

H-1

Hayes, Kathy

From: Phil Lazzar <phil@lazzarrealty.com>
Sent: Tuesday, January 23, 2024 5:24 AM
To: COB
Subject: Record Number PLN-2021-17560-APPEAL (Valadao Gwin Project)

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January 23, 2024

Re: Appeal of Valadao Subdivision
Record # PLN 2021-17560
To the Honorable Members of the Board of Supervisors for Humboldt County:

- Supervisor Rex Bohn, Chair
- Supervisor Natalie Arroyo
- Supervisor Mike Wilson
- Supervisor Michelle Bushnell
- Supervisor Steve Madrone

Dear Members of the Board,

I am writing to you in my capacity as a real estate broker and developer, specializing in both sales and rentals, with current active projects in McKinleyville. My experience in this field has given me a keen insight into the standards of residential development and the impact such projects have on our community.

Having closely observed the work of the Valadaos in residential development, I am impressed with the high-quality standards evident in their construction and maintenance of properties. Their commitment to excellence not only enhances the aesthetic value of our neighborhoods but also contributes significantly to the overall quality of housing in our area.

The project in question, as noted in Record # PLN 2021-17560, offers substantial benefits to our community. It is strategically located amidst existing homes, ensuring seamless integration into the neighborhood. Additionally, its proximity to parks, shopping centers, and transportation links makes it an ideal residential development, offering convenience and quality of life to future residents.

Considering these factors, I firmly believe that approving the Valadao Subdivision project would be a progressive step for our county. Their track record and the strategic location of this particular project are assets that align with our community's growth and development goals.

Thank you for considering my perspective on this matter. I am confident that your decision will reflect the best interests of our community.

Sincerely,

Phillip Lazzar
Lazzar Realty

Rec'd

~~San Diego City~~

From: L Peterson <lpeterson998@gmail.com>
Sent: Monday, January 22, 2024 8:28 AM
To: COB; Bohn, Rex; Bushnell, Michelle; Madrone, Steve; Wilson, Mike; Arroyo, Natalie
Cc: Carole Huey
Subject: Valadao Subdivision
Attachments: Fire Hazard Map Comment.pdf

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

From Laura Peterson
Coalition for Responsible Housing

The Request for Exception to the Road Right-of-Way under Section 325-9 should be denied

Humboldt County Web GIS

1/17/24, 11:50 AM



<https://webgis.co.humboldt.ca.us/HCEGIS2.0/>

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-23-159

Page 1 of 1

Project Title: Valadao – Subdivision Appeal
Address: 1820 Pickett Rd., McKinleyville, CA 95519
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Record Number: PLN-2021-17560-APPEAL
Board of Supervisors File Number: BAI-23-159

The proposed project is two blocks from the McKinleyville Community Forest. That forest is a State Responsibility Area (SRA). The Proposed Project essentially sits in a Local Responsibility Area (LRA) with a Moderate Fire Hazard Severity. The GIS Map says that the property is "Unzoned." Yet there is no definition as to what "Unzoned" means. Someone at the Planning Department suggested that it was because the houses and the developments in that area were so old that they didn't map them. (The Gwin House was built in 1958. The mobile home park has probably been there that long, too.)

Regardless, the zoning does not matter. Right now, the property is vacant and is providing a fire break for the mobile home park west of it. Once built, it will be a tinder box as the adjacent lot to the east of it is designated as a Moderate Fire Hazard. Note also that the Grace Park Subdivision just north of it is in a moderate Fire Hazard Zoned as well and wraps around the property to the west on Pickett Road. Plus, the buildings in the development are massive two-story buildings and way too close together. If there is a wildfire, they will be like a wall of trees, fueling the fire.

Therefore, because the Apartments, once built, will be in a Moderate Fire Zone the SRA Regulations apply.

This is because, according to the General Plan (Part 4, Chapter 14. Safety Element 14-6):

The wildfire hazard in Humboldt County has been analyzed using the methodology of the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program (FRAP)

(i.e., a moderate severity rating in an LRA is the same as a moderate severity rating for an SRA.) And, the General Plan states that the state-approved mitigation strategies and standards currently applied in the SRA have now been adopted by the County (Part 4 Chap. 14. Safety Element page 14-20). Which means LRA's follow the same Fire Safety Regulations as SRA.

Therefore, the following excerpt from the Humboldt County "WildFire Hazard" website applies to both LRA's and SRA's:

California Board of Forestry and Fire Protection's State Responsibility Area (SRA) Fire Safe Regulations:

In simple terms, these regulations (see SRA Fire Safe Regulations) are guidelines designed to protect lives, property, and natural resources in areas where the state has financial responsibility for the prevention and suppression of wildfires. These areas are typically

rural, forested, or grassy regions, and are referred to as State Responsibility Areas (SRAs).

Here are the main points you need to know:

Access: Your property should be easily accessible for emergency vehicles. This includes standards for driveway and road widths, grades, and surfaces. Roads should be able to support the weight of fire trucks and other emergency vehicles, and there should be enough space for them to turn around.

