



# COUNTY OF HUMBOLDT

## Legislation Details (With Text)

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**Title:** Appeal of Final Map Subdivision, Planned Development Permit, Conditional Use Permit, and Design Review, Together with Exceptions to the Minimum Parking Requirements, Solar Access Provisions, and Minimum Right-of-Way for an Approximately 2.47-acre Parcel Being Divided into 19 Parcels in Support of 62 New Multi-Family and Single-Family Units Approved by the Planning Commission on November 16, 2023

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Attachment 1 - Draft Board Resolution and Findings, 3. Attachment 1A - Recommended Conditions of Approval (1-17-24), 4. Attachment 1B - Public Works Department Recommended Conditions of Approval (revised 1-17-24), 5. Attachment 1C - Tentative Map, 6. Attachment 1D - Elevations, Floor Plans & Color samples, 7. Attachment 1E - Landscaping Plan, 8. Attachment 1F - Solar Shading Exhibit (revised 1-4-2024), 9. Attachment 2 - Materials submitted by Appellant justifying Appeal, 10. Attachment 3 - PC Resolution 23-102\_Valadao\_17560, 11. Attachment 3A - Staff Report & Supplemental, 12. Attachment 4A - Preliminary Grading Plan, 13. Attachment 4B - Prelim Drainage Report (revised Dec 2023), 14. Attachment 4C - LID Plan, 15. Attachment 4D - Initial Wetlands and Waters Delineation, 16. Attachment 4E - Trash & Recycling Enclosure Concept, 17. Attachment 4F - Map of Two Story structures SL, 18. Attachment 5 - Referral Agency Comments & Recommendations, 19. Attachment 5A - MUSD comments, 20. Attachment 5B - AFD Comments on Revised Tent Map, 21. Attachment 6 - Parking Exception Analysis Exhibit, 22. Attachment 7 - Exhibit showing changes to Tentative Map, 23. Attachment 8 - Public Comments in Support of the project, 24. Attachment 9 - Public Comments in opposition of the project, 25. Public Comment submitted to the Board as of 1\_19.pdf, 26. Public Comment received during the Board Meeting - 1232024.pdf, 27. Public Comment - H1.pdf

Date	Ver.	Action By	Action	Result
1/23/2024	2	Board of Supervisors	approved as amended	Pass

**To:** The Humboldt County Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**SUBJECT:**

Appeal of Final Map Subdivision, Planned Development Permit, Conditional Use Permit, and Design Review, Together with Exceptions to the Minimum Parking Requirements, Solar Access Provisions, and Minimum Right-of-Way for an Approximately 2.47-acre Parcel Being Divided into 19 Parcels in Support of 62 New Multi-Family and Single-Family Units Approved by the Planning Commission on November 16, 2023

**RECOMMENDATION:**

That the Board of Supervisors:

1. Open the public hearing and receive the staff report, receive testimony by the appellant and applicant, and testimony from other members of the public, consider any of the additionally submitted information; and
2. Close the public hearing; and
3. Adopt the resolution in Attachment 1, which does the following:
  - a. Find that no additional environmental review is required per section 15183 of the State CEQA Guidelines; and
  - b. Finds that the project is consistent with the development density and policies established by an existing community plan and General Plan for which an EIR was certified; and
  - c. Find the proposed project complies with the General Plan and Zoning Ordinance; and
  - d. Denies the Appeal submitted by the Coalition for Responsible Housing; and
  - e. Approves the Final Map Subdivision, Planned Development Permit, Conditional Use Permit, and Design Review, together with Exceptions to the Minimum Parking Requirements, Solar Access Provisions, and Minimum Right-of-Way width requirements subject to the recommended conditions of approval.
4. Direct the Clerk of the Board to give notice of the decision to the appellant, the Planning and Building Department, and any other interested party.

**SOURCE OF FUNDING:**

The Appellant has paid the fee associated with filing this appeal.

