

May 17, 2024

To: Eureka Planning Commission,

The proposed 5-unit multifamily development at 719 West Buhne Street in Eureka aligns with the Housing Accountability Act and adheres to Eureka's zoning regulations. This project is high-grade construction in every aspect which not only enhances the aesthetic appeal but also bolsters surrounding property values. Furthermore, ensuring a commitment to maintaining the quality of life for all residents, whether they rent or own, underscores the project's dedication to fostering a harmonious and inclusive community.

The proposed development not only complies with the Housing Accountability Act and Eureka's longstanding multifamily residential zoning dating back to 1992 but also addresses critical housing needs in the area.

The Housing Accountability Act (HAA) in California promotes objective approvals for proposed projects by establishing clear criteria and timelines for local governments to evaluate housing developments. Under the HAA, local agencies must approve housing projects that meet the objective planning standards and requirements in place at the time the application is deemed complete.

This means that as long as a proposed housing project complies with local zoning, land use, and other applicable regulations, the local government is generally required to approve it. The HAA aims to prevent subjective or arbitrary denials of housing projects that comply with established planning guidelines.

Furthermore, the HAA sets specific timelines for the review and approval process, ensuring that local agencies cannot delay or prolong the approval process indefinitely. This provision helps expedite the development of much-needed housing units, especially in areas like ours facing housing shortages or affordability challenges.

By promoting objective evaluations based on established criteria and timelines, the Housing Accountability Act encourages the fair and efficient approval of housing projects, ultimately contributing to increased housing supply and affordability across the state.

According to recent demographic studies, there's a pressing demand for diverse housing options to accommodate Eureka's growing population, especially for workforce housing. In addition to meeting and exceeding regulatory requirements, our emphasis on high-grade construction is essential for sustaining and enhancing property values in the neighborhood. A comprehensive analysis conducted by the Urban Land Institute revealed that neighborhoods with well-maintained and aesthetically pleasing properties tend to experience higher demand and subsequently see appreciable increases in property values over time. A different study conducted by the National Association of Home Builders shows a positive correlation between high-quality construction and increased property values. By adhering to stringent construction standards, the proposed development not only contributes to the visual appeal of the community but also serves as a positive catalyst for economic growth and prosperity in the area.

Moreover, we seek to prioritize the quality of life for all residents, **regardless of whether they rent or own**. This underscores the project's commitment to social equity and inclusivity. Studies from organizations like the Joint Center for Housing Studies at Harvard University have consistently shown that access to stable and affordable housing is intrinsically linked to improved health outcomes, educational attainment, and overall well-being. Therefore, by providing well-designed, safe, and attainable housing options for working professionals, the proposed development not only addresses a fundamental societal need but will also foster a sense of belonging and community cohesion among residents.

In summary, the multifamily development at 719 West Buhne Street represents a strategic and conscientious approach to urban planning that leverages both regulatory frameworks and empirical evidence to create a thriving and inclusive community for current and future generations. This project will further uplift a developing neighborhood in Eureka and contribute much needed housing to our greater community.



Thank you for your consideration and support for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Raelina", with a long horizontal stroke extending to the right.

Raelina Krikston
Real Estate Development Director & Community Liaison

From: [Dan Reid](#)
Sent: Thursday, May 23, 2024 12:05 PM
To: [Planning](#)
Subject: Attn: Director of appeal
Attachments: 20240507_112804.pdf; 20240503161830811.pdf; Dan Reid.pdf; ltr to City 5.13.14.pdf; ltr to ACGC 5.13.14 (1).pdf

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Dear Planning dept

My name is Dan Reid and I live at 709 w.Buhne st. My property lies to the east of a vacant lot in which a multi family 5 plex has been proposed to be developed by ACGC. I have enclosed a letter that I had sent to the city explaining the harm this project will bring to our home, property and family. Recently, we spoke at the Design Review Committee meeting, where we shared our deep concerns on the negative impact of the proposed design. The Review board voted to deny the design, which has now been appealed. In the appeal, the appellant stated that the Review board did not provide quantifiable reasoning to support their motion to deny. This is not true. They clearly recognized that this project would be of detriment to the health, safety, welfare or material injurious to us, a property in the vicinity. I have enclosed letters from local Real Estate Brokers that have all agreed this project would diminish our home value, professionally speculated at between 10-15% minimum upon completion. This satisfies the aspect of material injurious to our only investment, our home. This is all we have.

