

## Richardson, Michael

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**Sent:** Wednesday, April 13, 2022 8:01 AM  
**To:** Conrad, Maya; Bonnie L. Oliver; Dugan, Lisa; Patrick Kaspari; gorsini@mckinlevillesd.com; Kevin Jenkins; Sanchez, Twila; Kevin Dreyer  
**Cc:** Ford, John; Richardson, Michael; Hayes, Kathy; Madrone, Steve; larryo@mingtree.com; Anne Pierson (eurekamariahjane@gmail.com)  
**Subject:** Draft MMAC Comments  
**Attachments:** March Draft 3-17-2022\_final\_corrected\_reduced - GEP Comments 4-4-2022.pdf

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Dear MMAC Members, County Staff, and Supervisor Madrone,

Thank you for the time and effort you have all spent thus far in developing the Town Center Ordinance. I know it is a difficult process, full of conflicting visions, goals and passions, which makes these meetings slow and difficult. I believe, however, we are getting close to decision time at the MMAC and so I wanted to provide some feedback on the latest Town Center Ordinance draft.

There are several areas of concern addressed in the attached document but the biggest issues are:

1. Rigid formed based design rules will require variances not simply a design review process. Variances are harder to get for a number of reasons, cost more, and take more time. As such, it is important that the form based designs are well thought out and there needs to be a simpler mechanism to deal with designs that cannot meet every minute detail of the form based rules.
2. I do not understand how the Walk/Bike Alternative and the Market Alternative are played out in this document. It seems many times that only one alternative is provided and at other times there are two but one is a reference to some other document. This presentation makes it hard to understand the differences between the two and make the choice difficult to see clearly.
3. When the Market Alternative is spelled out I find it not at all Market driven requirements. For example Section 2.2.2
4. On Map 1 – Zoning – I wonder what happened to the Core zone. It seems there was some good options in there. Are all of them, including design standards, incorporated into the new Mixed use zone?
5. On Map 2 – Thoroughfares – I am concerned about all the wording of Pierson Pond and trails around it. I think our wetland work needs to be the driving force around this. We can incorporate trails through the wetlands as we reconfigure them but putting them on a map and naming them will cement them in people’s minds in a way that does not reflect the wetland science and “on-the-ground” realities.
6. Required trails should be specified by a two connecting points and we will determine how they meander through the property.
7. Map 3 – Parks and Open Space –
  - a. The trees along South of Hiller must not be a protected area. The frontage is too valuable and they are not a native species.
  - b. The Spruce “Forest” should go away unless it is clearly protected as shown on the map by existing California law. If it is already protected, we don’t want any additional county rules regarding protection than the current state law. These trees are likely in the way of desired development or wetland work and I do not see any way to mitigate trees that conflict with the land necessary to achieve the housing requirements and “town center” development. We don’t intend to clear cut the property but we must have significant flexibility to layout the land.