**DISCUSSION:**

**Executive Summary**

Before your Board is an appeal of the Planning Commission approval of a 19-lot subdivision, Planning Development and Design Review for 62 single family and multifamily Units in the R-3 Zone. The number of units is principally permitted in the zone. The applicant has chosen to pursue a map for financing purposes which has resulted in the Planned Development to slightly deviate from lot and setback requirements. The project was approved by the Planning Commission over opposition from neighbors. This is a type of housing development needed in the County. It is well designed and meets the objectives of County policies and regulations. The Design Review was omitted from the Planning Commission action and that has been added for the Board's consideration. Post-Planning Commission action, on January 17, 2024, Supervisor Madrone notified staff he had established a Design Review committee; however, since this item has moved past design review committee and Planning Commission stages in the process, and the Board is the ultimate design review authority, it is appropriate for the Board of Supervisors to act on the Design Review. Staff is recommending the Board of Supervisors deny the appeal and approve the project.

A 19-lot subdivision and proposed multi-family Planned Unit Development was approved by the Planning Commission on November 16, 2023 by a vote of 6/1 (AYES: Levy, Mulder, Mitchell, Skavdal, Landry, West NOES: O'Neill). On November 30, 2023, an appeal of this decision was timely filed by the *Coalition for Responsible Housing*. The appeal was scheduled to be heard by the Board at the January 9<sup>th</sup> meeting. Given advance notice that there would not be a full board in attendance at that meeting, at the January 9<sup>th</sup> meeting the matter was continued by the Board to the January 23<sup>rd</sup> meeting

at the request of the applicant and appellant.

The project proposes to develop five (5) new one-family dwellings and fifty-six (56) new multi-family units. A Planned Development Permit is requested to allow shared parking facilities, reduced setbacks from interior lot lines, and reduced lot size and lot width. The parcel is currently developed with a single-family residence which will be retained on its own parcel along with shared parking, a laundry building, and a storage building and accessory dwelling unit to be developed. An existing detached garage and two other outbuildings are proposed to be removed. The proposed multi-family development includes two different housing types presented in a two-story four-plex fashion. Thirty-two (32) of the units will feature two units on each floor and twenty-four (24) will be multi-story townhouse-style units. A Conditional Use Permit is required to allow four (4) of the proposed parcels to host two-story half plex single-family dwelling units developed in an attached townhouse-style configuration. Together with the subdivision, Planned Development Permit, and Conditional Use Permit the applicant is requesting that the Board approve Design Review, grant an exception to the minimum parking requirements of the zoning regulations, grant an exception to the solar access provisions, and grant an exception to minimum right-of-way requirements of the subdivision regulations.

Staff has reviewed the information and arguments made by the appellant and summarized them for Board consideration and discussion. Following review of the issues raised on appeal, staff has found that there are no substantive issues raised requiring overturn of the Planning Commission's decision to approve the project. While the appellant correctly raises several issues that require address, including the need for an exception to the solar shading requirements and right-of-way width standards of the subdivision regulations as well as the applicability of Design Review to the project, these issues have been adequately addressed as part of the project in front of your Board. The arguments made on appeal are discussed and addressed in greater detail within the draft resolution and Revisions to the Recommended Conditions of Approval.

The applicant has performed some revisions to the tentative map and project design to help address some of the issues being raised on appeal. They primarily involve reducing and shifting the footprint of the six townhouse-style units proposed on Lots 5-7 and 17-19 in order to create common open space areas within the center of the development (labeled Parcel A on the updated tentative map). It is envisioned that these common areas will be developed with picnic tables and serve as park space for future tenants of the development.

Staff recommends that your Board acknowledges that the appeal is correct with respect to the solar shading, right-of-way exception, and Design Review requirements of the code, and that these issues have since been addressed appropriately; and that your Board reject the appeal and approve the project as reflected in the revised tentative map with all requested entitlements and subject to the recommended conditions of approval.

### **Project Information**

The project involves a proposal to develop multi-family housing on an underdeveloped parcel just east of the McKinleyville town center. The parcel was previously owned by Donald and Loberta who constructed the single-family residence and accessory buildings currently located on the property and

lived there for close to sixty years. The property was purchased from Loberta Gwin by the applicant in 2019. The parcel has been planned and zoned for multi-family development (7 to 30 units per acre) for close to forty years (since 1985).

#### *Planned Unit Development & Use Permit*

The applicant is requesting to use the Planned Development Permit “P” provisions of the code to allow deviation from the minimum and maximum lot size, minimum lot width, and standard setbacks prescribed in the zoning code. The purpose of the Planned Development provisions is to “allow flexibility in the administration of the development standards” and “provide for clustered development in concert with residential amenities” to “encourage a more creative approach to land development through waiver of development standards and application of less rigid development criteria”. The “P” provisions may be invoked wherever a site is 20,000 square feet or larger in size and is being developed with more than four (4) dwelling units, commercial buildings, or industrial buildings or on any site or development proposal where application of the “P” provisions would provide a better means of carrying out the intent of the County General Plan.

