations”. (HCC314-31.1.6.3) *(Page 21)*

- The proposal is just one long line of cars
- “Shared Parking” is allowed in order to make the parking area
 - More visually beautiful
 - Allow parking on sides of buildings
 - No Lights in Tenant’s windows
 - Reduce noise from coming home late
 - Reduce noise from people going to work early
 - Shared parking in courtyards encourage.

(12). No common area owned, managed, and maintained by the PUD owners association. HCC 314-31.1.5.1.4. *(Page 17)*

- No Common Area as required
- No proposal for Lot# 8 to be owned by the owners association.

My Public Comment covers three main issues. (1) The failure to meet the requirements under the Building Code Planned Development (PUD) provisions of HCC Section 314-31, (2) The failure to meet the parking and solar shading requirements of the Building Code (3) and the substantial Public Safety issues for both our community and the tenants of the subdivision should this project be allowed to proceed. My comment is a detailed analysis of the substantial legal and public safety ramifications of allowing the project to continue and is meant to protect anyone's right to "challenge the nature of the proposed action in court" as stipulated in the "Public Notice" which many of us did not receive.

The Valadao Proposal. Application Number PLN-2021-17560 requests that the existing 2.47 acre lot, with an existing single family home on it, be subdivided into a PUD Major Subdivision of 19 parcels —*with no common areas, no amenities, no recreational facilities, no owners association, and no responsibility for maintenance.* These parcels can then be sold as 14 individual apartment buildings, and 5 single family "homes." This allows the Applicant to market and sell each of the 19 buildings to 19 different owners at a much higher price than if he were required to sell the entire 61-unit apartment complex in a single transaction. (A 4-unit apartment is much easier to market, finance, and sell than a huge apartment complex.)

Plus, unlike a 2.47 acre apartment complex which, is owned and operated by *one* owner, who is then responsible for all maintenance, repairs, trash collection, washing machine repairs, etc., in this subdivision, *no one* is responsible. Because, like a house, each owner can do whatever they want. For instance, the owner of Lot 8 can simply put a fence around his property, thereby denying access to the laundry room, the trash cans, and 10 parking spaces. And, if a tenant wants to complain about a noise neighbor, or a unkept lawn in the apartment complex, he has to call the police like everyone else. And, if someone falls on the stairs of any of the one-bedroom apartments there is no one to sue. (Each of the one-bedroom "fourplexes" are really attached 8-plexes because they share the stairs and laundry room. So, if someone falls, which property did they fall on?)

Therefore, the creation of a Major Subdivision should not be taken lightly, and the surrounding homeowners should not be required to essentially subsidize the Applicant through the loss of market value that will surely accompany a 61-unit, 19 owner, sub-standard, TWO-STORY parking lot style apartment complex (with insufficient parking) averaging .04 acres per unit that is located in an area with upscale SINGLE-STORY single-family homes averaging 1/3 acre each.

We were told that the Applicant could have requested a permit to develop an apartment complex on his 2.47 acres under the R-3/D zoning provisions. But, that in order to increase the number of lots that can be sold, (so he can make more money) the Applicant is asking the Planning Commission for a Planned Development (PUD) permit to allow "*clustered*" development of the 19 buildings, so that he can keep the existing single-family home on a .36 acre parcel and squish the other 60 units on 2.11 acres. This permit would allow *shared parking facilities, reduced setbacks from interior lot lines, reduced lot size, and reduced road right-of-way width.*

However, this is not the purpose of the PUD provisions. The purpose of the provisions is to create beauty, a sense of community, and a feeling of wellness that only comes from having open spaces and sufficient amenities to enjoy life. That is not what we have in this proposal. The PUD provisions envision townhomes, condos, and mixed-use residential areas with open spaces, recreations areas,

and commercial services like a clubhouse, gym, or swimming pool. And to encourage developers to provide this kind of beauty and serenity, the PUD provisions allow for “*clustered*” housing so that more open spaces and recreational facilities can be provided.

So, the purpose of the PUD provisions is *not* to “facilitate maximum density and parcelization” as stated in the Planning Department Staff Report. **The provisions do not allow “*clustered development*” for the sake of clustered development.** In fact, they required just the opposite. Like the McKinleyville Town Center PUD, they require beauty, they require residential amenities like recreation areas and open space—and *they demand responsibility*.

In fact, they demand a non-profit incorporated Owners Association. And they state that the common areas must be *owned, managed and maintained*” by the that PUD Owners Association. This proposal does not propose, establish, fund, or even allow for such an association. It does not even propose Covenants, Conditions, & Restrictions (CC&R’s).

The Application should be denied for the following reasons:

- (1) It does not meet any of the Building Code requirements for a PUD.
- (2) The Conditional Use Permit will not be used to build actual single-family homes.
- (3) It does not provide the 134 parking spaces required by HCC 109.1.
- (4) It does not meet the Solar Shading requirements of HCC 322-5.
- (5) The increase in traffic and parking creates Public Safety issues for the community.
- (6) The Project will create Public Safety issues for the tenant of the subdivision as well.

If the goal of the Planning Commission is to increase housing in the county, let the Applicant build his apartments on his single lot under the current R-3/D zoning. But, make it decent housing. Don’t allow him “*shared parking facilities, reduced setbacks from interior lot lines, reduced lot size, and reduced road right-of-way width.*” Please, require that he comply with the building code. Make him provide the 134 parking spaces required under the code. Make him meet the Solar Shading requirements, the setback requirements, and the drainage requirements, etc. of the code.

He will still make a ton of money. (He only paid \$615,000 for it.). And, as the sole owner of the apartment complex, it will be his sole responsibility to maintain it, manage it, and provide his tenants the services they deserve. And, if there is a problem, his tenants, the neighborhood residents, the fire department, and the police will know who to contact to fix it. And, he won’t be able to point to 19 other owners and blame them for the condition of the property. Please protect the tenants of his apartment complex. Make him responsible for it.

Recommendations:

In the event that the Planning Commission grants subdivision of the parcel, I respectfully request the following:

- (1). That the lot be divided into 7 approximately one-third acre parcels which are then the same size as the average lot in the surrounding area. (Access can be granted from Pickett Road, Gwin Road, and G-Lane.)

(2). That these lots be rezoned R-1 (single family residences) or that Conditional Use Permits be granted to accommodate 7 single family one-story homes (which would include the existing house). And,

(3). Each of the 7 parcels be granted one Accessory Dwelling Unit (ADU) or Tiny House per HCC Section 314-155 or Movable Tiny House per HCC Section 314-148.

As a result, we will provide additional housing for both higher income and lower income community members, while maintaining the charm and beauty of our McKinleyville Town Center. The Applicant's specialty is single-family homes anyway, and with such nice homes, he will make even more money.

In the event that the Planning Commission is still in favor of granting the proposed subdivision into 19 parcels, I ask the Commission to require that the following conditions be met:

(1). No structure higher than 16 feet be allowed as (a) There are no two-story houses in the surrounding area. (b) Two-story units cannot comply with the solar shading requirement of HCC Section 322-5. (c) Two-story units will obstruct the beautiful view of the surrounding hills, the tree line, and the gorgeous sunrise currently witnessed as you drive up Pickett and Gwin Roads. And, (d) They will not only block this view from the Senior Manufactured Home Park residents on the west side of the parcel, it will shade their lots and prevent the morning sun from warming them. (Plus, no one wants people looking down at them from their second story windows 10 feet away.)

(2). That Lot 8 be required to be a common area owned, managed, and maintained by a PUD owners association as required under HCC 314-31.1.5.1.4. or a non-profit incorporated owners association as required by 314-31.1.8. And that it become an open space and recreational area as required by HCC 314-31.1.1.2.

(3). That the existing house be developed as a club house, gym, or other recreational facility as per HCC 314-31.1.1.2. That a playground and picnic area be provided on the lot (Lot 8) and that a Maintenance shed/building be built to house tools, and preform repairs.

(4). That the cleaning and maintenance of the recreational facilities, laundry room, common areas, open space, roads, parking lot, setbacks, and landscaping be the responsibility of the owners association.

(5). That the owners association use Covenant, Conditions and Restrictions (CC&Rs) to set and enforce rental *occupancy* standards, noise restrictions, building maintenance, landscaping designs, and approved exterior color schemes.

(6). That the Name and phone number for the President of the owners association be posted in conspicuous places in the common area, such as the club house and laundry building, so tenants and neighborhood residents know who to call to report

violations of the Owners association standards or to report maintenance issues like fixing a washing machine.

(7). That a minimum of 134 parking spaces be required as per HCC 314-109.1.3.1.1.1, HCC 109.1.3.1.1.2, HCC 314-109.1.3.1.2, and HCC 314-109.1.3.1.2.2. And that additional spaces for guests, trailers, and RV's from the Subdivision be required under HCC 314-31.1.7.4.2.2 and HCC 314-31.1.7.5 so they are not parallel parked on Pickett or Gwin Road as Pickett Road is already creating a traffic hazard.

(8) That tenants are provided the “in-unit connections” or “common laundry room” washers and dryers in each of the fourplexes and single family homes as required by HCC 314-109.1.6.5.2. (Rather than in the Laundry Building on Lot 8.)

(9) That 6 Trash dumpsters be required rather than the “Trash Area” that only has room for 2 dumpsters. (This number is based on a calculation of the number of Dumpsters at the Section 8 housing in McKinleyville.)

(10). That Three speed bumps on Jack Road be required—At Picket Road, Gwin Road, and in the middle of the complex so as to prevent accidents. (Or, alternatively, because Pickett Road is already too congested, that Jack Way become a dead end or cul-de-sac at Pickett so tenants will exit on Gwin Road.)

(11). That the parking lot be reconfigured so that it is in compliance with HCC 314-31.1.6.3. Note: The current lot does not meet *any* of the 7 provisions required. And, HCC 314-31.1.6.3 specifically requires that “*to avoid unwarranted noise or light*” the front of parked cars not be “*within fifteen feet of the front of a living unit*”.

(12) That a 6-foot cinderblock wall around the development be required, in order to reduce noise, create privacy, and provide security for the tenants.

(13) That the mailboxes be moved to the middle of the complex (perhaps by the laundry facility) so as not to create a traffic accident or bodily injury on Pickett Road when people stop by on their way home from work to collect their mail.

(14) That the sidewalk on Pickett and Gwin Roads be completed from the north and south east corner of the development all the way to Pierson Park so that children, dogs, strollers, and people can walk safely to the park without having to walk around a parked car, and out into the street in order to get to the park.

(15). That bike lockers be required in order to encourage bike riding and prevent theft, and that other appropriate storage facilities be required for outdoor and recreational equipment so as to prevent theft and clutter in open spaces.

(16). That appropriate landscape beautification features be required as per HCC 314-31.1.6.5 in order to create a more park like setting in keeping with the surrounding neighborhood.

(17). That the 2023 Building Code (rather the 2016 code) be used. And, solar panels and EV charging stations required.

Finally, I ask that if the Commission denies the Application, and the Developer decides to build anyway using the current lot and Zone R-3/D classification, that due to the substantial public safety issues surrounding the development, the Building Department require that conditions (7) through (15) be required before approving a permit.

DISCUSSION

The proposal violates many of the Building Code requirements. And the legal and public safety ramifications of allowing a Planned Unit Development (and Use Permit) are massive. And because they are so massive, I will discuss them last. Therefore, the discussion is organized as follows:

- (1) Insufficient Parking as per HCC 109.1
- (2) Solar Shading Requirements of HCC 322-5.
- (3) Planned Unit Development & Use Permit
- (4) Public Safety for all citizens
- (5) Public Safety issues for the residents of the PUD subdivision

(1) Insufficient Parking

The Applicant is required to provide “adequate off-street parking”. HCC 314-109.1.1. The Building Code defines “Adequate off-street parking” as “parking facilities sufficient to meet the level of anticipated parking demand generated by a use or uses.” HCC 314-136. It also states that facilities required by the code “represents the minimum that will be required.” The Project does not meet even those minimum requirements. **It is 48 parking spaces short.**

For “Family Dwellings with More than Two Dwelling Units” the Building Code requires a minimum of “(1) parking space for each unit containing (1) bedroom or less” and two (2) parking spaces for each two (2) or three (3) bedroom dwelling unit...” HCC 314-109.1.3.1.2.

It also requires that “if the units are proposed on a parcel that is served by a roadway not improved to a width of forty feet (40’)...in addition to those required by subsection 314-109.1.3.2.1, shall be provided as follows:” HCC 314-109.1.3.1.2.2

“One-half (1/2) space for each one-bedroom unit:” HCC 314-109.1.3.1.2.2.1

“Three-fourths (3/4) space for each two (2) or three (3) bedroom unit;” (109.1.3.1.2.2.2)

The applicant has not met these requirements.

(1) *Apartment Buildings.* All the Apartment units are located on Jack Way. And, Jack Way is only 24’ wide (not the 40’ feet required). Further, each one of the 14 Apartment buildings is on its own parcel. That is the whole point of the subdivision. Therefore, Jack Way is serving each one of the 14 parcels. And because Jack Way is not 40 feet wide, HCC section 314-109.1.3.2.1.2 applies. As a

result, the Applicant must provide additional parking spaces at the rate of $\frac{1}{2}$ for each one-bedroom unit and $\frac{3}{4}$ for each two (2) or three (3) bedroom unit. So, the additional spaces required are:

$$\begin{array}{rcl} \text{(a) 32 one-bedroom units} \times \frac{1}{2} \text{ space} & = & 16 \\ \text{(b) 24 two-bedroom units} \times \frac{3}{4} \text{ space} & = & \underline{18} \\ \text{Total additional spaces needed} & & \underline{\underline{34}} \end{array}$$

(2). Single-Family Homes. (Lots 1-4, and Lot 8)

First, the Code requires “two (2) parking spaces for each two (2) or three (3) bedroom” home. HCC 314-109.1.3.1.2.1. For Lot 8, the Applicant provided this parking in the shared parking lot. However, Applicant has not provided this parking for the four (4) single family homes on Pickett Rd. (Lots 1-4).

The site plan states that parking spaces for Lots 1- 4) are “one space in the garage, one in front of the garage (tandem parking) and on street parking.” This is not sufficient parking. The Building Code states that “The required parking shall not be sited in the front-yard setback.” HCC 314-109.1.3.1.1.1. So, the “parking” space in front of the garage does not count. Therefore, for each of the four (4) units, the Applicant must provide one (1) more spot in “shared parking” for each of the 4 Lots.

$$\text{Four Single Family Homes} \times 1 \text{ space} = 4$$

Second, these five (5) homes are also subject to the “additional parking” requirement. This time as per HCC 314-109.1.3.1.1.2. This section of the Code states that “when a single family residence or duplex is proposed on a parcel that is served by a roadway not improved to a width of forty feet (40’)..., parking spaces in addition to those required by subsection 314-109.1.3.1.1.1, shall be located outside of the front-yard setback.” HCC 314-109.1.3.1.1.2.

(a). The single-family home on Lot 8 clearly meets this requirement. It is served by Jack Way which is only a 24’ road. And, the Applicant stated on the site map that the parking spaces allocated for it are in the “shared parking.” The additional parking required if there is not a 40’ foot road servicing the parcel is “two (2) spaces for each single-family residence containing two (2) or more bedrooms.” HCC 314-109.1.3.1.1.2.3. So, the additional spaces required for Lot 8 is

$$\text{One three bedroom home} \times 2 \text{ spaces} = 2$$

(b). The more difficult question, is whether the homes (Lots 1-4) on Pickett Road are subject to the additional parking requirements. Because, the purpose of the requirement is to provide “adequate Off-Street Parking” I conclude that additional parking rules apply and that additional spaces must be provided in the “shared parking”. The issues are as follows:

(1) Pickett Road is a 40’ foot Road and does serve Lots 1-4. So, do we stop the analysis there?

(2) Does the analysis change because, the residents of Lots 1-4 cannot actually park in front of their homes on Pickett as there will be 80 mailboxes there?

(3) Regardless, of whether or not Pickett Road serves Lots 1 – 4, does Jack Way also serve them, such that the additional parking requirements apply?

The Off-Street Parking requirements are found at HCC 314-109.1. The “general purpose” of that section is “to enhance public safety by minimizing traffic congestion, by providing for off-street motor vehicle parking and thereby permitting safe passage of passengers to and from their destinations.” HCC 314-109.1.1.1. HCC 109.1.1.2 states:

The intent of these off-street parking requirements is to provide for the on-site, off-street parking of motor vehicles associated with any use or uses on the premises. More off-street parking will allow on-street parking to be limited or prohibited to permit greater utilization of streets for moving traffic. The facilities required by these requirements represent the minimum that will be required by the various land use types. It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements.

Each of the homes on Lots 1 - 4 are three (3) bedroom homes. Therefore, if additional parking is required, each home must be provided two (2) additional parking spaces. HCC 314-109.1.3.1.1.2.3. Therefore, using the intent above as a guideline, lets answer the three questions.