- c. The map shows a consolidated wetland line. That determination should be up to us and our consultants based on study, not public opinion.
8. 3.1 MU1 Zone – It appears that all drive-thru uses are being eliminated. I believe currently only restaurants are banned. This restaurant ban was to stop the fast food businesses taking over McKinleyville. Now, it appears not even a drive up pharmacy window would be allowed. This is not reasonable. We just got out of COVID and drive-ups were essential to keep businesses open and the public served.
  9. 3.2.2 Ground Floor – why is retail eliminated or am I misreading it?
  10. Building Form Standards –
    - a. Concept of using Street Frontage is ok but not always accurate. What happens if the building is on a corner of two streets? Does each side need to meet the requirements or only one side? If it corners on two different street types, then what? There needs to be clarity on these things.
    - b. No reason there can't be balconies on the Street 1 and 2. I see them all over new urban development. It is what residents want, private outdoor space.
    - c. The Gallery and Arcade forms allow the building to be right up to the property line and allows covered walkways or even 2<sup>nd</sup> stories over the property line. While I love that flexibility, it will become a homeless nightmare. Because the covered area is public land, the shop or land owner will not be able to move them off the property. Unless there are enforced vagrancy laws this will be a mess. Another alternative is the building owner being able to gate off that public portion at night, assuming there is an alternative path of travel, and strong police presence during the day.
    - d. Why no balconies on street frontages? It is done all the time in urban planning. People need private outdoor space and this arbitrary rule will take that away. If I rented an apartment I would want a balcony, especially on the south side of the building.
    - e. Lot Dimensions – Way too limiting. Conflicts with other sections.
    - f. Building Heights – Too limiting. Conflicts with other sections.
    - g. Need clarity with transparency zones. Also, are recessed building corners allowed? It does not appear they are.
  11. 4.1.2 – Concerns over roads, bike paths and trails. See pages for comments.
  12. 4.3 –
    - a. Street 1 – This is for Central and shows a single lane each direction and that land is slowed by parallel parking activity. It will be a nightmare and will impede emergency response by Sheriff and the Fire department. At a minimum, the north bound lanes from the fire department north should stay as is and the south bound lanes from Picket Road south should stay as is to maintain response times.
    - b. Street 2, 3. It is not clear what is a 2 street vs a 3 street design. If they are 74 feet to 78 feet wide, then we have issues for all the blue streets around our shopping center. The rules for the street frontages makes all our existing buildings non-conforming. If they were to be burned down, could we rebuild the same? Many of our leases require that. What happens then?
    - c. The 50 wide bike, trail cross section is way too much land to ask of us. None of the other existing trails are anywhere near this elaborate of a design and cost. Is there a fund to buy this land?
  13. 5.1 Energy – This section needs to go away. The California Green building code already requires very expensive measures to accommodate energy efficiency. Requiring the buildings be LEED certified is way beyond the pale for private development. I have done LEED Gold certification before. The cost to track all the paperwork, hire all the consultants, perform energy modeling services and pay the agency to get the certification varies depending on the size and complexity of the project but can add 10 to 15% to the building cost. This is completely unnecessary and will kill many development opportunities.
  14. 5.2.3 – Bike storage rules are very excessive.
  15. 5.4 – Landscaping rules are very excessive. See specific comments in attached document.
  16. 6 – Several comments on signs. What is proposed is very limiting.
  17. 7 – Wetlands
    - a. Need to define in the document how a wetland is to be defined. 1, 2, 3 parameters? This is not clear. The MMAC already voted for a 3-parameter definition, like the rest of the County General Plan. This does not appear to be in this version and must be.

- b. Under the "Exception" section, it appears the exception is only available for "off-site" relocation. Why? It should also be available for on-site.
- c. We do not want any required permanent conservation easement or similar instrument! In 30 years, we may need 10 feet more as part of a development and will need freedom to move and mitigate some wetland areas again. In addition, if it is a requirement to establish the easement then we cannot get any tax benefit from doing so! This makes the cost even higher and is not required as wetlands are already regulated so they don't need a conservation easement.
- d. We need to be able to use buffer areas as LID filtration and the wetlands as retention without 50 year flood restrictions.
- e. Trees. Why is a 12" tree and "Important Tree?" This is crazy. Why aren't "Important Trees" limited only to Native trees? By the time we save every 12" tree, native or not, plus the wetlands and related buffers and the connecting roads and the 50' wide trail/bike paths there will not be any land left to have a town center!!!!

It is critical that this document be looked at in whole and drafted to achieve the end goals. We can all say, "save this", "Save that", "We want this", "we don't want that" but, unfortunately, life is the art of compromise and if this document does not understand that, then we will not get a town center because all the individual requirements collectively do not work in whole to achieve the town center goal. We are, I believe, in that unfortunate place with this current draft.

Thank you for your efforts in creating a McKinleyville Town Center roadmap!

Greg

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