In the case of the current proposal, use of the “P” provisions is appropriate as it will enable a more creative development footprint and facilitate maximum density and parcelization through use of shared parking and other infrastructure. It is important to note that with the exception of the four (4) one-family dwelling units proposed on lots 1 through 4, all of the multi-family development proposed would be principally permitted under the parcels current R-3 zoning. The primary reason for the PUD approach is to allow greater flexibility in developer financing, design and construction of the development proposal. In this manner the “P” provisions help to facilitate the General Plan’s Guiding Principle to “*promote and facilitate the creation of affordable housing opportunities to meet current and future demands for all income levels*” (Guiding Principal #3, Chapter 1.4 of the Humboldt County General Plan).

#### *Design Review*

The parcel is zoned Residential Multiple-Family (R-3/D) and includes the Design Review Combining zone. The D combining zone allows for the “Reviewing Authority” to consider the structural and architectural design of projects in order to preserve and enhance important qualities of designated areas of the County.

The D Combining Zone provides guidance for determining the “Reviewing Authority” for consideration and approval of plans for projects within a Design Control zone. This includes a procedure for selecting up to five (5) local representatives to serve as the Reviewing Authority with representatives being chosen by the member of the Board of Supervisors in whose district the D zone is located. Where no local representatives have been chosen, the Director of the Planning & Building Department is required to act as the Reviewing Authority.

Historically, a Design Review Committee has never existed for the McKinleyville area. Staff has learned that in recent weeks, the 5<sup>th</sup> District Supervisor has elected to establish a McKinleyville Design Review Committee to serve as the “Reviewing Authority” on projects requiring Design Review within the McKinleyville Community Planning Area. The Reviewing Authority is empowered to approve and

conditionally approve projects. Where the initial decision of the Reviewing Authority is not satisfactory to the applicant, they can request that their application be referred to the Planning Commission for consideration. The decision of the Planning Commission may be appealed to the Board of Supervisors. Given that a Design Review Committee did not exist at the time of the action by the Planning Commission or the filing of the appeal, the applicant has not had an opportunity to have the project timely reviewed by this recently established committee. Given that and the fact that it is possible that the final decision on design review may end up at the Board on appeal, it is appropriate that action on Design Review be taken at this time.

Alternatively, the Board could choose to postpone action on the appeal or the other entitlements until after the newly formed Design Review Committee has had a chance to review and take action on the plans for the project. Staff does not recommend this action given the timing of the Committee's formation and the controversial nature of the appeal.

### **Summary of Appeal and Staff Analysis**

In their Appeal, the Coalition for Responsible Housing (hereafter referred to as the "Appellant") raises a host of issues challenging the decision of the Planning Commission to approve the project, claiming that the action of the Planning Commission was not in accord with the standards and regulations of the zoning ordinances.

In summary, issues raised by the appellant group as follows:

- AREA 1: Allegations that the project fails to comply with development standards of the zoning code and R-3 zoning district
- AREA 2: Allegations that it is inappropriate to approve an exception to the Off-Street Parking requirements of the code
- AREA 3: Allegations that Design Review is required and was not performed by the Planning Commission during approval of the project
- AREA 4: Allegations that the project fails to comply with the Planned Development Provisions of the Zoning Regulations
- AREA 5: Allegations that the project fails to comply with the standards of the Subdivision Regulations
- AREA 6: Allegations that the project fails to comply with General Plan Density
- AREA 7: Allegations that the project would result in threats to public safety for neighboring and future residents of the development

A summary of relevant information referenced in the evidence, the Appellant's arguments in support of the appeal, and additional public comments are discussed in further detail below, with staff responses and analyses *italicized*. More detailed summary and response of each area of appeal can be found in the draft board resolution attached to this report.

AREA 1: Allegations that the project fails to comply with development standards of the zoning code and R-3 zoning district

- Within this area of appeal the appellant contends that certain lots of the subdivision fail to comply with the standard minimum parcel size, width, and setback requirements of the R-3 zoning district.