(1) Is the parking on Pickett Road adequate?

The simple answer is, yes. It is a 40 foot road. However, the purpose of the code is to provide adequate off-street parking, and given that the lots are so small, there is probably not enough room on the road to park two (2) vehicles. Plus, who knows where the fire hydrant might be. Plus, these lots sit at the top of the hill so drivers coming up the hill can't see. Plus, Pickett Road is a very busy road and will already have overflow cars from the subdivision parked on the street blocking traffic. Plus, there has already been one child seriously injured on the north east corner of the subdivision because a parked car blocked the driver's view and a child ran out between parked cars. Plus, there is a pre-school there. With not only children, but parents picking up those children. (The child was medivaced to San Francisco, was in intensive care for a week, and in the hospital another two or three weeks). So, obviously, since the intent of the law is to promote safety, parking on Pickett should not be allowed.

(2) Do the 80 mailboxes in front of the lots change the analysis. Three Huge Cluster mailboxes containing 16 mailboxes each (a total of 48 boxes) will be located on Pickett in front of Homes 1 and 2, and two more Huge Cluster mailboxes (a total of 32 boxes) will be located on Pickett in front of Homes 3 and 4. It is a violation of federal law to block access to a mailbox. (Statute 18 U.S. 1701). My mail person told me you have to leave 15 feet in front and 15 feet behind a regular mailbox. I would think with 80+ people stopping to get their mail, the post office will require much more than that. Therefore, since there will be no space to park on Pickett in front of the Homes, and

because the code requires “Adequate Off-Street Parking,” the additional two (2) parking spaces required under HCC 314-109.1.3.1.1.2.3 must be placed in the Off-Street shared parking.

(3) Does Jack Way serve the houses even if Pickett does as well? Yes. All four (4) homes on Pickett are allowed to use the off-street parking on Jack Way. And as discussed above, each of the four (4) lots is allocated one “regular/standard” parking spot there. Plus, their guests could park in the shared parking lot and they could park as many extra vehicles or trailers as they want there. So, yes. Jack Way “serves” each of the four (4) houses on Pickett

Because under all three scenarios above, additional parking is allowed and/or needed for the safety and well-being of the residents, travelers, and children, the Applicant should be required to provide two (2) additional parking spaces in the shared parking facilities for each of the single-family homes on Pickett Road.

$$4 \text{ single family homes} \times 2 \text{ spaces} = 8$$

The following Table summarizes the number of total parking places that must be required to meet the minimum parking requirements. In my opinion, the Applicant should provide even more spaces so that there is enough parking for guests, RV’s and trailers. The codes suggests erroring the side of excess parking.

# Units	Bedrooms	Regular Spaces*	Additional Spaces**	Total
32	1	32	16	48
24	2	48	18	66
4	3	8	8	16
1	3	2	2	4
		-----	-----	-----
	Total	<u>90</u>	<u>44</u>	<u>134</u>

*1 space for each one-bedroom, 2 spaces for each two-bedroom apartments, 2 spaces each single-family home.

**1/2 space for each one-bedroom, 3/4 space for each two-bedroom apartment, 2 spaces each single-family home.

The code makes no exception to the “minimum” parking requirements for having “public transit” nearby. It does make an exception for public transit under the “Accessory Dwelling Unit (ADU) Exception.” HCC 314-109.1.3.1.1.1.1. But it does not do so for One-Family, Two-Family, or Family Dwellings with More than Two Dwelling Units (HCC 314-109.1.3.1.1 and HCC 314-109.1.3.1.2). Since the Code specifically made an exception for ADU’s, if it had wanted to make one for Single Family and multi-family units it would have done so.

Plus, every dwelling in my area has met the parking standards outlined above. The Grace Park Subdivision, (they put in put in 40’ roads), the mobile home park (two spaces per unit, plus a 33’

parking lane with a 24' roadway), and G-Lane—a private road less than 40' wide (where two houses have way more than required, and the standard home has a two-car garage and provides the two (2) additional spaces in tandem on the south side of the garage. There is no excuse for insufficient parking.

Finally, the website “datausa.io” says that the average household in McKinleyville has two (2) cars (as do many websites). It also says that most people drive alone to work. And, when you live in a rural area, you simply have to drive. Most people don't have 8:00 to 5:00 jobs and the bus only runs *once an hour* from 7:16 a.m. to 7:46 p.m. Plus, you have to drive the kids to school or preschool before you go to work. And, it is scary to get off work at 2:00 a.m. and have to walk two block home because you couldn't park in front of your house. Why do we ask our mothers to carry babies, diaper bags, groceries, and supplies two blocks. It is shared parking. Anyone could be parking in the spot in front of your house. And, given the size of the complex, even if you got a spot in the shared parking lot, you could be walking two (2) city blocks home. Require the Applicant to provide more parking.

(2) Solar Shading Requirements

The Applicant has not met the Solar Shading requirements of HCC 322.5-4. HCC 322.5-4(a) states that “‘Adequate solar access’ means that sunlight reaches 80 percent (80%) of the south side of the primary building, measured from the highest roof ridge to the ground, between the hours of 10:00 a.m. and 2:00 p.m. on December 21.”

Given that the Applicant is proposing two-story buildings, and that the buildings are facing east, except for the existing house (Lot 8) and the initial buildings in each row of apartments (Lots 7, 10, and 11), it is mathematically impossible for the buildings to meet these requirements. The “Solar Shade Plan” Exhibit prepared by the Mill Yard proves this out.

The “Conditions of Approval,” at least originally, agreed. Condition Number 14.--B.(4) stated

“One- and two-story residential structures up to a maximum height of 35 feet are normally permitted in the R-3 zone. However, State and local subdivision requirements require that, to the greatest extent feasible, adequate solar access be provided to new building sites. Specifically, sunlight must reach at least 80% of the south-facing wall of a primary building between the hours of 10:00 am and 2:00 pm on December 21st. A Solar Shading Plat dated October 6, 2015 (received) was submitted to illustrate solar exposure. The Solar Shade Study illustrates that adequate solar access consistent with HCC Section 322.5 is possible by limiting these residences to a ridge height of 16 feet. Development, including second dwelling units, detached accessory buildings and/or additions, at a height, different footprint or location other than that specified in the Solar Shade Plat, shall require a site-specific solar shading analysis to demonstrate conformance with this standard.”

However, once I pointed this out to the Planner, he said it was a “typo.” However, I suspect it was not a typo. The Planning Department Draft Resolution states that “The applicant has prepared a Solar Shading Study *and found (emphasis added)* that all new parcels will comply with the County’s Solar Shading Ordinance....” First, an applicant cannot both prepare the study and approve its findings. It is up to the Planning Department to review the study and agree with its findings. Second, unless there is some other “Study” besides the “Solar Shade Plan” posted on the Department website, the Plan shows almost all buildings are completely in the shade during the time

frame required. Therefore, the condition “limiting these residences to a ridge height of 16 feet”. Should stand.

Additional Reasons to Limit the Ridge Height.

I recognize that the Planning Commission has discretion in this matter. And that limiting the ridge height to 16’ will require that the buildings be one-story tall. But, I ask the Commission to consider the totality of the circumstance of which we find ourselves, to weight the pros and cons of requiring one-story buildings, and to come down on the side of justice, equanimity, and fairness. In my opinion one-story building should be required for the following reasons:

1. They fail to meet the Solar Shading requirements of the code. (HCC 322.5-4(a))
2. Because, things mold so quickly in Humboldt County, walls without sun access mold.
3. Because, per the Solar Shade Plan, the two-story buildings will shade 15’ of each of the 15 manufactured homes adjacent to them—all day long.
4. Because, of that shade, those 15 residents of the manufactured home park will be cold and, therefore, have higher heating cost.
5. Because, this entire area of McKinleyville has only one-story homes/residences. So, the architectural design of one-story buildings will blend in with the neighborhood better.
6. Because, this neighborhood is our “Town Center.” And, how our Town Center presents itself matters more to our future economic development than presenting monstrous building that block the view from our Town Center and our homes.
7. Because, the beautiful tree line and the gorgeous sunrises that spring from the mountains and trees should be enjoyed by all—including the manufactured home owners that have “owned” it for all these years.
8. Because, the view of that tree line and sunrise as you come up Pickett Road and Gwin Road should remain, and experienced by all.
9. Because, more people want to rent one-story buildings, so the owner can charge more.
10. Because, most Tenants don’t want to hear or experience the creaking floors and stomping feet of people above them.
11. Because the Tenants will have more space.
12. Because the Tenants will have more parking.
13. Because those who live here already staked their claim.
14. Because, the people in our neighborhood already paid to have space around us.
15. Because, we should not have to subsidize the developer for stealing it from us.
16. Because, the developer can still make a boatload of money off the project.
17. Because, our neighborhood would still be contributing 31 homes. And,
18. Because, while our neighborhood should help provide some our county’s housing needs—we should not be required to provide all.

(3) Planned Unit Development & Use Permit

The Planning Commissions serves a vital role in ensuring that the future development of our cities and towns provide not only housing, but healthful, safe, and attractive landscapes that visitors as well as residents will want to escape to. That is why the PUD provisions were enacted. People were tired of parking lot style apartment buildings. They wanted places of respite. Places of beauty. Homes with wide open spaces where landscaping enhanced privacy and promoted serenity. And, they wanted to be treated as owners. They wanted to be able to make sure that this beauty was

maintained, that facilities were clean, that the exterior of each unit was painted a certain color that blended with their open spaces. That is what a townhome or condo is.

The PUD provisions were enacted to provide just this kind of place. Even low-income people are entitled to safety, beauty, attractive landscapes, and a good night's sleep. I would ask the Commission to take a moment to re-read the PUD provisions in their entirety. They are beautiful—This proposal is not. It violates public policy on its face. And, if allowed, creates a dangerous roadmap for others to follow. It circumvents the Building Code itself. As well as the very laws meant to protect us.

The legislative intent of the PUD provisions is to plan a development that blends an area's natural landscape, wetlands, and nature preserves with real estate developments that include a mix of single-family homes, condos, townhouses, local shops, restaurants, business centers, and parks. A great example of a PUD is the planned Town Center behind Safeway's in McKinleyville which, will include a mix of housing, shops, recreation, open space, etc.

The PUD provisions state that the purpose of the provisions is to

- Allow “flexibility to cope with the difficulty of topography...” HCC 314-31.1.1.1
- Allow flexibility to “better provide for the protection and enhancement of designated sensitive habitats and provide for the protection and enhancement and cultural resources.” HCC 314-31.1.1.3.
- And, to “Provide for clustered development *in concert with* (emphasis added) the *provision of* (emphasis added) residential amenities such as open space, recreations areas, and neighborhood commercial services.” HCC Section 314-31.1.1.2.

The Proposal provides for no such amenities.

The site plan shows no “open space”. (Open space cannot include buildings, streets, parking, landscape strips, or setbacks. HCC Section 314-150), no “recreation areas”, and no amenities such as a clubhouse or gym. Nor, does the proposal show any common area that will be “owned, managed, and maintained “ by a “PUD owners association” as required under HCC Section 314-31.1.5.1.4.

In fact, there are no common areas. Every inch of the lot has been divided into the 19 parcels. Even the “proposed laundry building” and “Trash and Recycle” area are on the parcel with the existing house (Lot 8). And, the proposal does not designate the house as a clubhouse, a gym, or any other kind of amenity available to tenants. (Planning staff said they did not know what the Applicant's plan for the house is.) Even the planned five (5) huge 16 cluster mailboxes are on Pickett Rd rather than, say by the laundry building (which would be safer and more convenient). And while the proposal designated an area for “Trash and Recycle” as required by HCC Section 31.1.6.5.3, the area is only 1/3 the size needed, and there is no provision for payment of those services. And there is no provision for maintaining the private road or parking lot. And, no provisions for maintaining the laundry room or repairing washing machines. This development is not a PUD.

If you review the site plan carefully, it clearly shows that the Applicant could rent out the existing house as an Airbnb (it is currently listed on Airbnb). Build and sell each of the other 18 apartment

buildings and townhomes. Then—put a fence around the existing house to prevent the other 18 lot owner’s from accessing the laundry facilities and trash collection. Then, either sell the existing house (which is 65 years old), or more likely, demolish it and build a two or three story 10-unit (calculated as *30-units maximum per acre x .36 acre lot*) apartment complex. Lot 8 could then have laundry and trash facilities for a 10-unit apartment as well as 10 existing parking spaces to put towards the parking requirements of the 10-unit apartment building. (The 10-units could be accessed from G-Lane rather than Jack Road.)

As a result, the 18 owners of the 18 lots would have no common laundry facility, no trash pick-up, 10 fewer parking spaces, and no legal recourse. All that would be left for the 18 lot owners to do would be to provide their own laundry facilities, obtain their own trash collection services, and fight over who is going to clean and maintain Jack Road and the parking lot. (And, we have seen how well that worked out for Gwin Road.) And, most importantly, the tenants will suffer because:

- Because there will not be enough parking
- Because, some landlords will maintain their building and some won’t
- Because there will be trash bins in the 24’ road on trash day
- Because trash bins will have to be placed behind cars as there is no other place
- Because the parking lot won’t be cleaned
- Because there will be no laundry services
- Because each of the building can be painted whatever color they want
- Or not painted at all
- Because there will be no one to complain about a noise neighbor
- If the road floods, which landlord is going to fix it
- Some landlords will clean their setbacks—some won’t
- And who is going to maintain the landscape or prune the hedges

As discussed above, the proposal fails as matter of public policy because it fails to meet the very purpose of the PUD Provision. And, even if it did meet the purpose, the proposal should be denied because on the following grounds:

1. No Owners Association
2. Architectural Considerations
3. No Common Areas or amenities
4. Failure to provide Laundry Services
5. Insufficient Trash collection
6. Circulations and Parking Considerations

1. No Owners Association.

The PUD provision state that “A non-profit incorporated owners association or an alternative acceptable to County Counsel, shall be required if other satisfactory arrangements, such as County Service Area, have not been made for improving, operating, and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas.” HCC 31.1.8. facilities, and any other necessary uses of the subdivision.”

Why is an Owners Association so important? Because it “runs with the land” rather than any one person. And, it requires and enforces accountability.

Historical Background. As Americans, we love our Land. Why? Because, unless our city, county, state, or federal government requires otherwise, we can do anything we want on it. We can build on it, park our old junkie cars on it, dump our trash on it, and sing and dance and make all the noise we want on it unless a government official stops us. You cannot make a contract with your neighbors requiring that they clean and maintain their lawn or stop making noise—unless you pay them.

Of course, most people want to live a safe, quiet, beautiful neighborhood. So, when people increasing had to live closer together in order to afford the Land, developers started requiring Covenants, Conditions, & Restrictions (CC&R’s). CC&R’s are rules and property limitations of a planned community neighborhood designed to protect property values in the community and tell you what you can and can’t do while living in your home or condominium complex. CCR’s “run with the land” rather than the owner of the land. In other words, if you want to buy a house in say the Grace Park” subdivision you have to follow the CC&R’s developed by the developer when the houses were built. These CC&R’s are “recorded” (kept on file with) the County Recorder. And, when you buy your house, the Title company gives you a copy of them and you are required to live by them. However, the problem with CC&R’s is that unless you have an “Owners Association” for your subdivision, you have to sue your neighbor to enforce them.

Well, that not only costs a lot of money, it creates animosity. So, hey, people are smart. Home, condo, and townhouse owners, started forming “Owners Associations” to enforce the CC&R’s and to create any other rules they saw fit. This gave home owners much more power, flexibility, and control. These Associations charge each owner a monthly fee to manage the facilities and essentially “Police” the subdivision. They enforce CC&R’s and make people behave. They ensure that building exteriors and common areas are cleaned, painted, and maintained. And they provide for and pay for trash pick-up, washing machines, building and landscape maintenance, etc. If you have a problem or complaint, you go to Association and they fix it. And, if an owner doesn’t comply with the rules, the Association fixes the problem, requires the owner to reimburse them, and impose fines and penalties for failure to comply. If the owner still refuses to pay, the Association can then put a lien on the owner’s property so that the property cannot be sold without paying the fine.

A mere contract cannot do this. Why? Because:

1. A contract is between a person and person. (Not between a person and land.)
2. A contract must be bargained for (e.g. an exchange of money for services).
3. A contract cannot run in perpetuity (it must state a date it ends).

Request to use a “maintenance agreement.” The Applicant states that “There will be a maintenance agreement that will define the road maintenance, the draining maintenance, the access easements for parking, use of the laundry, and any other necessary uses of the subdivision.” (Letter From Applicant, page 3, 31.1.8 **Owners Association**) Such an agreement is unacceptable and does not meet the PUD provisions requiring an Owners Association.

