

**Hayes, Kathy**

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**From:** Carole Huey <chuey10@gmail.com>  
**Sent:** Tuesday, January 23, 2024 9:27 PM  
**To:** Bushnell, Michelle; Wilson, Mike; Arroyo, Natalie; Bohn, Rex; Madrone, Steve; COB  
**Subject:** Re: Design Review Committee for Valadao Subdivision

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

I need to make a correction to my prior email.

Laura Peterson did not make a public. Comment about the R3-D zoning at the Planning Commission hearing on 11/16/23. She notified the head planner, Steve Lazar, of the mistake on 11/29/23, at which time he agreed that it was an administrative error. Laura then reached out to Steve Madrone about a Design Review Committee on 11/30/23.

Supervisor Madrone then asked our Coalition on 12/6/23 if we wanted him to do the Design Review, to which we responded with a resounding, "YES!"

He then reached out to Director Ford on 12/12/23 to initiate the process.

Mr. Valadao's request for a design review was not made known until the public notice was received on 12/30/23 for the hearing of 1/9/23.

I apologize for mispeaking earlier and hope you will support Supervisor Madrone, and the McKinleyville community, in allowing his committee to perform the design review.

Respectfully,

Carole Huey  
707-442-4880

On Tue, Jan 23, 2024, 5:34 PM Carole Huey <chuey10@gmail.com> wrote:

PLN-2021-17560-APPEAL

BOS File #: BAI-23-1593

APN 510-381-021-000

Good afternoon,

Thank you for allowing our public comments at the hearing today, and for providing us with the opportunity to comment again at the continuance of the hearing on Friday, 1/26/24, at 11:00.

There was one item that greatly concerned me in today's proceedings, and that was hearing the words "can we go backwards on the design review", and finding out that the District 5 Supervisor, Steve Madrone, was being told he had not formed the Design Review Committee "timely".

I respectfully disagree that allowing Supervisor Madrone to use the committee he has already put together to do the design review would be "going backwards".

It was an admitted administrative error on the part of the planning department that the "D" was left off of the R3 zoning on the initial site map (it should have shown the parcel being zoned R3-D).

This error was pointed out by Laura Peterson in her public comment at the Planning Commission hearing of 11/16/23, but the plan was approved anyway, without a design review.

It is our lawful right as residents of District 5 to be able to ask that our Supervisor put together a community-based Design Review Committee, which he has been gracious enough to do.

I ask that the other Board members PLEASE support both Supervisor Madrone, and the concerned citizens of McKinleyville, by allowing the committee he has put together to do the design review as it was legally intended to be done. I am pretty certain you would have his support if this were occurring in your district.

As our county's legislative body, we count on you to best serve the needs of the community.

Please note that I would like this request to be part of the public record.

Kind regards,

Carole Huey  
707-442-4880

**Hayes, Kathy**

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**From:** L Peterson <lpeterson998@gmail.com>  
**Sent:** Tuesday, January 23, 2024 8:08 PM  
**To:** COB  
**Subject:** Valadao Subdivision  
**Attachments:** Hearing Final Submission.pdf

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Nikki or Tracy.

The email I sent at 5:48 p.m. showed the date and time I submitted the document below. The document was attached to that email.....but just in case you could not find it, I send it to you again. This is our Appeal Brief. The Brief that everyone keeps quoting out of context. It should be listed under the link "Materials submitted by the Appellant."

I appreciate your printing off our Request for Appeal documents and having them available today. The file below was not included in that packet.

Thank You

Hayes, Kathy

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**From:** L Peterson <lpeterson998@gmail.com>  
**Sent:** Tuesday, January 23, 2024 5:48 PM  
**To:** COB  
**Subject:** Valadao Appeal  
**Attachments:** Hearing Final Submission.pdf

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

This Document was not under the link "**Materials submitted by Applicant supporting the Appeal**" on Sunday. It was then listed under that Heading Yesterday. And Now it is no longer listed under that heading today.

I have sent it to Steve Lazar as well. Maybe he is the one that has to get it under the right heading?