*Staff Response: **This assertion is incorrect.** Deviations from these development standards may be permitted using the Planned Development “P” provisions of the Zoning Regulations. Deviations from setback requirements and standards for lot size and lot width are appropriate and consistent with the purpose of the Planned Development provisions of the code which may be used on lots 20,000 square feet or larger where waiver of development standards allows a more creative approach to land development and provides for clustering in concert with the provision of residential amenities. The application includes a request for a Planned Development Permit and the design and information submitted for the proposal support use of this approach.*

- Within this area of appeal the appellant also contends that the fourplexes proposed on Lots 9, 10, 11, 12, 13, 14, 15 and 16 should really be considered 8-plexes, which are not permitted within the R-3 zone. Similarly, the appellant views the proposed single-family residences proposed on Lot 1-4 as duplexes because of their shared wall.

*Staff Response: **This assertion is incorrect.** The R-3 zone allows two-family dwellings and dwelling groups and multiple dwellings containing four or fewer units per **building**.*

*The definition of “building” found in the section 314-137 of the Zoning Regulations provides language for differentiating between buildings where “a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground or foundation up”. In this type of scenario, “each part is deemed a separate building”.*

#### **Development proposed on Lots 9, 10, 11, 12, 13, 14, 15 and 16**

*In the case of the buildings proposed on lots 9, 10, 11, 12, 13, 14, 15 and 16, while the structures share a common roof, they are separated into two (2) detached buildings containing 4 units (2 on the first floor, 2 on the second floor) separated by a covered breezeway forming a stairwell between the two fourplex units.*

#### **Development proposed on Lots 1 through 4**

*The definition of “building” found in the section 314-137 of the code also distinguishes between “attached” and “detached” buildings based on whether they share at least ten feet of a common wall with another building.*

*In the case of the buildings proposed on lots 1 through 4, while the structures share a common roof, they are separated into two separate parts (one-family dwellings) because they are divided by an unpierced wall extending from the ground/foundation up.*

- The appellant asserts that the one-family dwellings proposed on Lots 1 through 4 do not comply with the requirements of Section 314-6.4 which govern permitting of one family dwellings on parcels in the R-3 zone.

***Staff Response: This assertion is incorrect.** The R-3 zone also allows one family dwellings “where it can be shown that the property could be developed in the future with multifamily dwellings.” This provision was added to the R-3 and R-4 zones to implement policies outlined in the 1998 Housing Element. The overarching goal of these policies is to protect multi-family zoned properties from lower density residential development that could frustrate or prevent a parcel from later being developed with multi-family housing to the density contemplated under the housing element. The requirement is not intended to be applied prospectively to lots resulting from a subdivision but instead to those conditions in effect at the time that a one-family dwelling is proposed to be developed on a parcel with R-3 or R-4 zoning. Only at that time is the developer required to show that the parcel can be developed with multifamily dwellings. The applicant has submitted a plan proposing to develop 56 units in a multifamily fashion, along with 4 one-family dwellings. The project also proposes to retain the existing single-family residence on the property and construct one (1) accessory dwelling unit. This would result in the development of sixty-two (62) units at a density of approximately 25 units per acre. The proposed density is within the targeted density range of the parcels Residential Medium Density Land Use Designation, which specifies a density range of 7 to 30 dwelling units per acre.*

AREA 2: Allegations that it is inappropriate to approve an exception to the Off-Street Parking requirements of the code.

***Staff Response: This assertion is incorrect.** A total of 96 off-street parking spaces are required to be provided given the number, size, location, and type of units that are proposed. The tentative map shows sufficient off-street parking for a total of 90 vehicles. An exception to the Off-Street Parking requirements is appropriate for this project.*

#### **Off-street Parking serving Lots 5-19**

*The applicant has submitted a revised tentative map wherein the six four-plex townhomes proposed on Lots 5-7 and 17-19 have been reduced in size and changed to one-bedroom units. This reduced the required parking by 7.5 spaces. A total of 82 off-street parking spaces are being provided within the interior of the property for residential development on lots 5-19. In their exception request petition, the applicant is requesting a modest reduction in the number of multi-family off-street parking spaces being provided (approximately 6% below the standard prescribed by the code). Approval of the exception is appropriate as the property is located only 0.25 miles from the nearest bus stop and multiple grocery stores and services lie similarly within walking distance. Draft policies within the Master Plan for the McKinleyville Town Center include imposing a parking maximum of “one parking space for each residential unit”. Off-street parking is provided for Lots 5 through 19 at a ratio of approximately 1½ spaces per unit, in excess of this draft maximum.*