All we are simply asking for is a design change, altering the building from 2 stories down to 1. Yet what is most disturbing is that no one from the City nor the developer has reached out to work with us or be understanding to our serious concerns. The size of this project will impact our entire property, from front to back (167 ft to be exact, which is the entire length of our property), making it a far less desirable property to purchase.

It breaks our hearts that we are not important as citizens of Eureka. Please understand we are not opposed to new housing. But the irresponsibly of this projects placement sets an unfortunate precedence of how the City will move forward in developing these infill lots, while ignoring its citizens by hiding behind their self serving zoning laws. We will not be silent.

Thank you for taking the time to read this and all enclosed letters.

Sincerely, Dan Reid.



May 23, 2024

City of Eureka
Planning Commission
531 K Street
Eureka, CA 95501

Re: Proposed Housing Development Project at W Buhne Street and Garland Street,
Project DR-24-0001

By email: planning@eurekaca.gov

Cc: cityclerk@eurekaca.gov; aluna@eurekaca.gov; msslattery@ci.eureka.ca.gov;
ckenyon@eurekaca.gov

Dear Eureka Planning Commission,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the Commission of its obligation to abide by all relevant state laws when evaluating the proposed five-unit housing development project, located at the northeast corner of W Buhne Street and Garland Street, Project DR-24-0001. These laws include the Housing Accountability Act (“HAA”) and California Environmental Quality Act (“CEQA”) guidelines.

The HAA

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project’s density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA’s ambit, and it complies with local zoning code and the City’s general plan.

In order to disapprove the project, the Commission must make written findings supported by a preponderance of the evidence on the record that both of the following conditions exist: (*id.* at subd. (j)(1).)

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

The Commission cannot make such findings. The project’s staff report, dated May 8, 2024, concludes that this project meets the applicable design review criteria and does not present an adverse impact on public health or safety. The Commission must approve the project based on the preponderance of the evidence on the record.

Furthermore, a local agency may only deny a project based on **objective** standards. (*Id.* at subd. (j)(1).) The HAA defines objective as “... involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.” (*Id.* at subd. (h)(9).)

Eureka Municipal Code § 155.412.040 (J) and (K) are composed of non-objective standards, and therefore the Planning Commission may not deny the project based on these standards. For instance, it is impossible for an applicant to know *ex ante* whether the project would “enhance the design quality of the area where they are located” or “demonstrate a coherent and successfully executed architectural style.”

In its resolution denying the project, the Design Review Committee cited “inflexibility,” “neighborhood concerns,” and “potential sunlight/shading issues.” These findings cannot ground a disapproval of the project under the HAA, which, as explained, allows for disapprovals only based on objective standards or findings of a specific, adverse impact on public health and safety that cannot be mitigated and that is based on pre-existing, written, objective standards that apply to the project. The Design Review Committee’s findings were not based on pre-existing, written, objective standards. And the Committee’s findings do not amount to an adverse impact on public health and safety that cannot be mitigated. The HAA states specifically, “It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently.” (Gov. Code, § 65589.5, subd. (a)(3).) Shadows and sunlight concerns do not “arise infrequently” - rather, they are an unavoidable aspect of living in any community where one has neighbors of any sort.

CEQA

Additionally, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to § 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. And recent caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)



Denial of this project based on the subjective findings of the Design Review Committee, which have no basis in the municipal code, exposes the City to a significant risk of litigation. Not only may the applicant seek judicial remedies, but the HAA specifically empowers housing organizations, such as CalHDF to enforce the act via litigation. (Gov. Code, § 65589.5, subd. (k)(1)(A)(i).)

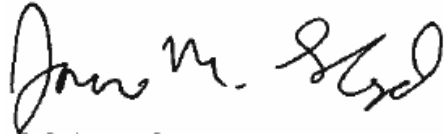
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will bring new customers to local businesses; it will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the Commission to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read "James M. Lloyd". The signature is written in a cursive style with a large initial "J" and "L".

James M. Lloyd
CalHDF Director of Planning and Investigations

From: [Amy Dillon Sewell](#)
Sent: Tuesday, June 25, 2024 10:35 AM
To: [Planning](#)
Subject: ACGC Five Unit Multi-Family Residential Development Design Review on West Buhne

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Regarding the Design Review Appeal

ACGC has proposed a multi family development on West Buhne which was appealed by neighbors for its proximity to a neighboring property and cutting out sunlight to this adjoining property.

