

HUMBOLDT COMMONS

A KENDAL AFFILIATE

January 30, 2026

County Surveyor Robert Bronkall
County of Humboldt
3015 H Street
Eureka, CA 95501

RE: Petition for Exception Request
Humboldt Commons Subdivision
Application # PLN-2025-19246 PMS
APN 508-251-060 and 510-133-013

Dear Mr. Bronkall,

Pursuant to Humboldt County Code Section 325-9, I am requesting a clarification and exceptions for the following items:

1. Clarification that Humboldt Commons is responsible only for curb, gutter, and sidewalk improvements along Hiller Road, and that roadway widening, paving, or other improvements that do not meet nexus and proportionality requirements are not the responsibility of the developer.
2. Exception to the Public Utility Easement (PUE) requirement under Section 1.7(a) of the Public Works memorandum, as the stormwater drainage system can be placed within the existing right-of-way.
3. Exception to the McKinleyville Town Center Q-Zone Ordinance Section 5.2.4.1 bicycle storage requirement to allow 0.5:1 ratio (CalGreen minimum) instead of 1:1 ratio per residential unit.

Exceptions to the requirements and regulations of the Code may be granted if the following conditions exist:

1. That there are special circumstances or condition 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.

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1585 Heartwood Drive, Suite B McKinleyville, CA 95519

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

The proposed subdivision, as shown on the Tentative Map, is consistent with the prescribed density, minimum parcel size and building setbacks, parking regulations, and other development criteria of the applicable regulations. This proposed subdivision is consistent with planned growth of the area, and is General Plan supported in-fill development.

ITEM 1: HILLER ROAD FRONTAGE IMPROVEMENTS

Section 2.5(b) of the Public Works memorandum outlines requirements for Hiller Road improvements. This project proposes frontage improvements along the south side of Hiller Road consisting of curb, gutter, and sidewalk, consistent with standard subdivision requirements.

We request clarification that Humboldt Commons is responsible only for south side frontage improvements (curb, gutter, and sidewalk) and the County indicated that the Applicant is not responsible for widening the roadway, paving the roadway, or making any other improvements to Hiller Road that do not meet the nexus and proportionality requirements. This position was established under *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*.

Additionally, there exists an approximately 10-foot gap between the proposed new curb location and the existing road edge. Humboldt Commons proposes to restore this area to its original condition (filled, graded sand and gravel edge) and maintain it, rather than pave it. The new curb and sidewalk would be installed by Humboldt Commons to establish the curb-line boundary with the public sidewalk placed in its dimensionally correct location for all future work to meet dimensional standards. This approach is appropriate because requiring the developer to pave this area would exceed the proportional impact of the subdivision on the existing roadway infrastructure. Further, adding an additional 10-foot wide paved area to the existing traffic lane would result in a non-standard, extraordinarily wide lane width creating safety concerns (speeding vehicles, unclear traffic movement, not wide enough to park), which would not be retained once the Hiller Road right-of-way design was implemented for the stated safety reasons.

ITEM 2: EXCEPTION TO THE PUBLIC UTILITY EASEMENT (PUE) REQUIREMENT

Section 1.7(a) of the Public Works memorandum requires dedication of a 10-foot wide Public Utility Easement (PUE) adjacent to the right-of-way for Hiller Road.

Based on engineering analysis by SHN, the stormwater drainage system for this subdivision can be placed entirely within the existing 80-foot right-of-way at Hiller Road. The storm sewer would be located directly south of the current pavement, between the curb and the existing paved area, and would not disturb the existing roadway.

Given the adequate width within the existing right-of-way to accommodate the stormwater infrastructure, we request elimination of the PUE requirement under Section 1.7(a), unless such easement is determined to be necessary for other utilities. A separate, 10-foot easement is being provided to accommodate PG&E lines. Eliminating the additional unused 10-foot easement area will allow for additional green space along Hiller Road. This exception is not detrimental to public welfare as the stormwater system will be properly accommodated within the existing right-of-way.

ITEM 3: EXCEPTION TO BICYCLE STORAGE RATIO FOR SENIOR HOUSING

Humboldt Commons requests an exception to the Q-Zone requirement for 1:1 bicycle storage per residential unit, proposing instead the CalGreen minimum ratio of 0.5:1. This project is specifically designed as an aging-in-place community serving seniors, including those with limited mobility. Industry data demonstrates that bicycle usage among seniors is significantly lower than general population housing.

