

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

The parcel involved in the proposal is between Gwin Road and Pickett Road. It was part of the old homestead of the Gwin family, a prominent landowner in this area. We were told that *Gwin Road was donated to the County and was owned by the County. But, that the County never put it on its maintenance schedule because if they did, they were required to make it a 40-foot road. (See Title III Division 2 Appendix § 4.)* And, to do that they would have to buy the land where the old trailer sticks out in the street by Central Avenue and the Day Care Center. So, it just never happened.

So, even though the County uses the road, and allows public access on the road in order to get to the Pierson Park parking lot and the Teen Center parking lot, it refuses to maintain the road. Further, even though the Road is part of the McKinleyville Town Center public/private PUD, the County is still unwilling to take responsibility for it.

Well now, not only does the County not want to maintain the road, it wants to approve a high-density subdivision on it that will increase traffic by 500 to 900 cars a day, depending on how many times a day 120-150 more cars will go up and down the road. Most residents travel the road 4-6 times a day, to go to work, get groceries, visit friends, etc.

And, people are not going to take Pickett Road because it is a traffic hazard already. In addition, as the Tentative Map shows [*and the Public Work Report requires at item Number 1.6 (b)*], the Public Works Department is requiring a 40-foot...**That's 40-Foot**...public utilities easement off of Gwin so that Public Utility Trucks can enter and make repairs. So those heavy-duty Public Utility Trucks will also be using Gwin Road.

If the County is going to approve the Subdivision, according to HCC 325-7 it must either take responsibility for the road it owns or deny the subdivision. HCC 325-7 states:

Where the Advisory Agency determines that a subdivision requires undue expenditure by the County to improve existing County roads and bridges which do not conform to the minimum requirement or grade, alignment, width, and construction set forth in these regulations, the Advisory Agency shall not approve such subdivision until the Board of Supervisors has approved such expenditures.

If the County still contends it does not own the road, we are willing to research the issue for you. It would probably just be a matter of reviewing land documents recorded at the County Recorder's Office as to when the S. Gwin subdivision was built and then obtaining the Planning Departments Public Works Report and Conditions for Approval. Something, the Planning Department should have done before presenting the case to the Planning Commission.

Thank You. Coalition for Responsible Housing

Turner, Nicole

From: Natalie Giannini <solusfam@gmail.com>
Sent: Tuesday, January 16, 2024 2:47 PM
To: COB; Bohn, Rex; Bushnell, Michelle; Wilson, Mike; Arroyo, Natalie; Madrone, Steve
Subject: Re: Valadao subdivision Appeal
Attachments: Valadao Subdivision (2).pdf

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January 16, 2024

RE: Valadao Subdivision

Hello,

I am a long time McKinleyville resident and a resident of the neighborhood surrounding the proposed Valadao subdivision. I am writing to express my deep concerns with the numbers of units and the inevitable number of cars and amount of traffic that this subdivision will result in. I am especially concerned for the kids in our community who use this space.

First, I understand that our community needs housing and that we need housing near services like grocery stores and public transportation. I don't have a problem with building housing on this parcel; however, I do have a problem with the amount of units that are planned for this space. The current plan is for over 100 people on 2 acres of land; I don't imagine that being packed onto 2 asphalt-covered acres will be an ideal situation for those looking for housing and this could also result in around 75-100 cars traveling up our very poorly kept and already difficult to navigate roads.

Our neighborhood backs up against our local middle school as well as our teen and rec centers, our library, and our main community park—all of these spaces are used by the children and families of our community. Every day we have a pretty large group of students who are walking and riding to and from school, playing basketball, playing at the park, and hanging out with friends in and around the park. Dramatically increasing traffic through this space will put them in danger. Our local school district made recommendations for safer streets and was ignored by the Planning Commission.

As a member of McKinleyville Schools PTO, I know that our schools already have to constantly ask local law enforcement to watch out for our kids along central where cars are speeding by kids walking to and from school and the teen center. There are portions of Pickett and Gwin without sidewalks, so there are not clear and safe places to walk to stay out of traffic and on Pickett, there is already increased traffic and a lack of adequate visibility due to Eureka Natural Foods street parking. This is exactly where kids cross to get from school to the park and the teen center. I am worried about their safety.

The county is making decisions for our community and designing spaces that don't follow the laws and regulations and this impacts the people in our community. Your design choices matter—how our community looks and functions matters to our economy, our school enrollment and to the way that those in our community are treated locally. While each of you does represent your own district, because it isn't feasible for McKinleyville to incorporate, you all are actually making decisions that impact McKinleyville. Please take this responsibility seriously. We would also like to live in a well planned community rather than living in this hodge-podge developers' paradise.

Please work with our community on a compromise. A smaller development with adequate parking as well as road improvements are needed in order for this development to be a safe and welcomed addition to our amazing little neighborhood.

Thank you,
Natalie Giannini
2080 Pillor Dr
McKinleyville

Turner, Nicole

From: cheryl tiller <catzbx@yahoo.com>
Sent: Tuesday, January 16, 2024 11:48 AM
To: COB
Subject: Fwd: Valadeo Subdivision

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Begin forwarded message:

From: cheryl tiller <catzbx@yahoo.com>
Subject: Valadeo Subdivision
Date: January 10, 2024 at 10:18:40 AM PST
To: rbohn@co.humboldt.ca.us, mbushnell@co.humboldt.ca.us,
mike.wilson@co.humboldt.ca.us, narroyo@co.humboldt.ca.us, smadrone@co.humboldt.ca.us

Re: Valadeo Subdivision
PLN-2021-17560
510-381-021
Hearing date January 23, 2024

Humboldt Board of Supervisors,

I am Cheryl Tiller and I live at 2094 Stevens Way in McKinleyville and I am writing to you in support of the Valadeo Subdivision but with concerns to the human and traffic density impacts as well as proper rain/storm drainage. I would like to see the project altered to single story structures and that the human and traffic density impact reflect something similar to the senior mobile home development in this neighborhood.

My concern regarding drainage is due to the fact that in heavy rain seasons the homes on the west side of Stevens Way tend to flood; backyards and in some cases including under the houses. I moved into my home summer of 2016, I guess a heavy rain year, my yard and under my home had significant standing water. (Pictures are attached) as soon as the rain season concluded I had French drains and sump pumps installed under my house and at the west fence line. Although it may be difficult to recognize, my home is downhill from the proposed development, my fear is that the paving for parking and the roof runoff of the buildings will increase the water runoff to my property.

Thank you for your consideration,

Cheryl Tiller
707-630-3845
catzbx@yahoo.com



Turner, Nicole

From: cheryl tiller <catzbx@yahoo.com>
Sent: Tuesday, January 16, 2024 11:49 AM
To: COB
Subject: Fwd: Follow up to 01-10-24 email regarding Valedao Subdivision McKinleyville

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Begin forwarded message:

From: cheryl tiller <catzbx@yahoo.com>
Subject: Follow up to 01-10-24 email regarding Valedao Subdivision McKinleyville
Date: January 13, 2024 at 12:51:15 PM PST
To: rbohn@co.humboldt.ca.us, mbushnell@co.humboldt.ca.us,
mike.wilson@co.humboldt.ca.us, narroyo@co.humboldt.ca.us, smadrone@co.humboldt.ca.us

Humboldt Board of Supervisors,

Please note the attached video and photos of my yard from today 01-13-24. The video shows the water being pumped from my east fence line. The photos show the amount of water that still makes it into the yard despite the French drain and pump. I am showing you this information so that when the details are addressed for the Valadeo Subdivision, adequate consideration is given to the disposition of rain run off.

Thank you for your attention

Cheryl Tiller
2094 Stevens Way
707-841-0734
catzbx@yahoo.com

[Click to Download](#)

IMG_1029.mov
127.8 MB



Turner, Nicole

From: Dennis Henderson <dennish56@yahoo.com>
Sent: Tuesday, January 16, 2024 11:36 AM
To: COB
Subject: PLN-2021-17560-APPEAL Valadao development - public comments

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Hello,

Please **HONOR OUR APPEAL** so there is time to create a plan that we will be **PROUD** to recommend as a great addition to our McKinleyville community.

There are too many defects now to both of these guidelines:

Property should be consistent with the McKinleyville Community Plan to retain the public safety, character, and property value of our community.

Property should be consistent with the Planned Unit Development construct to include amenities that enhance the experience for all.

Ask yourself who would **WANT** to live in a boxy apartment with poor parking and no room for larger work vehicles or family-sized vehicles? Shut-ins are my first thought as the ideal resident.

Suggestions for improvement:

Enhance public safety by adding sufficient on-site parking to meet established Codes.

Support working families by increasing parking spaces length and width and providing dedicated parking places at each unit.

Welcome families with sufficient outside shared spaces.

Avoid ownership by various outside investors of the separate apartment buildings that may be owned only for investment purposes.

Improve community experience by eliminating the long rows of identically shaped boxes that tower over neighbors.

Submitted Respectively,

Dennis Henderson, McKinleyville resident

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PLN-2021-17560-APPEAL
Board of Supervisors File Number: BAI-23-1593

January 13, 2024

To: Humboldt County Board of Supervisors
From: Cindy Condit
2082 Steven Way, McKinleyville, CA

Following the rain of the past week, I felt it imperative I once again push on the subject of properly addressing the drainage of storm water from the Valadeo Subdivision property. Although the heavy rainfall over 48 hours did cause yard flooding along Stevens Way, it had a chance to drain out over the next 48 hours before the next storm brought more rain. This type of flooding is a concern, but not as much as the extended and excessive flooding that comes after many days or weeks of heavy rain experienced usually later in the rainy season when there is no chance for water to percolate into the soil or flow down the watershed.