#### **Off-street Parking serving Lots 1-4**

*Development of four (4) two-story 3-bedroom townhome-style halfplexes is proposed on Lots 1 through 4. Each lot hosting a halfplex has sufficient space for tandem parking of two (2) vehicles (one within the garage, one in the driveway). The code does not permit tandem parking or parking in the front setback, except in the case of Accessory Dwelling Units or residences in Housing Opportunity Zones that are 1000 feet or less in size. Approval of the exception request for Lots 1-4 is appropriate as each parcel will technically be able to accommodate off-street parking for up to two (2) vehicles, with the caveat that one parking space would be tandem and located within the front yard setback.*

*Less parking is appropriate for more affordable housing projects in urban areas with sufficient pedestrian access to services and multi-modal transportation. The proposed development is 0.25 miles from the nearest bus stop and several shopping and grocery stores, and the development has access to a network of bicycle routes that connect to Arcata and Eureka. Planned improvements in the Humboldt County Transit Development Plan include a transit hub in the McKinleyville Town Center and express bus service to College of the Redwoods and Cal Poly Humboldt. Further, the latest draft of the McKinleyville Town Center Master Plan includes a maximum parking requirement at a ratio of one space for each residential unit.*

AREA 3: Allegations that Design Review is required and was not performed by the Planning Commission during approval of the project.

***Staff Response:** This assertion is correct however this is irrelevant to the decision in front of the Board of Supervisors. The Planning Department did not include the Design Review of the application at the Planning Commission stage however the design review is analyzed and included with the project as presented to the Board of Supervisors at this hearing.*

*The proposed buildings range from 22 to 24 feet in height and would cover approximately 22% of the gross lot area. The resulting Floor Area Ratio of the proposal is 0.42, 58 percent below the maximum allowed. The project includes a fairly modest development footprint and massing when considering that the R-3 zone permits structures up to 45 feet in height and up to 60% ground coverage. The applicant has provided color samples for the various paints that will be used on the exterior walls and trim of the proposed structures. Each building will feature two different types of siding alternating between different siding styles on gable ends and differing elevations. Siding styles include hardi-plank and board & batten. The design also includes variations in massing through use of bays, cantilevered floors, and similar features. The proposed roofing will be composition shingle using a 4:12 roof pitch. This is consistent with the style and pitch of roofs in the vicinity and helps improve visual interest. The draft resolution includes further evidence in support of approving Design Review for the project.*

AREA 4: Allegations that the project fails to comply with the Planned Development Provisions of the Zoning Regulations

- Within this area of appeal the appellant contends that the proposed development fails to meet the purpose and intent of the P provisions of the Zoning Regulations, because the proposal includes a request to cluster development without providing any residential amenities.

***Staff Response:** This assertion is incorrect. The project seeks to subdivide and construct multi-family housing on an underdeveloped parcel. An updated tentative map has been provided by the applicant featuring a revised design which now includes several open areas (shown as "Parcel A" on the map). These areas are intended to be developed and used as common park spaces with picnic tables available for use by future residents of the development. All of the townhomes and one-family dwellings will have individual laundry facilities within each unit. The eight (8) fourplexes proposed on Lots 9-16 will each have common laundry facilities on the upper floor units and covered lockable bicycle storage at the rear of the ground floor stairwells. Additionally, the developer has agreed to*

construct off-site road improvements as part of the proposal which include installation of speed humps on Pickett and Gwin Roads, development of a crosswalk on Pickett Road, and construction of new sidewalk along the north side of Gwin Road near the Teen Center to complete the break in the network.

- Within this area of appeal the appellant also contends that the proposed development fails to comply with the Design Guidelines for Parking, Landscaping, Laundry, Trash & Recycling, Architectural, Circulation, and Roads and Driveways found in the P provisions of the Zoning Regulations.