First, it should be noted that the Applicant's "maintenance agreement" is not a contract. It does not meet the three requirements stated above. (1). The Applicant does not state who the "maintenance agreement" is between. Is it between the developer and the first land owner? Is it an agreement between the land owners? It is simply unclear. (2) A contract requires "consideration" (a bargain—i.e., money in exchange for services). The Applicant merely states that there will be a maintenance agreement that "will define" road maintenance.... No bargain there. (The question is not who will "define" it, but who will "do" it and for how money. And, (3) A contract can not run in perpetuity. It must have an end date. This agreement does not say how long the agreement will last. The same goes for the "access easements" discussed. (Plus, it does not say the easements will be recorded with the County Recorder's Office.)

And even if the maintenance agreement was valid, it runs with the person, not the land. So—if the agreement is between the land owners, it is null and void as soon as the first owner sells their land. (A contract is between a person and person so if a person sells there is no longer a contract.) The same problem exists if the Applicant is a party to the contract. Because, once the Applicant sells the last lot, he no longer owns the land. (And just look to Gwin Road to see how effective not having an agreement is.)

And, notice that the Applicant does not propose a management contract. So, who is going to manage the property. Who is going to:

1. Clean and sweep the parking lots
2. Maintain and sweep the road.
3. Maintain fences
4. Maintain the landscaping
5. Clean the laundry room
6. Buy and maintain the washers and dryers
7. Paint and maintain the laundry room structure
8. Pay for the trash bins
9. Pay and ensure the trash bins are emptied
10. Make sure the landscape is maintained
11. Require that the apartment buildings are painted and maintained
12. Require that the grass setbacks are mowed
13. Enforce noise restrictions
14. Prevent outdoor clutter
15. Require common sense occupancy standards (like not renting a one bedroom to 4 students—two bunk beds per room)

And even if there were a mutually agreed upon management agreement between the landowners, it would have to be renewed each year as prices go up, needs change, etc. And how are you going to get 19 different landowners to agree on the terms. The answer is—you are not. Again—a land owner gets to do whatever he wants to do with the land unless a government agency stops him. That is why the PUD provisions require an Owners Association. Only the Owners Association will ensure that the beauty created by the development will be maintained in perpetuity.

2. Architectural Consideration.

The Project is located on a plateau at the top of a hill. It is composed of 12 **two-story** multi-family buildings that look like big two-story rectangular *boxes* which are 80' to 90' long, 30' deep and

about 26' tall. (The two duplexes on Pickett are 50'x 34'x 26' tall). The surrounding neighborhood is **all** upscale **one-story** single-family homes on lots *averaging 1/3 acre*. As you come up the hill, there is a quiet, nicely maintained, Senior Mobile home park on your right (south) that consists of one and two bedroom manufactured homes built of wood. The last row of units run along the fence line of the Project and are one-bedroom units that look like "Tiny Houses" as define by the code but which are about 14' x 56'. If the project is allowed to continue, when you come up the hill the 26' tall buildings will not only appear even larger because they are at the top of the hill, they will block the beautiful view of the tree line, its mystical views and the gorgeous sunrises that explode from behind the trees. And, it will block this view from each and every one of the seniors living in the mobile home park.

The PUD provisions state that "Buildings should be compatible in design to development nearby. Building size is not *necessarily* (emphasis added) a *major* concern in design: the size of the large buildings can be visually reduced by providing changes in the depth of the façade (both vertical and horizontally)..." HCC Section 314-31.1.6.4.1. It also says "Buildings should be made compatible in style to nearby development through the use of similar roof types, siding materials, color schemes, *architectural details* (emphasis added), and landscaping." HCC 314-31.1.6.4.2.

The Project fails to meet these provisions. The buildings in the Project are Big Boxes. There is a 4' small *vertical* change in façade at the entrance of each building, but no change what so ever in the *horizontal* façade. Even the duplexes on Pickett Road are *two-story* boxes. And, the Proposal makes no attempt to make these duplexes single-story single-family homes with two car garages like the rest of the neighborhood. (Doing so would have "visually" hidden the first two-story apartment building on each row.) Further, I fail to see how a 14 building *two-story* industrial looking complex with one big long parking lot and little if any landscaping can in any way be considered to be "compatible in "style"... "architectural details," and "landscaping design" to an upscale subdivision of *single-story* single-family homes on 1/3 acre.

And finally, the PUD provisions state the "Living rooms, and eating and sleeping areas should face towards gardens and open areas away from streets and parking areas." HCC 314-31.1.6.4.3. (Again—emphasizing beauty, healthfulness, and a sense of well-being). All 14 of the apartment building living areas face the parking lot. It is all one long parking lot. This is why the PUD provisions allowed for shared parking. So, the parking would be away from the living areas. (See discussion under parking.)

3. No common areas, or amenities.

The PUD envisions beauty—"residential amenities such as open space, recreation areas, and neighborhood commercial services." HCC 314-31.1.1.2. As discussed at length above, this project provides no open space, recreation areas, or commercial services. And providing a laundry room and trash area are not commercial services. These services are specifically required by HCC 314-31.1.6.5.2 and HCC 314-31.1.6.5.3. And the Applicant does not even meet those requirements.

4. Laundry. The PUD provisions state the "All multifamily units of *four or more dwellings* (emphasis added) should have laundry facilities either as a common laundry room or *in-unit connections* (emphasis added). A rule of thumb for common laundry facilities is one washer/dryer *in* (emphasis added) a four-plex, and one additional washer/dryer for each additional six units, although family units will probably require more. HCC 314-31.1.6.5.2. Again—the code is looking out for the tenants. No one wants to schlep their clothes a block to a laundry building. This would

be particularly burdensome for people with kids. The code says the washer/dryer must be “in” each of the 14 fourplexes. (And the 4 single family homes).

According to the Project floor plans, none of the two-bedroom fourplexes have a washer and dryer. Nor do the duplexes (the so called SFR-Attached units). The eightplexes (the one-bedroom units sold and parceled as fourplexes (which, are really one large eightplex as they are really one building, with shared stairs and shared washer/dryer hook up), provide for one washer/dryer hook up for the 8 dwellings—the code requires two. (One in a fourplex, and one additional one for each additional six dwellings.)

5. Trash. The PUD provisions require that “One or more areas within a project should be set aside for trash collections.” HCC 31.1.6.5.3. The Applicant has only set aside one area, which, appears to be $\frac{3}{4}$ the size of a parking space. So, this could hold 1 or 2 trash containers (and no recycling containers). Besides the fact that no one wants to walk one or two city blocks with their trash, even 2 industrial containers are not enough.

I checked out the Section 8 housing here in McKinleyville. Hidden behind a fence in front of every other fourplex, they had 4 large industrial bins and 7 small industrial bins for 90 units. If the small bins are half the size of the large bins, that would be 8 large bins for 90 units. This project has 61 units—So, it is roughly $\frac{2}{3}$ the size of the Section 8 housing. That means this Project requires 5.42 large industrial size trash bins. $[(8/90) \times 61 = 5.42]$. And as I said the maximum this Project is planning for is 2.

6. Circulation and Parking Considerations.

Circulation Considerations. The PUD provisions state that “Residences should take access from local roads serving a limited number of units.... This will restrict the amount of traffic in front of homes, which in turn promotes safety to children, pedestrians, pets, even parked cars on the street.” HCC 314-31.1.6.2. Here, there is only one street which, services 57 units. (Roughly 120 cars). It is a very long street that connects Pickett Road and Gwin Road. One could argue that because half of the traffic would come from Gwin and half from Pickett, there is no safety issue. However, Pickett is the main roadway from town, and more importantly, all mailboxes are located on it. So, it is only common sense that everyone will come home on Pickett, pick up their mail and then drive clear through the complex to their apartment. Plus, all the two bedroom apartments are on the Pickett end of Jack Way. Plus, every car has to back out of their parking space onto Jack Way. This does not promote “safety to children, pedestrians, pets” and parked cars.

Additionally, the Project sits at a top of a hill. As driver turn left from Jack Way onto Pickett Road, they cannot see the drivers coming up the hill and the drivers coming up the hill cannot see them. Therefore, there is a greater chance of injury.

The mailboxes need to be moved to the middle of the complex. And the road should dead end in the middle, which would force people to come in their respective ends. And, since there is no playground or common areas for children, dogs, and people to play in, it is only common sense they will play in the street. Therefore, as the code suggests, parking should be off Jack Way, not on Jack Way. At a minimum there should be three speed bumps.

Parking Considerations. Because the PUD provisions care about the beauty of the development as well as the health and well-being of the residents, it provides an extensive list of parking

considerations. Because this Project is just one long parking lot with cars facing into living room and bedroom windows, it is difficult to argue that is beautiful, healthful, or peaceful. Here are three quotes from the PUD provision.

- (1) “Reducing the visual impact of lines of parked cars and expanses of asphalt can add more to the good looks of a building than anything else.” HCC 314-31.16.3
- (2) “Shared parking area such as parking courtyards are encouraged.” HCC 314-31.1.6.3.3.
- (3) “Whenever possible, parking areas should be placed at the side or back of a building HCC 314-31.1.6.3.3.
- (4) “To avoid unwarranted noise or light, no parking lot for five or more cars should allow the front of parked cars to be within fifteen feet of the front of a living unit. HCC 314-31.1.6.3.7

The Applicant should be required to reconfigure the parking lot.

Public Safety for all Citizens

Background. The east side of Pickett Road at Central Avenue is, by far, the most congested road in McKinleyville. It is a two-lane road and has no “Left Turn” traffic signal to get onto Central Avenue. Because it acts as our “Downtown” and is part of the Town Center Planned Development, there is traffic, pedestrians and parked cars everywhere. There are five main driveways within 150 feet of the intersection.

1. The entrance to Eureka Natural Foods “ENF” (our second largest grocery store).
2. Entrance to McKinleyville Veterinary (largest vet—used by Animal Control).
3. Entrance to the library and police station.
4. Service entrance to ENF where 18 wheel delivery trucks must back into.
5. Entrance to Azalea Hall, the Senior Center, the Park and the Skateboard Park.

And, because each of these facilities are extremely busy, there is simply not enough parking to service them all. In fact, the ENF and Veterinary employees must park on Pickett Road because there is simply not enough parking in the ENF parking lot or the Veterinary parking lot to accommodate the patrons, let alone the employees. The employee cars are parked on Pickett Road all the way to the dentist office and three-quarters of the way down Pierson Park (typically to the Fire hydrant). Getting out of one of these driveways is a nightmare because you simply cannot see oncoming traffic.

And there are pedestrians everywhere. There are 300 children at the middle school on Central Avenue which, is located right next to Eureka Natural Foods (ENF). And, after school many go to Pierson Park, the Teen Center or the Skateboard Park. Plus, every school child that lives southeast of the middle school traverses that intersection at least two times a day going to and from school. Many adults, children, elderly and disabled people cross the intersection going either to the Safeway Shopping Center (which includes the post office, pharmacy, coffee shop, and Subway) or to the Senior Center, Library, Azalea Hall, or ENF. There is one blind man who always crosses there on his way to the Library and Senior Center. And, of course, many, many people and children go to Pierson Park, the Teen Center, the Skateboard Park, and the playground area. I have had children walk out against the light and missed my entire turn at the intersection as the rest of the kids join in. They are all on their phones...or gabbing with each.

Not only that, all summer long there is some “Event” happening at the Pierson Park. Every Thursday night there is a concert. On Saturday, a festival, or wedding, or car show. On Sunday there are church goers. During all of these events cars are parallel parked all along Pickett and there are children dodging across the street while their parents are still getting things from their cars.

To top it off, Azalea Hall and Pierson Park are our Tsunami Evacuation Centers. And in the Event of an emergency we will need all the parking we can get as the whole town will come rushing to the park in their cars. (In fact, there is a vacant lot behind ENF which is owned by Pierson. It is in the Town Center Planned Development and should be taken by Eminent Domain and turned into a public parking lot.) Quite simply, this is our Town Center. And, like any town center, we need more parking and less congestion. And we don’t need 150 more cars driving up and down Pickett making it even harder to get out of the Library or Eureka Natural Foods. So, if you add 150 more cars traveling up and down Pickett Road all day, there is going to be more accidents, and a greater risk of injury to pedestrians

Traffic Hazard created by the Subdivision. There is an average of two cars per household in Humboldt County. So, for a subdivision of 61 units that makes 122 cars. Further, even if half of the units get one visitor a day, that is 30 additional cars. 150 additional cars traveling up and down Pickett Road at least two times a day makes 300 more times someone could hit another car, or a pedestrian, or a child darting out between cars. (And, most people go in and out more than that.)

And if 120 people stop at their mailbox on their way home (and let’s not pretend they are going to park and walk back two city blocks to get their mail) there are 120 more chances for someone’s car door to be taken off by oncoming traffic when they open it. Worse yet, they could be injured.

I was told that the subdivision meets the minimum parking requirements under the building code. However, as discussed at the beginning of my comments, it does not. And, Pickett Road already has a parking problem. Not only down by the park, but on the street right in front of the proposed subdivision.

And, while the houses all along Pickett Road have two-car garages and two 20 foot spaces on the driveway in front of their garage where they could park, there are still cars, RV’s and trailers littered all up and down the road. This parallel parking creates a traffic hazard as children, dogs, and sometimes adults dodge out between them and cannot be seen in time for the car to stop.

In fact, there has already been one child hit and severely injured on Pickett, near the northeast corner of the proposed subdivision. He had to be medevacked to a hospital in the Bay area. It was my understanding that he spent a week in the intensive care unit and another two to three weeks in the hospital. Because, of vehicles parallel parked on the road, the Mother could not see the car coming up the hill, and the car could not see the child who excitedly dashed between cars to get his mail.

Again, there is an average of two cars per household in Humboldt County. 61 units times 2 equals 122 cars, plus parking for one visitor per day to half the units is 30 more. So, the subdivision needs at least 150 parking spaces, plus room for Trailers, RV’s, and EV charging stations. There are only 90.

Now, it has been argued that people will take the bus. But one trip to Arcata debunks that theory. And, besides, according to Wikipedia.org, McKinleyville covers 21 square miles. And, it has no intra-city bus service. Plus, the bus to Eureka only leaves once an hour or so between 7:14 a.m. and 7:08 p.m. with the last bus leaving Eureka to McKinleyville at 7:46 p.m. So, even if you had an 8:00 to 5:00 job and you took the 7:14 a.m. bus to Eureka it would not get to 4th and H in Eureka until 7:57 a.m. which is not sufficient time to get to any job starting at 8:00 a.m. Let alone if the person needs to catch some other inter-city Eureka bus (if available). And how does a mother get a child to daycare and then to work without a car. And how many low income people have 8:00 to 5:00 job? If I had to choose between housing and my car, I am keeping my car. I can sleep in that. I can't drive a house.

Public Safety issues for tenants of Subdivision

Increased chance of car accident on Pickett when turning left. –Hill—no visibility

Not enough trash Dumpsters

No in unit laundry facilities

In the end, no common laundry

No one person to call if something breaks

People driving too fast on Jack Way

No maintenance personnel

No one cleaning and sweeping the road and parking lot

No playground so kids have to play on streets

Parking lot accidents as have to back out on Jack Way

Increase risk of an accident on Pickett

Increase risk of accident on Gwin due to tenants parking on streets

Increased risk to their children as they walk to school

No sidewalk on Gwin or Pickett in order to safely get to the Park

Woken up at all hours of the night because no dedicated parking

Fear of walking home at night because you had to park on Pickett or Gwin

Too much through traffic because people outside the development use Jack Way

According to Wikipedia.org “The American Planning Association states that the goal of land use planning is to further the welfare of people and their communities by creating convenient, equitable, healthful, efficient, and attractive environments for present and future generations.” Even low-income folks deserve beauty, space, and enough room to enjoy living. Please, at least cut the number of units in half by requiring only One-Story housing. We are willing to provide part of Humboldt counties housing. We should not be required to provide it all.

Thank you for your time and consideration.

Sincerely,

Laura Peterson

Exhibit C

1. Draft Resolution #11 is not in compliance with HCC 314-99.1.

- HCC 314-99.1 states:
 - “Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.” [5,000 square feet is greater than the 2500 sq. ft. or the 2100 sq. ft of Lots 1-4 discussed in Resolution 11. So, because minimum lot size is 5,000 feet, Lots 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16 (a total of 12 lots) do not meet the minimum lot size requirement of the R-3 Zoning.]
 - Maximum Lot size cannot be more than 1.8 times minimum lot size. (Lot # 8 is over)
 - Minimum lot width is 50 feet for R-3. (Lots 1-4 are less than 40 feet).
- Lots 9, 10, 11, 12, 13, 14, 15, and 16 do not comply with standard minimum setback requirement of R-3 zone. These “fourplexes” have zero setbacks on one side. They are really 8-plexes. Each of the “fourplexes” are attached to another “fourplex” with a common stairwell and an upstairs and downstairs laundry room. Together the building is 90’ long. (See Floor plans for one-bedroom unit.)