The Valadeo Plan does, to some extent, mention the need for proper drainage and detention facilities. The Valadeo subdivision requirements cite McKinleyville Community Plan Policy 3310(5) and the county code addresses the design so that neighboring properties are not affected:

**"Humboldt County County Code
TITLE III – LAND USE AND DEVELOPMENT**

DIVISION 2 SUBDIVISION REGULATIONS

**CHAPTER 8.1 DRAINAGE FACILITY IMPROVEMENTS AND DRAINAGE FEES IN
THE MCKINLEYVILLE DRAINAGE AREA**

328.1-7. Adequate Storm Drainage Facilities.

(a) The design of all improvements on any parcel within the McKinleyville Drainage Area shall be such that all surface waters occurring within the parcels, as well as all surface waters flowing onto and/or through the parcel shall be conveyed through the parcel without damage to any improvement, building site, or dwelling which may be constructed on the parcel or on any other parcels in the vicinity. Drainage facilities for any improvement shall be designed to adequately convey the storm water runoff from the ultimate development of the drainage basin or watershed. (Ord. 1758, § 1, 11/12/1986)

(b) Site development shall be accomplished wherever possible in a manner that will maximize percolation and infiltration of precipitation into the ground and will minimize direct surface runoff into adjoining streets, water courses, or properties. (Ord. 1758, § 1, 11/12/1986)

(c) Site development shall be accomplished wherever possible in a manner to maximize use of natural drainage features. (Ord. 1758, § 1, 11/12/1986)

§ 328.1-8. Surface Water Flowing from a Subdivision.

Surface water flowing from a parcel or subdivision in any form or manner shall be conveyed without damage to any improvement, building, or dwelling both within and downstream of the subdivision to a natural watercourse having a definable bed and banks, or to an existing adequate storm drainage facility. Storm drainage facilities to be constructed outside of the parcel or subdivision shall be designed to adequately convey the storm water runoff from the ultimate development of the drainage basin or watershed lying within and above the subdivision. Any surface waters detained or ponded on adjacent property(s) as the result of improvements constructed by the developer or subdivider, shall not cause any damage to said property. (Ord. 1758, § 1, 11/12/1986)”

I feel obligated to remind the Board of Supervisors, Planning Commission and Mr. Valadeo that there will potentially be up to 19 different landlords if the parcels are sold. This sale is quite possible and was admitted by Mr. Valadeo himself.

With that being said, from the maintenance plan for the drainage detention facilities:

“A maintenance plan for projects that contain consolidated detention facilities shall include, but is not limited to, the following:

\\alf\humco\pwrk\pwrk-shared\land use\landdevprojects\subdivisions\510-381-021 valadao 165898\510-381-021 valadao 165898 land use\510-381-021 valadao subreqs pln-2021-17560 fms -165898 (2023-10-25)final .docx

1. (a) A schedule for the periodic monitoring of the detention facilities. At a minimum, the detention facilities shall be monitored at least once each year between April 15 and October 15.
2. (b) A system to monitor the basins in a timely manner after significant rain fall events.
3. (c) Monitoring shall be done by a qualified professional as approved by this Department.
4. (d) Monitoring shall include an annual written report identifying (1) the condition of the facilities; (2) the recommended maintenance needed for the facilities to function as originally constructed or as required by subsequent regulation; and (3) certification that the maintenance was completed to the satisfaction of a qualified professional. The report shall be submitted no later than October 31 of each year to this Department.

5. (e) A financially secured procedure that will ensure that maintenance is identified and subsequently performed in a timely manner.
6. (f) For infiltration basins, wet weather testing of the percolation rate of the basin consistent with Department of Environmental Health standards for determining the percolation rates for septic systems. Percolation rate testing shall be done every five (5) years.

5.2 MAINTENANCE AGREEMENTS: Any agreements regarding the maintenance of the detention facilities between the applicant and a public entity or Homeowners Association may be required to be approved by County Counsel and the County Risk Manager.”

So, there must be, in addition to a plan for the water detention facilities to be built, a way to finance their maintenance forever. In short, there must be the requirement for Mr. Valadeo to develop and implement an incorporated, non-profit Homeowners Association that all of the 19 property owners must pay for the regular, annual monitoring and maintenance of the drainage system. We need to be able to ensure that if the drainage system fails or is not properly maintained, those of us down stream have a chance for legal recourse and someone to sue if, heaven forbid, the need ever arises. This can easily be added to the plan section addressing the Homeowners Associations other responsibilities such as road/parking maintenance, landscaping, etc.

Thank you for your consideration in this matter.

Turner, Nicole

From: Damico, Tracy
Sent: Tuesday, January 16, 2024 10:39 AM
To: Turner, Nicole
Subject: FW: Valadao Project - File #24-40

This one already went to the BOS so its all you sista!

From: Nancy Keiber <nkeiber2@gmail.com>
Sent: Tuesday, January 16, 2024 10:38 AM
To: COB <COB@co.humboldt.ca.us>; Bohn, Rex <RBohn@co.humboldt.ca.us>; mbushnell@humboldt.ca.us; mike.wilson@humboldt.ca.us; narroyo@humboldt.ca.us; smadrone@humboldt.ca.us; Lazar, Steve <SLazar@co.humboldt.ca.us>
Subject: Valadao Project - File #24-40

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Dear Board of Supervisors,

Why are you granting the Valadao project so many exemptions from McKinleyville and Humboldt County building regulations? I am referring to the The "Valadao Project" - a 19-lot Subdivision, 62 unit Multi-Family Planned Unit Development, and Conditional Use Permit to Allow Four Single Family Residences in the R-3 Zoning District.

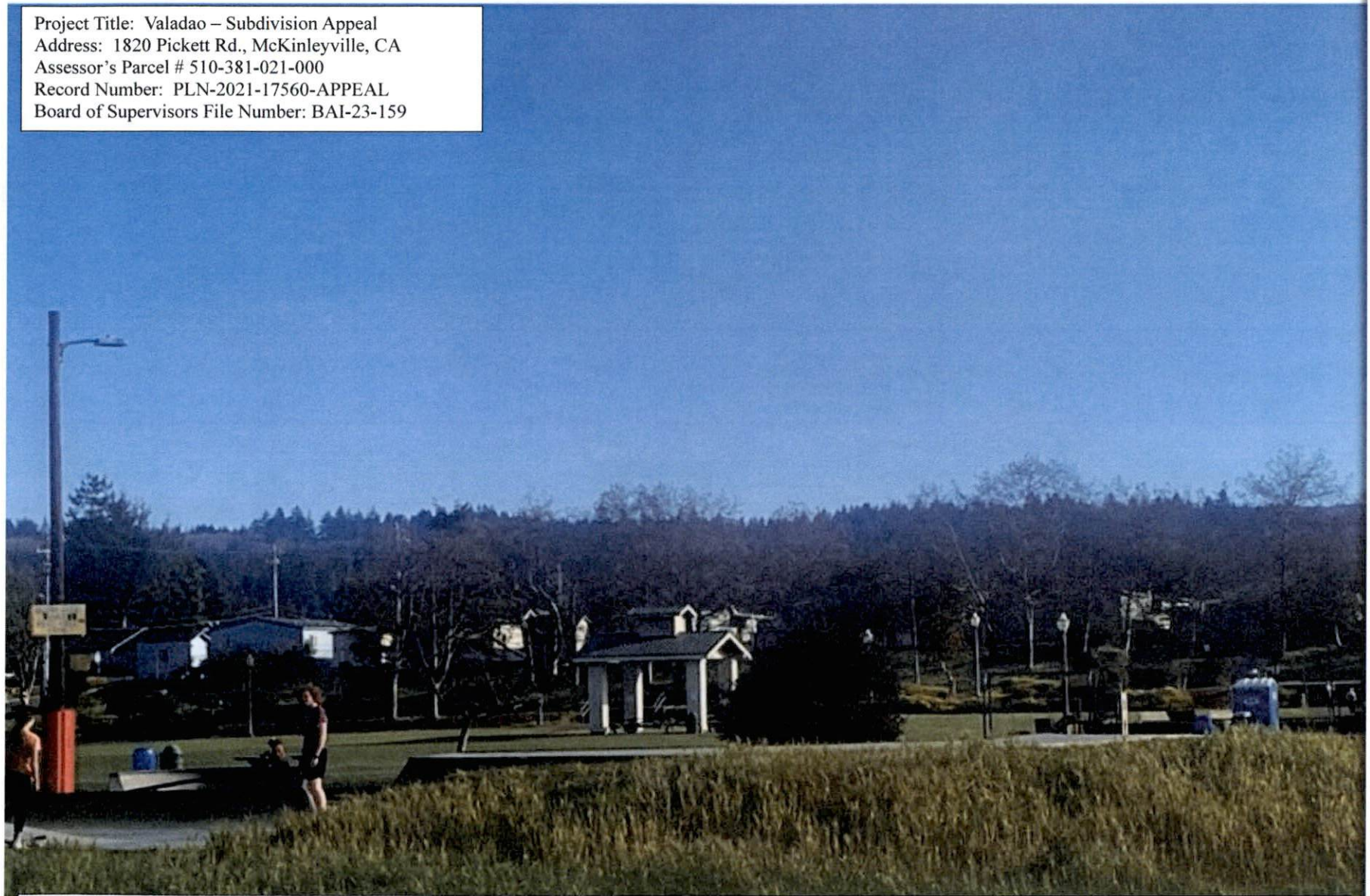
In the case of the Valadao project (File #24-40), cramming so many units into a relatively small area negatively impacts the residents of the new project and the existing neighbors' wellbeing and safety. What's glaringly obvious is that it maximizes profit for the developer while at the same time minimizes the quality of life for those affected by the project. Is that what you want as a future blueprint for McKinleyville and the county as a whole?