*Staff Response: **These assertions are incorrect.** The Design Guidelines of the Planned Development regulations are not prescriptive requirements of the code but instead are intended to be viewed as guidelines to be “considered by architects, engineers, and other persons involved in designing Planned Unit developments, and by the decision-makers reviewing them.” The project has been designed to account for the narrow nature of the parcel and includes roadway, parking, and landscaping area designs developed in coordination with the Land Use Division of Public Works and local fire protection officials. The design of the proposed development situates most of the parking areas in a perpendicular fashion immediately adjacent to the proposed new access road (Jack Way). This helps maximize available parking while retaining density. The new access road will provide a connection between Pickett and Gwin Roads resulting in improved circulation by future tenants and emergency services. The design and location of the new roadway and parking areas helps ensure that the visual signature of the development from neighboring properties will be of the homes and landscaping areas. Placing the proposed buildings along the parcel’s perimeter and majority of the parking areas within the interior will also help block sound from parking areas (engine noise, tenants entering/exiting vehicles) from being noticeable by residential development on neighboring parcels. The narrowness of the parcel makes it impractical to orient development in an east-west fashion or situate parking at the rear of the structures. Doing so would have a dramatic effect on the density of development achieved and would result in a greater amount of paved surfaces. The design for siting of the access road and circulation is nearly identical to that used by the Thunderbird mobile home park immediately west of the property which features two north-south access roads (Deborah Drive and Hummingbird Drive) connecting between Pickett Road and Gwin Road, and residential units situated east and west of each road.*

*The architectural design includes a mixture of siding materials and paint colors as well as variations in massing through use of bays, cantilevered floors, and similar features. The proposed roofing will be composition shingle using a 4:12 roof pitch. This is consistent with the style and pitch of roofs in the vicinity and helps improve visual interest.*

*The applicant has provided a Landscaping Plan detailing the mixture of trees and shrubs to be planted within landscaping strips and yard areas throughout the development. The plant list includes a number of native species local to Northern California including Douglas Iris, Western Azalea, Redwood Sorrel, Dogwood, and several varieties of local ferns and huckleberry.*

*Trash & Recycling and Laundry facilities are adequate to serve the proposed density of development proposed.*

AREA 5: Allegations that the project fails to comply with the standards of the Subdivision Regulations

- Within this area of appeal the appellant contends that the proposed development does not comply with the Solar Access design requirements found in section 322.5 of the Humboldt County Subdivision Regulations.

*Staff Response: The assertion that the project fails to comply with the Solar Access requirements is correct however the project may still be found consistent with the Subdivision Regulations. The revised solar shading exhibit provided by the applicant shows that the south walls of 10 of the 13 proposed new buildings as well as the existing single-family residence will be shaded during the shortest day of the year. No shading of the south walls of development on neighboring properties will occur, the eastern yards of homes in the adjacent mobile home park property to the west would be partially shaded as a result of the proposal. The solar shading requirements of the subdivision regulations that sunlight reach at least 80 percent of the south side (measured from the roof to the ground) of all proposed primary buildings between 10am and 2pm on the shortest day of the year (December 21st). Similarly, the code requires that no additional shadows be cast on the south side of an existing building between 10am and 2pm on the shortest day of the year. To approve the proposed subdivision and development footprint proposed, an exception to the solar shading requirements of the code is needed.*

*Section 322.5-9 of the Solar Shading Regulations provides a pathway for requesting a proposed development be found exempt from the solar shading requirements of the code. Exemptions from the Solar Shading requirements may be granted where compliance is not feasible or would reduce densities below those allowed by the zoning at the time the application is submitted.*

*The narrowness of the parcel makes it impractical to orient development in an east-west fashion and limiting the proposal to single-story development would reduce the density of development by 50% or more. As proposed, the development falls shy of the maximum permissible density (75 units for a parcel of this size) by 13 units. Supporting proposals to develop housing is consistent with Guiding Principle #3 of the General Plan which supports promoting and facilitating “the creation of affordable housing opportunities to meet current and future demands for all income levels”. The developer has worked to keep building heights as modest as possible while providing enough attic space within the gables to house the heating and cooling and solar infrastructure necessary to comply with requirements of the current building code. The findings for granting an exception to the solar access provisions can be made.*

- Within this area of appeal the appellant contends that an exception to the minimum right-of-way width requirements may not be granted using the Planned Development provisions of the zoning code and subdivision regulations.