**Hayes, Kathy**

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**From:** Carole Huey <chuey10@gmail.com>  
**Sent:** Tuesday, January 23, 2024 5:34 PM  
**To:** Bushnell, Michelle; Wilson, Mike; Arroyo, Natalie; Bohn, Rex; Madrone, Steve; COB  
**Cc:** Laura Peterson  
**Subject:** Design Review Committee for Valadao Subdivision

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

PLN-2021-17560-APPEAL  
BOS File #: BAI-23-1593  
APN 510-381-021-000

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As our county's legislative body, we count on you to best serve the needs of the community.

Please note that I would like this request to be part of the public record.

Kind regards,

Carole Huey  
707-442-4880

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  
[planningclerk@co.humboldt.ca.us](mailto: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, 4<sup>th</sup> 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 County 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 314-31.1.6.2)
- Parking Considerations not met (HCC 314-31.1.6.3.3)
- 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

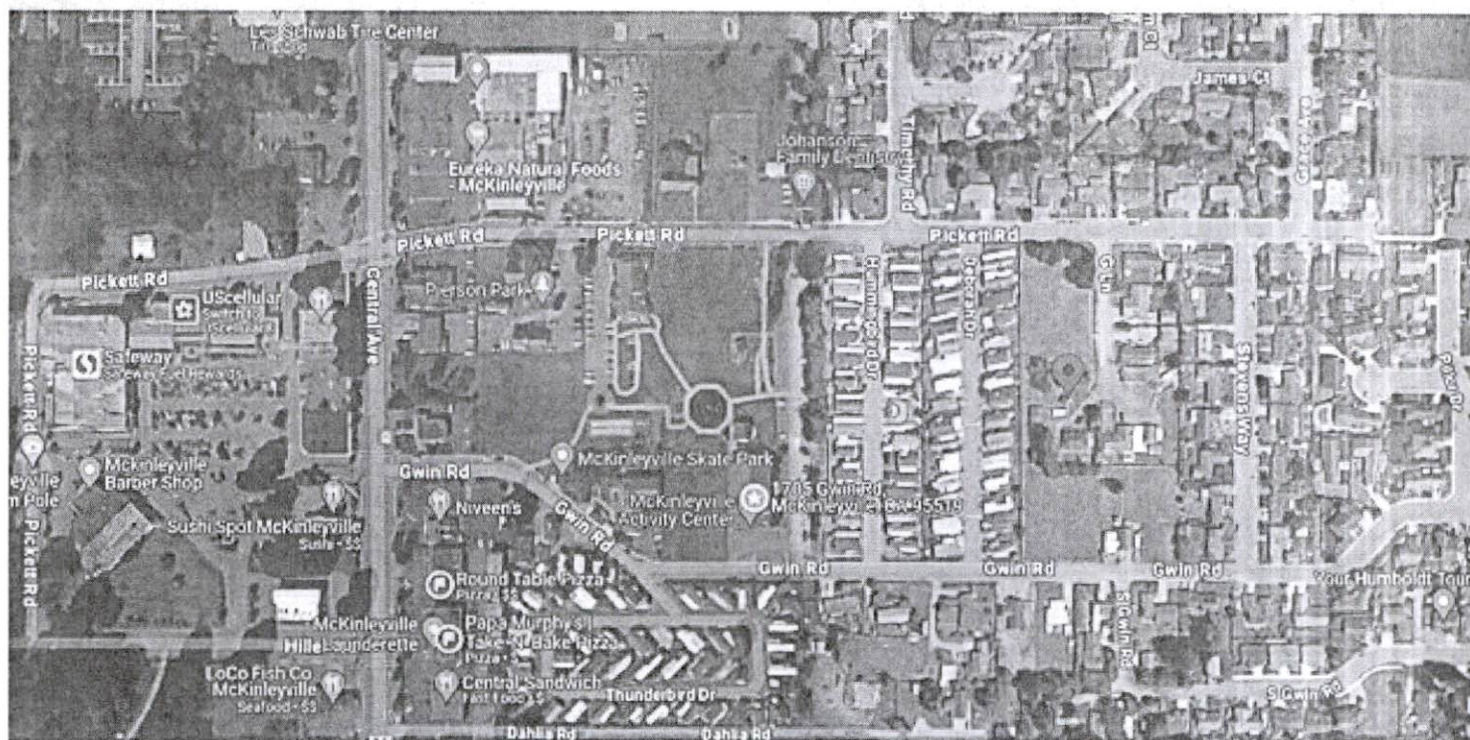
multifamily, it doesn't have to have this type of impact in terms of so many more people coming with less improvements to the infrastructure in the area. I know the Service District does a great job trying to fill in for the County, but we don't have that much law enforcement, we don't have great roads, 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.