The Valadao project is too dense. Please reduce the amount of units, follow county regulations for setbacks, widen the proposed streets in the project, lengthen the car spaces, provide responsible drainage for the seasonal pond, require the developer to build a firewall between the mobile estate and his property to protect the senior citizens from fire and intrusions, and also require sidewalks installed between the new development and Central Avenue where none exist.

The project as proposed is atrociously dense causing a multitude of problems. Please, if nothing else, scale back the density.

Thank you for your consideration,
Nancy Keiber
1523 Chester Ave
Arcata Ca 95521

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Pierson Park on 01/15/24. Mobile Home Park in background. The proposed Two-Story Buildings will affect ridgeline violating HCC 314-31.1.6.1.3 which states, "The height of buildings constructed near ridgelines should not affect the ridgeline silhouette."

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

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

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

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

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

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

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

Summary

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

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

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

Thank You.

Laura Peterson

Coalition for Responsible Housing

314-19 "D" Combining Zone Designations 19.1

D - DESIGN CONTROL

It is the purpose of the Design Control Combining Zone to be combined with any principal zone to provide controls and safeguards to preserve and enhance areas of historical, scenic, civic or cultural values of the County. The D Zone is also combined with principal zones to preserve and enhance architectural and recreational aspects of designated areas of the County. Such appearance and design of buildings, sites, structures and signs should form a substantial contribution to the desirability of the zone for uses permitted therein. (Former Section INL#315-5)

19.1.1 Findings to Establish D Zone Regulations. The following criteria shall be used in establishing D zone regulations. To qualify as a D Zone, the areas within the County should meet one (1) or more of the following categories: (Former Section INL#315-5(a))

19.1.1.1 Areas of special or unique natural beauty and aesthetic interest forming a basic resource in the economy of the County, the preservation of which would enhance the tourism industry. (Former Section INL#315-5(a)(1))

19.1.1.2 Sites, buildings, structures, or uses which have special historical interest. (Former Section INL#315-5(a)(2))

19.1.1.3 Maintenance of architectural and recreational aspects of designated areas. (Former Section INL#315-5(a)(3))

19.1.2 Reviewing Authority. The member of the Board of Supervisors in whose district a D Zone is established may select any person(s) or organization who, in the opinion of the Board member, is qualified to act as the reviewing Authority of a D zone. Such person(s) or organization must be devoid of any and all financial interest in the application under consideration. The representatives of any D Zone shall not exceed five (5) persons. Local representation (i.e., property owners and residents within the D Zone) shall be given first priority to serve on the Reviewing Authority. In the absence of any Board member's approved representatives, the Director shall be the Reviewing Authority. (Former Section INL#315-5(b); Amended by Ord. 1443, Sec. 1, 1/13/81)

19.1.3 Architectural Standards. In order that buildings, sites structures, signs, landscaping, etc., will be in keeping with the findings stipulated in subsection 314-19.1.1, the Reviewing Authority shall take the following items under consideration in approving plans within a D Zone: (Former Section INL#315-5(c)(1-9))

19.1.3.1 The height, bulk and area of buildings.

19.1.3.2 All setbacks from property lines.

19.1.3.3 The color, textures and materials of exterior walls.

19.1.3.4 The type, pitch and material of roofs.

19.1.3.5 The type, size and location of signs.

19.1.3.6 Landscaping and parking lot layout.

19.1.3.7 The relationship to other buildings and/or uses in the area.

19.1.3.8 The architectural treatment as related to any historical buildings or structures.

19.1.3.9 The location and treatment of the site as related to its natural setting including grading, cut and fills and preservation of trees and natural ground cover.

19.1.4 Additional Standards Applicable to Shelter Cove Only.

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19.1.4.1 Building Structural Design Standards.

19.1.4.1.1 Residences must be constructed to a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences. (Former Section INL#315-5(d)(1)(a); Ord. 1913, Sec. 1, 10/30/90)

19.1.4.1.2 Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to the slopes or site conditions shall be exempt from this provision. (Former Section INL#315-5(d)(1)(b); Ord. 1913, Sec. 1, 10/30/90)

19.1.4.1.3 A minimum roof overhang of twelve (12) inches (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structure. Gable ends may be excluded when approved as part of the design review process. (Former Section INL#315-5(d)(1)(c); Ord. 1913, Sec. 1, 10/30/90)

19.1.4.1.4 Exterior walls and roofing material of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer's warranty

certifying a minimum life of fifteen (15) years. Flammable roofing material such as wood shakes or shingles are not recommended. (Former Section INL#315-5(d)(1)(d); Ord. 1913, Sec. 1, 10/30/90)

19.1.5 Procedure.

19.1.5.1 When property is to be developed in a D zone, the applicant shall submit the required data in accordance with subsection 314-19.1.3 to the Planning Division. The application shall be accompanied by a fee in the amount as established by Ordinance or Resolution of the Board of Supervisors. (Former Section INL#315-5(e))

19.1.5.2 The Reviewing Authority is empowered to approve and conditionally approve projects. Denials of any project by the Authority shall be referred to the Planning Commission for action. (Former Section INL#315-5(e))

19.1.5.3 If the applicant is not satisfied with the Reviewing Authority's action on any conditional approval, the application shall be referred to the Planning Commission for decision. The decision of the Planning Commission may be appealed to the Board of Supervisors as provided for in this section. (Former Section INL#315-5(e); Amended by Ord. 1280, Sec. 2, 10/10/78)

19.1.6 Building Permit Issuance. In no event shall building permits be issued in a D Zone until such plans have been approved or conditionally approved by the Reviewing Authority, Planning Commission, or Board of Supervisors. Designated local authorities shall notify the Director on action taken on projects. The Director shall take appropriate action to release building permits or refer to the Planning Commission. (Former Section INL#315-5(f))

19.1.7 Destruction or Alteration Designated Historical Buildings. No historical buildings as officially designated by the Board of Supervisors or their authorized County representatives in any D Zone shall be demolished, altered, improved, or otherwise changed in exterior appearance except as hereinafter provided: (Former Section INL#315-5(g))

19.1.7.1 If any historical building is damaged by a natural disaster (including but not limited to earthquake or fire), the owner thereof may repair such building if he secures a permit from the Reviewing Authority. (Former Section INL#315-5(g)(1))

19.1.7.2 Any owner making any exterior alterations to a historical building shall submit plans and secure approval from the Reviewing Authority prior to construction. (Former Section INL#315-5(g)(2))

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6:18 PM

19.1.7.3 Any owner planning to demolish any historical building (as officially designated) shall provide notice of intention to the Board sixty (60) days in advance of any work on the project. Within the sixty (60) day period the Board shall determine whether Federal, State or local agencies or organizations can acquire the building and site or make other suitable arrangements with the owner. (Former Section INL#315-5(g)(3))

19.1.8 **Annual Report.** Designated Reviewing Authorities shall prepare an annual report to the County Planning Commission indicating the number of applications acted upon and a general description of the projects. The annual report should be submitted to the Director during the month of January. (Former Section INL#315-5(h); Ord. 1058, Sec. 1, 12/16/75; Amended Ord. 1913, Sec. 1, 10/30/90)

19.1.9 **Additional Standards and Procedure Applicable to Scotia Only.** 19.1.9.1 **Special Permit Required.**

19.1.9.1.1 A Special Permit is required for all development in Scotia subject to these regulations

19.1.9.1.2 The application for the permit shall be accompanied by a fee in the amount established by ordinance or resolution of the Board of Supervisors.

19.1.9.2 **Appointment and Composition of the Design Review Committee(s).** The Board of Supervisors may select any person(s) or organization who, in the opinion of the Board, is qualified to serve on the committee. Such person(s) must be devoid of any and all financial interest in the development application under consideration. The representatives of the Design Review Committee(s) shall not exceed five (5) persons. In the absence of any Board of Supervisors' approved representatives, the Director shall be the reviewing authority.

19.1.9.2.1 There is hereby created a Scotia Design Review Committee, which shall consist of the following members:

Five members, who shall be appointed by the Board of Supervisors. These members shall have demonstrated experience in historic preservation or cultural resource land use issues or other qualifications satisfactory to the Board.

The terms of the appointed members shall begin upon Board approval and shall be for five (5) years and may be renewed.

19.1.9.3.1 **Authority and Responsibilities of the Scotia Design Review Committee (Scotia DRC)**

19.1.9.3.1.1 The Scotia Design Review Committee shall:

19.1.9.3.1.1.1 Review applications to alter or demolish all or part of any structure identified as a contributing historic structure in the Scotia General Plan Amendment Environmental Impact Report.