*Staff Response: This assertion, while correct, is irrelevant. Although the P provisions allow deviation from right of way frontage requirements, the list of development and subdivision standards that may be modified does not explicitly include deviation from minimum right-of-way width requirements.*

*Exceptions to the minimum right-of-way widths may be granted by the decision-maker and the requested exception has been properly disclosed and analyzed.*

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

*Section 325-9 of the Subdivision Regulations authorizes the Advisory Agency to grant conditional exceptions to any requirements found in the subdivision regulations. Petitions may be filed with the tentative subdivision map or within fifteen (15) days of the action on the subdivision by the Advisory Agency. The “Advisory Agency” on subdivisions is typically the Planning Commission but will be the Board of Supervisors in this case due to appeal.*

*Given the Board of Supervisors is already considering an appeal of the Planning Commission’s decision to approve the Subdivision, Use Permit, and Planned Development Permit, it is appropriate that action on this exception request occur at this time. Public Works developed the proposed right-of-way configuration in concert with the applicant and their consultants and supports granting an exception request to the minimum right-of-way width standards of the subdivision regulations.*

AREA 6: Allegations that the project fails to comply with General Plan Density

*Staff Response: **This assertion is incorrect.** Maximum and minimum development densities are established and controlled under the General Plan. The principal means by which it is controlled is through the choice of land use designation applied to properties within a given planning area. The 2.47-acre property has a land use designation of Residential Medium Density (RM) which has been in effect since at least 1985 and specifies a range of 7-30 units per acre and a Maximum Floor Area Ratio of 1.0*

*The proposal would result in a total of 62 units across 2.47 acres for a gross density of 25 units per acre. This is 5 units below the maximum using the net parcel size for calculating density and 13 units below the maximum density allowed using the gross parcel size which would be permissible if subdivision smaller than one acre wasn’t included. The resulting Floor Area Ratio of the proposal is 0.42, 58 percent below the maximum allowed. To put it in perspective, the maximum Floor Area Ratio of the Residential Low Density land use designation is 0.4. This serves to illustrate why the proposal is moderate in terms of development density being sought, especially when considering that the R-3 zone permits structures up to 45 feet in height and up to 60% ground coverage. The proposed buildings range from 22 to 24 feet in height and would cover approximately 22% of the gross lot area. The maximum lot coverage of the single-family residential (R-1) zone is 35%.*

AREA 7: Allegations that the project would result in threats to public safety for neighboring and future residents of the development.

- The appellant argues that the proposed development will result in an increase in traffic hazards to pedestrians due to increased traffic on Pickett Road.

*Staff Response: **This assertion is incorrect.** The applicant has worked closely with the Land Use Division of Public Works on the design of the proposed access road and parking areas, including the design of the proposed intersections at Gwin and Pickett roads. The design of the proposed access road enables use of either Gwin Road or Pickett Road for access to and from the development. This will help divide traffic volumes by tenants and visitors. The project includes the development of sidewalks throughout the interior of the parcel and along both street frontages. Additionally, the developer has agreed to construct off-site road improvements as part of the proposal which include installation of speed humps on Pickett and Gwin Roads, development of a crosswalk on Pickett Road, and construction of new sidewalk along the north side of Gwin Road near the Teen Center to complete the break in the network. All of these measures will facilitate and improve the safety of pedestrian access to the project and surrounding areas.*

- The appellant argues that the proposed project will result in a series of public safety issues for tenants of the development due to:
  - insufficient trash, laundry, and playground areas
  - lack of responsibility for maintenance of roads and common areas; no maintenance personnel
  - excessive speeding on Jack Way
  - Risk of accident on Pickett Road
  - Risk of accident on Gwin Road due to overflow parking by tenants on the street
  - risk of accident on Jack Way by vehicles backing up

*Staff Response: **This assertion is incorrect.** The development includes a dedicated enclosed area for the storage of trash and recycling capable of hosting three (3) 3-yard dumpsters (two for trash, one for recycling). All of the townhomes and one-family dwellings will have individual laundry facilities within each unit. The eight (8) fourplexes proposed on Lots 9-16 will each have two common laundry facilities on the upper floor units. Additionally, a shared laundry building is proposed to be constructed on Lot 8 and will have enough room to host 7 washing machines, 6 dryers, and an area for folding clothes. This amounts to a ratio of almost 1 washer/dryer for every two units, nearly double the number recommended under the Planned Development provisions. The property lies less than ½ of a block east of Pierson Park, a regional park managed by the McKinleyville Community Services District. The park includes a variety of amenities including play equipment, skateboard park, pavilion area, and teen center. The applicant has agreed to construct speed humps on both Pickett and Gwin roads as well as a crosswalk along Pickett Road. The design of Jack Way and the interior sidewalk network provides sufficient room for the safe and separate travel of vehicles and persons to and through the development. The design was developed in concert with the Land Use Division of Public Works.*