To recap: a single family home was torn down and the land subdivided into 3 parcels. ACGC put two 4-plexes on the first two lots. These apartments almost hang over the adjacent existing house on its west side.

The stated setback is 5 feet on the side. I am enclosing 2 photos of the apartment next to its neighbor to the west. These photos were taken from the sidewalk. As you can see, the setback is too narrow even for a gate. Did ACGC adhere to code requirements when they built this apartment?

Now ACGC is proposing another apartment on the remaining, narrow lot. The 5 foot setback will put the apartment only 8 feet from the neighboring house, a single story Victorian. The proposed apartment will be 2 stories high, directly west of the Victorian, and upslope. It will significantly block sunlight.

The neighbors are willing to work with ACGC but were not notified of the plans until they reached Design Review stage.

Setbacks need to be reasonable and not unduly block sunlight or quiet enjoyment of one's property. The 5 foot setback is inadequate.

Thank you,
Amy Dillon Sewell
748 W Carson St
Eureka 95501



Here are some of the most common effects people experience if they don't receive an adequate amount of sunlight:

← NOT SUBJECTIVE → OBJECTIVE

■ **Weakened immune system**

Vitamin D plays an important role in keeping your immune system in tip-top shape by boosting immune cells' production of pathogen-fighting proteins. When you don't absorb enough sunlight, you may experience a weakened immune system and become more susceptible to getting the flu, cold or other infections.

■ **Low energy**

Sunlight may be responsible for increasing the brain's production of serotonin, the hormone associated with producing a sense of calm and boosting your mood. Without sunlight, your serotonin levels may dip, which could trigger a state of fatigue even when you've received an adequate amount of sleep.

■ **Seasonal Affective Disorder (SAD)**

If you live in an environment where the sun is in short supply during those frigid winter months, you might be a part of the winter blues. But did you know that the sun may be partially to blame for those feelings of depression or mood swings? A decrease in sunlight during winter months can impact your internal clock — also known as circadian rhythm — which can disrupt your sleep schedule and lead to feelings of depression.



Text



Contact Us

■ **Weaker bones**

Sunlight plays an important role in providing your body with vitamin D, which helps your body absorb calcium and keep your bones strong. Without enough vitamin D, you are more prone to becoming an unwilling recipient of weaker bones. Studies have shown that low vitamin D levels can lead to lower bone density, which may be a leading factor in potential fractures or osteoporosis.



Email Us





Calendly

■ **Weight gain**

We've already mentioned that a lack of sunlight can affect your circadian rhythm. When that biological clock is altered, you may

From: [Meyer, Melodie](#)
Sent: Wednesday, June 26, 2024 9:41 AM
To: [Planning](#)
Subject: Public Comment on F.1

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Dear Eureka Planning Commission,

I am writing in support of item F.1 "ACGC Five-Unit Multi-Family Residential Development Design Review." Please reverse the Design Review Committee's denial and conditionally approve the project. The Design Review Committee's denial of the project was not appropriate given the project met the requirements of Pursuant to EMC §155.412.040(K). Shading concerns do not rise to a level of "detrimental to health and safety." The Design Review Committee is unable to make such a finding based on objective standards as stated in the Director's Appeal.

Humboldt County, including Eureka, desperately needs more housing. At the end of the day, giving 5 families a place to live is more important than having nonstop sunlight in your yard and house - if that would even be a concern here (see comment on page 13 of Attachment 6). This lot and location is the perfect place for infill development, and it's frustrating that many Eurekaans can agree that we need more housing - but aren't willing to make minor sacrifices to meet that need. Having a vibrant community that more people can afford to live in is an invaluable asset to our city. Thank you to the Commission for your work and to the staff for putting together the clear staff report and accompanying recommendations.

Thank you,

Melodie Meyer



SELLERS REALTY

985 G STREET
ARCATA, CA 95521

Bus. 707.822.5971
Fax 707.822.4337
Toll Free 800.884.9740
coldwellbankersellersrealty.com

TO: City of Eureka Planning and Building Dept

RE: Planned five unit apartment building next to 709 W. Buhne, Eureka

To Whom It May Concern:

I am a local Real Estate Broker, and have been selling in Humboldt County for over 40 years. I have looked at the house belonging to Dan Reid and Stacia Onell, located at 709 W. Buhne, Eureka.