19.1.9.3.1.1.2 Adopt maximum times for its historic preservation review to be completed, which if exceeded, may be treated as no comment on a project.

19.1.9.3.1.2 The Scotia DRC shall, to the extent it deems appropriate, have the authority to:

19.1.9.3.1.2.1 Make recommendations to the Humboldt County Planning Commission for discretionary projects or to the Planning Director for ministerial projects involving contributing historical structures for approval of or conditional approval of projects under review. These recommendations may include restrictions on the use of such property or requirements to retain historical characteristics. These recommendations shall be based on the application of the Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated] - <http://www.cr.nps.gov/local->

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[law/arch_stnds_0.htm](#) , Department of Interior's Standards of Rehabilitation, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, and the Scotia Design Guidelines (Exhibit D).

19.1.9.3.1.2.2 Assist studies or programs designed to identify and evaluate structures, other physical features, sites, and areas which are worthy of preservation.

19.1.9.3.1.2.3 Review projects for development of new structures for consistency with Scotia Design Guidelines and for compatibility with existing contributing historic structures.

19.1.9.3.1.2.4 Inspect and investigate structures, other physical features, sites, and areas which are worthy of preservation.

19.1.9.3.1.2.5 Consider methods other than those described above for encouraging and achieving preservation of worthy structures, other physical features, sites, and areas, including exploring means of financing the restoration or maintenance thereof.

19.1.9.3.1.2.6 Make appropriate recommendations on the general subject of preservation to the Planning Commission, Board of Supervisors, other public and private agencies and bodies, and the general public.

19.1.9.3.2 In the Absence of an appointed Scotia Design Review Committee

19.1.9.3.2.1 Historic Assessment Report required: In the absence of an appointed Scotia Design Review Committee, the Director will require a preliminary assessment report (Historic Assessment Study). This report shall be based on a visual examination of the property and historic research conducted by a professional historic resource consultant who then prepares a written report that contains their findings and recommendations. The report will also describe any further actions that might be needed to avoid or lessen development related impacts to any historical resources encountered.

19.1.9.3.2.2 Historic Assessment Study Contents: The historic assessment study should, at the minimum, contain:

19.1.9.3.2.2.1 Evidence of a full background literature search through the local depositories such as Humboldt County Historical Society, Humboldt State University Library, Humboldt County Library, etc.

19.1.9.3.2.2.2 A brief description of the project parcel(s) and the expectations of the consultant at the onset of the inventory report;

19.1.9.3.2.2.3 A clear description of the methods and results of the field inventory including rationale for surface coverage and a brief discussion of any historic resources encountered. This treatment should be patterned after the Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated] - http://www.cr.nps.gov/local-law/arch_stnds_0.htm ;

19.1.9.3.2.2.4 A generally accurate map (7.5' USGS topographic, parcel map or engineers map) in a scale sufficient to show the intensity and coverage of the field inventory as well as the location of any resources encountered;

19.1.9.3.2.2.5 A description and evaluation of any structures and a determination of whether or not they qualify as historical resources.

19.1.9.3.2.2.6 If the resource is historic, provide recommended means to avoid or lessen development related impacts to any historical resources encountered on the parcel(s)

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19.1.9.3.2.2.7 The names of any local persons consulted during the preparation of the report;

19.1.9.3.2.2.8 Statement of Qualifications (education, employment, field experience, previous reports and publications in historic resources). Qualification requirements used shall be the requirements used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61.

19.1.9.3.2.3 **Performance Standard.** Applicants shall avoid impacts to historical resources where feasible. When this is not feasible, mitigation measures shall be incorporated into the project to lessen the impact of the project on these resources. Mitigation shall be in accordance with the Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated] - http://www.cr.nps.gov/local-law/arch_stnds_0.htm , Department of Interior's Standards of Rehabilitation, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, the Scotia Design Guidelines and Appendix K of the State CEQA Guidelines.

19.1.9.3.2.4 **Process.** The recommendations of the Historic Assessment Report will serve as a substitute for recommendations from the Scotia Design Review Committee and will be used to address historic resource impacts in discretionary permit decisions and for CEQA compliance.

19.1.9.3.3 Standards for Alterations and Demolitions

19.1.9.3.3.1 No contributing structure shall be demolished unless the County makes one of the following findings, following notice and hearings to the extent required under existing regulations.

19.1.9.3.3.1.1 The property is unsafe or a hazard to the public as a result of an unforeseen event such as a fire or earthquake; or

19.1.9.3.3.1.2 Taking into account the potential value to the owner of the property of all available County accommodations and incentives (including without limitation transferable development rights, zoning ordinance modifications, alternative building code standards or provisions, loans, grants, reimbursements and tax reductions) either:

19.1.9.3.3.1.2.1 The current or most recent use of the property is not permitted under the current planning code (except as a nonconforming use) and adaptive reuse is not economically feasible;

19.1.9.3.3.1.2.2 The adverse impact on the owner of the property is unreasonably large in comparison to the public benefit from denying demolition; or

19.1.9.3.3.1.2.3 Denying permission to demolish would result in a taking or would violate state or federal law; or

19.1.9.3.3.1.3 Demolition must be allowed pursuant to the State Housing Law (Cal. Health and Safety Code Sections 17900 et seq.) or other applicable state or federal law.

19.1.9.3.3.2 Conditions may be imposed on demolition to the extent authorized by any other applicable law or this chapter including without limitation the following:

19.1.9.3.3.2.1 Documentation may be required of any structure to be demolished and/or for the property;

19.1.9.3.3.2.2 Historic Preservation Review and Planning Commission approval may be required for any subsequent development of the property;

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19.1.9.3.3.2.3 Demolition may be delayed for up to 90 days to allow time to identify a prospective buyer for the property, to identify a third party interested in relocating the affected structure or to allow the County to determine whether to begin eminent domain procedures, and for up to an additional 90 days to allow completion of the purchase or relocation or commencement of a judicial condemnation acting, if, within the initial 90 days a buyer or third party is identified of the County determines to begin eminent domain procedures. In the case of purchase or relocation by a third party, demolition may be denied where a third party is willing and able to purchase the property or relocate the structure within the time established by this subdivision is identified and makes a bona fide offer to purchase the property or structure at fair market value, as determined by appraisal.

19.1.9.3.3.2.4 With respect to demolition of a structure within the Scotia town site, the County shall take into account the importance of an affected structure to the integrity of other existing historic resources, and may: limit the size of new development to that of the existing structure; require that the scale of new development be harmonious with other structures which contribute to historic character; require retention or reconstruction of one or more facades; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to the integrity of the existing historic structure.

19.1.9.3.3.3 No contributing historic structure shall be altered unless the alteration is approved by the County pursuant to this chapter. The Scotia Design Review Committee shall follow the Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated] - http://www.cr.nps.gov/local-law/arch_stnds_0.htm , Department of Interior's Standards of Rehabilitation, latest version, as

a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, and the Scotia Design Guidelines (Exhibit D) for alterations and review of alteration applications, applicable specifically to designated properties. Except to the extent such guidelines provide differently, a proposed alteration shall be considered in light of its effect on the existing character of the affected structure as it relates to the streetscape. (Ord. 2422, Sec. 1, 11/10/2009)

County Code

County Code → Title III, Land Use and Development → Title III Div. 1, Planning → Ch. 4, Regulations Outside the Coastal Zone → Ch. 4 Sec. A, Regulations for the Zoning Districts → Ch. 4 Sec. A Part 2, Regulations for the Combining Zones →

314-31 "P" Combining Zone Designations



31.1 P - PLANNED DEVELOPMENT

31.1.1 Purpose. The purpose of these provisions is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of: (Former Section INL#315-4(a); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.1.1 Permitting more flexibility to cope with difficulties due to topography and other natural or man-made features; (Former Section INL#315-4(a)(1); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.1.2 Provide for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services; (Former Section INL#315-4(a)(2); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.1.3 Encourage a more creative approach to land development through waiver of development standards and application of less rigid development criteria where such flexibility can better provide for the protection and enhancement of designated sensitive habitats and cultural resources provided all the required findings for approving subdivisions can be made. (Former Section INL#315-4(a)(3); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.2 Applicability.

31.1.2.1 These regulations shall apply to areas designated "P" on the Zoning Maps. (Former Section INL#315-4(b)(1); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.2.2 These regulations may be applied where any of the following conditions prevail, provided the Director and the applicant agree that to do so would be in the public interest and best interests of the applicant: (Former Section INL#315-4(b)(2); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.2.2.1 Any site where more than four (4) dwelling units, commercial buildings, or industrial buildings or combination thereof are proposed; (Former Section INL#315-4(b)(2)(a); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.2.2.2 The development proposal is within a residential zone and includes residential and nonresidential development; (Former Section INL#315-4(b)(2)(b); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.2.2.3 Any site or development proposal where application of these regulations would provide a better means of carrying out the intent of the County General Plan. (Former Section INL#315-4(b)(2)(c); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.3 Minimum Lot Size Requirement. Planned Unit Developments shall be permitted on lots of 20,000 square feet or larger. (Former Section INL#315-4(c); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.4 Permitted Uses. The principally permitted uses in the applicable zoning district shall also be permitted in the Planned Unit Development. Other uses consistent with the applicable Plan designation may be permitted with a Use Permit. (Former Section INL#315-4(d); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98, Amended by Ord. [2313A](#), 12/16/03)

31.1.5 Modifications of Development Standards. The following development standard modifications may be approved by the Planning Commission reviewing the Planned Unit Development permit applications: (Former Section INL#315-4(e); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1 Residential Density Standards.