2. The Conditional Use Permit should be denied.

- Lots 1-4 are supposed to be single family homes, yet they have the smallest lots, which are only 42% (2,100 / 5,000) of the minimum required lot of R-3.
 - Lots 1-4 are really duplexes and per Steve Lazar, and the Planning Department Staff Notes, they are treating them as duplexes.
 - SFR Attached means that each unit has their own exterior walls that just touch, such that if one house was torn down, the other would survive. These units have a shared wall.
 - Therefore, they should be called duplexes and only two (2) lots provided. This would avoid the need for a Conditional Use permit.
 - Applicant does not meet the requirement of 314.6.4 which states it can only get a conditional use permit “where it can be shown that the property could be developed in the future with multifamily dwellings.”
 - Once subdivided, lot 1, lot 2, lot 3, and lot 4 are their own “property” and because each one is only 2,100 square feet, none of the four (4) lots can be developed in the future with multifamily dwellings.”

Humboldt County Board of Supervisors
Project Title: Appeal of the Valadao Subdivision
Record Number: PLN-2021-17560 (filed 12/22/2021)
Date: November 28, 2023

Coalition For Responsible Housing

The following 26 members of our Coalition would like to be kept informed regarding the Appeal of the Valadao Subdivision.



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Record Number: PLN-2021-17560-APPEAL
Board of Supervisors File Number: BAI-23-1593
planningclerk@co.humboldt.ca.us

We hereby appeal the November 16, 2023 decision of the Humboldt County Planning Commission, regarding the Valadao Subdivision. We ask the Board of Supervisors to:

- (1) Deny the Valadao Major Subdivision,
- (2) Deny the Planned Unit Development,
- (3) Deny the Conditional Use Permit
- (4) Deny the Reduced Lot Size, Reduced Setbacks, and Shared Parking Exceptions
- (5) Require Compliance with Parking and Road Right-of-Way Laws
- (6) Require the 8-unit Apartments be 4-units as mandated by Law
- (7) Require the Design Control Review as mandated by Law

Background

The parcel involved in the proposal is between Gwin Road and Pickett Road. It is about a quarter of a mile east of Central Avenue in McKinleyville. It was part of the old homestead of the Gwin family, a prominent landowner in this area, whom I was told donated Gwin Road to the county. However, even though the road is publicly used for ingress and egress to Pierson Park and the Teen Center, the County never put it on its road maintenance schedule.

The parcel involved is roughly the size of two football fields sitting end to end between Pickett and Gwin roads. It has a single-family home on it that was built in 1958. Grandmother Gwin lived there until she died. When the zoning maps came out in 1985, it was zoned R-3-D. The Planner thought the county probably zoned it R-3 because there was a senior mobile home park right next to it, and the county envisioned another row of mobile homes. The Planner also told us that the parcel had been overlooked by the planning department and so no one had assigned a targeted density to it. (Afterall, it was already a single-family home.)

Therefore, it is up to the Board of Supervisors to determine that density. It is not up to the developer. Further, Resolution #25 a) states that the “parcel is not included within the latest (2019) Housing Element inventory so there is no risk of the density falling short of a target required by HCD.” So, building density is not up to the state. It is not up to the developer. It is up to the Board of Supervisors.

Analysis

To be clear, while our neighborhood wishes to help provide some of our County's housing needs –we should not expect this tiny lot to provide it all. The McKinleyville area is 21 square miles. We have plenty of space to grow. The parcel is in the heart of our town center and just east of the McKinleyville Town Center PUD. However, unlike the McKinleyville Town Center, this area is

almost all single-family housing units. Not even the businesses on Central are two-story. And, unlike the McKinleyville Town Center PUD that covers 141 acres with an expected 200 housing units on it, this proposal covers 2.11 acres (excluding the existing house) and requests 60 units on it. (28 units per acres verses 1.42 units per acre for the Town Center.) 60 units is more than the number of houses directly east of it all the way to the forest.

Thirty (30) units per acre is not in accordance with the General Plan. The General Plan requires a minimum of 7 units per acre for this area of McKinleyville. And since the historical number of units per acre in this area is 3-10 units, 7 units per acre would be about right. (See General Plan Part 2, Chapter 4.3.2 and 4.3.3).

We were told that (1) this property has been Zoned R-3-D for over 30 years, (2) that max density is 30 units per acre, (3) that we have to follow the law, and (4) that there are no exceptions to the law such as rezoning the parcel to the R-1 zone it really is (Single-family residences are zoned R-1). Therefore, the question is, "If we have to follow the law, why doesn't the Applicant?" And, if the County is not going to subsidize the development by maintaining Gwin Road or completing the sidewalk to Pierson Park, why should we have to subsidize it by losing our sun, the view of our ridgeline and the quiet, spacious, neighborhoods and parking spaces that were already allocated to us under the Adequate Parking Code when our houses were built.

Our Appeal covers five (5) main areas where the proposal violates the law.

- (1.) The failure of the Planning Department to perform the Design Control Review required by law under the "D" Combining Zone Provisions of HCC 314-19,
- (2.) The failure to comply with regulations applying to all zones
 - a. Failure to meet the R-3 Zoning requirement to build no more than 4-unit apartment buildings (HCC 314-6.4)
 - b. Failure to meet the Minimum Road Right-of-Way width of 25 feet
 - c. Failure to meet Parking Space Length Requirement of HCC 314-109.1.2.2
 - d. Failure to meet Adequate Off-Street Parking Requirements of HCC 314-109.1
- (3.) The failure to comply with the Subdivision laws
 - a. Failure to Meet Planned Unit Development Exceptions (HCC 325-10)
 - b. Failure to Follow Conditional Use Permit Laws (HCC 314-6.4)
 - c. Failure to Follow Solar Access Requirements (HCC 322.5-1),
- (4.) The failure to comply with Planned Development Zoning Laws (HCC 314-31)
- (5.) The failure to follow the General Plan in determining density, (Part 2, Ch. 4.3.2 & 4.3.3)

(1) Failure to Comply with "D" Combining Zone Provisions of HCC 314-19

- a) Property is Zoned R-3/D. Design Review is Required. Planning Department failed to do it.
 - Planning Department conceded their mistake.
 - Resolution has no discussion regarding the D Zone Design Control (HCC 314-19)

- HCC 19.1.6. states that “In no event shall building permits be issued in a D Zone until such plans have been approved...”
 - Planning Commission erred in approving the Application.
- b) The Property is Zoned R-3/D. The “D” is a Combining Zone Designation found at HCC 314-19. The “D” stands for Design Control. HCC 314-19.1.2 states that the member of the Board of Supervisors in whose district the D Zone is established may select a Design Committee to be the Reviewing Authority. Therefore, Fifth District Supervisor, Steve Madrone has initiated that process with John Ford and has asked that the Valadao subdivision go through the Design Review.
- c) Because, the proposed Subdivision is in the heart of the McKinleyville Town Center, it is supposed to be preserved in order to “enhance the tourism industry” by maintaining the “architectural and recreational aspects of this designated area.” (See HCC 314-19.1.1)
- d) The proposal is in our McKinleyville Town Center, which will one day be our “Old Town”
(See Google Satellite Map at Exhibit I.)
- Central Avenue is the Business Loop Exit off North and South Highway 101
 - The parcel is a quarter mile from Central Avenue, just past Pierson Park
 - The intersection at Central and Pickett Rd is our main Tourist Attraction. It has
 - Eureka Natural Foods, Safeway, Post Office, Gym, Restaurants
 - Library, Police, Senior Center, Azalea Hall (Recreation Hall)
 - Pierson Park, Teen Center, Skateboard Park, Group Picnic Shelter
 - Pierson Park hosts weekly concerts, weddings, car shows, and Community Holiday celebrations like Pony Express Days, 4th of July, etc.
 - The McKinleyville Community Forest sits .4 mile east up Pickett Rd
 - Pierson Park and Azalea Hall are our Tsunami Evacuation Center
 - Eureka Natural Foods is the Hub. It has a hot bar, deli, coffee shop, gift shop, etc. and is the only grocery store or restaurant with a generator during power outages.
 - Tourists drive up Pickett Rd all day long to check out the area—Pickett is .4 mile long
- e) Under HCC 314-19.1.3.1 the Reviewing Authority is required to take the following items under consideration in approving a development plan:
- Height,
 - Bulk and area of buildings,
 - Setbacks,
 - Color,
 - Texture,
 - Landscaping
 - Parking lot layout, and
 - relationship to other buildings and/or uses in area
- f) According to the General Plan, Design Review can be used to ensure compatibility with neighborhood character. **(See Exhibit II for a Google satellite image.)**
- The surrounding area is *one-story* single-family homes, each on 1/3 acre.

- One single-story, quiet, well maintained, Senior mobile home park is adjacent to the parcel
- The proposal is 60 giant Two-Story Apartments on 2.11 acres. Density—29 units per acre
- This is more units than all the homes east of it clear to the MCK Community Forest
- The buildings are enormous. *(See Exhibit III)*
- There are:
 - *Four (4)* buildings that are 90 feet long, and
 - *Six (6)* buildings that are 80-feet long.
- Laid out end to end as they will be when built, they look like a prison compound. *(Exhibit III)*
- They are nothing more than two-story boxes with little if any Architectural design
- The two duplexes on Pickett Road are simply two-story boxes as well.
 - Apparently, put there because another apartment building would not fit.
- The parking lot is just one long 660-foot road the length of two (2) football fields.
- The road is only 24-ft wide, and the two-story buildings loom down over it.
- The Applicant has provided no landscaping plan or trees to camouflage their enormity.
- The proposal has provided no additional setbacks from any adjacent property lines.
- The applicant should be required to provide a 20-foot row of trees on Pickett and Gwin to hide the compound. These could replace the ones the migratory birds lost when almost all of the trees on the lot were cut down a few years ago.
- Even Crescent city had the decency to hide their prison compound five (5) miles out of town behind rows and rows of trees.

Obviously, a Monolithic Two-Story 60-unit Apartment Compound with one long parking lot running the length of an entire city block with no landscaping, no fencing, no additional setbacks, and no beauty would not be compatible with the heart of our little town.

(2.) The failure to comply with regulations applying to all zones

The proposal fails to comply with the following regulations that are required in all zones. Further, the Application does not qualify for any variances under HCC 17.2.

- a. Failure to meet the R-3 Zoning requirement to build no more than 4-unit apartment buildings (HCC 314-6.4)
- b. Failure to meet the Minimum Road Right-of-Way width of 25 feet
- c. Failure to meet Parking Space Length Requirement of HCC 314-109.1.2.2
- d. Failure to meet Adequate Off-Street Parking Requirements of HCC 314-109.1

a) R-3 Zone only allows 4-unit Apartment Buildings.

- The Application essentially asks for an R-4 Rezoning on 8 lots
- Lots 9 – 16 have four (4) eight 8-unit apartments on them.
- R-3 Zone only allow for 4-unit apartments. HCC 314-6.4
- This makes these apartment complexes massive
 - 90 feet instead of the 40 feet they would otherwise be (with a 5-foot setback).

- The building spans two lots, creating liability issues
 - You don't know who to sue if you fall on the stairs.
 - Who to call if a washer breaks or there is an electrical issue.
 - Who, if anyone will replace the washer or dryer when they break.
 - Who to sue if the fire and electrical safety laws are not met.
 - Who determines when to fix the roof, paint, or repair the common area.
- This is why subdivision laws merge the lots of a building that spans two lots.

b) Failure to meet the Minimum Road Right-of-Way width of 25 feet

The PUD Code does not allow “reduced road right-of-way width” as stated in the Staff Report and Draft Resolution #14. They merely state that “Shoulders tend to visually widen the road, and encourage higher speeds as a result. Where shoulders are required for stormwater management on residential streets, the shoulders should be grass surfaced wherever possible.” HCC 314-31.1.6.2.3

- Standard right-of-way for backing up from perpendicular parking is 25 feet.
- The proposal only allows for 24 feet to backup, which is below standards.
- Plus, they have only required compact parking spaces.
- So, car and trucks will extend into the road.
- Make them follow the law.

c). Failure to meet Parking Space Length Requirement of HCC 314-109.1.2.2

- All 86 parking spaces in the Proposal are 16 feet long. Law requires 18 feet.
- The law requires parking spaces to be 18 feet long (HCC 109.1.2.2.1)
- Compact car spaces can be 16 feet long (HCC 109.1.2.2.2)
- If compact car spaces are permitted
 - They can only comprise 25 % of all car spaces (HCC 109.1.2.2.2.2)
 - They must be visibly marked with signs (HCC 109.1.2.2.2.3)
 - They must be clustered in one section of the parking area. (HCC 109.1.2.2.2.3)
- Therefore, the proposal has 75% too many compact car spaces
- 86 parking spaces must be visibly marked as compact spaces.
- They did not cluster any spaces, because all spaces are compact spaces.
- Reduced length creates safety hazards and congestion because
 - Cars and trucks will protrude at least two (2) feet out into the road
 - The road will be one (1) foot too narrow.
 - With two cars on each side of the road that is a total of five (5) feet
 - So now the road is essentially 20 feet wide.
 - Tenants will double park to load and unload in front of their apartment if no parking is available, narrowing the road to only one lane.
 - Large trucks will protrude even further

- They will have to park on Pickett or Gwin
- Homeowners won't be able to park in front of their own home
- They will have to park in the subdivision if they can find a space
- They will sue the owner of the subdivision or the county for failing to provide adequate parking.
- Require that the proposal follow the law.

d). Failure to meet Adequate Off-Street Parking Requirements of HCC 314-109.1

The code requires 134 parking spaces. See my calculation based on the "Letter of Applicant" sent to the Planning Department. (*Exhibit IV*)

- The only real question is where do those spaces belong.
 - The Planning Department concedes that 122 spaces are required.
 - So, that is a difference of 12 spaces.
1. The Department argues that it is ok to have those 12 spaces on Pickett Road, since the four "Single-Family Homes" are on Pickett Road. They argue:
 - That one space per lot may be located in the front yard setback, and
 - That "current housing element policy waives on-street parking required for SFD dwellings and duplex development of 1000 sq. ft. or less."
 2. The Planning Department erred on both accounts.
 - HCC 109.1.3.1.1.1 specifically states that "The required parking shall not be sited in the front-yard setback." (So that is 4 spaces.)
 - Further, the houses on Pickett Rd are 1500 sq. ft., which is greater than the 1000 sq. ft. required for the housing element exception. (So, that is another 8 spaces.)
 3. So, we are still looking for 12 more spaces.
 - Pickett Road is not an option.
 - The lot is only 165-feet wide.
 - Most of that space will be taken up by
 - i. Jack Road, and
 - ii. Four driveways from the four "single-family homes".
 - Red Zones (no parking zones) required on either side of Jack Road so that cars are able to see oncoming traffic.
 - Red Zones required before and after any crosswalk across Pickett Road so that pedestrians can see to cross.
 - Red Zones required in front of the mobile home adjacent to the development as the county has refused to buy the land so that a sidewalk can be poured to provide safe passage to Pierson Park.
 4. The Applicant has only provided 86 parking spaces.
 - If 134 spaces are required, the project is 48 spaces short.
 - And, even if only 122 is required, the project is 36 spaces short.

- So, the developer needs approximately 50% more parking (48 more needed/86 provided).

5. I checked all the surrounding neighborhoods. Each subdivision, each landowner, and the mobile home park provided the required amount of parking as required by law.
 - There is no reason to provide an exception to the law.
 - Neighboring developments were not granted exceptions.
 - Nor was the Planning Commission given any reason for the exception.
 - The parcel has been those dimensions for over 65 years.
 - The Applicant bought the parcel knowing its dimensions.

If we are required to accept the R-3-D Zoning, the Applicant should be required to accept the 165' by 660' foot dimension of his parcel. For it is in those dimensions that the "Adequate off-street parking" is required. (HCC 109.1.2.1)

6. The only reason the Planning Department wants the exception is because they calculated the parking wrong in the first place.
 - They did not catch their mistake until it was pointed out to them in public comment received the day before the hearing. *(See Exhibit VII for the legal analysis sent)*
 - Comments they would have received earlier if public notices would have been sent as required by law.
 - The calculation is not difficult *(See Exhibit IV)*.
 - It is a simple matter of completing a form.
 - A form that the Department or Applicant could have completed.
 - The public should not be required to pay for the mistake.
 - This development is still in the planning stages.
 - There is plenty of time to correct it.
 - We should not have to subsidize the project by losing the spaces in front of our homes
 - We were allocated those spaces by law when our development was built.
 - Our developer built a 40-foot road in front of our lots in order to meet the code. (See HCC 109.1.3.1.1.2)
 - Our developer did not shirk his responsibility to provide the spaces for us.
 - This Applicant should not be allowed to shirk responsibility either.
7. Adequate Off-Street Parking is required by law. Require the Applicant follow the law.
 - Yes, we would all like fewer cars in the future.
 - But we have to live in the now.
 - And without adequate public transit, we need cars.
 - And, enough spaces to park them.
 - When we no longer need parking spaces, we can put something else there.
 - The average household in McKinleyville has 2+ cars.
 - Many of us drive 15 to 20 miles to Eureka for supplies and/or work.
 - You simply can't carry a 20-pound bag of dog food on the bus.
 - And, no mother should have to schlep a child 3 blocks because she wasn't able to find a parking spot in front of her own home.