There is a planned development of the lot next door into five apartments. In all honesty to the owners of 709 W. Buhne, if this apartment building comes to fruition on the next door lot, it will decrease their property value by about 10%- 15%, and may well increase the time on the market if they choose to sell. This is a significant decrease for the homeowners.

The house on 709 W. Buhne is historic (not designated as such, but built in 1887) and is 3 bedrooms and 2 baths, about 1637 square feet. As such, it is quite a nice family home, with the kind of architecture and character that more and more Buyers desire. But the proposed apartments next door, as well as the large apartment complex already built on a lot adjacent to that, create an impression that this is more of a rental area, not so much for families. It can't help but bring down the values of existing family homes nearby.

Thank you for your time and consideration,

Sincerely,



A handwritten signature in black ink that reads "Patty Stearns". The signature is written in a cursive, flowing style.

Patty Stearns

Broker- Coldwell Banker Sellers Realty

707-599-7145- DIRECT

From: [stacia oneil](#)
Sent: Tuesday, June 25, 2024 3:49 PM
To: [Planning](#)
Subject: Proposed ACGC Five Unit (DR-24-0001)

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Hello, I am Stacia O'Neil, I am a homeowner at the adjacent property to the proposed build on West Buhne street.

First, let me state, Dan and I are NOT against rental housing, tenants, multiple family housing, affordable housing, etc.. and even downtown housing. I proudly bought my home here in Eureka and also became a 1st time mom at age 40!

For anyone to assume or continuity imply, I don't want housing to be built is insulting and disrespectful and dismissive.

Ms. Kenyon in her appeal says, "concerns of neighbors who are opposed to the project", which is disingenuous. We are not 'opposed' to building but we do have very real and quantifiable concerns that need to be addressed before construction begins. This is our right as citizens of Eureka and this is what the Design Review Committee & Planning Committee were set up to do.

* Density(HAA Housing Accountability Act (Government code 65589.5)

All we requested was a DESIGN change that would decrease the height of the proposed apartment and/ switch the design so the driveway runs along our shared property line. *Density would not be reduced.

*A Design Change would Not decrease the number of 5 housing units. It would not REDUCE the Density.

The HAA Housing Accountability Act(Government code 65589.5) *would Not be violated.

A Design change to Flip the Design to run the driveway along our shared property line and decrease the height so as not to cause well-being harm to ACGC tenants, as well, and would NOT decrease the 5 units of housing.

Density would remain the same. The HAA(Housing Accountability Act) would not be violated.

Ms. Kenyon, fails to mention in her appeal, The Design Review Committee did not overstep their purview, when they heard our quantifiable* and OBJECTIVE(no personal or subjective judgment by a public official and being uniformly verified by reference to an external and uniform benchmark and criteria") evidence from multiple local professional realtors(important stakeholders in this community) who say if this proposed building is built 'as is' it will decrease the value of our property by 15%. That is substantial and quantifiable. And compensation would be sought. The professional local realtors we asked are all experts in their field. They are aware of housing trends and what is a desirable and equitable property. To disregard their expertise would be unjust. To disregard their expertise now, would be counterproductive to the city who holds them as stakeholders.

And we are being reasonable, if you actually consider what is being proposed.

Our home is a narrow and small redwood structure, 17 feet tall, a 60 foot long beauty who sits on a 164 foot long property.

We are a 132 year old historic property that is unique and well known to locals.

ACGC proposed building is massive @ 29+foot tall(3 stories), 164 long and only feet 4 from my property line. Built as is, it will completely eliminate all Western Sunlight from my entire property, not just my home,

my entire property from front to back, for all entirety.

(It will also block all ACCESS to the western side of my property for FIRE Equipment. I am a 132 year old wood structure!! To be discussed later)

We will essentially have 2 North Sides. Mold, added energy costs, loss of privacy and well-being, depression, health consequences, and this would be quantifiable Materially Injurious to us.

Ms. Kenyon's appeal used *manipulative language to underscore the impact this proposed building would have on our well being when she says the proposed building might cause 'POTENTIAL' shading. Potential?

Does the Committee want us to pay for a shade study? It costs 1800\$ and is done by a expert local engineering architecture firm. If this the 'evidence' Ms. Kenyon requires to prove we will be shaded quantifiably? If so, Then let us have time to hire the experts to objectively present the results on the shade study on our property.

