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BOARD OF SUPERVISORS

NOTICE OF APPEAL

On this date : September 4, 2025

Applicant Joseph Doty is appealing the decision of the Director of the Department Of Aviation to deny approval of an ADU Garage Conversion on APN 511-131-031, commonly known as 3481 Central Ave, McKinleyville, CA.

The negative decision is inconsistent with HCD guidelines and state law granting special consideration and exemptions from new and broad land use designations that weren't initially in place at time of "original" development and superseding the mitigation measure approved at time of approval that carry forward to this application for ADU.

The "Authority" denying approval based solely on "public safety" is invalid as a precedent has been established on neighboring properties that under this "Safety Zone designation" have been approved and developed while posing a very significantly higher degree of risk under this "Public Safety" definition.

The decision didn't consider the varying "public safety" exposure by not including that the "safety" issue doesn't consider risk exposure increases /decreases during time periods based on airport activities and FAA Studies. Decision failed to show how project would increase this "public safety" over any existing level of public safety from current existing use of site and neighboring development or even street traffic that are well within the mapped "Safety Zone".

Disregarding the intent and need provided under State Laws and applying this intense level of property control "after the fact (Original development approval) denies applicant "full and proper property rights" granted under the constitution. Furthermore the administrative deciding authority rested with the Humboldt County Director of Transportation when Zoning allowed for the existing development and was subsequently rezoned without proper notice to affected property owners of interest.

Lastly, it's clear that this denial implicates that improvements of 'any kind" can and will be denied at the ALUCP Directors level. This would leave the property with a "Legal Non-Conforming" designation. This "Incurable Obsolescent" severely reduces property Value and could be construed as "taking "Eminent Domain" without compensation.

There are options that weren't considered;

The Department of Aviation can approve the application with the mitigation provided under the "Clear Zone" designation restricting heights within the zone and owner will remove two non-conforming "Ham Radio Antenna" currently existing on property.

Under FAA (why have they not reviewed the Directors sole decision) the ALUCP can get the absolute control of the property they seek by Appling and receiving a grant to purchase the previously approved developed property, properly compensating the owner for lack of use by what can only be an act of eminent domain.

The Application for the requested ADU Conversion was submitted June 4, 2025.

Respecfully submitted this date September 4, 2025

X _____

Joseph W. Doty

Joseph W. Doty
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