- And, no mother should have to carry her child on a bus to get supplies that they have no way of getting home because she has no extra arms or strength to do so.
- Nor, should she have to spend 3-4 hours a day on a bus rather than with her children. (The bus only leaves once an hour from 7:00 a.m. to 7:00 p.m.)
- And, no waitress, custodian or any other worker who is unable to get home until 2:00 or 3:00 in the morning should have to walk three blocks home in the dark.
- It is simply unsafe...and cruel.

(3) The failure to meet the Subdivision laws

- a. Failure to Meet the Planned Unit Development Exceptions (HCC 325-10)
- b. Failure to Follow Conditional Use Permit Laws (HCC 314-6.4)
- c. Failure to Follow Solar Access Requirements (HCC 322.5-1),

a) Failure to Meet the Planned Unit Development Exceptions (HCC 325-10)

According to HCC 325-10 “Exceptions to the requirements and regulations relating to lot size, width and shape” are only permitted when “An open-space, recreational area, or residual parcel for resource protection and maintenance is to be provided for the use and benefit of all the dwelling units in the development.” Further, HCC 325-9 requires that the amount of open space be substantial.

- The proposal does not set aside any open-space, recreational area or residual parcel for resource protection and maintenance.
- Therefore, the minimum “lot size, width and shape” as required under Zone R-3 applies.
 - Lots 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16 are all below minimum lot size. ***(See Exhibit V - Letter Received from Applicant from the 11/16/23 hearing)***
 - Therefore, the subdivision should be denied as 12 of the 19 lots are too small.
- Further, any exception to lot size under Zoning Code HCC 314-99.1 should be denied.
 - This section allows a reduced lot size within Housing Opportunity Zones.
 - However, the exception only applies if “no lot created by the proposed subdivision...exceeds 1.8 times the minimum lot size.
 - The minimum lot size in an R-3 Zone is 5000 square feet.
 - Lot 8 is 15,571 Square feet.
 - So, Lot 8 is 3.12 times the minimum lot size.
 - 3.12 is greater than 1.8, so the exception does not apply.
 - Further, the assertion in Draft Resolution #11 that the minimum lot size can be reduced to 2500 square feet under this section (HCC 314-99) is incorrect.

- HCC 314-99 states that “Outside Housing Opportunity Zones, Minimum Lot Size may be modified down to a maximum of fifty (50) percent or 5000 square feet, *whichever is greater.*”
 - 5000 is greater than 2500 so the exception does not apply.
 - And, even if it did, Lot 8 is greater than 1.8 times the minimum lot size so the exception would still not apply.
- Note: The above analysis is consistent with subdivision law HCC 325-11 as well.

b) *Failure to Follow Conditional Use Permit Laws (HCC 314-6.4)*

- A conditional use permit is being requested to build four (4) single family homes on Lots 1-4.
 - The minimum lot size in an R-3 zone is 5000 square feet. (HCC 314-6.4)
 - Lots 1 & 4 are only 2093 square feet.
 - Lots 2 & 3 are only 2800 square feet.
 - All four lots are below the 5000 minimum required.
 - *As noted in 3-a) above, no green space was provided so there can be no exception to the minimum lot size.*
- Applicant does not meet the requirement of 314.6.4 which states it can only get a conditional use permit “where it can be shown that the property could be developed in the future with multifamily dwellings.”
 - Once subdivided, lot 1, lot 2, lot 3, and lot 4 are their own “property” and because each one is only 2,100 or 2800 square feet, none of the four (4) lots can be developed in the future with multifamily dwellings.”
- If your house burns down, you would be stuck with a sub-standard lot.
 - Your lot would not be big enough to build a multifamily dwelling.
 - You would have to request a new conditional use permit to rebuild.
- Single-Family lots are supposed to be large enough to have an ADU
 - Because these are not, there is no room for one.
 - Therefore, the Planning Department once again made another exception.
 - This one to disallow an ADU.
 - Make them follow the law.
- Lots 1-4 are supposed to be single-family homes,
 - But they are really duplexes sitting on two separate lots.
 - Planning Staff are calling them “half-plexes” because they know they are not single-family homes.
 - Per the Planner, and The Planning Department Staff Notes, the department is treating the units as duplexes.
 - They are referred to as “SFR Attached” in the Letter from the Applicant.

- SFR Attached means that each unit has their own exterior walls that just touch, such that if one house was torn down, the other would survive.
- These units have a shared wall. So, they are not an SFR Attached.
- Therefore, they should be called what they are—duplexes.
 - As such, they only need two lots as opposed to the four requested
 - Duplexes are principally approved on R-3 Zones. (HCC 314-6.4)
 - So, no Conditional Use permit is required.
 - Deny the Conditional Use permit.
- Plus, because the 2-units are one building which spans two lots
 - You have all the same liability issues the 8-plexes discussed above have.
 - You have to get your neighbor to agree when to fix the roof, when to paint, and hopefully to agree to paint his “house” the same color you are painting yours.
 - And what do you do if the neighbor won’t replace the roof?
 - The lots should be merged under subdivision laws anyway.
- Why not just give the Applicant a Conditional Use Permit to build two single-story, single-family homes with two car garages that blend in with the neighborhood and help to hide his prison compound.

c) Failure to Follow Solar Access Requirements (Subdivision Law HCC 322.5-1),

The Applicant has not met the Solar Shading requirements of HCC 322.5-4. HCC 322.5-4(a) states that “‘Adequate solar access’ means that sunlight reaches 80 percent (80%) of the south side of the primary building, measured from the highest roof ridge to the ground, between the hours of 10:00 a.m. and 2:00 p.m. on December 21.” HCC 322.5-1 states the reason for the law is as follows:

- (a) The use of natural heating opportunities present on a new building site is a cost effective method of reducing consumptions of nonrenewable energy sources for heating over the lifetime of a structure.
- (b) Proper orientation of buildings is required to fully use available solar energy.
- (c) These measures will benefit the citizens of Humboldt Count by reducing dependence on nonrenewable energy sources.

For **Planned Developments**, the law even specifies how to *configure* the lots and *lot size* to best take advantage of the sun.

For example, the Applicant could have easily complied with the Solar Access Code and the PUD Code by simply putting “adequate parking” on both ends of the property (saving the

expense of building a road), and building the apartments around a courtyard green space. This green space would essentially consolidate the grassy areas from the ten (10) foot setback otherwise required along both east and west fences, using the existing home as a center focal point. Then, tenants would have a view...or could look out over the courtyard from their balconies to enjoy and watch the kids play in a safe environment free from the danger and exhaust of rushing cars.

Then, he could have either retained the house, as the Airbnb it is now, (with a playground for renters), or converted it to a gym, clubhouse, or rec room for all tenants to enjoy. As a result, when the development was sold, it could easily be sold as Condos or Townhouses because it will be in compliance with the PUD Code. And, by simply planting a 15-foot-wide row of trees and shrubs on Pickett and Gwin to camouflage the development, he could have kept his neighbors happy and if done right, not impinge on the tourism industry.

However, given the Applicant did not do that, and is instead proposing gigantic 90-foot, *two-story* buildings facing *east*, which are only 10 feet apart, he simply cannot meet the solar access requirement. (*See Exhibit VI.*) Because, except for the existing house (Lot 8) and the initial buildings in each row of apartments (Lots 7, 10, and 11), it is mathematically impossible for two-story buildings 10 feet apart to comply to the code. (That is why most buildings in Humboldt County are one-story.) The “Solar Shade Plan” Exhibit prepared by the Mill Yard proves this out. (*See Exhibit VI.*)

And, while the Solar Access code at HCC 322.5-6 specifically states **five (5) requirements that a PUD has to do in order to comply with the subdivision code**, these requirements are neither discussed in the Staff Report, The Conditions of Approval, or the Draft Resolution. In fact, the Draft Resolution has no discussion whatsoever regarding the Solar Access Code.

And, it is worth pointing out that the “Conditions of Approval,” as released to the public before the November 2, 2023 scheduled hearing, agreed with my findings that it is only possible to meet the code requirement if the buildings are one-story.

Condition Number 14.--B.(4) stated:

“One- and two-story residential structures up to a maximum height of 35 feet are normally permitted in the R-3 zone. However, State and local subdivision requirements require that, to the greatest extent feasible, adequate solar access be provided to new building sites. Specifically, sunlight must reach at least 80% of the south-facing wall of a primary building between the hours of 10:00 am and 2:00 pm on December 21st. A Solar Shading Plat dated October 6, 2015 (received) was submitted to illustrate solar exposure. The Solar Shade Study illustrates that adequate solar access consistent with HCC Section 322.5 is possible by limiting these residences to a ridge height of 16 feet. Development, including second dwelling units, detached accessory buildings and/or additions, at a height, different footprint or location other than that specified in the Solar Shade Plat, shall require a site-specific solar shading analysis to demonstrate conformance with this standard.”

Therefore, the condition “limiting these residences to a ridge height of 16 feet” should stand.

Further, by not requiring the Applicant to meet these standards, the entire 660 foot row of mobile homes adjacent to and west of the development will be completely in the shade until noon—So they will be out of compliance with the Solar Access law. Why is the developer being allowed to impinge on their sun, and heat source?

Please require that the units be one-story.

Reasons to Limit the Ridge Height to 16 feet.

1. The proposal fails to meet the Solar Access requirements of the code. (HCC 322.5-4(a))
2. Things mold so quickly in Humboldt. Walls without access to sun mold.
3. Two-story buildings will shade the mobile homes from sun up to noon
 - Their *yards* will see no sun until noon, and be shaded again in the afternoon
 - Their homes will receive no sun to warm them up until noon
 - The owners will have to pay higher heating costs.
 - Exterior walls without sun access will mold
 - Arthritis is worse when it is cold
 - These owners should not be required to pay for the developer's higher ROI.
4. This entire area of McKinleyville has primarily one-story homes/residences. So, the architectural design of one-story buildings will blend in with the neighborhood better.
5. Because, the beautiful tree line and the gorgeous sunrises that spring from the mountains and trees should be enjoyed by all—including the mobile home owners that have “owned” that view for all these years. (*The GIS map has no “built date” for that Park.*)
6. Because, the view of that tree line and sunrise as you come up Pickett Road and Gwin Road should remain, and be experienced by tourists as well as residents.
7. Because, more people want to rent one-story units.
8. Because, tenants won't have to listen to creaking floors and stomping feet above them.
9. Because the tenants will have more space.
10. Because the tenants will have sufficient parking.
11. Because, the people in our neighborhood paid extra so we could have space around us.
12. Because, the developer can still make an extremely high rate of return from the project.
13. Because, our neighborhood would still be contributing 31 homes.

(4) Failure to comply with Planned Development Zoning Laws (HCC 314-31)

The Application is asking for a subdivision with a request for a Planned Development Combining Zone (“PUD”).

However, the proposal meets few if any of the requirements of the PUD Code and is attempting to cluster as many two-story apartment units as physically possible on a 2.11 acre area without providing ANY of the “open space, recreation areas, or neighborhood commercial services” required by the HCC 314-31.1.1.2. If the applicant is allowed to develop the property as proposed it will provide a dangerous road map for future developers to circumvent the code by “clustering” as many buildings as possible

— into tiny little lots

- With tiny little roads
- With no setbacks
- No dedicated parking
- No open space
- No recreation areas
- No beauty, and
- No Non-Profit, Incorporated Owners Association

The PUD code requires beauty, connection, and a sense of community. And, allows you to cluster development in order to provide it. However, it does not allow *“Clustering” for the sake of Clustering*. The PUD code should be used to encourage the building of Condos, Townhomes and mixed-use residential areas that can provide affordable home ownership and a *path to equity building that can lead to* the purchase of single-family homes. A monthly payment on a \$150,000 Condo is less than the fair market rents of a one-bedroom apartment. That is a far better *deal for our community members* than saddling them with rental payments that lead to nowhere. There are loans available for as little as a 3% -5% down payment. *Everyone wants pride of ownership and a chance to build equity* in something that can one day be used to ‘trade up’ on a bigger home.

It appears that the applicant wants to use the PUD Code to obtain residential interest rates to finance building an apartment compound that he will own and operate. However, owning and operating apartments is a commercial enterprise. Therefore, developers wishing to build and operate apartments should be required to pay commercial rates. They should not be able to exploit the PUD Code so they can get residential rates without providing any of the residential amenities or beauty required by the Code.

How can we encourage developers to build Condos or Townhouses, *instead of apartments* if we hand the PUD code privileges out to proposals that do not follow its provisions?

Please deny the Subdivision, the Conditional Use Permit, the PUD Zoning request, and the request for the reduced lot size, reduced setbacks, reduced road right-of-ways, and shared parking. The Applicant can still build the apartments. But, he can do so following the strict guidelines of the building code.

Proposal Fails to meet the Very Purpose and Intent of the PUD Provisions HCC 314-31.1.1

- PUD provisions envision the McKinleyville Town Center PUD, condos, townhouses, etc.
- Purpose – To create beauty, a sense of community, and a feeling of wellbeing
- They seek to save natural landscapes, wetlands, and nature preserves within a development
- They Require Open Space, Recreation areas, Neighborhood commercial services
- They envision quiet spaces, trails, playgrounds, clubhouses, gyms, pet areas, etc.
- They **require** that common areas be owned & operated by a non-profit, incorporated Owners Association. (California Civil Code §1365.5 requires cash reserve studies.)
- Proposal does not have any of these. It is a parking Lot with a row of 2 story boxes.
- With 19 landlords who can blame each other—rather than take any responsibility themselves
- (That is how we got Gwin Road—and many other roads in the County-no one wants to pay)
- The Proposal fails as a matter of public policy—*It fails to meet the very purpose of the code.*

PUD Provisions do not allow “Clustering” for the sake of Clustering. (See HCC 31.1.1.2)

a) The Code only allows “clustered” development “in concert” with the residential amenities. HCC 314-31.1.1.2.

- Residential Amenities like
 - Open Space,
 - Recreation Areas, or
 - Neighborhood Commercial Services
 - Like a clubhouse, gym, or pool
- The Applicant has provided no such residential amenities.

b) One of the Planning Commissioners asked if the *proposed Common Laundry room* was considered a “residential amenity.” Planning Staff told him yes.

- The *statement was incorrect*.
 - Laundry facilities are required by the PUD code. HCC 314-31.6.5.2
 - Therefore, they cannot be considered an “amenity.”
 - Washing clothes is a necessity not a luxury.
 - Code requires “in-unit connections” or an “in a four-plex” common laundry room. HCC 314-31.1.6.5.2
- That is why the proposal has a washer and dryer in the one-bedroom apartments.
- And washer/dryer hookups in the “single-family” units on lots 1 -4.
- ***However, the proposal does not put washer/dryers in the two-bedroom apartments.***
 - Instead, it puts them in a building about a football field away.
With no parking spaces in front of the building
 - Two-bedroom units are for families with children
 - If ever there were units requiring washers/dryers ‘in-unit’ it would be the two-bedroom units for families
- People should not have to walk the length of a football field with a basket of laundry
 - People want to wash their clothes at their convenience.
 - Often, after the children are in bed and when there is time to fold them.
 - Or, wash them and be able to watch the children at the same time.
 - And, we don’t want to schlep the laundry and/or the children only to discover all washers are being used.
 - Or that washers are broken.
 - Or that we forgot our soap and have to go back.
 - Or that we have to take our children with us because we can’t leave them alone.

• ***No. The PUD Code would never consider a common laundry room an “amenity”.***

- Besides that: The Laundry building is located on Lot #8
 - Lot 8 is not a common lot.
 - It is a single-family residence that can be sold or demolished at will.
 - A Common Lot must be owned by an incorporated, non-profit owner's association
 - The proposal does not propose such an association
 - The Conditions of Approval do not require one
- The proposal makes no provisions for operating, managing, or maintaining any laundry facilities or the building in which it is housed.
 - It does not state how many washers or dryers are being provided
 - One is left to wonder if it will ever be built.

Finally, the Proposal does not meet most of the other requirements of the PUD Provisions

- Architectural Considerations not met. (HCC 31.1.6.4)
- Circulation Considerations not met (HCC 31.1.6.2)
- Parking Considerations not met (HCC 31.1.6.3.3)
- Trash area not big enough and not conveniently located
 - Code requires trash and recycle collection (HCC 31.1.6.5.3)
 - 6 trash dumpsters needed—only room for 2
 - (Section 8 housing in McKinleyville has the equivalent of 6 dumpster)
 - No recycle dumpsters provided
 - Other property managers in the area say “trash collection is a real problem”
 - Without dumpster there will be 122 trash/recycle bins behind parked cars
 - On a street that is only 24 feet wide
 - Blocking traffic
 - Blocking parking spaces
 - Tipping over
 - Blocking Emergency Vehicle access
- The Project should not be zoned a PUD.
 - no shared parking,
 - no reduced setbacks,
 - no reduced lot size,
 - no reduced road right of ways
- To allow this proposed PUD status provides a roadmap for others to circumvent the Code.
- Because any project could label itself a PUD, thereby
 - Avoiding the standard building code requirements.
 - Packing in as many building lots as physically possible
 - Being able to sell each lot for more money than if it wasn't subdivided
 - Without having to provide any open space, recreational facilities, or beauty
 - Or any Owners Association responsible for operating or maintaining the property
 - And, the tenants will suffer. And, the landlords will avoid responsibility
 - And, Humboldt County will look like one ginormous prison compound.