Please, lets be honest, this building will tower over our home and property by 17 feet, with only a few feet between my home and the apartments. To say "potential" is insulting and it is how our concerns have been met by city staff.

Ms Kenyon again, falsely stated that Design Review did not identify a "significant detriment to public health, safety or welfare or materially injurious to the properties or improvements in the vicinity." This is false. Mold and Dampness is a very real and quantifiable and well researched, and well known safety issue. Our basement that is adjacent to this property has a earthen basement. If the ground does not have western sun exposure to dry the ground under and the surrounding ground around our foundation, dampness is an undeniable outcome. This is just how old homes were built.

I have numerous quantifiable and empirical scientific studies that quantifiably link dampness to mold growth. I also have included evidence from years of research in this field of Mold Toxicity. The Design Review board correctly identified through their professional expertise,(this is why they are ON this Design Review committee) that the mold and dampness is a very real safety issue for my family and pets. The Design Review committee rightly denied ACGC from moving forward.

*To Remedy this would be simple. Setting the proposed building back 20feet by flipping the design, and lowering it or building 1 story 5units will greater setbacks, would reduce the significant detriment to public health.

Once built, we can't take it back. I plead with you to deny this appeal.

The City Council on June 18th] absolutely saw a need to include in our City Planning added codes which would provide greater setback and height restrictions, where the design would be detrimental to public health safety and well-being. Or cause Materially Injurious.

As we move forward, lets build smart. It is estimated people spend 90% of their time in their homes, according to the American Lung Association and mostly, in their bedrooms. I work as a caregiver for elders with dementia and alzthemir, and my home is my respite.

After my shift, I retreat to my western natural light bedroom, and lie in the sun, This was a doctor prescription to combat my SAD depression and anxiety from a stressful job.I have 2 children to care for.

Furthermore, Let's not disregard the very real and quantifiable research about natural sunlight in our living and working environment and the link to depression.

I suffer from SAD, a seasonal depression that I partially treat with natural sun exposure through my home windows. It is essential to my well-being that I have Natural Light in all rooms of my home, especially in my bedroom with western exposure, and especially in the winter. The National Institute of Health(NIH)states, there is strong evidence that natural light has a positive impact on health, and with the detection in 2002, of a novel photoreceptor cell in the eye, we can quantifiably linked the biological effect light has on health. It is without question, My families health will be negatively effected by lost of our western sun exposure on our home and property.

"Natural light essential to health and well being through regulations of body functions. Light plays an important role and function of the nervous system and endocrine systems and the secretion of hormones such as melatonin." National Library Of Medicine: Lighting in the Home and Health.

Melatonin is essentially for well being and health. According to how much natural light the eyes are exposed to in a home, melatonin is released by the pineal gland in a 24 hour cycle, according to how much light received, regulates the bodies circadian system. This disruption triggers depression as well of a host of negative health consequences.

Along with the lack of western sun ,this proposed build brings with it BRIGHT LIGHTS on 24/7.

ACGC has also proposed with this design to put their stairwell by my bedroom window, which in turn leaves a very bright light on 24 hours a day. At this time, his present building on the property shines directly into my bedroom window now. (I included in photos)

Disruptions of these rhythms caused by LACK of daylight exposure during the day and Bright Lights at night has been linked to breast cancer. This is widely scientifically know and it is undeniably a negative health link to bright artificial light at night.

I am opposed to more bright lights 5 feet from my home! We must remedy this by lowering the stories!

SOLUTION: Ms. Kenyan stated during the City Council Meeting on June 18th that "we write our own rules for what is allowed where, for setback and height can be." she continued, when the Council asked how they could change these codes? "you could resolve with a code and require setbacks". She admitted "we do have provisions for stepping the 2nd story back". This would not be hard to do. We can do both: satisfy the density and reduce the negative effects on the adjacent properties(incuding ACGC other tenants in the apartments on site)by building 5 ground floor housing units.

Who could live next to this proposed building 29 feet tall, 164 feet long and 5 feet from my property line, without feeling a decrease in your well-being? Be honest.

we aren't asking for more than what we already have. We deserve to maintain our well-being. The World Health Orgnization (WHO) defines healthy housing as one that encourages a state of complete physical, mental, and social well-being. Home environments are important and inadequate housing is commonly assessed based on housing quality< which encompasses factors including, mold and dampness, temperature and humidity, ventilation, indoor and out door air quality,and light exposure or lack of.