Special circumstances exist in that this is a specialized senior housing campus with unique demographic characteristics. The 1:1 requirement would result in largely unused facilities, representing inefficient use of nonprofit resources that could be directed to accessibility features and senior-specific amenities. The exception is necessary to appropriately design facilities for the actual needs of the resident population. The 0.5:1 ratio adequately serves the bicycle storage needs while meeting state building code minimums, and is therefore not detrimental to public welfare. This exception is consistent with Q-Zone Section 3.2, which allows exceptions for senior housing to develop more appropriate residential development patterns.

Since the project, as proposed, satisfies other requirements for land subdivision, granting these exceptions does not provide special privileges not available to others; but upholds the preservation and enjoyment of substantial property right of the landowner. Denying the exception request would deprive the property owner of the ability to subdivide the subject property to the maximum potential as described in the existing General Plan and Zoning Regulations.

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The granting of these exceptions is not detrimental to the public welfare or injurious to other properties in the vicinity. Based on the above, I respectfully petition that this exception request be granted.

Please do not hesitate to contact me with any questions or concerns regarding this petition.

Sincerely,

Emma Haskett

Emma Haskett
Project Manager
Humboldt Commons
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(707) 845-3270

cc: Erin Cearley, Assistant Engineer, Humboldt County Public Works Department
Michael Holtermann, Associate Planner, Humboldt County Planning Department

HUMBOLDT COMMONS

A KENDAL AFFILIATE

March 11, 2026

Humboldt County Planning Commission

County of Humboldt

3015 H Street

Eureka, CA 95501

RE: Supplemental Petition for Exception Request, Hiller Road Widening

Humboldt Commons Subdivision

Application # PLN-2025-19246 PMS

APN 508-251-060 and 510-133-013

Dear Planning Commissioners,

The Humboldt Commons two-lot subdivision is on your March 19, 2026 agenda. The project is consistent with the McKinleyville Town Center Q Zone Ordinance and Humboldt County General Plan infill development policy, and we agree with all conditions of approval except one. We are requesting an exception under Humboldt County Code Section 325-9 to the requirement to widen Hiller Road by paving approximately 15,400 square feet between our new curb and the existing edge of pavement.

This petition supplements the January 30, 2026 Exception Request submitted to County Surveyor Robert Bronkall and addresses the County's updated requirements following the March 5, 2026 meeting with Public Works staff. At that meeting, the County confirmed this paving requirement, which we estimate would cost an additional \$200,000. This would bring total Hiller Road frontage improvement costs to approximately \$700,000, and total County-required subdivision improvements to approximately \$1.5 million.

Exceptions to the requirements and regulations of the Code may be granted if the following conditions exist:

1. That there are special circumstances or conditions affecting said property.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
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.

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

ITEM 1: EXCEPTION TO HILLER ROAD INFILL PAVING REQUIREMENT

Section 2.5(b) of the Public Works memorandum requires Humboldt Commons to install full infill paving across the gap between the proposed curb location and the existing edge of pavement, approximately 11 to 13 feet in width along the full project frontage, totaling approximately 15,400 square feet.

Humboldt Commons has committed to installing curb, gutter, and sidewalk along the full project frontage on the south side of Hiller Road, consistent with standard subdivision requirements. We request an exception to the additional requirement that the developer widen Hiller Road. In lieu of paving, Humboldt Commons proposes to:

1. Install curb, gutter, and sidewalk at the final design curb-line location.
2. Restore the gap area to its existing condition as a vegetated buffer, to be maintained by Humboldt Commons.

Finding 1: Special Circumstances Affecting the Property

Seniors drive less than the general population. Humboldt Commons is an age-restricted senior housing campus classified under the ITE Trip Generation Manual as a Congregate Care Facility (Land Use Code 253). This type of housing generates approximately 2.4 trips per unit per day. Phase 1 will consist of 109 units and add approximately 260 daily trips to Hiller Road. Current traffic counts on Hiller Road are approximately 3,000 trips per day between McKinleyville Avenue and Central Avenue, per the W-Trans traffic study prepared for the McKinleyville Town Center Environmental Impact Report (MTC EIR). This development will be responsible for approximately 8% of traffic demand on this segment. The MTC EIR also concluded that the development represents a “less than significant addition to traffic.”

Despite this modest proportional impact, the full infill paving requirement would require Humboldt Commons to finance 15,400 square feet of paving within the public right-of-way. This paving may need to be removed and replaced if the Hiller Road ultimate design (a complete boulevard with center median, travel lanes, bicycle lanes, and landscaping) moves forward. At the March 5, 2026 meeting, Public Works staff confirmed that no funding or timeline exists for the ultimate Hiller Road improvements, which may be 10 to 20 years away.