(5) The failure to follow the General Plan in determining density.

Background

a) Doubling the residential units in our area will at least quadruple noise pollution.

- The hills behind this area echo and create a megaphone for noise pollution.
- At the end of the road, when there is a concert at Pierson Park, you sing right along.
- Even one child crying sounds like they have a microphone in their hands
- Excess noise is especially harmful to seniors.
- It vibrates through hearing aids like circling a toilet
- Here is an excerpt from an NCBI (National Center for Biotechnology Information) article:

The effects of noise don't stop with the ears. Nonauditory effects of noise exposure are those effects that don't cause hearing loss but still can be measured, such as elevated blood pressure, loss of sleep, increased heart rate, cardiovascular constriction labored breathing and changes in brain chemistry. According to the WHO [World Health Organization] *Guidelines for Community Noise*: "these health effects, in turn, can lead to social handicap, reduced productivity, decreased performance in learning, absenteeism in the workplace and school, increased drug use, and accidents.

b) It will lower our air quality. Car emissions and health-based particulate matter will be too high. 61 units is more than the number of units in all of Pillar Estates, and Steven Way (which are the two developments directly east of the Project—the air blows west to east from the ocean). All air and noise matter hits the hills and trees behind Pillar Estates and bounces back—and exacerbates the problem. So, doubling the population between Pickett and Gwin will certainly greatly impact our air quality. Conditions of Approval #14.1 B (2) states.

"The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. "

c) Other equivalent developments in the area required much bigger lots.

- The Super 8 in Arcata has *60 units on a 4-acre lot*. And, they are only 1 room units.
- Timber Ridge Senior living center—*71 units on 6 acres*. —with insufficient parking
- This proposal — *60 family units with 1, 2, and 3 bedrooms on 2.11 acres*—with insufficient parking.

Analysis

- a) Resolution # 24 b) states that the proposed development is bordered by a mobile home park with "medium densities within a similar range." This is incorrect. The proposal is 29 units per acre. The mobile home park is 10 units per acre. This means that the

proposed development is *three (3) times the density of the mobile home park west of it and 10 times that of the residential homes east of it.*

- b) Resolution number 25 a) states, “This parcel is not included within the latest (2019) Housing Element inventory so there is no risk of the density falling short of a target required by HCD.” Further, we were told by the Planner that this parcel has no “targeted density.” This leaves us free to assess what density is the most appropriate for this area of McKinleyville.
- c) While the maximum density for R-3 zoning is 30 units per acre, that is the maximum, not the minimum. According to the General Plan the minimum density is 7 units per acre. And it is the General Plan that governs. It is our constitution. It is “the expression of our community’s values and its vision for the future.”

1. The General Plan states the following:

Community Design

Residents want new development to compliment the character of their neighborhood and community. The design of subdivisions, buildings, streetscapes and open spaces contributes to community character and, if done well, can lead to aesthetic new development that enhances communities and minimizes adverse neighborhood reactions during the permitting process.

Development density may also affect community character. While this Plan supports infilling underdeveloped and vacant parcels within Urban Development Areas, it does not propose increasing density beyond historical allowances.

Part 2, Chapter 4. Land Use Element 4-15, **Humboldt County General Plan Adopted October 23, 2017**

2. According to Part 2, Chapter 4.3.2, the General Plan has the following Goals and Policies:

UL-P5. Community Identity. Preserve community features that residents value and create development that compliments or adds to community identity and character. **(Goal)**

GP-G4. Community Character. Development *design and density* within Urban Development Areas that preserves and enhances existing community character and identity. **(Policy)**

3. According to Director Ford, the General Plan envisions a “fanning out” from commercial, to less dense, to even less dense, to single family homes.

4. So, using that as a guide for Pickett Road, starting on Central Avenue and going east, the *historical* densities are as follows:

- Central is commercial,
- Then a 5+ acre park,
- Then a 6-acre quiet Senior mobile home park with 10 units per acre
- Then one-story single-family homes, each on 1/3 acre (3 units per acre)
- Then the McKinleyville forest.

5. And that's it. There will be no more development east because the McKinleyville Forest will prevent future growth.

- ***So, the historical level is 3-10 units per acre.***
- Not the proposed 29 units per acre (60 units over 2.11 acres).
- Adjacent parcel to the west is 10 units per acre
- Adjacent parcels to the north, east, and south sides are 1/3 acres lots.
- Therefore, the density should be the 7-unit *minimum* required. (The average between the historical 3 units and 10 units.)
- Even using a mid-point for the density would only be 38 units as opposed to the 61 requested.

d) Lowering the Density would help alleviate the following problems.

- Drainage and flooding problems because the soil is hard packed clay
- Zero availability on the PG&E grid in McKinleyville
- Non-maintenance of Gwin Road
- Infrastructure costs for speed bumps, cross-walks, lights etc.
- The failure to provide the Adequate Off-Street Parking required by law
- The failure to provide sufficient trash/recycle dumpsters.
- Congestion on Pickett.
- Congestion on Central getting to the freeway.

This development is more appropriate in a commercial area where there are already two-story buildings developed or being developed. Or, in an area off or near the freeway so people can have more space around them and can get to work faster.

Commissioner O'Neil hit the nail on the head at the November 16, 2023 Planning Commission Hearing when she made the following statement:

Commissioner O'Neil's comments at approximately 2:10:00 in the recording of the Planning Commission Hearing dated 11/16/23 (edited slightly to remove "um", "you know", "I mean", etc)

I live in McKinleyville, and disclose that, and it seems like a lot of burden is put on McKinleyville for development providing multiple housing units, increased density. It's been going on for a number of years, but I don't see the commitment from the County to improve our roads. I'm concerned that there's not a lot of off-site improvements required in this project, and similar projects that I mentioned earlier that I participated in. We had to put millions of dollars in off-site improvements to be able to do half the units that are being done here, and I know that's a burden on development, but we have no improvements going on in McKinleyville. For those of us that live there, the roads aren't improving, the walkability is not improving. We've done a few bike lanes down the main street, but that's about it, and so I am concerned about the lack of improvement, and I'm concerned about the lack of parking spaces, the lack of amenities (I think someone mentioned that), and I know we discussed that on other projects. We increased some units in the mobile home park in McKinleyville, and they had to do trails and things on-site, where there is nothing like that here.

So, I do agree that we need more housing, but not at the expense of our community and, you know, aesthetics in our community. I sympathize with the people that are going to see the impact. Even though it may be zoned for

multifamily, it doesn't have to have this type of impact in terms of so many more people coming with less improvements to the infrastructure in the area. I know the Service District does a great job trying to fill in for the County, but we don't have that much law enforcement, we don't have great roads, we don't have good bike paths, we don't have a lot of things. I don't like the fact that we don't know who owns Gwin Road. That seems like something we need to figure out because somebody owns the land underneath it, if the county doesn't, so we probably need to know the answer to that before we go forward, or else I wouldn't even think that you should be able to access Gwin Road with this subdivision. It would have to go up the other way, and then that's going to be a big impact. Everyone wants a car. You might want to say that you want to have a walkable community, it sounds really good, but everybody's got 2 cars in every household it seems like. There might be a few people in there that don't have a car, but most people have 2, and then if they have guests come over, there is no place for them to park, so then it just becomes a big hazard if you are walking through that subdivision with that many cars/lack of spaces. I've seen them park all over the place in the subdivision that we did because it was a "walkable" community with limited parking, but unless you restrict tenants to not having cars, they're gonna have probably 2 per place.

Those are my comments. I hate to keep saying, "gee, we need more housing", so we're just going to throw out all the other needs we have in our community just to keep cramming more people in. There's other places in the County. It doesn't have to all happen in McKinleyville.

Valadao Subdivision
1820 Pickett Rd. MCK
Parcel 510-381-021-000
PLN-2021-17560-APPEAL
BOS File BAI-23-1593

Exhibit I



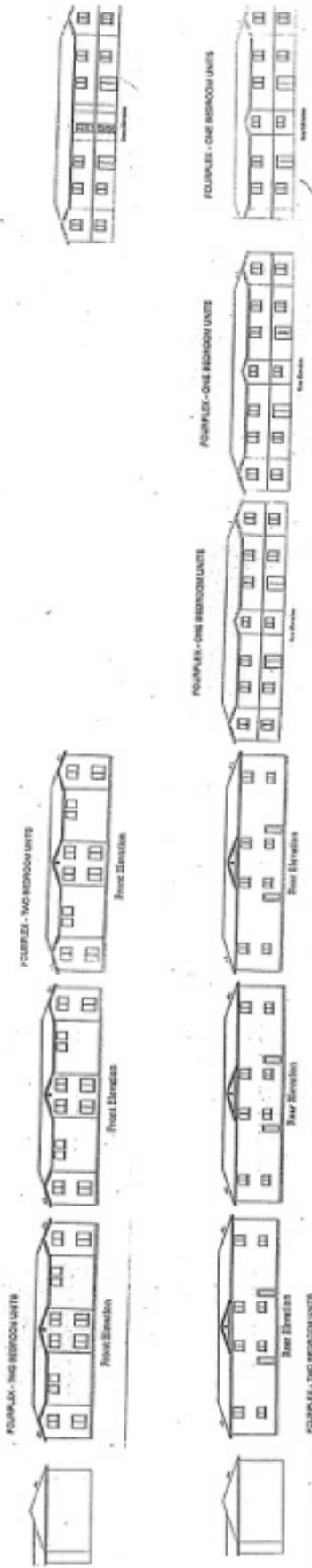
Valadao Subdivision
1820 Pickett Rd. MCK
Parcel 510-381-021-000
PLN-2021-17560-APPEAL
BOS File BAI-23-1593

Exhibit II



Exhibit III

Valadao Subdivision
1820 Pickett Rd. MCK
Parcel 510-381-021-000
PLN-2021-17560-APPEAL
BOS File BAI-23-1593



The parcel is the size of two football fields laid end to end.

Simulation created by
reducing the Floor Plan
Elevations submitted for
the 11/16/23 Public Hearing

Exhibit IV

ATTACHMENT 3A - Letter from Applicant with Development Info.

Des- Record # PLN-2021-17560-Appeal
BOS File # BAI-23-1593

This letter is in response to your email dated November 8, 2022 requesting additional information.

There are three floor plans that are being proposed with the subdivision map that has been submitted to the Humboldt County Planning Department.

We are proposing to build the following three floor plans:

- **Single Family Home (SFR Attached)**- this is a single-family home with living on the ground floor, bedrooms on the second floor, and a single car garage with laundry hookups. These homes will have a shared wall with a neighboring home (lots 1 & 2 and lots 3 & 4 will share a wall)
- **Townhome**- this is a 4-unit apartment building that will be two stories with living on the ground floor and two bedrooms on the second floor.
- **One-Bed Apartment**- this is a 4-unit apartment building with two units on the ground floor and two units on the second floor. Lots 9 & 10, lots 11 & 12, lots 13 & 14, and lots 15 & 16 will share the stairwell to the second floor. We are also proposing laundry hookups on the first and second floor towards the back of the shared entry.

Below is a list of the lot numbers with the floor plan, dwelling units per parcel, bedrooms and bathroom counts per unit, and utility services per lot:

Lot Number	Floor Plan	Dwelling Units (A)	Bedrooms / unit (B)	Bathrooms / unit	Utility Service** /Lot	(A) x (B) # of Spaces X # of unit
1	SFR Attached	1	3	1.5	1	4
2	SFR Attached	1	3	1.5	1	4
3	SFR Attached	1	3	1.5	1	4
4	SFR Attached	1	3	1.5	1	4
5	Townhome	4	2	1.5	4	11
6	Townhome	4	2	1.5	4	11
7	Townhome	4	2	1.5	4	11
8	Existing House w garage & laundry*	1	3	3	3	4
9	One-Bed Apartment	4	1	1	5	6
10	One-Bed Apartment	4	1	1	5	6
11	One-Bed Apartment	4	1	1	5	6
12	One-Bed Apartment	4	1	1	5	6
13	One-Bed Apartment	4	1	1	5	6
14	One-Bed Apartment	4	1	1	5	6
15	One-Bed Apartment	4	1	1	5	6
16	One-Bed Apartment	4	1	1	5	6
17	Townhome	4	2	1.5	4	11
18	Townhome	4	2	1.5	4	11
19	Townhome	4	2	1.5	4	11

* We are proposing to build a detached garage on lot 8 with a half bath. We are also proposing to build a 20' x 20' laundry facility to provide onsite laundry for the entire subdivision.

**Utility service includes electrical, gas, water, and sewer.

(B) Per HCC 314-109.

(C) See (A) on page 3/3.

Total Spaces Needed 134
Spaces Provided 86 (C)
Additional Spaces Needed 48

1/3

Letter from Applicant – From 11/22/23 Hearing

Below are the requested variations from the current R-3-D Zoning

- **31.1.1 Purpose:** The subject parcel is a narrow 2.5 acre parcel approximately ~165' x ~660'. It runs from Prickett Road through to Gwin Rd. There is an existing home located near the middle of the parcel that we are proposing to keep. This gives limited space to provide a 24' wide two-way driving lane, adequate parking, and fire truck access.
- **31.1.2 Applicability:** met
- **31.1.3 Minimum Lot Size:** met, its 2.5 acres
- **31.1.4 Permitted Uses:** met, zoning is currently R-3 which allows for apartment buildings
- **31.1.5 Modifications of Development Standards:**

31.1.5.2 Lot Size Standards: Current standard lot size is 5,000 sf. We are requesting the following reduction in minimum lot sizes:

- Lots 1 & 4 reduced to 29.95' by 70'
- Lots 2 & 3 reduced to 40' x 70'
- Lots 5-7 and 17-19: 90' x 69.95'
- Lot 8: no reduction requested.
- Lots 9, 12 & 13 reduced to 50' x 69.95'
- Lots 10 & 11 reduced to 67.39' x 69.95'
- Lots 14 & 16 reduced to 50' x ~53' on one side and ~69 on the other (see map)
- Lot 15 reduced to 50' x 52.76'

○ **31.1.5.4 Setback Standards:**

- We are requesting a 0' setback between lots 1 & 2 and lots 3 and 4. We are proposing a shared wall for these single-family homes. We are additionally requesting 5' side yard setbacks on lots 1 & 4. These lots follow the appropriate setbacks from Pickett Road and each lot will have a 1 car garage and a driveway to park 1 car.
- Lots 5-7, 9-19: we are requesting less than 20' setback from the sidewalk and parking area.
- Lot 8: We are requesting a 5' setback for the proposed garage from the property line and less than 10' setback from the existing home from the proposed laundry facility. Lastly, the setback from the existing home to the back of the ADA sidewalk will be less than 5'.

○ **31.1.6 Design Guidelines:** This is a very flat lot with only about 5' a drop from Gwin to Pickett. There are currently limited trees and shrubs on the site. Our landscape plan, when prepared, will show that we are proposing many new plants and trees to be planted.

- **31.1.6.3 Parking Considerations:** We are proposing both pull-in parking spaces on the side of the private road as well as a separate parking lot.
- **31.1.6.4 Architectural Considerations:** as you can see in our draft elevation plans, we are proposing various changes to the depth of the facade as well as multiple siding materials (including lap and board and Batton). Additionally, we designed lots 1-4 to be single family homes to help with the transition from a traditional SFR neighborhood to apartments.
- **31.1.6.5 Other Considerations:**
 - **31.1.6.5.1:** We will have an approved landscape plan as a condition from Public Works. We always provide landscaping beyond the basic requirements. I would be happy to meet with a planner and show what we have done in the past.
 - **31.1.6.5.2:** We are proposing a 20' x 20' laundry facility on lot 8. The facility will be owned by the owner of lot 8 but will be for the benefit of the development. This will be written into the (maintenance) agreements for the development. Lots 1-4 will have their own laundry connections (either in the garage or in the home). Lot 8 already has its own

Exhibit VI



Exhibit VII

Project Title: Valadao – Subdivision Appeal
Address: 1820 Pickett Rd., McKinleyville, CA 95519
Assessor's Parcel # 510-381-021-000
Record Number: PLN-2021-17560-APPEAL
Board of Supervisors File Number: BAI-23-1593

Comment Submitted at 11/16/23 Hearing—Detailed Calculation of the number of parking spaces required by law –All Code Sections and Subsections referenced.

