

pbscommissions - RE: U_2020-0004 Golden Rule Church Assoc Minor Use Permit

From: "Gregg Simpson Trucking" <gregg.simpson@comcast.net>
To: <pbscommissions@mendocinocounty.org>
Date: 6/9/2021 2:44 PM
Subject: RE: U_2020-0004 Golden Rule Church Assoc Minor Use Permit
Attachments: U20200004 Zoning Admin.pdf

*Mendocino County
JUN 10 2021
Planning & Building Services*

Good Afternoon

Please see attached letter addressed to the zoning administrator in regards to U_2020-0004 Golden Rule Church Assoc Minor Use Permit

Sincerely
Joe Cooper
2170 Rd E
Redwood Valley CA 95470

June 8, 2021

Joe Cooper
2170 Rd E
Redwood Valley, CA 95470

Mendocino County

JUN 10 2021

Planning & Building Services

Via email to:

Zoning Administrator
Mendocino County
860 North Bush St.
Ukiah, CA 95482

pbscommissions@mendocinocounty.org

Re: Case # U_2020-0004 Golden Rule Church Association Minor Use Permit and Categorical CEQA Exemption

Dear Zoning Administrator:

I am a resident of Mendocino County and am writing to you today asking you NOT to approve the permit and the CEQA exemption for the conversion of the old, abandoned White Deer Lodge Motel on Highway 101 in Willits to a permanent multi-unit housing project. The proposed multi-family housing project for low-income families and senior citizens is inappropriate for the proposed location and is not in keeping with the County or State law. The project is also not eligible for the CEQA exemption that is currently proposed for it.

Noise levels are too high:

Being located right next to Highway 101, the project would expose seniors and families to noise levels far above what would be considered acceptable. What might have been considered acceptable for a transient visitor at a motel is a very different thing when considering a long-term resident, especially seniors and children. The County's General Plan considers noise levels over 75 decibels to be "clearly unacceptable." (General Plan EIR p. 4.10-14) When the County adopted the General Plan it noted that noise levels near Highway 101 have been higher than 75 decibels since 2007 and will be higher than this by 2030. (General Plan EIR, pp. 4.10-10 and 4.10-19.) Appendix C of the County's Zoning Ordinance requires that noise at multi-family housing projects be less than 55 decibels at night. There is no proof that the noise levels at the project location would be anywhere near low enough to meet the Zoning Code or General Plan requirements. This would then place seniors, families, and children at great risk of long-term excessive noise exposure.

No compliance with seismic laws:

The staff report for the project notes that the site is in the SS overlay zone. This zone requires the project to meet the conditions of the Alquist-Priolo Earthquake Fault Zoning Act. Under that Act, the County cannot authorize the alterations to the buildings proposed by the project unless it first prepares a report regarding the seismic safety of the site and the buildings. (Public Resources Code Section 2623(a)) This is because the project proposes to change the occupancy of the buildings from what they were when they were used for motel visitors. (Public Resources Code Section 2621.7) It does not appear that the County has prepared any seismic study for the project or determined that the site or the buildings are safe for the increased occupancy that is proposed for permanent residency. It would also seem that the Alquist-Priolo

Act would prohibit the County from allowing the increased occupancy at the site without the necessary studies proving there were no seismic hazards and without the developer conducting seismic retrofits of the buildings. (Public Resources Code Section 2621.7(e)) If the County knowingly issues a building permit to the project without complying with the Alquist-Priolo Act, it will be liable for any earthquake-related injuries or deaths. (Public Resources Code Section 2621.8)

The project does not appear to comply with the General Plan:

In several ways, the project does not appear to comply with the County's General Plan. Policy 1.1, Action 1.1 of the Housing Element requires the County to minimize the effects of excessive noise on housing; as discussed above, the project and its location alongside Highway 101 do not do this. Policy 3.4 of the Housing Element promotes housing in and adjacent to towns and cities where infill and compact development can be facilitated and where community water and sewer services can be created; the project's location does not fulfill this policy. Policy DE-10 of the Development Element requires the County to make a finding that the project's residential use is compatible with existing and anticipated commercial uses; though the staff report mentions the nearby surface mine, the staff report makes no mention of the project's compatibility with this active commercial use. Policy DE-10 also limits multi-family dwellings to one unit per 12,000 square feet of lot area; the staff report provides no proof that the project meets this standard. The General Plan also calls for locating high-density residential uses in urban areas in Resource Element Policy RM-57 to reduce single-occupant car trips; the proposed project's location does not fulfill this policy. Also, the County has not updated its Public Safety Element of the General Plan and cannot approve the project because of this.

No deed restriction on affordability:

Though the developer says they aim to market the project as an affordable housing project there is nothing in the staff report stating that there will be a deed restriction making the project an affordable housing project. Without a deed restriction, the units can be changed to market-rate units at any time. So without the deed restriction, the project must be charged inclusionary housing fees.

No proof of water supply:

In the current state of California with our ongoing years of drought, I would think the County would consider it a priority to ensure that a project like this—taking an abandoned motel and putting in 21 new housing units—would have adequate water supply. But there is nothing in the County's staff report that states that the project will have an adequate water supply. The County must ensure that the project will have an adequate supply in all types of situations, wet years and dry years and short term and long term and considering all the other demands on water in the area. This is another reason why the categorical exemption for CEQA is simply not appropriate.

Categorical exemption under CEQA is not appropriate:

For several reasons, the County's attempt to use an exemption under CEQA is not appropriate and the County should prepare an EIR before trying to approve this project. The County's staff report claims that the CEQA "existing facilities" exemption is appropriate and makes it appear as if the project will be only getting some minor upgrades with new appliances and upgraded HVAC systems. When in reality, the entire site is being effectively

demolished and overhauled. A simple review of the plans shows that nearly every wall on the buildings is new. The domestic and wastewater systems will be demolished and replaced. The parking lot will be demolished, moved, and a new one constructed. One building will be demolished or removed. What is being proposed is not a remodel of an existing facility but a new facility in the place of the old one using the footprint of the old motel.


Also, the County is attempting to use the "existing facilities" exemption to change the use of the property from the transient visitor that formerly used the motel to the permanent resident in the multi-family housing. This change of use is not what is contemplated in the CEQA exemption. As pointed out by the County, the "existing facility" exemption is used for minor remodeling and putting in some interior walls, electrical and plumbing. (CEQA Guidelines Section 15301(a)) But what the County is doing here is replacing exterior walls, replacing entire domestic and wastewater systems (not just some interior plumbing), replacing entire HVAC systems (not just some interior electrical), ripping up pavement and building new parking lots, and, most importantly, changing the *use* from temporary visitors to permanent residents. These permanent residents will have different environmental impacts in terms of traffic, air quality, noise, water use, etc. that make the use of a CEQA exemption inapplicable.

Lastly, because of the noise issue already discussed and the fact that the project lies within the SS zoning overly, the project falls within the "unusual circumstances" exception to the categorical exemptions. (CEQA Guidelines Section 15300.2(c)) This means that the County cannot rely on the exemption and should prepare an EIR for the project.

For all these reasons, I ask you to please NOT approve the Golden Rule Church's application for a minor use permit to turn the old motel into a multi-family apartment complex and give them a CEQA exemption. The environmental review is not adequate. The use is not appropriate for the location. The project simply is not right and the County can do better by putting affordable housing closer to urban centers.

Sincerely,

Joe Cooper

A handwritten signature in blue ink, appearing to read "Joe Cooper", with a long horizontal flourish extending to the right.