My home built in 1892, by an Irish immigrant. it is 132 years old and is historic, contrary to how Ms. Kenyan is alluding to in her staff report, Our Victorian does not need to be a 'registered' Historic home to maintain its significance and importance to our neighborhood and the city of Eureka. Our neighborhood is unique and quirky. Many locals know and love our property.

We know ACGC is capable of unique & attractive smaller housing. For example the red homes being built across from the Main Library..[photo included] If we had those homes here at West

Buhne Street it would uplift and invigorate our neighborhood & Ward! And in turn, the City of Eureka!

Because we know that the CITY is responsible for setting setbacks and height restrictions on buildings in the City of Eureka, we know it's doable to seek adjustments to this proposed design. The discussion on June 18th @ City Council, was definitely encouraging in that direction.

Again, No one is trying to stop housing, we want the Planning Committee and ACGC to consider the neighborhood, homes, and the people living here, as important as new tenants and new housing.

I know he can come up with a better design that respects, invigorates our home, property, neighbors, and neighborhood along with ACGC tenants.

Honestly, Dan and I don't understand the predatory push back from the planning dpt, the aggressive tactics, the gas-lighting and the unwillingness to reach a workable solution.

Further, ACGC, Will Adams, his community liaison Raelina Krikston , City staff Kenyan and Smith, with the City Manager, have all been unethical and predatory in their actions toward us thus far. But we still hold faith that we are being heard from the Eureka City Council and The Design Review Committee and the Special Planning Committee. Thank you for your time in this matter.

july25th,2024 Stacia O'Neil

TIMELINE OF PREDATORY BEHAVIOR FROM CITY STAFF, MANAGER, AND ACGC

Let me begin with a timeline; to better explain the predatory and harassing behavior my family has endured for the past 2 months.

*On April 28th, we received a call from our neighbor, who was very concerned about the public notice she received about the proposed build @ West Buhne street. We shared in her concerns about the building practice of ACGC and what he was proposing to build.

About 8 Years ago, ACGC built 2 large Multifamily Apartments on the same lot as the proposed Apartment complex. ACGC built so close to the adjacent property line, the roof eaves and

windows from his apartments are overlooking directly down on the home* adjacent to it.[photos included].

How could this happen?

Obviously a Design Review Criteria has been violated and it wasn't caught prior to construction.

The people who lived in the home*- overwhelmed- with loss of privacy, light and respect, sold their home to an investor. Now this property is a rental home and is in shambles due to lack of pride of ownership. No one, including us, wants this to happen to our home/ property/ neighborhood.

After talking to our neighbor, Dan called the Assistant Planner affiliated with the Staff Report, Millisa Smith, to ask questions about the process and to state his obvious concerns. *She immediately called him 'Nimby'.

That is a harassing and demoralizing way to dismiss a property owner's concerns.

Isn't Public Notice the time for these questions? Isn't that how a democratic society is run?

City staff were out of line! And it continued,

*when Millisa Smith and Developmental Service Director Cristin Kenyan pursued to dismantle the Design Review Committee with a staff presentation at City Council on June 18th.

Community member, Chuck Petty, along with us spoke at that June 18th City Council meeting, because we saw this blatant and concerning way City staff and City Manager were trying to circumvent the Design Review decision to deny ACGC plans and to manipulate the City Council and to create a planning Dpt,with no public notice, no transparency and ethics!

It is so concerning, predatory And extremely intimidating to us citizens.

*On May 5th, The Community Spokesperson for ACGC , Raelina Krikston, lurked around my property with a camera and presented photos to the Design Review Committee about *My Property!

My property is *NOT under Design Review!

Not only did she present erroneous documentation and used old photos from Goggle Maps , but she also stated falsehood about my property. Again, MY property is not under Design Review. This is predatory harassment.

*On May 8th, We presented quantifiable evidence to the Design Review committee.

The Design Review Committee Denied ACGC plans for the proposed building based on the Design Review Committee Criteria: "ANALYSIS:To approve a Design Review application, the [DRC] Must make the following findings.

#1 The Proposed development will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity."

Immediately after the ruling, I turned around in the City Council Chambers and I looked at Will Adams [ACGC] and said , " please, let's work together."

He replied , " FUCK OFF Lady." And abruptly left the Chambers. I was in shock.