(1) Insufficient Parking

The Applicant is required to provide “adequate off-street parking”. HCC 314-109.1.1. The Building Code defines “Adequate off-street parking” as “parking facilities sufficient to meet the level of anticipated parking demand generated by a use or uses.” HCC 314-136. It also states that facilities required by the code “represents the minimum that will be required.” The Project does not meet even those minimum requirements. **It is 48 parking spaces short.**

For “Family Dwellings with More than Two Dwelling Units” the Building Code requires a minimum of “(1) parking space for each unit containing (1) bedroom or less” and two (2) parking spaces for each two (2) or three (3) bedroom dwelling unit....” HCC 314-109.1.3.1.2.

It also requires that “if the units are proposed on a parcel that is served by a roadway not improved to a width of forty feet (40’)...in addition to those required by subsection 314-109.1.3.2.1, shall be provided as follows:” HCC 314-109.1.3.1.2.2

“One-half (1/2) space for each one-bedroom unit:” HCC 314-109.1.3.1.2.2.1

“Three-fourths (3/4) space for each two (2) or three (3) bedroom unit;” (109.1.3.1.2.2.2)

The applicant has not met these requirements.

(1) *Apartment Buildings.* All the Apartment units are located on Jack Way. And, Jack Way is only 24’ wide (not the 40’ feet required). Further, each one of the 14 Apartment buildings is on its own parcel. That is the whole point of the subdivision. Therefore, Jack Way is serving each one of the 14 parcels. And because Jack Way is not 40 feet wide, HCC section 314-109.1.3.2.1.2 applies. As a result, the Applicant must provide additional parking spaces at the rate of ½ for each one-bedroom unit and ¾ for each two (2) or three (3) bedroom unit. So, the additional spaces required are:

(a) 32 one-bedroom units x ½ space = 16

(b) 24 two-bedroom units x ¾ space = 18

Total additional spaces needed 34

(2). Single-Family Homes. (Lots 1-4, and Lot 8)

First, the Code requires “two (2) parking spaces for each two (2) or three (3) bedroom” home. HCC 314-109.1.3.1.2.1. For Lot 8, the Applicant provided this parking in the shared parking lot. However, Applicant has not provided this parking for the four (4) single family homes on Pickett Rd. (Lots 1-4).

The site plan states that parking spaces for Lots 1- 4) are “one space in the garage, one in front of the garage (tandem parking) and on street parking.” This is not sufficient parking. The Building Code states that “The required parking shall not be sited in the front-yard setback.” HCC 314-109.1.3.1.1.1. So, the “parking” space in front of the garage does not count. Therefore, for each of the four (4) units, the Applicant must provide one (1) more spot in “shared parking” for each of the 4 Lots.

Four Single Family Homes x 1 space = 4

Second, these five (5) homes are also subject to the “additional parking” requirement. This time as per HCC 314-109.1.3.1.1.2. This section of the Code states that “when a single family residence or duplex is proposed on a parcel that is served by a roadway not improved to a width of forty feet (40’)..., parking spaces in addition to those required by subsection 314-109.1.3.1.1.1, shall be located outside of the front-yard setback.” HCC 314-109.1.3.1.1.2.

(a). The single-family home on Lot 8 clearly meets this requirement. It is served by Jack Way which is only a 24’ road. And, the Applicant stated on the site map that the parking spaces allocated for it are in the “shared parking.” The additional parking required if there is not a 40’ foot road servicing the parcel is “two (2) spaces for each single-family residence containing two (2) or more bedrooms.” HCC 314-109.1.3.1.1.2.3. So, the additional spaces required for Lot 8 is

One three bedroom home x 2 spaces = 2

(b). The more difficult question, is whether the homes (Lots 1-4) on Pickett Road are subject to the additional parking requirements. Because, the purpose of the requirement is to provide “adequate Off-Street Parking” I conclude that additional parking rules apply and that additional spaces must be provided in the “shared parking”. The issues are as follows:

(1) Pickett Road is a 40’ foot Road and does serve Lots 1-4. So, do we stop the analysis there?

(2) Does the analysis change because, the residents of Lots 1-4 cannot actually park in front of their homes on Pickett as there will be 80 mailboxes there?

(3) Regardless, of whether or not Pickett Road serves Lots 1 – 4, does Jack Way also serve them, such that the additional parking requirements apply?

The Off-Street Parking requirements are found at HCC 314-109.1. The “general purpose” of that section is “to enhance public safety by minimizing traffic congestion, by providing for off-street motor vehicle parking and thereby permitting safe passage of passengers to and from their destinations.” HCC 314-109.1.1.1. HCC 109.1.1.2 states:

The intent of these off-street parking requirements is to provide for the on-site, off-street parking of motor vehicles associated with any use or uses on the premises. More off-street parking will allow on-street

parking to be limited or prohibited to permit greater utilization of streets for moving traffic. The facilities required by these requirements represent the minimum that will be required by the various land use types. It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements.

Each of the homes on Lots 1 - 4 are three (3) bedroom homes. Therefore, if additional parking is required, each home must be provided two (2) additional parking spaces. HCC 314-109.1.3.1.1.2.3. Therefore, using the intent above as a guideline, lets answer the three questions.

(1) Is the parking on Pickett Road adequate?

The simple answer is, yes. It is a 40 foot road. However, the purpose of the code is to provide adequate off-street parking, and given that the lots are so small, there is probably not enough room on the road to park two (2) vehicles. Plus, who knows where the fire hydrant might be. Plus, these lots sit at the top of the hill so drivers coming up the hill can't see. Plus, Pickett Road is a very busy road and will already have overflow cars from the subdivision parked on the street blocking traffic. Plus, there has already been one child seriously injured on the north east corner of the subdivision because a parked car blocked the driver's view and a child ran out between parked cars. Plus, there is a pre-school there. With not only children, but parents picking up those children. (The child was medivaced to San Francisco, was in intensive care for a week, and in the hospital another two or three weeks). So, obviously, since the intent of the law is to promote safety, parking on Pickett should not be allowed.

(2) Do the 80 mailboxes in front of the lots change the analysis. Three Huge Cluster mailboxes containing 16 mailboxes each (a total of 48 boxes) will be located on Pickett in front of Homes 1 and 2, and two more Huge Cluster mailboxes (a total of 32 boxes) will be located on Pickett in front of Homes 3 and 4. It is a violation of federal law to block access to a mailbox. (Statute 18 U.S. 1701). My mail person told me you have to leave 15 feet in front and 15 feet behind a regular mailbox. I would think with 80+ people stopping to get their mail, the post office will require much more than that. Therefore, since there will be no space to park on Pickett in front of the Homes, and because the code requires "Adequate Off-Street Parking," the additional two (2) parking spaces required under HCC 314-109.1.3.1.1.2.3 must be placed in the Off-Street shared parking.

(3) Does Jack Way serve the houses even if Pickett does as well? Yes. All four (4) homes on Pickett are allowed to use the off-street parking on Jack Way. And as discussed above, each of the four (4) lots is allocated one "regular/standard" parking spot there. Plus, their guests could park in the shared parking lot and they could park as many extra vehicles or trailers as they want there. So, yes. Jack Way "serves" each of the four (4) houses on Pickett

Because under all three scenarios above, additional parking is allowed and/or needed for the safety and well-being of the residents, travelers, and children, the Applicant should be required to provide two (2) additional parking spaces in the shared parking facilities for each of the single-family homes on Pickett Road.

$$4 \text{ single family homes} \times 2 \text{ spaces} = 8$$

The following Table summarizes the number of total parking places that must be required to meet the minimum parking requirements. In my opinion, the Applicant should provide even more spaces so that there is enough parking for guests, RV's and trailers. The codes suggests erroring the side of excess parking.

# Units	Bedrooms	Regular Spaces*	Additional Spaces**	Total
32	1	32	16	48
24	2	48	18	66
4	3	8	8	16
1	3	2	2	4
		-----	-----	-----
	Total	<u>90</u>	<u>44</u>	<u>134</u>

*1 space for each one-bedroom, 2 spaces for each two-bedroom apartments, 2 spaces each single-family home.

**1/2 space for each one-bedroom, 3/4 space for each two-bedroom apartment, 2 spaces each single-family home.

The code makes no exception to the “minimum” parking requirements for having “public transit” nearby. It does make an exception for public transit under the “Accessory Dwelling Unit (ADU) Exception.” HCC 314-109.1.3.1.1.1. But it does not do so for One-Family, Two-Family, or Family Dwellings with More than Two Dwelling Units (HCC 314-109.1.3.1.1 and HCC 314-109.1.3.1.2). Since the Code specifically made an exception for ADU's, if it had wanted to make one for Single Family and multi-family units it would have done so.

Plus, every dwelling in my area has met the parking standards outlined above. The Grace Park Subdivision, (they put in put in 40' roads), the mobile home park (two spaces per unit, plus a 33' parking lane with a 24' roadway), and G-Lane—a private road less than 40' wide (where two houses have way more than required, and the standard home has a two-car garage and provides the two (2) additional spaces in tandem on the south side of the garage. There is no excuse for insufficient parking.

Finally, the website “datausa.io” says that the average household in McKinleyville has two (2) cars (as do many websites). It also says that most people drive alone to work. And, when you live in a rural area, you simply have to drive. Most people don't have 8:00 to 5:00 jobs and the bus only runs *once an hour* from 7:16 a.m. to 7:46 p.m. Plus, you have to drive the kids to school or preschool before you go to work. And, it is scary to get off work at 2:00 a.m. and have to walk two block home because you couldn't park in front of your house. Why do we ask our mothers to carry babies, diaper bags, groceries, and supplies two

blocks. It is shared parking. Anyone could be parking in the spot in front of your house. And, given the size of the complex, even if you got a spot in the shared parking lot, you could be walking two (2) city blocks home. Require the Applicant to provide more parking.

Design Review

- (1) Property is Zoned R-3/D. Design Review is Required. Planning Department failed to do it.
- (2) The Property is Zoned R-3/D. The “D” is a Combining Zone Designation found at HCC 314-19. The “D” stands for Design Control. HCC 314-19.1.2 states that the member of the Board of Supervisors in whose district the D Zone is established may select a Design Committee to be the Reviewing Authority. Therefore, Fifth District Supervisor Steve Madrone has initiated that process with John Ford and has asked that the Valadao subdivision go through it.
- (3) Because, the proposed Subdivision is in the heart of the McKinleyville Town Center, it is supposed to be preserved in order to “enhance the tourism industry” by maintaining the “architectural and recreational aspects of this designated area.” (See HCC 314-19.1.1)
 - The Code states the “appearance and design of **buildings, sites, structures, and signs**
 - Should form a **substantial contribution** to the
 - **Desirability of the zone** for uses permitted therein.” HCC 314-19.
- (4) The proposal is in our McKinleyville Town Center, which will one day be our “Old Town”
 - Central Avenue is the Business Loop Exit off North and South Highway 101
 - The intersection at Central and Pickett Rd is our main Tourist Attraction. It has
 - Eureka Natural Foods, Safeway, Post Office, Gym, Restaurants
 - Library, Police, Senior Center, Azalea Hall (Recreation Hall)
 - Pierson Park, Teen Center, Skateboard Park, Group Picnic Shelter
 - Pierson Park hosts weekly concerts, weddings, car shows, and Community Holiday celebrations like Pony Express Days, 4th of July, etc.
 - The McKinleyville Community Forest sits .4 mile east up Pickett Rd
 - Pierson Park and Azalea Hall are our Tsunami Evacuation Center
 - Eureka Natural Foods is the Hub. It has a hot bar, deli, coffee shop, gift shop, etc. and is the only grocery store or restaurant with a generator during power outages.
 - Tourists drive up Pickett Rd all day long to check out the area—Pickett is .4 mile long.
 - If these Building are *two-story*, they will block the view of the *sunrise and ridgeline*.
 - They will be viewable from Eureka Natural Foods as you drive up Pickett Rd.
- (5) Under HCC 314-19.1.3.1 the Reviewing Authority is required to take the following items under consideration in approving a development plan:
 - Height,
 - Bulk and area of buildings,
 - Setbacks,
 - Color,
 - Texture,
 - Landscaping
 - Parking lot layout, and
 - relationship to other buildings and/or uses in area.

a. *Height, Bulk, and Area of Buildings.*

- The buildings are enormous.
- Four (4) Buildings are 90-feet long. Six (6) are 80-feet long. **All are Two-Story Boxes.**
- **R-3 Zoning** only allows 4 units per building. The one-bedrooms have 8 units.
- 12 monolithic two-story barracks that look like a *ginormous prison compound*.
 - The surrounding area is not a commercial zone. It is residential.
 - There are no two-story homes in view from Pickett or Gwin driving to parcel
 - To fit in our neighborhood, they need to be
 - Tiny Homes
 - Single-story duplexes, or
 - Single-story single-family homes

b. *Landscaping.*

- The developer has provided no landscaping plan.
- Developer should be required to provide 15-feet of trees/shrubs on either end.
- Hide the compound. Provide Beauty for the neighborhood.
- The Counties and Cities down south require it.
- People we want to entice here to work expect it.
- Parents sending students here want their children to have it.
- We live in the most beautiful place on earth. We should show it off.
- According to **PUD Code**
 - landscaping should be used to enhance privacy
 - And, give visual order to the development.
- According to the **McKinleyville Community Plan** landscaping
 - Should improve the appearance and livability of McKinleyville.
 - Provide adequate screening to protect individual properties community-wide from traffic, noise, heat, glare, and dust.
 - Retain the rural, forested, natural surroundings as much as possible by
 - Preserving existing trees and planting new trees which provide visually appealing communities.

c. *Parking Lot Layout*

- One long, narrow, dreary, line of cars that creates:
 - Fire hazard- People trying to flee in cars, No room for Fire Department.
 - Trash hazard – No place to put trash cans but behind parked cars.
- **Jack Way is a road. Not a parking lot.**
- *There is a reason the Code requires **off-street** parking.*
 - *There is no buffer zone with a 24-foot road like there is a 40-foot one.*
- See attached parking considerations required by the PUD Code.

Obviously, a *Monolithic*, Two-Story 60-unit Apartment Compound, with one long narrow through-road the length of two (2) football fields, with *no landscaping plan*, and *no parking pods or courtyards* is appropriate for this area. *Is it even safe?* The Fire Marshal has not reviewed this plan yet. Neither has the Building Department. (See Referral Agency List attached.)

Planned Development Code

Parking Considerations (HCC 314-31.1.6.3)

31.1.6.3 Parking Considerations.

31.1.6.3.1 Reducing the visual impact of lines of parked cars and expanses of asphalt can add more to the good looks of a building than anything else. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.2 Shared parking areas such as parking courtyards are encouraged. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.3 Whenever possible, parking areas should be placed at the side or back of a building. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.4 To avoid the long, narrow, dreary look of carports found in some older apartment complexes, individual carports and garages should be designed to accommodate no more than four vehicles. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.5 If a parking lot for five or more cars is within 20 feet of a street property line, a landscaped strip at least five feet wide should be provided between the parking lot and the street. This strip should have a fence, berm, wall or landscaping hedge that is three (3) feet high at the edge closest to the parking spaces. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98; Amended by Ord. 2214, 6/6/00)

31.1.6.3.6 A screening device not less than six (6) feet high should be provided along all interior property lines where a parking lot for five or more cars adjoins a property line of a residential use. Raised earth mounds with landscaping may be used in place of fencing. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.7 To avoid unwarranted noise or light, no parking lot for five or more cars should allow the front of parked cars to be within fifteen feet of the front of a living unit. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

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Revised Version
(January 15, 2024)

Heartwood PUD in McKinleyville (Zoned R-3-P-D-N)
1978 Sagewood Way, McKinleyville, California
Example of An Actual Planned Development



Timber Ridge Assisted Living Facility is the Green two-story commercial building behind the apartments. See how well the developer made his apartments fit in. Notice also, that the Commercial District has a lot of two-story boxy buildings that are not very aesthetically pleasing. Rightly, the developer chose to place the two-story apartments there rather than in the middle of his single-story housing development.

Note: The two yellow arrows represent roughly the size of the 90-foot proposed apartment buildings in the Valadao proposal. They will be massive.



1978 Sagewood Way. Regular sized parking spaces – 9 Feet by 18 feet. (Valadao is only providing 16 feet –Compact Car—spaces with no handicap spaces available.) The “road” between the parking spaces above is 34-feet wide. (Valadao’s is only 24-feet.) Plus, the developer built a 40-foot road in front of the apartments so there was room for additional parking---and trash bins. (They inadvertently did not allow a sufficient size trash area either and admitted “trash is a problem.”) Still, the apartments look sunny, spacious, and open as opposed to the one long dark tunnel of buildings proposed in the Valadao Project.