Humboldt County Code (HCC) 3112-1 Road and Driveway

Access – Road and street networks, whether public or private, unless exempted under Section 3111- 3(b), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with Sections 3112-2 through 3112-13.

HCC 3112-3 States that "All roads shall be constructed to a minimum Road Category 4 road standard...." Which according to the Planning Staff Report is 50-feet. Below is a quote from the Staff Report:

Minimum right-of-way width requirements are established under the Subdivision Design and Improvement Standards found in Section 5 of the Appendix to the Subdivision Regulations. The minimum width for roads serving two-way traffic (Road Category 4) is fifty (50) feet.

Therefore, to "protect lives, property, and natural resources," the SRA Regulations (which apply to LRA's as well) require that Jack Road be fifty (50) feet.

As a result, the Section 325-9 exception to the road right-of way width from 50-feet to 24-feet as requested on page 10 of the Planning Staff report should be denied. 24-feet is half of the 50-feet required. A 24-foot road will be "detrimental to the public welfare" and cannot possibly "secure substantially the objectives of the regulations to which the exceptions are granted as to light, air, and public health, safety, convenience, and general welfare." In the event of a wildfire, we are talking about people's LIVES.

Below is a copy of the entire "Exceptions" Code section. Notice how many times it says "Will" and "Shall". And, notice that the petition for exception is not timely. It was supposed to be "filed with the tentative subdivision map of the subdivision or within fifteen (15) days of the action on the subdivision map by the Advisory Agency." The Staff Report acknowledges that the "Advisory Agency" was the Planning Commission.

County Code

County Code -- Title III Land Use and Development -- Title III Div. 2 Subdivision Regulations -- Title III Div. 2(C) Action on Tentative Subdivision Map

325-9. Exceptions.

(a) The Advisory Agency may grant conditional exceptions to any of the requirements and regulations set forth in this division. Application for any such exception shall be made by a petition of the subdivider, stating fully the grounds for the exception and the facts relied upon by the petitioner. Such petition shall be filed with the Tentative Subdivision Map of the subdivision or within fifteen (15) days of the action on the subdivision by the Advisory Agency. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the following conditions exist:

- (1) That there are special circumstances or conditions affecting said property.
 - (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
 - (3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
- (b) In granting such exceptions, the Advisory Agency shall secure substantially the objectives of the regulations to which the exceptions are granted as to light, air, and public health, safety, convenience, and general welfare.

(c) The Advisory Agency shall file a report indicating the findings made and the action taken to the Board of Supervisors. The Board is not required to take further action thereon and receives the report for information only. (Ord. 1146, § 57, 7/19/1977)

The Humboldt County Code is current through Ordinance 2725, passed September 12, 2023.

Disclaimer: The Office of the County Counsel has the official version of the Humboldt County Code. Users should contact the Clerk of the Board's office for ordinances passed subsequent to the ordinance cited above.

County Website: humboldt.gov/ord County Telephone: (707) 445-7231.

From: L Peterson <lpeterson998@gmail.com>
Sent: Monday, January 22, 2024 8:54 AM
To: COB; Bohn, Rex; Madrone, Steve; Arroyo, Natalie; Wilson, Mike; Bushnell, Michelle
Subject: Fwd: Valadao Subdivision Appeal
Attachments: Appeal Valadao Project Description PDF.pdf; Appeal Valadao Exhibit B PDF .pdf; Appeal Valadao Exhibit A.pdf; Appeal Valadao Exhibit C PDF.pdf

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

The Appeal documents submitted to the Clerk of the Board on January 6, 2024 in our request for the Appeal do not appear to have been published on the County Website under the Materials submitted by the Appellant justifying the Appeal link.

As the forwarded email below states, these document were also submitted to the Planning Department on November 30, 2023.

This is supposed to be a Public Proceeding, and yet it appears that the Appeal documents submitted on November 30, 2023 in support of our Appeal have been kept from the Public sphere.

The Public has a right to this information. I request that it be posted on the Website and that it and this email become part of the Public Record.

Thank You

Begin forwarded message:

From: L Peterson <lpeterson998@gmail.com>
Subject: Valadao Subdivision Appeal
Date: January 6, 2024 at 1:08:14 PM PST
To: cob@co.humboldt.ca.us, nturner@humboldt.ca.us

These are the Documents submitted on November 30, 2023 in our request for the Appeal. They are printed out under Section 11 in the 8 binders I gave you. Thank you for getting these published on the website!!!

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
 - Jack Way "serves" each of the 19 parcels (Each building is on own lot)

Table pg 13

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)

Laura Peterson

1900 Picket Road, McKinleyville, CA 95519

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:

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

(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 we well as the very laws meant to protects 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

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
 - Jack Way "serves" each of the 19 parcels (Each building is on own lot)

Table pg 13

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)

"C"

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

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."