31.1.5.1.1 Applicable residential density standards may be increased by as much as twenty-five percent (25%) if the development incorporates extraordinary public benefits such as enhancement of sensitive habitats, visual resources, or cultural resources, development and maintenance of public access to recreational areas, or at least forty percent (40%) of the total lot area of the PUD is reserved for common open space areas which conform to all the following requirements: (Former Section INL#315-4(e)(1)(a); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1.1.1 They must be useable and available to occupants of the PUD. (Former Section INL#315-4(e)(1)(a); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1.1.2 They must average at least 100 feet in width. (Former Section INL#315-4(e)(1)(a); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1.1.3 At least one-half of the required open space shall have an overall finished grade not to exceed ten percent (10%) and shall be suitably improved for its intended purpose. (Former Section INL#315-4(e)(1)(a); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1.1.4 All lawn and landscaped areas within the required common open space shall be provided with a permanent watering system adequate to maintain such areas in a healthy condition. (Former Section INL#315-4(e)(1)(a); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1.2 The twenty-five percent (25%) density bonus limit in paragraph [31.1.5.1](#) is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. (Former Section INL#315-4(e)(1)(b); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1.3 If development is to be accomplished in stages, the development shall be coordinated so that the improvement of the common open space areas and the construction of dwelling units in order that each development stage may achieve a proportional share of the total common open space. (Former Section INL#315-4(e)(1)(c); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1.4 Common areas must be owned, managed and maintained by the PUD owners association, public agency, or equivalent organization. (Former Section INL#315-4(e)(1)(d); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1.5 The dedication or offer of dedication for an easement for coastal access or view shall not be considered to lower the area of a parcel for purposes of density calculation. (Former Section INL#315-4(e)(1)(e); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.1.6 Areas not designated for residential development in the General Plan shall not be included in calculating permitted densities. (Former Section INL#315-4(e)(1)(f); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.2 **Lot Size Standards.** The applicable lot size standards may be modified to carry out the intent of the Planned Unit Development Regulations, provided all other development standards set forth herein are met. (Former Section INL#315-4(e)(2); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.3 **Lot Coverage Standards.** The applicable lot coverage standards shall apply, except that building coverage shall be calculated over the entire development instead of being applicable to each lot in the development. (Former Section INL#315-4(e)(3); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.4 **Setback Standards.** The applicable setback standards may be modified provided:

31.1.5.4.1 Lot coverage requirements herein are met; and (Former Section INL#315-4(e)(4)(a); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.5.4.2 Setbacks for lots located in the perimeter of the development shall conform with the setback requirements stipulated for the zone. (Former Section INL#315-4(e)(4)(b); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6 **Design Guidelines.** These guidelines shall be considered by architects, engineers, and other persons involved in designing Planned Unit developments, and by the decision-makers reviewing them. The guidelines recognize that while few people are in complete accord on what makes a well-designed project, there is general agreement on a number of basic design principles, which are enumerated herein: (Former Section INL#315-4(f); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.1 **Natural Considerations.** The starting point in any design should be maintenance of the prominent natural features of the site. (Former Section INL#315-4(f)(1); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.1.1 Major trees and shrubs should be retained to the maximum extent possible, and should become the basis of the design of lots, roads, and other open spaces in the PUD. They add permanence and a sense of continuity to new developments, and new landscaping will take many years to provide the same benefits that mature existing vegetation will provide immediately. In some cases, native landscaping can be replaced in phases if part of a long-term plan to create a different landscaping effect. (Former Section INL#315-4(f)(1); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.1.2 New homesites should be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and topography of the site requires development on hillsides, new construction and grading should follow the natural contours of the landscapes, fitting the site rather than altering the landform to accommodate buildings. (Former Section INL#315-4(f)(1); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.1.3 To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes should be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines should not affect the ridgeline silhouette. (Former Section INL#315-4(f)(1); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.1.4 Natural slopes in excess of twenty-five percent should remain undisturbed. (Former Section INL#315-4(f)(1); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.1.5 Disturbed areas not proposed for development should be renaturalized and revegetated as quickly as possible. (Former Section INL#315-4(f)(1); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.2 Circulation Considerations.

31.1.6.2.1 Residences should take access from local roads serving a limited number of units. Few, if any, dwellings should front upon a collector street. This will restrict the amount of traffic in front of homes, which in turn promotes safety to children, pedestrians, pets, and even parked cars on the street. (Former Section INL#315-4(f)(2); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.2.2 Where residential road construction of a two lane travel way would eliminate large trees or other prominent natural features, or result in excess grading, roads should be divided to preserve those features. (Former Section INL#315-4(f)(2); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.2.3 **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. (Former Section INL#315-4(f)(2); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.2.4 Incorporating alleys into the transportation system serving smaller lots is encouraged since alleys can be a beneficial means of providing a second automobile access to narrow lots. Although it is generally more desirable for alleys to connect a street at both ends, in some cases, dead end alleys with turn-arounds may be permitted. (Former Section INL#315-4(f)(2); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.3 Parking Considerations.

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

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

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

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

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

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

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

31.1.6.4 Architectural Considerations.

31.1.6.4.1 Buildings should be compatible in design to development nearby. Building size is not necessarily a major concern in design; the size of large buildings can be visually reduced by providing changes in the depth of the facade (both vertical and horizontal), and changes in facade materials. (Former Section INL#315-4(f)(4); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.4.2 Buildings should be made compatible in style to nearby development through the use of similar roof types, siding materials, color schemes, architectural details, and landscaping design. (Former Section INL#315-4(f)(4); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.4.3 Living rooms, and eating and sleeping areas should face toward gardens and open areas and away from streets and parking areas. (Former Section INL#315-4(f)(4); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.5 Other Considerations.

31.1.6.5.1 Landscaping should be used to enhance privacy, and to give visual order to the development. (Former Section INL#315-4(f)(5); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.5.2 All multifamily units of four or more dwellings should have laundry facilities, either as a common laundry room or in-unit connections for washers and dryers. A rule of thumb for common laundry facilities is one washer/dryer in a four-plex, and one additional washer/dryer for each additional six units, although family units will probably require more. (Former Section INL#315-4(f)(5); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.5.3 One or more areas within a project should be set aside for trash collection and recycling collection. These areas should be conveniently placed, screened off from sight, directly accessible for the garbage and recycling trucks, and sited where early morning collection will not disturb residents. (Former Section INL#315-4(f)(5); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.5.4 All utilities should be placed underground. (Former Section INL#315-4(f)(5); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.6.5.5 Surcharge retention swales should be used to collect and dissipate stormwater runoff. (Former Section INL#315-4(f)(5); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7 Roads and Driveways.

31.1.7.1 **Access.** Planned Unit Developments shall be appropriately located with respect to streets and highways or other transportation facilities so as to direct access. Entrances and exits for automotive vehicles shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated flows of passing traffic or traffic from or to the Planned Unit Development indicate the need for such lanes. (Former Section INL#315-4(g)(1); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7.2 Internal Circulation.

31.1.7.2.1 Roads, pedestrian and bikeway paths shall be an integrated system designed to provide efficient safe circulation to all uses. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted. (Former Section INL#315-4(g)(2); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7.2.2 Developments should be designed to minimize the length of road and encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated flows of passing traffic or traffic from or to the Planned Unit Development indicate the need for such lanes. Developments should be designed to minimize the length of roadway. (Former Section INL#315-4(g)(2); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7.3 **Siting of Roadways and Parking Areas.** Siting of roadways and parking areas shall be consistent with the character of the site, avoiding excessive cuts and fills. (Former Section INL#315-4(g)(3); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7.4 **Parking Standards.** The following will be the minimum off-street parking requirements for dwelling units and permitted commercial uses in a residential Planned Unit Development: (Former Section INL#315-4(g)(4); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7.4.1 Parking spaces for permitted uses, shall be provided in accordance with the Off-Street Parking regulations. (Former Section INL#315-4(g)(4)(a); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7.4.2 Off-street parking shall be designed and located in accordance with the Off-Street Parking and Loading Standards except that: (Former Section INL#315-4(g)(4)(b); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7.4.2.1 Off-street parking may be clustered in parking pods in proximity to the dwelling units they serve; and (Former Section INL#315-4(g)(4)(b)(i); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7.4.2.2 Off-street parking for guests may be required up to a maximum of one (1) space per two (2) dwelling units (Former Section INL#315-4(g)(4)(b)(ii); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.7.5 **Recreational Vehicle Parking.** Sufficient parking space may be required for storage of residents' recreational vehicles. If required, a recreational vehicle parking area shall be located so as to be compatible with the surrounding land use. If located along the outer fringe of the PUD, it shall be adequately screened from vision from the adjacent properties. (Former Section INL#315-4(g)(5); Ord. [519](#), Sec. 515, 5/11/65; Amended by Ord. [2166](#), Sec. 20, 4/7/98)

31.1.8 **Owners Association.** 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. (Former Section INL#315-4(h); Ord. [519](#), Sec. 515, 5/11/65)

31.2 PRD – PLANNED RURAL DEVELOPMENT

31.2.1 **Purpose.** The purpose of these provisions is to allow for the voluntary clustering of homesites on land designated Agricultural Grazing (AG) and Timberland (T) on the General Plan Land Use Map at a density above what would otherwise be allowed when lands most suitable for agricultural or timber production are retained for permanent continued resource production.