I posted on FB Immediately after he said that to me. A fb acquaintance saw my post and jokingly messaged Miles Slattery.[They are friends] She said to him, "ACGC is losing their shit"

And Miles Slattery Replied,[screenshot included]

" lose what? He will not lose. The Design Review stepped out of their purview once again. They will prevail.Not only because of the appeal process , but state law doesn't allow denial of housing projects. Just the fact."

This is very concerning to us and every citizen who comes down to City Council Chambers, in good faith, and follows the rules*;set forth -BY the same city government , who is saying that they will prevail because of the appeal process they have created.

Planning Dpt city staff is manipulative. Who are they serving? is this whole appeal process just a waste of time?

Later ,On May 8th, after the Design Review Committee meeting , when we got up to leave, Raelina Krikston approached us in a threatening way and called us,

" Entitled and Spoiled homeowners" then offered us money to buy our property. Highly predatory behavior! They are THUGS! So concerning and ethically alarming! Our lawyer sent ACGC, Will Adams and Raelina Krikston a letter to halt the harassing behavior or we would seek a restraining order. Again, at a great financial cost to us.

It gets worse,

Later that day on MAY 8TH at 3:15pm i found a City Worker parked in a City Vehicle work truck with a camera pointed at my property from 1 block away! Down on Garland street. [I ironically drove home a different way.]

I was threatened and called my lawyer. At great expense to us, I have to retain a lawyer to protect us from the predatory actions of city staff, manager, and ACGC, and Realina Krikston.

With my Lawyers advice, I then went down to the first public meeting at City Council to publicly state what was happening to us! [* May 8th Planning Committee Meeting Public Comment]. It was humiliating and put more stress on my already worn down well- being.

*May 9th Miles Slattery messaged me. I messaged him back saying; DO NOT contact me / instead talk to my lawyer. Guess what he did?

He continued to message me!! Again, That is harassing. He admitted he had a worker in my neighborhood but without a camera! This is a LIE. I saw the camera. Why would I make this up!?

It's so stressful to continually fight for your well being and your voice and respect!

A few days shortly after the May 8th Design Review Committee Meeting, we got a message from the City Administrator, R Gannon.

She started our appeal and was pushed back because the Planning Dpt had to work on another matter*.

Now we know that * another matter was hours of work to write up a report to dismantle the Design Committee.

Wow.

We have been beside ourselves with stress, new financial legal obligations, threats and harassment and gas-lighting? waiting and waiting,

and our case was delayed so city staff could figure out a way to deny us a reasonable way forward. That is so dirty.

I literally haven't been eating or sleeping this entire time waiting, the anxiety has left me so worried about this process and justice only to learn now, it was solely delayed so the City Staff could strategies against us.

So disheartening.

*On June 16th i wrote a letter to the Editor@ Redheaded Blackbelt. It was my first time ive made the public aware of all the predatory behavior we've encountered. I hold faith that all who know the real story with the beautiful field on West Buhne street and wrote letters in support of a Design Change to better suit our unique and quirky historical neighborhood are respected.

Special Design Review Meeting scheduled on Wednesday June 26th

On the Agenda, I sit and read the newest attacks against us , from city staff and ACGC, plus, a nonprofit that Raelina Krikston has contacted.

She has gotten them fired up thinking we hate renters and rentals and housing for all. And erroneously they accuse us of trying to STOP housing.

It is a moot threat, because we are NOT trying to STOP housing. And furthermore I resent this intrusion, as citizens of Eureka, we are not doing anything wrong except using a democratic process set forth by our city government. I consider this more harassing behavior for Raelina and ACGC.

I plead , be brave, stand up to bad development and let's find and create workable code solutions to move forward with a design change for the proposed building on West Buhne Street that would Not be detrimental to public health, safety,or welfare or materially injurious to the properties or improvements in the vicinity.

It can be done.

Thank you for your time.

On Fri, Jun 21, 2024, 9:14 PM stacia oneil <staciaone@gmail.com> wrote:

From: [stacia.oneil](#)
Sent: Wednesday, June 26, 2024 8:35 AM
To: [Planning](#)
Subject: DR-24_0001 Breast cancer link to bright lights on at night , Mold Toxicity, Mold and Dampness, and Photoreceptor link to health.