Special circumstances exist here because the cost burden is disproportionate to the project’s traffic impact, the pavement may need to be removed and replaced before it reaches the end of its useful life, and the project’s nonprofit financing structure has a fixed proforma approved by all investment partners that cannot absorb unanticipated cost increases.

Finding 2: Exception Is Necessary to Preserve a Substantial Property Right

The infill paving requirement represents approximately \$200,000 in additional costs beyond the \$500,000 already budgeted for Hiller Road frontage improvements, bringing total frontage costs to approximately \$700,000. When combined with all other County-required subdivision improvements, Humboldt Commons is spending approximately \$1.5 million just to subdivide this parcel. Humboldt Commons is a mission-driven nonprofit development operating under a fixed proforma approved by all financing partners and investors. The project cannot absorb unanticipated cost increases without increasing resident monthly fees beyond levels the Humboldt County market will support, or going back to financing partners to renegotiate the project budget. Neither option is feasible. The exception is therefore necessary to preserve the applicant’s ability to develop the property as approved and to deliver the senior housing the community needs.

The granting of the exception is also consistent with the constitutional standards established in *Nollan v. California Coastal Commission* (1987) and *Dolan v. City of Tigard* (1994), which require that development exactions have an essential nexus to the impacts of the project and be roughly proportional to those impacts. Requiring a nonprofit senior housing developer responsible for approximately 8% of existing traffic demand to fund a full travel lane of paving that may be removed in future reconstruction does not satisfy the rough proportionality standard.

Finding 3: Exception Will Not Be Detrimental to the Public Welfare

The proposed alternative, restoring the gap area to its existing condition as a vegetated buffer, is a safer interim treatment than infill paving. Installing 11 to 13 feet of paving adjacent to the existing travel lane would create a non-standard, abnormally wide lane or shoulder that:

- Creates driver confusion about the intended travel path;
- Encourages unsafe vehicle speeds due to the perceived widened roadway;
- Does not meet dimensional standards for a formal parking lane; and
- Would likely need to be removed when the ultimate Hiller Road improvements are constructed, representing a poor use of limited nonprofit resources.

This concern is not theoretical. Comparable infill paving required of prior developments on Hiller Road, including the parcels to the west, created an unstructured, oversized shoulder rather than a functional roadway improvement, with no clear purpose until the ultimate road design is implemented.

A maintained vegetated buffer is stable, drains naturally, and provides a safe, visually consistent interim surface that preserves the right-of-way for the ultimate design without creating the safety risks described above. Humboldt Commons will maintain this area consistent with County standards until the ultimate improvements are constructed.

Preserving the gap area also keeps open the possibility that the County could pursue Active Transportation Program (ATP) or other grant funding to construct a Class 1 bike path within this corridor in the future, which would deliver meaningful bicycle infrastructure to McKinleyville residents, a much greater community benefit than a paved shoulder with no clear use.

Humboldt Commons is proceeding with full curb, gutter, and continuous sidewalk improvements along the entire Phase 1 project frontage, which represent the principal pedestrian safety improvements generated by the subdivision. If Humboldt Commons is not required to spend limited funds on infill paving, we would redirect those resources toward extending the sidewalk along the Phase 2 frontage, the portion of the parcel between future Nursery Way extension and the affordable housing parcel, providing a continuous and lasting pedestrian safety benefit to the community.

The project, as proposed, satisfies all other requirements for land subdivision. Granting this exception does not provide special privileges not available to others, but upholds the preservation and enjoyment of a substantial property right of the applicant consistent with the proportionality requirements of applicable law. Humboldt Commons is already investing approximately \$1.5 million in County-required subdivision improvements. Denying the exception request would impose additional costs disproportionate to the project's traffic impact and jeopardize the feasibility of needed senior housing in McKinleyville.

The granting of this exception is not detrimental to the public welfare or injurious to other properties in the vicinity. Based on the above, we respectfully petition that this exception request be granted.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Ann Lindsay

President of the Board

Humboldt Commons

ann@lifeplanhumboldt.org

cc: Board of Directors, Humboldt Commons

Emma Haskett, Project Manager, Humboldt Commons

Robert Bronkall, County Surveyor, Humboldt County

Erin Cearley, Assistant Engineer, Humboldt County Public Works Department

Michael Holtermann, Associate Planner, Humboldt County Planning Department