31.2.2 **Applicability.**

31.2.2.1 These regulations shall apply to areas designated "PRD" on the Zoning Maps.

31.2.2.2 These regulations may be applied to land designated Agricultural Grazing (AG) and Timberland (T) on the General Plan Land Use Map.

31.2.3 **Modifications of Development Standards.** The following development standard modifications may be approved by the Planning Commission reviewing the planned rural development permit applications:

31.2.3.1 **Residential Density Standards.**

31.2.3.1.1 The maximum allowable residential density specified in the General Plan may be increased by as much as fifty percent (50%) if:

31.2.3.1.1.1 Development is clustered to minimize conflicts with agricultural production or timber harvesting as well as impacts to water resources, biological resources, and minimizes wildland fire potential; and

31.2.3.1.1.2 Ninety-five percent (95%) of subject lands are protected through a conservation easement or equivalent protection.

31.2.3.2 **Lot Size Standards.** The applicable lot size standards may be modified to carry out the intent of the planned rural development regulations provided all other development standards set forth herein are met.

31.2.3.3 **Lot Coverage Standards.** The applicable lot coverage standards shall apply, except that building coverage shall be calculated over the entire development instead of being applicable to each lot in the development.

31.2.3.4 **Setback Standards.** The applicable setback standards may be modified provided:

31.2.3.4.1 Lot coverage requirements herein are met; and

31.2.3.4.2 Setbacks for lots located in the perimeter of the development shall conform with the setback requirements stipulated for the zone.

31.2.4 **Other Requirements.** The following design criteria shall be used in the design and evaluation of projects within a planned rural development:

31.2.4.1 **Natural Considerations.** The site design must maintain the prominent natural features of the site.

31.2.4.1.1 Major trees should be retained to the maximum extent possible, consistent with fuel modification standards contained in the SRA Fire Safe Regulations, and should become the basis of the design of lots, roads, and other open spaces in the PRD. They add permanence and a sense of continuity to new developments, and new landscaping will take many years to provide the same benefits that mature existing vegetation will provide immediately.

31.2.4.1.2 New homesites should be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and topography of the site requires development on hillsides, new construction and grading should follow the natural contours.

31.2.4.1.3 To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes should be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines should not affect the ridgeline silhouette.

31.2.4.1.4 Natural slopes in excess of twenty-five percent (25%) should remain undisturbed.

31.2.4.1.5 Disturbed areas not proposed for development shall be revegetated as quickly as feasible.

31.2.4.2 **Requirements for Water Storage.** New development not served by a public water system that seeks to rely upon surface water shall install water storage capable of providing one hundred percent (100%) of the necessary water storage volume for the summer low-flow season (e.g., July-August-September). A forbearance agreement prohibiting water withdrawals during low-flow season shall be included as a performance standard for the project.

31.2.5 Roads and Driveways.

31.2.5.1 **Access.** Planned rural developments shall be designed to minimize traffic safety hazards to pedestrians, bicyclists and vehicles.

31.2.5.2 **Emergency Access.** Planned rural developments shall not require the approval of exceptions to Fire Safe Regulations, Chapter 2, Emergency Access.

31.2.6 **Conservation Easement or Equivalent Protection.** A conservation easement or equivalent protection, in a form acceptable to County Counsel, shall be required to permanently protect resource production on the site consistent with applicable policies in the Agricultural and Forest Resources Sections of the Land Use Element of the General Plan. (Ord. 2635, § 7, 8/27/2019)

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.org
County Telephone: (707) 445-7236

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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

From the Coalition for Responsible Housing:

For those wishing they had a copy of the Code. Here it is.

HCC 314-109.1 Off-Street Parking – Purpose and Intent

Public Safety.

314-109

109.1 OFF-STREET PARKING 109.1.1 Purpose and Intent.

§§§ § §§§ §

109.1.1.1 Purpose. The general purpose of these requirements 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. (Former Section INL#316-13.1; Added by Ord. 1668, Sec. 3, 1/15/85)

109.1.1.2 Intent. 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. (See, "Adequate Off-Street Parking" in Section C: Index of Definitions of Language and Legal Terms.) (Former Section INL#316-13.1; Added by Ord. 1668, Sec. 3, 1/15/85)

109.1.2 General Requirements.

Definition of Adequate Off-Street Parking

HCC 314-136 Definitions (A)

Adequate Off-Street Parking: "Adequate off-street parking" is hereby defined as parking facilities sufficient to meet the level of anticipated parking demand generated by a use or uses. (See, Section 314-109.1, Off-Street Parking, for parking requirements.) (From Section INL#316-13.1; Added by Ord. 1668, Sec. 3, 1/15/85)

Laura Peterson
Coalition for Responsible Housing

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Board of Supervisors File Number: BAI-23-1593

From: The Coalition for Responsible Housing:

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

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

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

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

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

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

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

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

Summary

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

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

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

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

Why were all these exceptions allowed?

And, Who is Responsible for Enforcing the Code?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Revised Version
(January 15, 2024)

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



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

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



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

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



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

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

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

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



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

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



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

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



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

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

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

Design Review

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

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

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

b. *Landscaping.*

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

c. *Parking Lot Layout*

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

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

Planned Development Code

Parking Considerations (HCC 314-31.1.6.3)

31.1.6.3 Parking Considerations.

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

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

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

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

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

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

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

Turner, Nicole

From: lbpax@sonic.net
Sent: Sunday, January 14, 2024 7:37 PM
To: COB
Cc: Madrone, Steve
Subject: file # 24-40 : Appeal of Valadao Major Subdivision

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

Appeal of Valadao Major Subdivision
File # 24-40

Humboldt County Supervisors:

I've enjoyed living at 1049 Deborah Dr. for twelve years.

In 2020 or 2021, I witnessed the beautiful old trees just south of the Gwin home and just west of the Gwin home, cut down. It was a big loss to lose those big trees and all the birds that visited and inhabited them.

I wonder if an EIR is required before the Valadao project goes further.

A required design review was overlooked by the county and it makes me wonder if an EIR was overlooked.

This project is poorly designed, Neither new tenants nor existing neighbors will benefit from towering, crammed-in apartments surrounding us, constant car traffic, and parking problems (with only 86 out of 132 required parking spaces).

Please consider the quality of life and safety of the people in our neighborhood. If the current plan is allowed, my cozy pleasant home, and the other 14 homes bordering the west side of the site, will become cold and moldy. I will also not have enough light for my garden of vegetables and berries that supply a lot of my food.

The planned development is not adhering to the McKinleyville Community Plan or county subdivision codes. I can find no other apartments in McKinleyville that were allowed to backup their apartments next to one-story buildings. The two-story apartments are in a commercial zone with a wide road around them or open space behind them, like Sagewood Way. Please require the developer to rearrange the units to allow more privacy.

It's mind-boggling how the county is trying to accommodate the developer by allowing flagrant exceptions to zoning ordinances with seemingly no concern for the many people, new tenants and current residents, whose lives will permanently be made more stressful.

Thank you for considering drastically reducing this giant project to allow for pleasant living.
Sincerely,

Linda Barney lbpax@sonic.net

Turner, Nicole

From: lbpax@sonic.net
Sent: Sunday, January 14, 2024 7:58 PM
To: COB
Subject: file # 24-40 : Appeal of Valadao Major Subdivision

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

----- Original Message -----

Subject:
Date:
From:
To:

Humboldt County Supervisors:

Please reduce the density of the Valadao project (62 units on 2.5 acres) so it is more in line with the McKinleyville Community Plan which assumes an average density of nine units per acre for smaller parcels such as this. Our adjacent mobile home park is ten units per acre, and it is close living. But it has nice light and quiet privacy. Maintenance and peacefulness are enforced by a manager close by when needed.

The county shouldn't expect this 2.5 acres in our liveable neighborhood of one-story homes to provide a lion's share of McKinleyville's needed housing. Towering, crammed-in, apartments and constant car traffic and no site manager are not compatible with good health or our neighborhood.

One story buildings and reasonable, full, setbacks would solve much of the unhealthy and unsafe problems in the Valadao project. To allow natural light to my home, any new buildings should be one-story tall. If reasonable setbacks are not enforced, my home and my garden of vegetables and berries will not get enough light. Also, any new tenants of the developer would suffer from lack of light and reasonable living space if two-stories and reduced setbacks are allowed.

The zoning R-3-D only allows for 4-unit apartments. Legal 4-unit apartments would be 40 feet long with 5' setbacks. HCC 314-6.4

In defiance of code HCC 314-6.4, lots 9-16 have 4 buildings, each with 8 units, that share a roof, a back wall, and stairs. Each giant

building is 90 feet long. The developer says they are 4-unit apartments.

This project is about halfway between Pierson Park and the new McKinleyville Community Forest, that spans eastern McKinleyville from Murray Road to Hunts Drive. Let's retain this neighborhood's beauty and livability by building sensible housing compatible with the established neighborhood.