These apartments are only 56 feet long. Valadao’s are 90 feet long. So, 50% longer than these. (See page 1 for comparison.) Plus, the apartments in front of Timber Ridge are 16 feet 8 inches apart. And the apartments on the left of the picture are 23 feet apart. Valadao’s apartments are 10 feet apart. The developer also positioned his apartments so that they could pass the Solar Access requirements of HCC 322.5-4 through HCC 322.5-6.



These are the two bedroom apartments in the Heartwood PUD. The Developer used the Timber Ridge facility to create a courtyard feel. Look how well he made them fit in. Not as many windows as Timber Ridge, but the same roof line and height. And, he used the landscaping from Timber Ridge to create a beautiful, organic setting.

Here there is dedicated parking. And lots of it. With a large, wide roadway where children can safely ride a tricycle or other scooter. And again, a 40-foot road runs along the frontage of the apartments with room for trash bins and additional parking.

And, just across the street, a green belt will be developed with a sidewalk that connects up to the rest of the 7.22 acres of green belt you will see on page 5. This creates a great sense of community with the rest of the Planned Development and allows apartment dwellers access to the single-family homes and duplexes in the rest of the PUD. A way to connect up with their friends without ever having to get in their cars. Walkability. With the understanding that you still have a car you need to park somewhere.

And the apartments are 75 – 80 feet apart and face south so there is plenty of morning sun to warm up the apartments and to meet the Solar Access requirements of HCC 322.5-4 through HCC 322.5-6. And, they take dogs.... And, the dogs get to walk on the trails.



There is approximately 1/2 square mile of **single-story** single-family homes and duplexes built west of this picture. Homes and duplexes are intermixed within the PUD development. All developed with differing styles, facades, and textures that add variety rather than monotony to the development. This is a picture of how the developer used architecture to “build a hill” up to the two story apartments. He started from a small home, to a larger one, to a taller one...taller and taller until split level...then two story. (The picture does not do them justice. They are really eye-catching. And, you marvel at the ingenuity of the architect.)

Notice all the open space behind the apartments. That area is the Town Center that will have a lot of two-story buildings including two-story senior housing across from Safeway. (In front of the red building in the background.) Our area, on the other hand, are single-story, low-roofed ranch style houses on 1/3 acre lots. Even the mobile homes are low-roofed one-story manufactured homes.



The main street you see in the middle of the picture is Heartwood Drive. It runs from Central Avenue to McKinleyville Avenue. This is the area west of the above picture. They are *single-story* single-family homes and duplexes intermixed within the development. Notice the expansive “green space” the developer donated to the County (County now owns and maintains it). It has two trails running the length of the development and eventually over to the apartments as well.

This PUD was called out specifically in the McKinleyville Community Plan, Section 2602 # 8. It was developed by Central Estates, LLC. *It is 31.2 acres.* **The McKinleyville Community Plan required that it be developed to a maximum density of 9 units per acre.** The developer built all of the roads and donated them to the County. Additionally, they created and donated the 7.22 acres of open green space with sidewalks. (23.14% of the total 31.2 acres.)



Google Maps picture prior to development. Red pointer shows where the 1978 Sagewood Way apartments will be. Note that the developer built all the roads and sidewalks. Including the sidewalk through the eventual green space he donated. Plus, look how massive the Timber Ridge Assisted Living Facility is. (71 units on 6 acres – Valadao project is 60 units on roughly 1/3 the size.)

Once built, the 1978 Sagewood Way apartments will physically be about the same size complex as Timber Ridge. So, they fit right in.

Conclusion: The Valadao Project does not “fit right in” our neighborhood. Our neighborhood is single-story residential. 3 – 10 units per acres. (The Valadao apartments are massive two-story commercial compounds—28 units per acre.) And, the Valadao Project clearly does not have the beauty, expansiveness, or sense of belonging created by a Planned Development. *It is merely an apartment complex disguised as a prison compound.*

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Assessor's Parcel # 510-381-021-000
Record Number: PLN-2021-17560-APPEAL
Board of Supervisors File Number: BAI-23-1593

From: The Coalition for Responsible Housing:

The Planning Commission approved building a massive apartment compound in McKinleyville on November 16, 2023. In so doing, it allowed a prominent lender and developer to violate the following laws:

- (1) Failure to comply with Design Review zoning requirements. (HCC 314-19)
- (2) Failure to follow the procedural requirements for Design Review. (HCC 314-19.1.5)
- (3) Minimum off-street parking *spaces required 134*; spaces provided 86. (HCC 314-109.1.3)
- (4) Four (4) handicap parking spaces required; zero (0) provided (HCC 314-109.1.2.8.2)
- (5) Parking Space length --*18' required*; 16' compact spaces provided (HCC 314-109.1.2.2)
- (6) Additional spaces required by adequate off-street parking laws in order to reduce road hazards and permit safe passage to and from destinations. (HCC 314-109.1.1.2)
- (7) Road Right-of-Way width 32' required; 24' provided. (Title III Div.2 Appendix §4)
- (8) Maximum size of buildings 4-Units. Project has four 8-unit buildings. HCC 314-6.4)
- (9) 12 lots violate the 5000 sq.ft. Minimum lot size. (Cannot reduce lot size, width, and shape without providing open-space, recreational area, or resource protection.) (HCC 325-10)
- (10) Failure to meet "Solar Access" requirements for Planned Developments. (HCC322.5-6)
- (11) Failure to follow Conditional Use Permit Laws- minimum lot size 5000' (HCC 314-6.4)
- (12) Failure to comply with Planned Development zoning Laws. (HCC 314-31)
 - a. No open-space, recreation area, or neighborhood services (HCC 314-31.1.1.2)
 - b. No non-profit, incorporated Owners Association (HCC 314-31.1.8 and 31.1.5.1.4)
 - c. No common area owned, managed, and maintained by the PUD Owners association.
 - d. Allowed *reduced lot size* in spite of failing PUD standards (HCC 314-31.1.5.2)
 - e. Allowed *reduced setbacks* and 0' setbacks without meeting PUD (HCC 314-31.1.5.4)
 - f. Proposed *two-story buildings* block the *ridgeline and hillside silhouettes*. Code states specifically "*The height of buildings constructed near ridgelines should not affect the ridgeline silhouette.*" (HCC 314-31.1.6.1.3). The sun rises in the east—over hillside
 - g. Jack Way does not meet "Circulation Considerations". (HCC 314-31.1.6.2)
 - h. The parking lot does not meet "Parking Consideration". (HCC314-31.1.6.3)
 - i. "Architectural Considerations" have not been met. (HCC 314-31.1.6.4)
 - j. No landscaping plan to enhance privacy provided or reviewed. (HCC 314-31.1.6.5.1)
 - k. Washers and Dryers required. Not located in each Fourplex (HCC 314-31.1.6.5.2)
 - l. Trash collection area is insufficient—need 6 dumpsters (HCC 314-31.1.6.5.3).
 - m. Jack Way must be 32'. *Contrary to the Staff Report, there is no provision in PUD code that allows reduced road right-of-way width. (See HCC 314-31 & item #7 above)*
 - n. Development should be designed to minimize the length of roadway (HCC 31.1.7.2.2)
 - o. *Shared parking* does not mean *reduced parking*. (HCC 314.31.1.7.4)
 - p. Off-street parking for guest may be required (1 space per 2 units) HCC 31.1.7.4.2.2
 - q. Sufficient parking spaces may be required for storage of RV's (HCC 314-31.1.7.5). (Applicant has 4 trailers parked on the property. 19 owners could park theirs, too.)

HCC 312-17.2 Required Findings for Variances states the following:

The Hearing Officer may approve or conditionally approve an application for variance **only if all** of the following findings are made:

17.2.1 That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same zone in the vicinity;

17.2.2. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;

17.2.3. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and

17.2.4 That granting the variance or its modification will not be materially detrimental to the public health, safety, or welfare.

Summary

No exceptions apply to the proposed subdivision. It is a flat buildable site with no topographical or EIR issues discovered so far. And, it did not qualify for any density bonuses. Yet, despite it not being included in the latest Housing Element inventory, the apartments were allowed a **density of 28 units per acre** so that the existing single-family home could be allowed on a 1/3 acre lot.

On the other hand, the Heartwood PUD which is also zoned R-3-P-D, and which is .4 miles from the proposed site, broke none of the above laws, and in fact, exceeded many of them. Plus, the Heartwood PUD does not appear to have been granted any special privileges. According to the McKinleyville Community Plan (MCP) Section 2602 # 8, density per acre in the Heartwood PUD **was not allowed to exceed 9 units per acre.** (4 units per acre for the Town Center PUD –MCP Table 2.)

Further, the general plan “*Does **not** propose increasing density beyond historical allowances*” when “*infilling vacant parcels in Urban Development Areas*” such as where the project is proposed. The historical densities in the surrounding area are as follows:

- (1) Heartwood PUD—9 units per acre.
- (2) Town Center Project—4 units per acre.
- (3) R-3 Zoned Senior Mobile Home Park Adjacent to Project—10 units per acre.
- (4) Single-Family Homes adjacent to the Project—3 units per acre.
- (5) Proposed Apartments—28 units per acre (3-10 times historical allowances.)

Why were all these exceptions allowed?

And, Who is Responsible for Enforcing the Code?

According to the County website, “The Humboldt County Planning and Building Department is responsible for protecting public health, safety, and welfare.” So are the Zoning laws they are supposed to uphold.

Per HCC 312-51.1 **Duty to Enforce:** The Planning and Building Department Director has the duty to:

[E]nforce all provisions of the County Zoning Regulations. All officials, departments, and employees of the County of Humboldt vested with the authority to issue permits, certificates, or licenses shall adhere to and require conformance with the County Zoning Regulations.

Per HCC 312-51.3 **Permits in Conflict with this Code**

No County department, employee or officer shall issue a permit, certificate or license for any land uses or building which conflicts with this Code, consistent with state law. Any permit, certificate or license issued in conflict with this Code shall be null and void.

Per HCC 312-51.5 **Violation of the County Zoning Regulations**

The following provisions shall apply to violations of the County Zoning Regulations. All of the remedies provided for in this section shall be cumulative and not exclusive.

51.5.1 Penalty. Any person, whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions or this Code shall be guilty of a misdemeanor and shall be subject to the penalties provided for in Section 112-5 of the County Code. *[See Section 112-5 below]*

51.5.2. Public Nuisance. Any building or use operated or maintained contrary to the provisions of this Code shall be and the same hereby is declared to be a public nuisance and shall be subject to injunction and abatement as such.

Per HCC 112-5. **General Penalty; Continuing Violations.**

Whenever in this Code or in any other ordinance of the County or in any rule or regulation promulgated pursuant thereto any act is prohibited or made or

declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided, the violation of any such provision of this code or any other ordinance, rule or regulation of the County shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) and/or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. (Ord. 2331, § 1, 11/2/2004)

Every day any violation of this Code or any other ordinance, rule or regulation of the County shall continue, such violation shall constitute a separate offense.

Laws are not aspirational. They are Purposeful...and Intentional. That is why Humboldt County Code sections start with the Section Heading...“Purpose” and “Intent.”

If developers are not required to follow the zoning laws, how can we trust they will be required to follow the Building Code, Engineering Codes, or the Business and Professional Code?

Please enforce the code. Deny the Subdivision, the Planned Development Permit, the Special Use Permit, the road and parking exceptions, and any and all other exceptions allowed. Make the Applicant follow the law. He can still build the apartments. But, he can do so following the strict guidelines of the building code.

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Below is a copy of the Parking Considerations from the Planned Unit Development Code. As you read them, you can feel the beauty and sense of well-being they are attempting to bestow. This proposed project made a mockery of them and yet still got a pass from the Planning Commission. Especially when you calculate that the parking lot covers over half of the entire square footage of the lot itself. Draft Resolution 15 *picks and chooses how to* summarizes the rules before totally disregarding them. (See a copy of Draft Resolution #15 after HCC 314-31.1.6.3 below.)

Planned Development Code Parking Considerations (HCC 314-31.1.6.3)

31.1.6.3 Parking Considerations.

31.1.6.3.1 Reducing the visual impact of lines of parked cars and expanses of asphalt can add more to the good looks of a building than anything else. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.2 Shared parking areas such as parking courtyards are encouraged. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.3 Whenever possible, parking areas should be placed at the side or back of a building. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.4 To avoid the long, narrow, dreary look of carports found in some older apartment complexes, individual carports and garages should be designed to accommodate no more than four vehicles. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.5 If a parking lot for five or more cars is within 20 feet of a street property line, a landscaped strip at least five feet wide should be provided between the parking lot and the street. This strip should have a fence, berm, wall or landscaping hedge that is three (3) feet high at the edge closest to the parking spaces. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98; Amended by Ord. 2214, 6/6/00)

31.1.6.3.6 A screening device not less than six (6) feet high should be provided along all interior property lines where a parking lot for five or more cars adjoins a property line of a residential

use. Raised earth mounds with landscaping may be used in place of fencing. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.7 To avoid unwarranted noise or light, no parking lot for five or more cars should allow the front of parked cars to be within fifteen feet of the front of a living unit. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

Draft Resolution from BOS Website on 01/14/24

13. FINDING: (3) Parking Considerations:

- develop shared parking areas and limit visual impact of rows of cars
- place parking along side and rear of buildings
- for parking areas of 5 or more vehicles, use landscaping, berms and screening to minimize visual impacts, unwanted light/glare and noise

EVIDENCE: a) On-site parking is being accommodated using perpendicular street parking along the frontage of most parcels, with the exception of Lots 15 and 16. Ten (10) shared spaces will be provided on Lot 8 which will be available for use by occupants of Lots 14-16, and Lot 8. Landscaping will be provided (see below).

14. FINDING: (5) Other Considerations:

- landscaping should be used to enhance privacy and give visual order to the development
- multifamily developments of 4 or more units should have laundry facilities
- areas should be set aside within the development for trash collection and recycling
- utilities should be underground; retention swales should be used to collect runoff

EVIDENCE: a) Though no landscaping is proposed at this time, it is expected that rear yards associated with western and eastern portions of the parcel being divided. A shared laundry facility is proposed to be developed on Parcel 8. Runoff will be addressed in accordance

1900 Picket Road, McKinleyville, CA 95519

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The Applicant is asking for a major 19 lot subdivision with a request for a Planned Development (“PUD”) Combining Zone. However, the Applicant has meet few if any of the requirements of the Planned Development Zone Regulations and is merely trying to use the PUD code as a thinly veiled attempt to build more apartments on the parcel than he would be allowed to build under the regular R-3 zoning laws. All without providing any beauty, sense of community, or feeling of well-being.

As such, in an otherwise one-story residential community, the site plan crams 2 huge box-like two-story duplexes and 10 massive two-story monolithic apartment buildings on a 2.11 acre long, narrow 24-foot wide road with only 16-foot compact car length perpendicular parking spaces. And, no handicap parking. **All without providing ANY of the “open space, recreation areas, or neighborhood commercial services” required by HCC 314-31.1.1.2.** *(As an extra bonus, the applicant was allowed to provide only 60% of the parking spaces required—pushing the responsibility for the other 40% on the surrounding neighborhood.)*

These 19 lots can then be sold to individual landlords who have no incentive to spend money on maintenance or operations as they most likely will not live there.
(Landlords like to make money—not spend it.)

If the applicant is allowed to develop the property as proposed, we will have essentially gutted the PUD code all together as there will be no incentive for other developers County-wide to provide beauty, open space, recreation areas, or commercial services as part of their developments. *(Once you allow one variance—everyone wants one.)*

Allowing this subdivision PUD status will provide the blue print for all future bankers and developers in the County to circumvent the code by cramming in as many huge, ugly, two-story buildings as possible

- into tiny little lots
- With tiny little roads
- With no setbacks
- No dedicated parking
- No Owner's Association
- Insufficient parking
- Insufficient trash collection
- No open space
- No recreation areas
- No beauty,
- No connectedness, and
- No feeling of well-being.

And the tenants will suffer, and the developers and the landlords will avoid responsibility, and Humboldt County will look like one huge parking lot centered around ginormous prison compounds. And then—Why would tourists, or anyone else for that matter, want to come here. They won't be able to find any parking spots. And who wants to live in an army barracks anyway.

Summary

The PUD code requires beauty, a sense of community, and a feeling of well-being. Its designation should not be handed out lightly. Instead of apartments, it should be used to encourage the building of beautiful condos, townhomes, and mixed residential areas that can provide affordable home ownership and a path to equity building that will lead to the purchase of single-family homes.

Owning and operating apartments is a commercial enterprise. Therefore, developers wishing to build and operate apartments should be required to pay commercial rates. They should not be able to exploit the Planned Development Code so they can get residential rates without providing any of the residential amenities or beauty required by the PUD Code.

Please deny the Subdivision, the Planned Unit Development, the Conditional Use Permit, the road and parking exceptions, and the reduced lot size and reduced setback exceptions. The developer can still build his apartments. But he can do so following the strict guidelines of the building code.

Thank You.
Laura Peterson
Coalition for Responsible Housing