⚠️ NOTICE: This came from outside of the City's email system! ⚠️

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Here are some studies that link light at night (LAN) exposure to breast cancer risk:

Harvard T.H. Chan School of Public Health

A 2017 study published in Environmental Health Perspectives found that women living in areas with more outdoor light at night may have a 14% higher risk of breast cancer. The study analyzed data from nearly 110,000 women in the Nurses' Health Study II from 1989–2013.

DarkSky International

A 2018 study published in Environmental Health Perspectives found that exposure to artificial light at night (ALAN) in the blue-enriched light spectrum was associated with breast cancer. Participants exposed to higher levels of blue light had a 1.5 times higher risk of developing breast cancer.

Systematic review

A 2021 systematic review of epidemiological evidence found a positive association between LAN exposure and breast cancer risk. The analysis compared the highest versus lowest LAN exposure and found a risk ratio (RR) of 1.11, with 95% confidence interval (CI) of 1.07–1.15.

As well as,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8520294/>

<https://www.breastcancer.org/risk/risk-factors/light-exposure-at-night>

<https://theconversation.com/harvard-study-strengthens-link-between-breast-cancer-risk-and-light-exposure-at-night-75171>

Mold Toxicity

[https://www.jacionline.org/article/S0091-6749\(05\)02591-1/fulltext](https://www.jacionline.org/article/S0091-6749(05)02591-1/fulltext)

<https://drruscio.com/mold-toxicity/>

<https://www.ifm.org/news-insights/mold-toxicity-pathways-diseases-interventions/#:~:text=The%20most%20recent%20evidence%20from,upper%20respiratory%20tract%20symptoms%E2%80%9494in>

Mold and dampness

<https://iaqscience.lbl.gov/dampness-and-mold#:~:text=Based%20on%20multiple%20critical%20reviews,breath%2C%20ever%20diagnosed%20asthma%2C%20respiratory>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1994167/>

<https://www.ncbi.nlm.nih.gov/books/NBK215639/>

Photoreceptor and biological effects on health

<https://journals.sagepub.com/doi/abs/10.1191/1365782804li122oa>

[https://www.cell.com/current-biology/fulltext/S0960-9822\(13\)00764-1](https://www.cell.com/current-biology/fulltext/S0960-9822(13)00764-1)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6751071/#:~:text=Roug> <https://amerisleep.com/blog/benefits-of-morning-sunlight-for-sleep/#:~:text=Getting%20morning%20sunlight%20can%20be,improve%20sleep%20quality%20at%20night>.

ATTACHMENT 12





Miles @COE >

will prevail. Not only because of the appeal process but also state law doesn't allow denial of housing projects. Just the fact.

Today 2:39 PM

You wouldn't happen to know who is spreading lies on social media about my relationship with Will would you?

lol. Its no secret you guys are pals. Why would anyone lie about that!?





Text Message



From: [Cristin Kenyon](#)
Sent: Tuesday, June 25, 2024 3:51 PM
To: [Raeleen Gannon](#)
Cc: [Millisa Smith](#)
Subject: FW: F.1. - Support for ACGC Housing

From: Tom Wheeler <tom@wildcalifornia.org>
Sent: Tuesday, June 25, 2024 3:49 PM
To: City Clerk <cityclerk@eurekaca.gov>
Cc: Cristin Kenyon <ckenyon@eurekaca.gov>; Colin Fiske <colin.fiske@gmail.com>; RCCER <RCCER@protonmail.com>
Subject: F.1. - Support for ACGC Housing

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Dear Planning Commissioners,

On behalf of the Environmental Protection Information Center, Coalition for Responsible Transportation Priorities and the Redwood Coalition for Climate and Environmental Responsibility, I write to support the proposed housing development at item F.1 on your agenda.

This project highlights the difficulty in building housing in California. Light-touch infill development, as proposed here, is necessary for the City of Eureka to meet its housing demand. The project conforms with all objective design standards and is appropriate for its zoning classification. That said, this modest project has run into opposition from neighbors concerned about the impact of the development on their properties. That opposition was able to convince the Design Review Committee to reject the design with a faulty argument that the project was detrimental to public health and safety. Eureka is bound to comply not only with its zoning code and development standards, but also the Housing Accountability Act.

Housing is urgently needed in Eureka. We urge you to approve this project

--

Tom Wheeler
Executive Director and Staff Attorney
Environmental Protection Information Center
145 G Street Suite A
Arcata, CA 95521
Office: (707) 822-7711

www.wildcalifornia.org

Pronouns: he/him/his