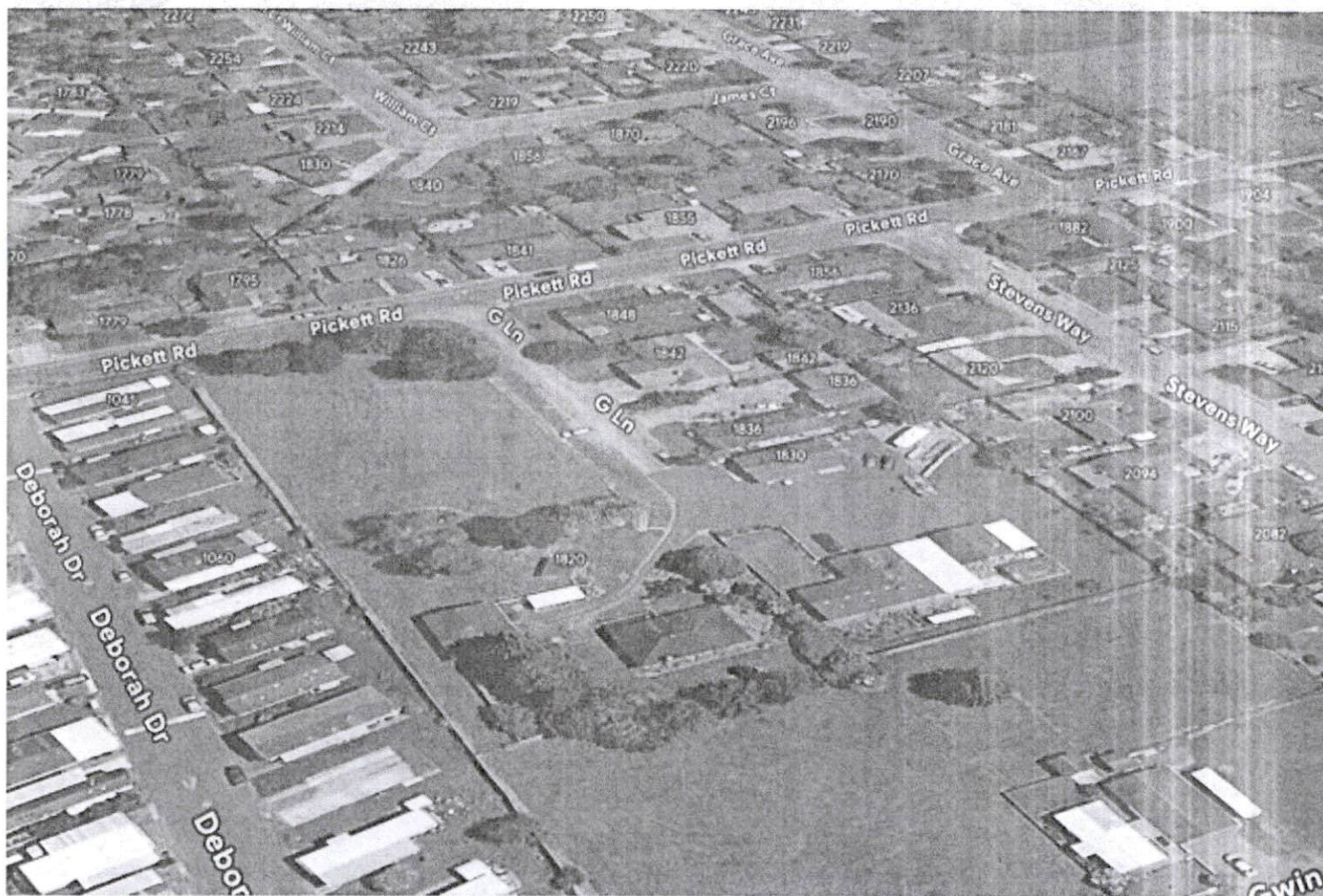
Valadao Subdivision  
1820 Pickett Rd. MCK  
Parcel 510-381-021-000  
PLN-2021-17560-APPEAL  
BOS File BAI-23-1593

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	<u>34</u>

### ***(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, let's 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.