## CEQA

The project is consistent with the development density established by an existing general plan for which an EIR was certified, and a determination that no further environmental review is required is being made pursuant to section 15183 of the State CEQA Guidelines. The Department has determined that further environmental review is not required as the project is consistent with the development density established under the 2002 McKinleyville Community Plan and the 2017 Humboldt County General Plan for which EIR's were certified.

The McKinleyville Community Plan and the Humboldt County General Plan were each adopted after certification of an EIR in 2002 for the McKinleyville Community Plan and 2017 for the General Plan. The Environmental Impact Report prepared for the current Humboldt County General Plan includes all of the required elements specified in Section 65302 of the Government Code.

The Residential Density for the property is the same (Medium Density Residential) for both the Community Plan and the General Plan allowing up to 30 units per acre. For this 2.47-acre parcel this would allow 74 units. The 62 units proposed are consistent with the allowed density. The proposal is seeking a Planned Development Permit to allow reduction of the minimum lot size to enable more accessible financing of the project. The Planned Development Permit does not raise issues not otherwise addressed as the same density could be developed without use of the PDP provisions.

Section 15183 of the CEQA Guidelines acknowledges CEQA's mandate that projects are not subject to additional environmental review when consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, noting that subsequent environmental review is only necessary in situations where the Lead Agency determines there are project-specific environmental effects peculiar to the project or the parcels on which it is located, or where the earlier EIR(s) did not include analysis of significant effects, or where previously identified significant effects could become more severe. None of these circumstances are applicable to the project. Further discussion of the basis for this determination can be found in Section 2 of the Draft Resolution.

### ***Summary***

The project is consistent with the Humboldt County General Plan, and with the granted exceptions and flexibility permitted through the Planned Development requirements it may be found consistent with the Humboldt County Code. A multi-family development of similar or higher density could be developed on the property without the requested Planned Development and subdivision, however these entitlements help facilitate developer financing and allow for a more creative design, and thereby help to facilitate the creation of affordable housing opportunities that are desperately needed for Humboldt County residents.

### **FINANCIAL IMPACT:**

The Appellant has paid the adopted fee associated with appeals to the Board of Supervisors. This fee does not cover the full cost accumulated by the Planning and Building Department of processing this appeal to the Board of Supervisors.

### **STRATEGIC FRAMEWORK:**

This action supports your Board's Strategic Framework by its support of the Goals and Policies of increasing access to housing.

### **OTHER AGENCY INVOLVEMENT:**

None

### **ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board could choose to deny the appeal and deny the application, or could choose to approve a modified version of the requested entitlement. If one of these options is chosen it is recommended that the item be continued to allow preparation of appropriate documentation of the Board's action.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

1. Draft Board Resolution and Findings
  - A. Recommended Conditions of Approval
  - B. Public Works Recommended Conditions of Approval (revised 1-17-2024)
  - C. Tentative Map
  - D. Elevations, Floor Plans, Colors
  - E. Landscaping Plan
  - F. Solar Shading Exhibit (revised 1-4-2024)
2. Materials submitted by Appellant justifying basis for appeal of PC Decision
3. Adopted Resolution of the Planning Commission, Resolution No. 23-102
  - A. Staff Report & Supplementals
4. Applicant's Evidence in Support of Required Findings
  - A. Preliminary Grading Plan
  - B. Preliminary Drainage Report (Revised Dec 2023)
  - C. Low Impact Development (Revised Dec 2023)
  - D. Initial Wetlands and Waters Delineation
  - E. Trash & Recycling Enclosure Concept
  - F. Mapping of neighborhood two-story structures
5. Referral Agency Comments
  - A. Comments from McKinleyville Union School District
  - B. Comments on Revised Tentative Map from Arcata Fire Protection District
6. Parking Exception Analysis Exhibit
7. Exhibit showing changes to Tentative Map
8. Public Comments received in support of project
9. Public Comments received in opposition to project

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: 01/09/2024 Board of Supervisors

File No.: 24-40