Thank you for listening to and understanding my concerns.

Sincerely,

Linda Barney

1049 Deborah Drive

lbpx@sonic.net

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

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

Planned Development Code Parking Considerations (HCC 314-31.1.6.3)

31.1.6.3 Parking Considerations.

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

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

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

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

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

Draft Resolution from BOS Website on 01/14/24

13. FINDING: (3) Parking Considerations:

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

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

14. FINDING: (5) Other Considerations:

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

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

Humboldt County Planning Commission

Project Title: Valadao – Major Subdivision

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

Date of Hearing: Thursday, November 16, 2023

1. Insufficient Parking *pg 10*

- Code Requires 134 Parking Spaces. *(This is the Minimum—not maximum requirement)*
- Site Plan only shows 86 Spaces (Front yard setbacks don't count) HCC 314.109.1.3.1.1.1
- Additional Parking Rules Apply (HCC 314.109.1.3.1.2.2 & 109.1.3.1.1.2)
 - Code requires additional parking if roadway is under 40'
 - Jack Way is a Roadway
 - Jack Way is only 24' Wide *Table pg 13*
 - Jack Way "serves" each of the 19 parcels (Each building is on own lot)

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

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

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

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

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

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

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

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

November 15, 2023

Humboldt County Planning Commission

planningclerk@co.humboldt.ca.us

Project Title: Valadao – Major Subdivision

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

Date of Hearing: Thursday, November 16, 2023

Dear Planning Commission:

I have been a resident of Humboldt County for 23 years. It is the most beautiful place on earth.

I live next door to the Applicant and was going to sit this one out. However, I cannot.

To allow this proposal to continue would violate public policy and create a road map for developers to circumvent the Building Code itself, as well as the very laws meant to protect us. If we allow this development, our whole county will eventually look like one gigantic prison compound.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Application should be denied for the following reasons:

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

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

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

Recommendations:

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

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

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

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

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

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

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

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

(3). That the existing house be developed as a club house, gym, or other recreational facility as per HCC 314-31.1.1.2. That a playground and picnic area be provided on the lot (Lot 8) and that a Maintenance shed/building be built to house tools, and perform 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, ¾ 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

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

January 5, 2024

To: Humboldt County Board of Supervisors
From: Cindy Condit
2082 Steven Way, McKinleyville, CA
707-599-0148

We, as neighbors, are not saying, "Don't build," as we realize that housing is needed. However, the County needs to keep in mind that just because something is not illegal, doesn't make it right. There are many points of moderation that could make this addition to the neighborhood palatable to both sides. The four main concerns about this subdivision are the high density, low number of parking spaces, and the use of two-story apartments in a single-story house neighborhood. The fact that so many variances had to be applied to the plans speaks to the idea that Mr. Valadeo is trying to simply jam too many homes onto this property. He wants to more than double the average dwellings per acre that is standard in this section of McKinleyville.

The current design and location of the Valadeo subdivision does not take into account many issues in the neighborhood, including physical factors (drainage, blocking sunlight), density concerns (population, number of vehicles, increased traffic) health and safety concerns (proximity to homes on Hummingbird, single lane road, children in road, lack of sidewalks, 2 daycare facilities, no left turn lights from Gwin and Pickett onto Central) as well as general aesthetics (the size, design, arrangement, number of structures making it look like a pallet of bricks). Each concern has been mentioned individually with an example of where it was done elsewhere. No one on the Planning Commission nor the Board of Supervisors nor the developer are able to address all of the concerns in a single example or a cohesive plan. In all issues, the primary problems are the result of the excessively large scope, density and size of buildings, and intensity of people being jammed onto the property. It just doesn't fit in this neighborhood. If a mobile home park is typically considered high density housing, and the Thunderbird Park on the same size parcel next door to the Valadeo parcel has 30 single family homes, then the Valadeo subdivision, at 61 homes, is excessive. The Valadeo homes need to be fewer, single story, and rearranged to be away from property lines and each other.

Although I would love to address all my concerns in this letter, I will limit myself to two. First is the drainage issue affecting the homes along Steven Way. Second will be the dangerous S curve on Gwin Rd just east of Central Ave.

First, in my letter to the Planning Commission, dated November 16, 2023, I specifically addressed my concerns with the potential drainage problems with the Valadeo subdivision. Before that meeting, I had read through all the documentation attached to the November 2 Planning Commission meeting agenda. The entirety of that letter as well as my comments at the meeting should be on record. The water collection system for the Valadeo subdivision needs to be designed so that the water is NOT released on top of the clay layer which would send it directly to the homes on Steven Way. As a resident in this neighborhood for 27 years, these details are based on direct observations and discussions with other neighbors having the same problem. They are NOT based on opinion. These are physical problems that have direct impacts on the properties along the west side of Steven Way. They can either be partially resolved or seriously exacerbated with this property development.

While drainage was mentioned several times in the planning documentation, important details were omitted or glossed over which provides for some inaccuracies and lack of consideration of the neighboring properties downhill to the east along the west side of Steven Way. The ground in this area has a nice topsoil for a couple of feet, but below that is a layer of red clay. Once the topsoil is saturated, the water will no longer percolate but drains/flows eastward (downhill). This was ignored by the Planning Commission in place when Steven Way and its homes were constructed as a dam across the watershed. Now we are dealing with it, but adding the water that no longer percolated into the Valadeo property would seriously exacerbate the problem.

Every rainy season our west facing yards (toward the Valadeo property) flood for a few (2-6) weeks, and every third or fourth year, the flooding gets so bad we get flooding under our houses. Three of six houses have removed the wet floor insulation, and moisture barriers don't work if there is standing water on top of them. In those same flooding years, a seasonal pond forms on the south half of the Valadeo property and remains for 2-3 months, even weeks after the rains stop. (Most years pairs of ducks move onto the pond and remain until the water seeps in.) Even once the surface runoff subsides, the standing water percolates very slowly. The water that does percolate continues to move laterally eastward through our saturated soils and maintain the standing water/flooding on our properties for weeks or months.

The south half of the Valadeo property is near, but not at the crest of the hill on Gwin Rd; the senior mobile park is at the top. Although the 11/2/23 agenda attachments state the overall slope of the lot is from the south (Gwin Rd.) to the north (Pickett) it does not mention that the Gwin half of the property also slopes substantially from the west to the east, toward the homes on Steven Way. The current development plan has the vast majority of the Valadeo property made impervious so there will be no percolation into 2.47 acres of land. Instead, all that water has to be dealt with some other way.

Runoff collection may provide some flood relief if done well with overflow from the underground tanks heading to Pickett and underground leach lines deep enough to be below the clay. A second source of runoff comes from the drainage on Gwin Rd itself. The Valadeo subdivision will provide paved rain gutters (no storm drains) along its property frontage on Gwin. Runoff from the top of the hill will be carried eastward by the gutters along the Thunderbird Senior Living Park then eastward along the front of the Valadeo property. The next

property on Gwin does not have gutters so the eastward runoff would turn northerly across the property and continue into the flooded properties on Steven Way. The 11/2/23 agenda attachments do not mention this issue at all. The water needs to be guided eastward completely to Steven Way (where it will naturally flow northward in the gutters) or continuing eastward on Gwin to the storm drainage (already in place) in Pillar Estates. All this runoff should be moving to the watershed east of this neighborhood. Valadeo cannot just dump this water onto the property of the neighbors. The rain gutters on Gwin should be continued to the corner of Steven Way. Work with the owner of that property to include a rolled curb/gutter so they can drive onto their lot easily wherever they need to.

The Planning Department in the past allowed Steven Way sidewalks and curbs to be built in a way that basically act as a dam. Our properties get filled to form the lake. It is not Mr. Valadeo's responsibility to fix the Steven Way Dam, but he needs to not add to the problem. His designs and the county's requirements could certainly exacerbate the problem or could help mitigate the issue.

My second concern is that the S curve on Gwin Rd is already very dangerous. The additional use of dozens more cars several times every day is bound to be disastrous. The County has chosen to ignore the problems and just say people should drive a different way if they don't like the lack of maintenance. Maintenance is just one tiny issue, the safety of this section of road is more important to me.

County Supervisor Ford said, "We can't widen the road because there is a current mobile home parked on the easement." And left it at that as the only possible way to improve the conditions. Again, there are several concerns that can be addressed with Gwin road the way it is. With all the variances Valadeo was given, I'm sure the County can approve a few to improve this section of road.

Gwin Rd is the main connector to Central Ave for the people on Steven Way, Gwin, S. Gwin, Thunderbird Senior Park and all of Pillor Estates, as well as Pierson Park, the Activity Center, and the Teen Center. The fire station, a restaurant, and a bank also use this portion of Gwin Rd. There is a surprising amount of traffic on Gwin Rd. Some areas on Gwin are wide enough for sidewalks and bike lanes/parking, but the S curve between Pierson Park and Central is not.

The road is squeezed where makes a double bend, where several sources of traffic enter, where traffic enters going too fast over the hill headed west, and where there is a curve with limited visibility heading east and that aforementioned traffic is funneled down onto basically a single lane at that point. Because it is so narrow at this point, and a curve, many drivers drive in the middle of the road. The County doesn't maintain the road so there are often many and very large, very deep potholes in the road in this same area. Drivers swerve around those to protect their cars and prevent further damage to the road. Drivers are often in the middle or on the wrong side of the road. At that point same point there is a day care center. Parents park on both sides of the road while loading and unloading children, often on

the traffic side of the cars. This narrows the functioning part of the road further. In that same area, there are also seniors trying to enter from the lower section of the Senior Park and see both ways for oncoming traffic around the corner and over the hill. They enter and leave slowly, and other drivers often swerve around them. For several weeks each summer, each morning the sun rises directly at the top of the hill on Gwin, essentially blinding the senior drivers entering this congested, already dangerous S-curve section of Gwin.

Take that all into account. Gwin Rd needs to be maintained, fog and center lines are needed to delineate lanes, parking immediately in front of the day care should be moved. Adding potentially hundreds of cars to this area every day from the Valadeo subdivision will add to the danger of this section of road. Further, at the intersection of Gwin and Central, the main entrance to the Safeway/Pierson shopping center, already a dangerous intersection with so many vehicles turning across traffic, there needs to be left turn signals both east and west to handle the further increase in traffic.

The County has ignored these problems so far and is currently blaming the new issue on "one trailer parked on the easement." Will it take a pedestrian being injured, a head-on car accident, a day care child running into the road and being hit or what event to get the County's attention? Adding the extra traffic from an overdeveloped and over populated subdivision is asking for trouble.

Please rethink the Valadeo subdivision. It is too dense with too high an increase in population for this small neighborhood. We, as neighbors, are not saying, "Don't build," as we realize that housing is needed. But the design is poor with scope, size, and density being too high. The County needs to keep in mind that just because something is not illegal, doesn't make it right. There are many points of moderation that could make this addition to the neighborhood at least palatable to both sides.

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

January 13, 2024

To: Humboldt County Board of Supervisors
From: Cindy Condit
2082 Steven Way, McKinleyville, CA

A planned development could and should be attractive; could and should add to the neighborhood and community; should not detract from the personality and atmosphere of the area. The Valadeo subdivision not only fails to embrace the reasoning and goals of PUDs in general but requires too many variances to the codes/laws to be palatable. As planned, it would harm, not help McKinleyville.

Over the past month I have been in the Sacramento area, Marysville, Chico and Redding. In each I saw many relatively new developments. A couple of years ago many went up very fast due to homelessness caused by the Camp and Carr fires that destroyed thousands of homes and left tens of thousands scrambling for housing. Even those developments are better planned, better laid out, more attractive and fit in with the original neighborhoods and communities where they were placed than the proposed Valadeo subdivision.

In those areas, parking is actually an enhancement of the property. Following the HCC 314-31.1.6.3.1, HCC 314-31.1.6.3.4 (Parking Considerations from the PUD code) parking should be designed to both: reduce "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." and "avoid the long, narrow, dreary look of carports found in some older apartment complexes, individual carports and garages should be designed to accommodate no more than four vehicles." The current plan does not even try to meet the Solar Access code or the Parking Considerations of the Planned Development (PUD) code, which could benefit the residents and the community.

Also, in the areas I visited, the buildings are farther from the original neighboring property lines and buildings than those Valadeo proposes. Balconies overlook roads or parking areas not the original neighbors' yards. Parking is often clustered and then buildings are clustered with balconies/patios only facing the parking area. Buildings are arranged to provide a decorative footprint and a feeling of solitude. Areas are left open for mature trees, shrubs, and lawns which add to that park atmosphere. Enough parking of large enough spaces to meet the needs of all residents and their guests are provided on site. If they have two- story buildings, they are not smashed up against the original neighbors' properties but only back up against roads, parking lots or the PDU's own green spaces or facility buildings.

Mr. Valadeo didn't even try to meet the PDU considerations. A planned community can be beautiful, or it can be an eyesore. The Valadeo subdivision is designed to look like a prison compound or

concentration camp with two rows of cell block buildings and a parking area right down the center like an exercise yard. Just add a guard tower at either end and they can shoot all the way to the other end of the PUDetention camp.

Further, he is just trying to jam too many people into too small an area. The planned density is too high for this property for this neighborhood. He proposes an average of 28 dwellings per acre. That is more than double the historical average for McKinleyville and this neighborhood. Even the high-density Thunderbird mobile home park averages only about 12 dwellings/acre.

Reducing this development to single story with fewer buildings could relieve most of these issues: it would drop density, decrease traffic and safety concerns, meet parking needs, beautify, and fit with the personality and atmosphere of the neighborhood and McKinleyville, and even enhance the community.

If you're not careful and you allow this subdivision to proceed as designed, you will be condoning this type of development anywhere in the county. You will be signing a blueprint for every developer and banker in the county. It will be duplicated all over Humboldt County once the standard is set, once the precedent is set. One of the reasons for people wanting to move here, homes with yards, will be fading in favor of urban sprawl. Remember, just because it's not illegal doesn't mean it's right. What will your legacy be?

Turner, Nicole

From: Patricia Krebs <cougar4351@yahoo.com>
Sent: Saturday, January 13, 2024 8:33 PM
To: Bushnell, Michelle; Madrone, Steve; Wilson, Mike; Arroyo, Natalie; Bohn, Rex; COB
Subject: Valadao Proposed Subdivision

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

Board of Supervisors

Project Title: Appeal of Valadao Subdivision

Appeal Number: PLN-2021-1756-APPEAL

Accessor's Parcel Number: 510-381-021-000

Board of Supervisor's File Number: BAI-23-1593

The McKinleyville Community Plan Section 2100 states that:

McKinleyville is a unique residential community as a consequence of:

Relatively clean air;

Unhurried atmosphere of its downtown shopping area with ample parking spaces;

Relative safety and ease of bicycle, pedestrian and equestrian traffic as a consequence of
adequately wide roads and special trails in the central area of town and the Hammond Trail;

Relatively large lots which allow a significant portion of the community to garden and at a
minimal cost provide themselves with homegrown fruit, vegetables, eggs and a possible
supplemental source of income; and

Beautiful views along most major roadways; and

Providing housing for middle and low-income households.

It is the intent of the McKinleyville Citizen's Advisory Committee that these characteristics be maintained and enhanced as much as possible in accordance with the desires of the community residents.

McKinleyville residents are people who need and respect space, and neighborhood character.

The neighborhood in question consists of single story ranch style houses with large yards, many with gardens and fruit trees, berries, etc.,

The proposed Valadao Subdivision needs to reflect the existing neighborhood – single story homes and duplexes and tiny houses would fit into the characteristics of the neighborhood

Thank you,

Patricia Krebs

1882 Pickett Road

McKinleyville, CA

Turner, Nicole

From: Patricia Krebs <cougar4351@yahoo.com>
Sent: Saturday, January 13, 2024 8:11 PM
To: COB
Subject: Valadao Subdivision Proposal

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

Board of Supervisors

Project Title: Appeal of Valadao Subdivision

Appeal Number: PLN-2021-1756-APPEAL

Accessor's Parcel Number: 510-381-021-000

Board of Supervisor's File Number: BAI-23-1593

Let's talk HCC 314-019.1.1 "Adequate off-street parking"

According to HCC 314-109.1.1 the purpose of the requirements "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 destination." 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. It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking.

If the Valadao proposal stands "as is", it is going to create public safety issues for the surrounding area which barely has adequate parking now. Tenants, guests, and all the other residents in the area as well as their guests need to be provided safe passage to and from their homes. As do the mothers and children of the Daycare Center located across the street from the project.

The number of dwellings/apartments needs to be reduced so that the tenant and guest parking is accommodated ON the 2.47 acres, not on the surrounding streets.

The McKinleyville Community Plan acknowledges that McKinleyville is a bedroom community. There is no major employer here, most residents are employed in Arcata and Eureka. According to a 2021 study of "means of transportation to work for McKinleyville", 82% is by car followed by: 9% carpool; 4% walk, 1% BUS (because the bus service/schedule is totally inadequate); "other" 4%. The average household in McKinleyville has 2 vehicles.

Not only do most residents commute to and from work, they have to drive to have adequate shopping options. Let's face it, we barely have any shopping in McKinleyville. One of my favorite sayings is "if I need a new, clean pair of undies, I have to drive to Target!" True Fact.

Walkability is a great concept, but you cannot force someone to walk. I walk all the time but when I do, my car is always safely parked in my driveway. The fact is: most people own a vehicle whether they use it on a regular basis or not.

I know I would be reluctant to rent an apartment where I was told "you may have to park 2-3 blocks away", especially at night or with kids, in the rain lugging groceries. SAFETY FOR THE EVERYONE!

In reading the dialogue for the proposed McKinleyville Town Center Master Plan, it proposes "encouraging bicycle and pedestrian travel and allow for convenient and safe automobile access", to help with "traffic calming" on Central Avenue.

Well, that ain't happening if you allow approximately 120-150 MORE vehicles driving nearby roads 4-6 times a day. It is totally counterproductive to "calming" the traffic problems that already exist on Central/Gwin/Pickett. Especially when all those cars have to drive two miles up and down Central Avenue to get to the freeway. This kind of large scale/high density project is better suited to being built closer to freeway access so it is an easier commute to work.

PLEASE reduce the density and have ALL parking for the subdivision dwellings on the Valadao subdivision property.

Thank you,

Patricia Krebs

1882 Pickett Rd

McKinleyville, CA